

The Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979

GUJARAT

India

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Act 16 of 1979

- Published on 6 April 1979
- Commenced on 6 April 1979
- [This is the version of this document from 6 April 1979.]
- [Note: The original publication document is not available and this content could not be verified.]

The Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979(Gujarat Act No 16 of 1979)[Dated 6th April 1979]For the Statement of Objects and Reasons see Gujarat Government Gazette, Extraordinary, Part V, dated the 21st February, 1979, Pages 150 and 151.This Act was assented to by the Governor on the 3rd April, 1979.An Act to provide for the salary and allowances of Leader of the Opposition in the Gujarat Legislative Assembly.It is hereby enacted in the Thirtieth Year of the Republic of India as follows:-

1. Short title and commencement.

(1)This Act may be called the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979.(2)This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Assembly" means the Gujarat Legislative Assembly;(b)"Leader of the Opposition" means the member of the Assembly who is for the time being the leader in the Assembly of the party in Opposition to the State Government having the greatest numerical strength in the Assembly;(c)"rules" means rules made under this Act;

3. Salary of Leader of Opposition.

- There shall be paid to the Leader of the Opposition a salary of [Rs. 10,000] [This figures were substituted for the figures '4500' by Gujarat 23 of 2005, section 2, Schedule, Sr. No. 4(1) (1)(w.e.f.

01-04-2005).] per month.[Provided that where the salary of the members of the Assembly increases by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (Gujarat II of 1960), the salary to be paid to the Leader of Opposition shall be increased in proportion to the increase in the salary of the Member of the Assembly.] [This proviso was added, by Gujarat 23 of 2005, section 2, Schedule, Sr. No. 4 (1) (2).]

3A. [Consolidated allowance to Leader of Opposition. [Section 3A was inserted by Gujarat 6 of 1992, section 2., Schedule Sr. No. 4 (2) (2).]

- There shall be paid to the Leader of the Opposition during the whole of his term of office per month a sum of Rs. [7000] as a consolidated Allowance for all matters not specifically provided for by or under the provisions of this Act.]

3B. [Dearness allowance to Leader of Opposition. [Section 3B was inserted by Gujarat 23 of 2005, section 2, Schedule, Sr. No. 4(3) (w.e.f. 01-04-2005).]

- There shall be paid to the Leader of the Opposition during the whole of his term of office per month the dearness allowance on the aggregate amount of the salary, consolidated allowance and the conveyance allowance referred to in section 3, 3A and sub-section (2) of section 5 respectively, at the rate of dearness allowance applicable to the employees of the State Government.Explanation: - For the purpose of this section, 'dearness allowance' means the dearness allowance as may be increased by the State Government from time to time after the 1st April, 2005 but does not include dearness allowance already declared prior to the said date.]

4. Residence for Leader of Opposition.

(1)The Leader of the Opposition shall be entitled without payment of rent, to the use of furnished residence in Gandhinagar so long as he is such a leader and for a period of fifteen days immediately after he ceases to be such a leader, on in lieu of such residence a house Allowance at the rate of Rs. 250/-per month.(2)No charge shall fall on the Leader of the Opposition personally in respect of the maintenance of any residence provided to him under sub-section.(3)The expenditure on furnishing the residence provided under sub-section (1) shall be on such scale as may be determined by rules.

5. Conveyances for Leader of Opposition.

(1)The State Government may, from time to time, for the use of the Leader of the Opposition, purchase and provide a motor car and other suitable conveyances, upon such conditions as regards their maintenance and repairs as may be determined by rules made in this behalf.(1A)[Where, under sub-section (1), the State Government has provided for the use of the Leader of the Opposition a motor car or other conveyance, it shall also provide to him, free of charge, the services of a driver for such car or conveyance.] [Sub-section (1-A) was inserted by Gujarat 19 of 1981, section 2, Schedule Sr. No. 4(2) (a) (w.r.e.f. 01 01-1981).](2)There shall be paid to the Leader of the Opposition a conveyance allowances at the rate of Rs. These [4000] [figures were substituted for the

figures '3000' by Gujarat 23 of 2005, section 2, Schedule Sr. No. 4(4) (w.e.f. 01-04-2005).] per month.

6. Daily allowance and residential accommodation at places other than headquarters.

- The Leader of the Opposition shall be entitled to [travelling and] [These words were inserted by Gujarat 19 of 1981, section 2. Schedule, Sr. No. 4, (3) (w.r.e.f. 01-01-1981).] daily Allowance while touring on public business and suitable residential accommodation at places visited by him on such business, at such rates and upon such conditions as may be determined by rules.

7. Medical treatment etc., to Leader of Opposition.

- Subject to rules, the Leader of the Opposition and the members of his family who are residing with and dependent on him shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment. Explanation: - For the purposes of this section, "a member of the family" means the husband, wife, son, daughter, father, mother, brother or sister.

8. Other amenities to Leaders of Opposition.

(1) Subject to rules, the Leader of the Opposition shall be entitled to telephone and secretarial facilities. (2) There shall be paid to the Leader of the Opposition a sum of Rs. [1000/-] [These figures were substituted for the figures '500' by Gujarat 23 of 2005, section 2, Schedule Sr. No. 4(5) (w.e.f. 01-04-2005).] per month to meet the cost of postal charges that may be incurred by him.

8A. [Free transit by railway. [Sections 8A and 8B were inserted by Gujarat 20 of 1998, section 2, Schedule Sr. No. 4(5).]

- The Leader of the opposition shall be provided with facilities which shall entitle him at any time to travel by first class or by second class air-conditioned by railway in any part of India in such manner and subject to such conditions as may by rules or orders be prescribed in that behalf: Provided that such travel by railway in any part of India outside the State of Gujarat may be availed of by the Leader of the Opposition singly or jointly with his spouse and two other members of his family residing with and dependent on him, so however, that the total distance so travelled by the Leader of the opposition singly in any year does not exceed 10,000 Kilometres and the total distance so traveled jointly by leaders of the opposition and his spouse and two other members of his family residing with and dependent on him in any year does not exceed 20,000 kilometres. Explanation: - For the purposes of calculating the number of kilometers travelled by the Leader of the Opposition jointly with his spouse and two other members of his family residing with and dependent on him, outside the State of Gujarat, the number of kilometers travelled by him and by his spouse and two other members of his family residing with and dependent on him shall be counted separately.

8B. Free transit by air.

- The Leader of the Opposition may undertake or perform journey alongwith co-traveller by air from his residence to and fro in any part of India on three occasions in each year: Provided that difference between the fare for journey by air and the fare for journey by railway by first class or by second class air conditioned, whichever is higher, shall be borne by the Leader of the Opposition.]

9. Leader of Opposition not to draw salary as member etc.

- Notwithstanding anything contained in any law for the time being in force determining the salaries and allowances of the members of the State Legislature, the Leader of the Opposition shall not be entitled to any salary or allowances under such law although he is a member of the Assembly, except the facilities of free transit by railway and by road transport service as provided in sections 5B and 6 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (Gujarat II of 1960).

10. Leader of Opposition not disqualified.

- For the avoidance of doubt it is hereby declared that a person shall not be disqualified for being chosen as, or for being a member of the Assembly merely by reason of the fact that he holds the office of the Leader of the Opposition.

11. Notification respecting the date on which person became or ceased to be Leader of Opposition to be conclusive evidence thereof.

- The date on which any member of the Assembly became or ceased to be a Leader of the Opposition shall be published by the State Government in the Official Gazette, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be a Leader of the Opposition on that date for all the purposes of this Act.

12. Power to make rules.

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a) the scale of expenditure on furnishing the residence under sub-section (3) of section 4; (b) the rates at which and conditions upon which the Leader of the Opposition shall be entitled to the traveling and daily allowance and suitable residential accommodation under section 6; (c) the accommodation in hospitals and the medical attendance and treatment admissible to the Leader of the Opposition and the members of his family under section 7; (d) the telephone and secretarial facilities admissible to a Leader of the Opposition under sub-section (1) of section 8. (3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or such modifications as the State Legislature

may make during the session in which they are so laid, or the session immediately following.(4)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.

13. Amendment of Gujarat II of 1960.

- In the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (Gujarat II of 1960),-(a)In section 2,-(i)in sub-section (1), clause (bb) shall be deleted;(ii)sub-section (2) shall be deleted;(b)In section 8,-(i)in, sub-section (1), the words "not being the Leader of the Opposition" shall be deleted;(ii)sub-section (2) to (4) shall be deleted.