

The Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978

PUNJAB

India

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Act 12 of 1978

- Published on 18 September 1971
- Commenced on 18 September 1971
- [This is the version of this document from 18 September 1971.]
- [Note: The original publication document is not available and this content could not be verified.]

The Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978 Punjab Act No. 12 of 1978 Last Updated 28th September, 2019 Statement of Objects and Reasons. - In Parliamentary democracy, the Leader of Opposition has an important role to play. Having regard to his important role in a parliamentary democracy, it is considered that the Leader of the Opposition in the Assembly should be accorded statutory recognition and given salary and certain other facilities and amenities to enable him to discharge his functions. The Bill mainly seeks to achieve the above object. Received the assent of the Governor of Punjab on 16th day of September, 1971 and was first published in Punjab Government Gazette Extraordinary Legislative Supplement Part I dated 18.9.1971 P. 33. An Act to provide for the salary and allowances of the Leader of the Opposition in Legislative Assembly. Be it enacted by the Legislature of the State of Punjab in the Twenty-ninth Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978. (2) It 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 there is anything repugnant in the subject or context, -(a) "Legislative Assembly" means the Punjab Legislative Assembly; (b) "Leader of the Opposition" means that member of the Legislative Assembly who is, for the time being, the Leader of the party in opposition to the Government having the greatest numerical strength and recognised as such by the Speaker; Explanation. - Where there are two or more parties in opposition to the Government having

the same numerical strength, the Speaker shall, having regard to the status of the parties, recognise any one of the Leaders of such parties as the Leader of the Opposition for the purposes of this section and such recognition shall be final and conclusive;(c)"Speaker" means the Speaker of the Punjab Legislative Assembly.

3. Salary of Leader of Opposition.

- There shall be paid to the Leader of the Opposition a salary of [two thousand five hundred] [Substituted by Punjab Act 18 of 1986.] rupees per mensem [and in addition thereto a sumptuary allowance at the rate of one thousand and five hundred rupees per mensem.] [Added by Punjab Act 5 of 1992.]

3A. [Perquisites to be exclusive of income-tax. [Inserted by Punjab Act No. 15 of 2019, dated 25.9.2019.]

- Leader of Opposition under this Act, shall be exclusive of income tax, which shall be payable by the State Government.]

4. Residence for Leader of Opposition.

(1)The Leader of the Opposition shall, so long as he continues as such Leader and for a period of one month immediately thereafter, be entitled without payment of rent to the use of a furnished residence and no charge shall fall on the Leader of the Opposition personally in respect of the maintenance of such residence.(2)In the event of the death of the Leader of the Opposition, his family shall be entitled to the use of the furnished residence occupied by him -(a)for a period of one month immediately after his death, without payment of rent and no charge shall fall on his family in respect of the maintenance of such residence, and(b)for a further period of one month, on payment of rent at such rates as may be prescribed by rules made in this behalf by the State Government and also charges in respect of electricity and water consumed in that residence during such further period.Explanation. - For the purposes of this section, "residence" includes the staff quarters and other buildings appurtenant thereto, and the garden thereof, and "maintenance" in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water.

5. Travelling and daily allowances to Leader of Opposition

. - Subject to any rules made in this behalf by the State Government, the Leader of the Opposition shall be entitled to -(a)travelling allowances for himself and the members of his family and for the transport of his and his family's effects -(i)in respect of the journey to Chandigarh from his usual place of residence outside Chandigarh for assuming office; and(ii)in respect of the journey from Chandigarh to his usual place of residence outside Chandigarh on relinquishing office; and(b)travelling and daily allowances in respect of tours undertaken by him in the discharge of his duties as the Leader of the Opposition, whether by sea, land or air.[6. Medical and other facilities to Leader of Opposition. - (1) The Leader of the Opposition and the members of his family shall be

entitled to the same medical facilities as are admissible to a Minister under the Punjab State Legislature Officers, Ministers and Members (Medical Facilities) Act, 1965, and the rules framed thereunder.] [Substituted vide Punjab Act 11 of 1979.](2)The Leader of the Opposition shall be entitled to the same facilities, subject to the same conditions and limitations, for the grant of loan for building or purchasing a house or for the purchase of [motor-vehicle or its conversion from petrol-driven vehicle to a diesel-driven vehicle] [Substituted by Punjab Act 18 of 1986.] as are admissible to a Minister under the East Punjab Ministers, Salaries Act, 1947, and the rules framed thereunder. [for travelling concession and constituency, secretarial and postal facilities allowance.] [Substituted by Punjab Act 5 of 1982.](3)[Where the Leader of the Opposition having obtained and advance under sub-section (2) dies while holding office as such, the amount of the advance or any part thereof which would have accrued after the date of his death in accordance with the terms and conditions of the grant of the advance along with interest thereon shall be written off with the sanction of the prescribed authority] [Added by Punjab Act 18 of 1986.]

7. Leader of Opposition not to draw salary or allowances as Member of Legislative Assembly.

- No Leader of the Opposition in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by the Legislative Assembly by way of salary or allowance in respect of his membership of the Assembly.

8. Amenities to Leader of Opposition.

(1)Subject to any rules made in this behalf by the State Government the Leader of the Opposition shall be entitled to telephone and secretarial facilities.(2)The Leader of the Opposition shall also be paid a conveyance allowance at the rate of three hundred rupees per mensem, or, in lieu thereof, a State car, the expenses on the maintenance and propulsion of which shall be borne by the State Government:Provided that the maintenance and propulsion expenses of the State car in use by the Leader of the Opposition shall not be subject to the limit of three hundred rupees.(3)[If leader of the Opposition does not avail of or surrenders his State car and wishes to use his private vehicle for official purpose then he shall be entitled to the same facilities as are admissible to a Minister under sub-section (3-A) of section 2 of the East Punjab Ministers' Salaries Act, 1947 and the rules framed thereunder.] [Added by Punjab Act No. 21 of 2018 dated 26.9.2018.]

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

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

10. 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 rates at which rent shall be payable by the family of a deceased Leader of the Opposition for the use of furnished residence occupied by him under clause (b) of sub-section (2) of section 4;(b)the travelling and daily allowances admissible to the Leader of the Opposition under section 5;(c)the telephone and secretarial facilities admissible to the Leader of the Opposition.(3)Every rule made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature, while it is in session, for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. Amendment of Section 2 of Punjab Act 4 of 1942.

- In the Punjab Legislative Assembly (Allowances of Members) Act, 1942, in clause (c) of section 2, between the words "a Minister" and "or the Speaker" the words and figures "or the Leader of the Opposition as defined in the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978" shall be inserted.

12. Amendment of Section 2 of the Punjab Act 7 of 1942.

- In the Punjab State Legislature (Prevention of Disqualification) Act, 1952, in section 2, after clause (g), the following clause shall be inserted, namely :-(gg) Leader of the Opposition as defined in the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978."