

# **The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960**

GUJARAT

India

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### **Act 3 of 1960**

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1. [Amended by Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances (Amendment) Act, 1964 (Act 12 of 1964) on 13 April 1964]

The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960 Gujarat Act No. 3 of 1960 [Dated 22nd September, 1960] For Statement of Objects and Reasons, see Gujarat Government Gazette, 1960, Extraordinary, Part V, page 8. For Statement of Objects and Reasons, see Gujarat Government Gazette, 1960, Extraordinary, Part V, page 8. This Act was assented to by the Governor on the 19th September, 1960. An Act to provide for the salaries and allowances of the Speaker and the Deputy Speaker of the Gujarat Legislative Assembly and certain other matters. Whereas it is expedient to provide for the determination of the salaries and allowances of the Speaker and the Deputy Speaker of the Gujarat Legislative Assembly and other matters hereinafter appearing; It is hereby enacted in the Eleventh Year of the Republic of India as follows:-

### **1. Short title and commencement.**

(1) This Act may be called the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960. (2) It shall come into force on the 1st day of May, 1960.

### **2. Definitions.**

- In this Act, unless there is anything repugnant in the subject or context,-(a) "Assembly" means the Gujarat Legislative Assembly; (b) "maintenance" in relation to a residence includes the payment of rates and taxes due to Government or any local authority and the provision of electricity, gas and water; (c) "residence" includes the staff quarters and other buildings appurtenant thereto and the

gardens thereof;(d)"rules" of "orders" means rules or orders respectively made under this Act;(e)"Speaker" and "Deputy Speaker" mean respectively the Speaker and Deputy Speaker of the Assembly.

### **3. Salary of Speaker.**

- There shall be paid to the Speaker a salary of Rs. [10,000] [These figures were substituted for the figures '4500' by Gujarat 23 of 2005, Section 2, Schedule, Sr. No. 2 (1) 3 (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 11 of 1960), the salary to be paid to the Speaker 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. 2.1 (2).]

### **3A. [ Consolidated allowance to Speaker. [Section 3A was inserted by Gujarat 6 of 1992, Section 2, Schedule, Sr. No. 2.]**

- There shall be paid to the Speaker 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 a or under the provisions of this Act.]

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

- There shall be paid to the Speaker 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 Sections 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 of Speaker.**

(1)The Speaker shall be entitled without payment of rent to the use of a furnished residence [in Gandhinagar] [These words were substituted for the words 'in Ahmedabad' by Gujarat 4 of 1972, Section 2.] throughout his term of office and for a period of fifteen days immediately thereafter or in lieu of such residence a house allowance at the rate of Rs. 250 per month.(2)No charge shall fall on the Speaker personally in respect of the maintenance of any residence provided under this section.(3)The expenditure on furnishing the residence provided under this section shall be on such scale as may be determined by rules or orders.

## **5. Conveyance for Speaker.**

(1)The State Government may, from time to time for the use of the Speaker purchase and provide a motor car and other suitable conveyance, upon such conditions as regards their maintenance and repairs as may be determined by rules or orders. [(1-A) Where, under sub-section (1) the State Government has provided for the use of the Speaker a motor car or other conveyance it shall also provide to him, free of charge the service of a driver for such car or conveyance.] [Section (1A) was inserted, by Gujarat 4 of 1972, Section 3 (1).](2)There shall also be paid to the Speaker conveyance allowance at the rate of Rs. [4,000] [These figures were substituted for the figures '3000' by Gujarat 23 of 2005, Section 2, Schedule, Sr. No. 2 (4) (w.e.f. 01-04-2005).] per month.

## **6. Travelling and daily allowance.**

- The Speaker shall be entitled to travelling and daily allowance while touring on public business at such rates and upon such conditions as may be determined by rules or orders.

### **6A. [ Travelling allowance on assumption of office by Speaker and on ceasing to be Speaker. [Sections 6A and 6B were inserted, by Gujarat 18 of 1982, Section 2.]**

- ] Subject to any rules or orders made in this behalf by the State Government, -(a)the Speaker shall be entitled to travelling allowance for himself and the member of this family and for the transport of his and his family's effects in respect of the journey to Gandhinagar from his usual place of residence outside Gandhinagar for assuming office;(b)the Speaker and members of his family shall be entitled to travelling allowance for himself or themselves and for the transport of effects of the Speaker or, as the case may be his family in respect of the journey from Gandhinagar to his usual place of residence outside Gandhinagar on the Speaker ceasing to hold his office.Explanation. - For the purpose of this section the expression "a member of the family" shall have the same meaning as assigned to it in Section 7 and the word "family" shall be construed accordingly.

### **6AA. [ Free transit by railway. [Section 6A, 6AB were inserted by Gujarat 20 of 1998, Section 2, Schedule, Sr. No. 2 (4).]**

- The Speaker and the Deputy Speaker shall be provided with facilities which shall entitle them 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 Speaker or as the case may be, the Deputy Speaker 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 Speaker or as the case may be the Deputy Speaker singly in any year does not exceed 10,000 kilometres and the total distance so travelled jointly by the Speaker or as the case may be, the Deputy Speaker 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

purpose of calculating the number of kilometres travelled by the Speaker or, as the case may be, the Deputy Speaker 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 kilometres travelled by him and by his spouse and by his spouse and two other members of his family residing with and dependent on him shall be counted separately.

### **6AB. Free transit by air.**

- The Speaker and the Deputy Speaker may undertake or perform journey along with co-traveller by air from the nearest airport 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 Speaker or as the case may be by the Deputy Speaker."

### **6B. Telephone facilities to Speaker.**

(1)The Speaker shall during the term of his office be entitled to have [telephone facilities] [These words were substituted for the words 'telephone installed' by Gujarat 20 of 1998, Section 2, Schedule, Sr. No. 2 (5) (1).] at Government cost at the place of residence at Gandhinagar.(2)No charge shall fall on the Speaker personally in respect of installation of initial deposit for rental charges for maintenance of, and calls made from the [telephone facilities provided] [These words were substituted for the words 'telephone installed' by Gujarat 20 of 1998, Section 2., Schedule, Sr. No. 2 (5) (2).] under Sub-Section (1)].

### **7. Medical attendance.**

- Subject to rules or orders the Speaker and the members of the family of the Speaker who are residing with and dependant 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 the expression "a member of the family" means the husband, wife, son, daughter, father, mother, brother or sister.

### **7A. [ Sumptuary allowance to Speaker. [Section 7A was inserted by Gujarat 12 of 1904, Section 2.]**

- There shall be placed at the disposal of the Speaker a sum of Rs. [60,000] per year as sumptuary allowance.]

### **8. Speaker not to practice any profession or engage in any trade.**

- The Speaker shall not practice any profession or engage in any trade or undertake for remuneration any employment other than his duties as Speaker.

## **9. Speaker not entitled to salary and allowances as Member of the State Legislature.**

- Notwithstanding anything contained in any law for the time being in force determining the salaries and allowances of the members of the Assembly, the Speaker shall not be entitled to receive any salary or allowances under such law although such Speaker is a member of the Assembly.

## **10. Salary of Deputy Speaker.**

- There shall be paid to the Deputy Speaker a salary of [Rs. [ 10,000] [These letters and figures were substituted for the letters and figures 'Rs. 600/-' by Gujarat 2 of 1991, Section 2 (w.r.e.f. 24-12-1990).] 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 11 of 1960), the salary to be paid to the Deputy Speaker 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. 2 (5) (2) (w.e.f. 01-04-2005).]

## **10A. [ Consolidated allowance to Deputy Speaker. [Section 10A was inserted by Gujarat 6 of 1992, Section 2, Sch., Sr. No. 2.]**

- There shall be paid to the Deputy Speaker during the whole of the his term of office per month a sum of Rs. [7,000] as a consolidated allowance for all matters not specifically provided for by or under the provisions of this Act.]

## **10B. [ Dearness allowance to Deputy Speaker. [Section 10B was inserted, by Gujarat 23 of 2005, Section 2, Schedule, Sr. No. 2 (7) (w.e.f. 01-04-2005).]**

- There shall be paid to the Deputy Speaker 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 Sections 10, 10-A and sub-section (3) of Section 12-C respectively as 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.]

## **11.**

[Deputy Speaker not debarred from receiving salary and allowance as member of Assembly.] [The words and figures 'subject to the provision of Section 11' were deleted by Gujarat 2 of 1991, Section 4 (1) (w.r.e.f. 24-12-1990).] Deleted by Gujarat 2 of 1991, Section 3.

**12. [Travelling and daily allowance to Deputy Speaker] [This Marginal note was substituted by Gujarat 2 of 1991, Section 4 (2) (w.r.e.f. 24-12-1990).]**

- [\*\*\*\*\*] [This Marginal note was substituted by Gujarat 2 of 1991, Section 4 (2) (w.r.e.f. 24-12-1990).] The Deputy Speaker shall be entitled to travelling and daily allowance while touring on public business at such rates and upon such conditions as may be determined by rules or orders.

**12A. [ Telephone facilities to Deputy Speaker. [Section 12A was inserted by Gujarat 19 of 1987, Section 4.]**

(1)The Deputy Speaker shall during the term of his office be entitled to have [telephone facilities.] at Government cost at the place [of residence at Gandhinagar] [These words were substituted for the portion beginning with the words 'where by ordinary resides' and ending with the words 'as his residence' by Gujarat 2 of 1991, Section 5 (1) (w.r.e.f. 24-12-1990).]],(2)No charge shall fall on the Deputy Speaker personally in respect of installation of initial deposit, for rental charges for maintenance of and official made from, the [telephone facilities provided] [These words were substituted for the words 'telephone installed' by Gujarat 20 of 1998, Section 2, Schedule, Sr. No. 2 (9) (2).] under sub-section (1).][\*\*\*] [This proviso was deleted by Gujarat 2 of 1991, Section 5 (2) (w.r.e.f. 24-12-1990).]

**12B. [ Residence of Deputy Speaker. [Sections 12B, 12C, 12D, 12E, 12F and 12G were inserted, by Gujarat 2 of 1991, Section 6 (w.r.e.f. 24-12-1990).]**

(1)The Deputy Speaker shall be entitled without payment of rent, to the use of a furnished residence in Gandhinagar throughout his term of office and for a period of fifteen days immediately thereafter or in lieu of such residence a house allowance at the rate of Rs. 250/- per month.(2)No charge shall fall on the Deputy Speaker personally in respect of the maintenance of any residence provided under this section.(3)The expenditure on furnishing the residence provided under this section shall be on such scale as may be determined by rules or orders.

**12C. Conveyance for Deputy Speaker.**

(1)The State Government may from time to time for the use of the Deputy Speaker purchase and provide a motor car and other suitable conveyance upon such conditions as regards their maintenance and repairs as may be determined by rules or order.(2)Where under sub-section (1) the State Government has provided for the use of the Deputy Speaker a motor car or other conveyance it shall also provide to him free of charge the service of a driver for such car or conveyance.(3)There shall also be paid to the Deputy Speaker a conveyance allowance at the rate of Rs. [4,000] [These figures were substituted for the figures '3000' by Gujarat 23 of 2005, Section 2, Schedule, Sr. No. 2 (8) (w.e.f. 01-04-2005).] per month.

## **12D. Travelling allowance on assumption of office by Deputy Speaker and ceasing to be Deputy Speaker.**

- Subject to any rules or orders made in this behalf by the State Government, -(a) the Deputy Speaker shall be entitled to travelling allowance for himself and the members of his family and for the transport of his and his family's effects in respect of the journey to Gandhinagar from his usual place of residence outside Gandhinagar for assuming office; (b) the Deputy Speaker and members of his family shall be entitled to travelling allowance for himself or themselves and for the transport of effects of the Deputy Speaker or, as the case may be, his family in respect of the journey from Gandhinagar to his usual place of residence outside Gandhinagar on the Deputy Speaker ceasing to hold his office. Explanation. - For the purposes of this section, the expression "a member of the family" shall have the same meaning as assigned to it in Section 7 and the word "family" shall be construed accordingly.

## **12E. Medical attendance.**

- Subject to rules or orders, the Deputy Speaker and the member of the family of the Deputy Speaker, 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, the expression "a member of the family" shall have the same meaning as assigned to it in Section 7 and the word "family" shall be construed accordingly.

## **12F. Deputy Speaker not to practice any profession or engage in any trade.**

- The Deputy Speaker shall not practise any profession or engage in any trade or undertake for remuneration any employment other than his duties as Deputy Speaker.

## **12G. Deputy Speaker not entitled to salary and allowances as member of the State Legislature.**

- Notwithstanding anything contained in any law for the time being in force determining the salaries and allowances of the members of the Assembly, the Deputy Speaker shall not be entitled to receive any salary or allowances under such law, although such Deputy Speaker is a member of the Assembly.]

## **13. Power of State Government to make rules and orders.**

(1) The State Government may make rules or orders for carrying out the purposes of this Act. (2) Any rule or order made under this section may be made so as to be retrospective to any date not earlier than the 1st day of May, 1960. (3) Rules or order made under this section shall have effect as if enacted in this Act. (4) [All rules and orders 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.(5)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.] [Sub-sections (4) and (5) were inserted by Gujarat 4 of 1972, section 4]

#### **14. Repeal of Gujarat Ordinance No. IV of 1960.**

- The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Ordinance, 1960 (Repeal of Gujarat Ordinance. No. IV of 1960) is hereby repealed and the provisions of Section 7 and 25 of the Bombay General Clause Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.