



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

Act 16 of 1979

**Keyword(s):**

Assembly, Leader of the Opposition, Salary, Allowance

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Separate paging is given to this Part in order that it may  
be filed as a separate compilation.

**PART IV**

Acts of the Gujarat Legislature and Ordinance promulgated and  
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the  
Governor on the 3rd April, 1979 is hereby published for general information.

V. V. BEDARKAR,  
Secretary to the Government of Gujarat,  
Legal Department.

**GUJARAT ACT NO. 16 OF 1979.**

(First published after having received the assent of the Governor in the  
"Gujarat Government Gazette" on the 6th 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. (1) This Act may be called the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979. Short title  
and com-  
mencement.

(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. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Assembly" means the Gujarat Legislative Assembly;

(b) "Leader of the Opposition" means that 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.

Salary of  
Leader of  
Opposition.

3. There shall be paid to the Leader of the Opposition a salary of Rs. 1100/- per month.

Residence  
for Leader  
of Opposi-  
tion.

4. (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, or 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 (1).

(3) The expenditure on furnishing the residence provided under sub-section (1) shall be on such scale as may be determined by rules.

Conveyances  
for Leader  
of Opposi-  
tion.

5. (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.

(2) There shall be paid to the Leader of the Opposition a conveyance allowance at the rate of Rs. 400/- per month.

Daily  
allowance  
and residen-  
tial accom-  
modation  
at places  
other than  
head  
quarters.

6. The Leader of the Opposition shall be entitled to 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.

Medical  
treatment  
etc., to  
Leader of  
Opposition.

7. 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.

Other  
amenities  
to Leader  
of Opposi-  
tion.

8. (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. 50/- per month to meet the cost of postal charges that may be incurred by him.

9. Notwithstanding anything contained in any law for the time being in force determining the salaries and allowances of 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.

Leader of Opposition not to draw salary as member etc.

Guj.  
II of  
1960.

10. 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.

Leader of Opposition not disqualified.

11. 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.

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

12. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power to make rules.

(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 travelling 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.

Amendment of Gaj. II of 1960. 13. In the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960,-- Guj. 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-sections (2) to (4) shall be deleted.