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The Assam Gazette

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EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 1st July 1978

No.LGL.138/77/23.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT VI OF 1978

(Received the assent of the Governor on the 29th June, 1978)

THE SALARY AND ALLOWANCES OF THE LEADER
OF OPPOSITION IN THE ASSAM LEGISLATIVE
ASSEMBLY ACT, 1978

AN
ACT

*to provide for the salary and allowances of the Leader of
Opposition in the Assam Legislative Assembly.*

Be it enacted by the Assam Legislative
Assembly in the Twenty-ninth Year of the
Republic of India as follows:—

Short title
and
commence-
ment. 1. (1) This Act may be called the Salary and
Allowances of the Leader of Opposition in the
Assam 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.

Definition. 2. In this Act, "Leader of Opposition", means
that member of the Legislative Assembly, who is,
for the time being, the Leader of the party in
Opposition in the House, having the greatest
numerical strength and recognised as such by
the Speaker.

Explanation.—Where there are two or more
parties in opposition in the House having the
same numerical strength, the Speaker shall,
having regard to the status of the parties, recog-
nise any one of the Leaders of such parties as the
Leader of Opposition for the purpose of this
section and such recognition shall be final and
conclusive.

Salary of the
Leader of
Opposition. 3. There shall be paid to the Leader of
Opposition a salary of rupees one thousand per
mensem.

Residence for
the Leader
of
Opposition.

4. (1) The Leader of Opposition shall be provided with free furnished residence with grounds appurtenant thereto, at the headquarters of the Government.

(2) Such residence and the grounds appurtenant thereto, shall be maintained at the public expense which shall not exceed the amount prescribed by rules :

Provided that if the Leader of Opposition does not occupy the free furnished residence provided by the Government, a house rent allowance at the rate of Rupees Two hundred and fifty per mensem and such service allowances as may be prescribed by Rules shall be paid in lieu of such residence.

Explanation.—For the purpose of this section the expression "the public expense" shall include such expenses as may be prescribed by Rules.

Travelling
and daily
allowance
to the
Leader of
Opposition.

5. Subject to any rules made in this behalf by the State Government, the Leader of Opposition shall be entitled to—

(a) travelling allowances for himself and the members of his family and for transport of his and his family's effects—

(i) in respect of the journey to the state capital from his usual place of residence outside the capital for assuming office ;
and

(ii) in respect of the journey from the capital to his usual place of residence outside the capital 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 Opposition, whether by sea, land or air.

Medical
treatment
etc. to the
Leader of
Opposition.

6. (i) The Leader of the Opposition and the members of his family shall be entitled to such medical treatment and benefits as may be laid down by rules to be made by the State Government.

Explanation.—For the purpose of this section the explanation “the members of his family” shall mean and include such members as may be prescribed by Rules.

- (ii) Those who are entitled to free medical attendance and treatment may take the same from any registered physician of their choice— Allopathic, Ayurvedic, Unani or Homeopathic and medical bills on prescription of such physician are re-imbursable.

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

7. The Leader of Opposition in receipt of a salary or allowance under this Act shall not be entitled to receive any sum out of funds provided by the House by way of salary or allowances in respect of his membership of the Legislative Assembly.

Amenities to
the Leader
of
Opposition.

8. (1) Subject to any rules made in this behalf by the State Government, the Leader of Opposition shall be entitled to telephone and secretarial facilities.

- (2) The State Government may, from time to time, purchase and provide, suitable conveyances for the use of the Leader of Opposition and may by Rules provide for their maintenance and repair.

- (3) Leader of Opposition shall further be entitled to a conveyance allowance of Rupees two hundred per mensem :

Provided that if the Leader of Opposition chooses to maintain his own car, he shall be entitled to a conveyance allowance of Rupees three hundred per mensem.

Notification
respecting
the date on
which a
person be-
came or
ceased to be
the Leader
of Opposi-
tion to be
conclusive
evidence
thereof.

9. 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 Opposition on that date for all the purposes of this Act.

Power to
make rules.

10. (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 travelling and daily allowance admissible to the Leader of Opposition under section 5 ;

(b) the medical treatment admissible to the Leader of Opposition and the members of his family under section 6 ;

(c) the telephone and secretarial facilities, conveyance and conveyance allowance admissible to the Leader of the Opposition under section 8.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree 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.

Amendment of section 2 of the Assam Members' Salaries and Allowances Act, XIV of 1958. 11. In the Assam Legislative Assembly Section 2, full stop at the end shall be deleted and the following shall be added to at the end "or the Leader of Opposition."

Amendment of the Assam State Legislature Members (Removal of Disqualifications) Act, 1950,— 12. In the Assam State Legislature Members (Removal of Disqualifications) Act, 1950,—

In the schedule appended to Section 2, the following shall be added, namely :—

"12. The Leader of Opposition as defined in the Salary and Allowances of the Leader of Opposition in the Assam Legislative Assembly Act, 1978".

U. TAHBILDAR,
Secretary to the Government of Assam,
Legislative Department.