

CHAPTER V

13. 'THE SALARY AND ALLOWANCES OF LEADER OF OPPOSITION IN LEGISLATIVE ASSEMBLY ACT, 1978.

Punjab Act No. 12 of 1978

1. Short title and commencement.—(I) This Act may be called the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978.

(II) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definition.— 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 purpose of this section and such recognition shall be final and conclusive;

(c) "Speaker" means the Speaker of the Punjab Legislative Assembly.

²[3. The Leader of Opposition shall be paid a salary, sumptuary allowance and compensatory allowance as are admissible to a Minister under clause (b) of sub-section (1) of Section 2 of the East Punjab Ministers' Salaries Act, 1947].

³[4. The Leader of Opposition shall be provided with a rent free Government house at the State Headquarter or the house rent allowance and other allowances, as are admissible to a Minister under sub-sections

Salary Sumptuary
Allowance And
Compensatory
Allowance

Rent Free
Government House
at the State
Headquarter or the
House Rent
Allowance and
Other allowances

¹Received the assent of the Governor of Punjab on the 16th September, 1978 and published in the Punjab Government Gazette (Extra Ordinary) Legislative Supplement, dated 18th September, 1978.

²Substituted vide Punjab Act No. 7 of 2011 vide Punjab Govt. Gazette (Extra.) Notification No. 11-Leg./2011, dt. 04.04.2011 w.e.f. 04.11.2010

³Substituted vide Punjab Act No. 7 of 2011 vide Punjab Govt. Gazette (Extra.) Notification No. 11-Leg./2011, dt. 04.04.2011 w.e.f. 04.11.2010

(2), (2-A), (2-B) and (2-C) of Section 2 of the East Punjab Ministers' Salaries Act, 1947, and the rules framed thereunder.]

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 Allowance for himself and the members of his family and for the transport of 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 for Leader of Opposition.—

(1) The Leader of 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.

¹[(2) The Leader of Opposition shall be entitled to the same facilities for travelling concession, constituency, secretarial and postal facilities allowance and office allowance in constituency, as are admissible to a Minister under Sections 2-BB and 2-BBB of the East Punjab Ministers' Salaries Act, 1947.]

(3) Where the Leader of Opposition having obtained an advance under sub-section (2) dies while holding office as such, the amount of 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 alongwith interest thereon shall be written off with the sanction of the prescribed authority.

7. Leader of Opposition not to draw salary or allowance as Members 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.— ²[(1) The Leader of Opposition shall be entitled to the same telephone facility, as is admissible

¹Substituted vide Punjab Act No. 7 of 2011 Notification No. 11-Leg./2011, dt. 04.04.2011 (w.e.f. 04.11.2010)

²Substituted vide Punjab Act No. 7 of 2011 vide Punjab Govt. Gazette (Extra.) Notification No. 11-Leg./2011, dt. 04.04.2011 w.e.f. 04.11.2010

to a Minister under Sub-section (4) of Section 2 of the East Punjab Ministers' Salaries Act, 1947.]

¹[(2) The Leader of Opposition shall also be paid a conveyance allowance at the rate of ten thousand 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 ten thousand rupees.]

9. 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 person became or ceased to be the Leader of 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 :

²[(a) XX XX XX XX];

(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 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.

¹Substituted vide Punjab Act No. 6 of 2003.

²Omitted vide Punjab Act No. 7 of 2011 vide Notification 11-Leg./2011, dt. 04.04.2011 (w.e.f. 04.11.2010)



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EXTRAORDINARY

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PUNJAB VIDHAN SABHA SECRETARIAT

NOTIFICATION

The 27th August, 2018

No. 24-PLA-2018/ 51.- The Salary and Allowances of Leader of Opposition in Legislative Assembly (Second Amendment) Bill, 2018 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.24-PLA-2018

**THE SALARY AND ALLOWANCES OF LEADER OF OPPOSITION
IN LEGISLATIVE ASSEMBLY (SECOND AMENDMENT)
BILL, 2018**

A

BILL

further to amend the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978.

BE it enacted by the Legislature of the State of Punjab in the Sixty-

(12857)

ninth Year of the Republic of India as follows:-

Short title and
commencement.

1. (1) This Act may be called the Salary and Allowances of Leader of Opposition in Legislative Assembly (Second Amendment) Act, 2018.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Amendment in
section 8 of
Central Act 12 of
1978.

2. In the Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978, in section 8, after sub-section (2), the following sub-section shall be added, namely:-

"(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."

STATEMENT OF OBJECTS AND REASONS

Former Leader of Opposition had requested that on the basis for provision to Cabinet Ministers he may also be allowed to use his private vehicle in lieu of Govt. vehicle. In "The Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978", there is no such provision for the Leader of Opposition to use of his private vehicle in lieu of Govt. vehicle. Whereas he avails all other facilities as provided to the Cabinet Ministers. Therefore, the proposed amendment is required to be made in sub section - 2 of section-8 of "The Salary and Allowances of Leader of Opposition in Legislative Assembly Act, 1978."

BRAHM MOHINDRA,
Minister for Parliamentary Affairs,
Punjab.