The Gujarat Legislative Assembly Members Salaries and Allowances Act, 1960

Act 2 of 1960

Keyword(s):
Legislative Assembly, Committee, Member, MLA, Minister and Deputy Minister, Parliamentary Secretary, Speaker, Term of office

GUJARAT ACT No. II OF 1960

An Act to provide for the salaries and allowances of Members of the Gujarat Legislature and certain other matters.

WHEREAS it is expedient to provide for the determination of the salaries and allowances of Members 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. (1) This Act may be called the Gujarat Legislative Assembly Members
Salaries and Allowances Act, 1960.

(2) It shall come into force on the 1st day of May 1960.

2. In this Act unless there is anything repugnant in the subject or con-
text —

(a) "Assembly" means the Gujarat Legislative Assembly;
(b) "Committee" means a Committee of the Assembly;
(c) "Member" means a Member of the Assembly;
(d) "Minister" and "Deputy Minister" mean respectively a Minister and
a Deputy Minister of the Government of Gujarat, and "Minister" includes
Chief Minister;
(e) "Parliamentary Secretary" means a Parliamentary Secretary to a
Minister;
(f) "Speaker" means the Speaker of the Assembly;
(g) "term of office" in relation to a Member means the period beginning
with the date when such Member takes his seat in the Assembly and ending
with the date on which his seat becomes vacant:

Provided that in the case of Members of the Bombay Legislative
Assembly who are by virtue of section 15 of the Bombay Reorganization
Act, 1960, deemed to have been elected to the Gujarat Legislative
Assembly the period of their term of office shall for the purposes of this Act
be deemed to begin with the 1st day of May 1960.

3. (1) There shall be paid to each Member during the whole of his term
of office a salary at the rate of Rs. 150 per month.

(2) There shall be paid to each Member during the whole of his term of
office per month a sum of Rs. 100 as a consolidated allowance for all matters
not specifically provided for by or under the provisions of this Act.

4. There shall be paid, subject to such rules or orders as may be made
under section 10 in this behalf, to each Member a daily allowance at the rate of
Rs. 10 for each day of the period of residence for the purpose of attending the
session of the Assembly or the meeting of a Committee, as the case may be, at
the place where such session or meeting is held:

Provided that in the case of a Member, who ordinarily resides or carries on
business at the place where such session or meeting is held, there shall be paid
to such Member, subject to the rules or orders as aforesaid, daily allowance at
the rate of Rs. 10 for each day on which he attends such session or
meeting; but a break of not more than three days between
two successive meetings shall be deemed to be days of attendance for such
Member who does not leave the place of session or meeting during such break.

5. (1) There shall be paid to each Member a travelling allowance for a
journey undertaken for the purpose of attending the session of the Assembly
or a meeting of a Committee to the place where such session or meeting is
held and for the return journey from such place —

(i) at the rate of one and one-half of the fare of such class provided on a
railway or steamer, as may be determined by rules or orders made under
section 10, and

(ii) at such rate per mile for a journey by road, sea or river in addition
to the journey by railway or steamer, as may likewise be determined.
Provided that nothing in this sub-section shall entitle a Member to travelling allowance, if such Member ordinarily resides or carries on business at the place where such session or meeting is held.

(2) Notwithstanding anything contained in sub-section (1), there shall be paid to each Member a conveyance allowance at the rate of Rs. 3 per day for each day on which he attends such session or meeting.

6. Every Member shall be provided with one free non-transferable pass which would entitle him to travel at any time in any part of the Revenue Division in which his constituency is situated, by such road transport service, in such class of accommodation, and subject to such conditions, as may be determined, by rules or orders made under section 10:

Provided that, nothing contained in this section shall affect the payment of any travelling allowance payable to a Member under section 5.

7. Notwithstanding anything contained in this Act, a person on ceasing to be a Member, shall be entitled—

(a) for the day next succeeding the day on which he ceased to be a Member, to daily allowance at the rates provided for in section 4, and

(b) for the return journey, to travelling allowance at the rate provided for in section 5 for such journey.

8. A Member shall be entitled to residential accommodation on such scales and on such conditions and to such free medical and other facilities as may be determined by rules or orders made under section 10.

9. Notwithstanding anything contained in this Act, a Minister, or Deputy Minister, the Speaker, or a salaried Parliamentary Secretary shall not be entitled to any salary, allowances, or provision for residential accommodation under this Act, by reason of the fact that Member, or Minister, or Speaker, or salaried Parliamentary Secretary is a Member of the Assembly.

10. (1) (a) For the purpose of making rules or orders under this section, there shall be constituted a Committee consisting of ten Members from the Assembly nominated by the Speaker. The Chairman of the Committee shall be appointed by the Speaker from amongst the Members thereof.

(b) The Committee constituted under clause (a) shall have power to regulate its procedure.

(c) A Member of the Committee shall hold office as such Member for one year from the date of his nomination and any casual vacancy in the Committee may be filled by nomination by the Speaker.

(d) The Committee constituted under clause (a) may, in consultation with the State Government, make rules or orders for carrying out the purposes of this Act.

(e) Any rules or orders made under clause (d) shall be approved and confirmed by the Speaker and shall be published in the Official Gazette; and such publication of the rules or orders shall be conclusive proof that they have been duly made.
(1A) Until a Committee is constituted under sub-section (1), the State Government in consultation with the Speaker, may make rules or orders for carrying out the purposes of this Act and any rule or order so made shall continue in force until superseded by any rule or order made by the Committee under sub-section (1).

(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 orders made under this section shall have effect as if enacted in this Act.

11. The Gujarat Legislative Assembly Members’ Salaries and Allowances Ordinance, 1960 and the Gujarat Legislative Assembly Members’ Salaries (Amendment) Ordinance, 1960 are hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if those Ordinances were enactments.
PART IV

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

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd May 1963 is hereby published for general information.

AKBAR S. SARELA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. XXIV OF 1963.

[First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 6th May 1963].

An Act further to amend the Gujarat Legislative Assembly Members’ Salaries and Allowances Act, 1960.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:

1. This Act may be called the Gujarat Legislative Assembly Members’ Salaries and Allowances (Amendment) Act, 1963.

2. In section 5 of the Gujarat Legislative Assembly Members’ Salaries and Allowances Act, 1960 (hereinafter referred to as “the principal Act”), in sub-section (1),—

(a) for clause (i), the following clause shall be substituted, namely:—

"(i) for a journey by railway or steamer at the rate of one and one half of the fare of such class provided thereon, as may be determined by rules or orders made under section 10, and ”;

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(b) for clause (ii), the following clause shall be substituted, namely:

"(ii) subject to the provisions of sub-section (2) of section 6, for a journey by road, sea or river whether in addition to the journey by railway or steamer, or otherwise, at such rate per kilometre as may likewise be determined:"

3. For section 6 of the principal Act, the following shall be substituted, namely:

"6 (1) Every Member shall be provided with one free non-transferable pass entitling him to travel at any time in any part of the State of Gujarat by such road transport service, in such class of accommodation, and subject to such conditions, as may be determined by rules or orders made under section 10.

(2) Where a Member travels on such pass for a purpose mentioned in sub-section (1) of section 5 he shall be paid travelling allowance at such rate per kilometre as may be determined by rules or orders made under section 10."
PART IV

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

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 11th May 1965 is hereby published for general information:

SUMANT M. VIDYARTH'I,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 11 OF 1965.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 15th May 1965).

An Act further to amend the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows:

1. This Act may be called the Gujarat Legislative Assembly Members' Salaries and Allowances (Amendment) Act, 1965.

2. In section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (hereinafter referred to as "the principal Act"),—

   (i) in sub-section (1) for the words, letters and figures "at the rate of Rs. 150" the words, letters and figures "at the rate of Rs. 200" shall be substituted; and

   (ii) in sub-section (2) for the word "Rs. 150" the word "Rs. 200" shall be substituted.

Amendment of section 3 of Guj. II of 1960.
(ii) in sub-section (2), for the words, letters and figures “a sum of Rs. 100” the words, letters and figures “a sum of Rs. 150” shall be substituted.

3. In section 4 of the principal Act—

(a) for the letters and figures “Rs. 10” wherever they occur the letters and figures “Rs. 18” shall be substituted;

(b) after the words “as the case may be, at the place where such session or meeting is held” the words “or for each day of the period of residence at any place where any business connected with the member’s duties as Chairman of a Committee is transacted” shall be inserted;

(c) in the proviso,—

(i) after the words “carries on business at the place where such session or meeting is held” the words “or where such business is transacted” shall be inserted;

(ii) after the words “attends such session or meeting” the words “or transacts such business” shall be inserted;

(iii) for the words “the place of session or meeting during such break” the words “during such break the place of session or meeting or as the case may be the place where such business is transacted” shall be substituted.

4. In section 5 of the principal Act,—

(i) in sub-section (i),—

(a) after the words “such session or meeting is held”, where they occur for the first time, the words “or for the purpose of transacting any business connected with his duties as Chairman of a Committee to the place where such business is transacted” shall be inserted:

(b) after the words “such session or meeting is held”, where they occur for the second time, the words “or such business is transacted” shall be inserted;

(c) after the proviso, the following further proviso shall be inserted, namely:—

“Provided further that where a member travels by railway in accordance with the facilities under section 5B he shall be entitled only to a travelling allowance of an amount equal to one first class fare for the distance travelled.”;

(2) sub-section (2) shall be deleted.
5. After section 5 of the principal Act, the following new sections shall be inserted, namely:

"5A. There shall be paid to the Chairman or a member of a Committee in respect of a journey performed by him in the course of a tour in any part of India, undertaken in the discharge of his duties as such Chairman or member, daily and travelling allowance at the same rates as are provided for in sections 4 and 5.

5B. Every member shall, with effect from such date as may be notified by the State Government in the Official Gazette, be provided with facilities which shall entitle him at any time to travel by first class by any railway in any part of the State of Gujarat in such manner and subject to such conditions as may by rules or orders be prescribed in that behalf."

6. After section 8 of the principal Act, the following new section shall be inserted, namely:

"8A. Any sum due to the State Government from a member in respect of any amenity or facility provided to him under section 8, if not paid by the member, may be recovered from him by making a deduction from the amount of the salary or other allowances payable to him under this Act."

7. The amendments made to the principal Act by section 2, section 3 and clause (2) of section 4 of this Act shall be deemed to have been made and to have come into force on the 1st March 1965.
PART IV

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

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 13th October, 1966, is hereby published for general information.

SUMANT M. VIDYARTHI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 17 OF 1966.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 15th October 1966.)

An Act further to amend the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.

It is hereby enacted in the Seventeenth Year of the Republic of India as follows:

1. This Act may be called the Gujarat Legislative Assembly Members' Salaries and Allowances (Amendment) Act, 1966.

2. In Section 5 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, in sub-section (1), in the second proviso, for the words "one first class fare" the words "one half first class fare" shall be substituted.
PART IV

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

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th September 1968 is hereby published for general information.

SUMANT M. VIDYARTHII,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 16 OF 1968.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 17th September 1968.)

An Act further to amend the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.

It is hereby enacted in the Nineteenth Year of the Republic of India as follows:

1. This Act may be called the Gujarat Legislative Assembly Members’ Salaries and Allowances (Amendment) Act, 1968.

2. Section 2 of the Gujarat Legislative Assembly Members’ Salaries and Allowances Act, 1960 (hereinafter referred to as "the principal Act") shall be renumbered as sub-section (f) thereof, and

(f) in sub-section (f) as so renumbered after clause (b) the following clause shall be inserted, namely:

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"(bb) "Leader of the Opposition" means that member of the Assembly who is for the time being the leader in that Assembly of the party in opposition to the State Government having the greatest numerical strength in that Assembly;"

(ii) after sub-section (i) as so renumbered the following sub-section shall be inserted, namely:

"(2) If any doubt arises as to which is or was at any material time the party in opposition to the State Government having the greatest numerical strength in the Assembly, or as to who is or was at any material time the leader in that Assembly of such a party, the question shall be decided for the purpose of this Act by the Speaker, and his decision, certified in writing under his hand, shall be final and conclusive."

3. In sub-section (1) of section 3 of the principal Act, for the words, letters and figures "at the rate of Rs. 200" the words, letters and figures "at the rate of Rs. 300" shall be substituted.

4. For section 4 of the principal Act, the following shall be substituted, namely:

"4. There shall be paid, subject to such rules or orders as may be made under section 10 in this behalf,

(a) to each Member, to whom clause (b) does not apply, a daily allowance at the rate of Rs. 21 for each day of the period of residence for the purpose of attending the session of the Assembly or the meeting of a Committee or the business connected with the Member's duties as Chairman of a Committee, as the case may be, at the place where such session or meeting is held or such business is transacted,

(b) to each member who ordinarily resides or carries on business at the place where such session or meeting is held or the business connected with the Member's duties as Chairman of a Committee is transacted, a daily allowance at the rate of Rs. 21 for each day on which he attends such session, meeting or business:

Provided that where a member attends such session, meeting or business immediately before and after a break of not more than four days between any two successive meetings, such break shall be deemed—

(i) in the case of a Member to whom clause (a) applies, to be the period of residence at the place where such session or meeting is held or such business is transacted,

(ii) in the case of a Member to whom clause (b) applies, to be the days of attendance of such session or meeting or business."
5. In the principal Act for section 8, the following section shall be substituted, namely:—

"8. (1) A member not being the Leader of the Opposition shall be entitled to **amenities**, such scales and on such conditions as may be determined by rules or orders.

(2) The Leader of the Opposition shall be entitled, without payment of rent, to the use of a furnished residence in Ahmedabad 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.

(3) 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 (2).

(4) The expenditure on furnishing the residence provided under sub-section (2) shall be on such scale as may be determined by rules or orders.

(5) A member shall be entitled to such free medical and other facilities as may be determined by rules or orders.

Explanation. — In this section, "rules" and "orders" mean rules or orders respectively made under section 10."
PART IV

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

The following Act of the Gujarat Legislature having been assented to by the Governor on the 4th April 1970 is hereby published for general information.

K. M. SATWANI,
Secretary to the Government of Gujarat, Legal Department.

GUJARAT ACT NO. 6 OF 1970.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 9th April 1970).

An Act further to amend the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.

It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Gujarat Legislative Assembly Members' Salaries and Allowances (Amendment) Act, 1970.

2. In section 8 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960,—

(i) for sub-section (5) the following sub-sections shall be substituted, namely:—
“(5) A member 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 therein:

Provided that a member shall be entitled to be reimbursed by the State Government with any amount paid by him on account of such attendance or treatment accorded outside such hospital on production by him of a certificate in writing by the medical officer in-charge of such hospital to the effect that the necessary and suitable attendance or treatment was not available in such hospital.

(6) A member shall be entitled to such other facilities, as may be determined by rules or orders;”;

(ii) the existing Explanation shall be numbered as Explanation (1) and after Explanation (1) as so numbered, the following Explanation shall be added, namely:

“Explanation (2).—For the purposes of this section “a member of the family” means the husband, wife, son, daughter, father, mother, brother or sister.”.
PART IV

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

The following Act of the Gujarat Legislature having been assented to by the Governor on the 7th July, 1972 is hereby published for general information.

K. M. SATWANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 7 OF 1972

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 12th July, 1972.)

An Act further to amend the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.

It is hereby enacted in the Twenty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Legislative Assembly Members' Salaries and Allowances (Amendment) Act, 1972.

(2) It shall be deemed to have come into force on 20th March, 1972.
Amendment 2. In section 4 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, (hereinafter referred to as "the principal Act"), in the proviso, for the words "immediately before and after a break" the words "immediately before or immediately after a break" shall be substituted.

Amendment 3. In section 8 of the principal Act, in sub-section (2), for the words "in Ahmedabad" the words "in Gandhinagar" shall be substituted.
PART IV

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

The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th August 1977 is hereby published for general information.

S. L. TALATI,
Secretary to the Government of Gujarat,
Legal Department

GUJARAT ACT NO. 22 OF 1977.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 9th August 1977).

An Act further to amend the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.

It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Legislative Assembly Members' Salaries and Allowances (Amendment) Act, 1977.

(2) It shall be deemed to have come into force on the 1st June, 1977.

2. In the Gujarat Legislative Assembly Members' Salaries and Allowances Amendment Act, 1960 (hereinafter referred to as "the principal Act"), in section 2, in sub-section (1), in clause (d), for the words "and "Minister" includes Chief Minister", the following shall be substituted, namely:—
“and “Minister” includes—

(i) the Chief Minister,
(ii) the Deputy Chief Minister, and
(iii) a Minister of State;”.

3. In the principal Act, in section 3, in sub-section (2), for the letters and figures “Rs. 150”, the letters and figures “Rs. 250” shall be substituted.

4. In the principal Act, in section 4, in clauses (a) and (b), for the letters and figures “Rs. 21” the letters and figures “Rs. 30” shall be substituted.

5. In the principal Act, after section 6, the following new section shall be inserted, namely:—

“6A. (1) Where a member has a telephone installed at the place where he ordinarily resides or at any other place in the State of Gujarat which is also used by him for residence, the rental charges in respect of such telephone shall be borne by the State Government.

(2) There shall be paid to every Member a sum of Rs. 100 per month to meet with the cost of telephone charges that may be incurred by him as such member, whether or not he has a telephone installed at the place referred to in sub-section (1).”.

6. (1) In section 8 of the principal Act,—

(i) in sub-section (5),

(a) before the existing proviso, the following proviso shall be inserted, namely:—

“Provided that a member shall be entitled—

(i) in a place where there is no hospital maintained by the State Government, to such accommodation, medical attendance or treatment in a hospital maintained by a municipality or a panchayat; and

(ii) in a place where there is no hospital maintained by the State Government, a municipality or a panchayat, to be reimbursed by the State Government, subject to such rules as may be made under section 10 in this behalf, with any amount paid by him on account of the attendance and treatment taken by him or a member of his family residing with and dependant upon
him from any registered medical practitioner, on production by him of a certificate and bills regarding the charges paid by him to such medical practitioner;”;

(b) in the existing proviso, for the words “Provided that”, the words “Provided further that” shall be substituted;

(2) after sub-section (5), the following new sub-section shall be inserted, namely:

“(5A) There shall be paid to every Member a sum of Rs. 50 per month to meet with the cost of postal charges that may be incurred by him as such member.”.
PART IV

Acts of the Gujarat Legislature and Ordinances 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.


(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 6th April, 1979.)

An Act further to amend the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, for certain purposes.

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 Members' Salaries and Allowances (Amendment) Act, 1979.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
2. In the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (hereinafter referred to as "the principal Act"), in section 5B, after the words "first class" the words "or any other class the fare for which does not exceed that for the first class" shall be inserted.

3. In the principal Act, in section 8, in sub-section (5), in the first proviso—

(a) for the words "provided that a member shall be entitled—" the words "Provided that" shall be substituted;

(b) in clause (i) for the words "in a place where" the words "a member and the members of his family who are residing with and dependent on him shall be entitled in a place where" shall be substituted;

(c) in clause (ii) for the words "in a place where" the words "a member shall be entitled in a place where" shall be substituted.