

GUJARAT ACT NO. II OF 1960.

**THE GUJARAT LEGISLATIVE ASSEMBLY MEMBERS' SALARIES
AND ALLOWANCES ACT, 1960.**

[22nd September, 1960.]

Amended by Guj. 24 of 1963.

"	"	"	11 of 1965.
"	"	"	17 of 1966.
"	"	"	16 of 1968.
"	"	"	6 of 1970.
"	"	"	7 of 1972.
"	"	"	22 of 1977.
"	"	"	15 of 1979.
"	"	"	16 of 1979.
"	"	"	19 of 1981.
"	"	"	29 of 1986.
"	"	"	6 of 1992.
"	"	"	20 of 1998.
"	"	"	23 of 2005.

An Act to provide for the salaries and allowances of Member 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. Short title and commencement.

- (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. Definitions.

- (1) In this Act unless there is anything repugnant in the subject or context--
- (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" means respectively a Minister and Deputy Minister of the Government of Gujarat, and "Minister" includes –
- (i) the Chief Minister,
- (ii) the Deputy Chief Minister, and
- (iii) a Minister of State;
- (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:

11 of 1960.

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. Salaries to be paid to Members and consolidated allowance.

(1) There shall be paid to each Member during the whole of his term of office, a salary per month at the rate of minimum basic pay payable to a Class I officer in the lower rung of the State Government.

(2) There shall be paid to each Member during the whole of his term of office per month, the consolidated allowance on the aggregate amount of the pay, cost of telephone charges, services of personal assistant and postal and stationery charges referred to in sub-section (1) of this section, sub-section (2) of section 6A and sub-sections (2) and (5A) of section 8 respectively, at the rate of dearness allowance applicable to the employees of the State Government.

Explanation.- For the purpose of this sub-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. Daily allowance to be paid to Members.

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. 200 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 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. 200 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 or immediately 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. Travelling allowance to be paid to Members.

(1) There shall be paid to each Member a traveling 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 or for the purpose of transaction of any business connected with his duties as Chairman of a Committee to the place where such business is transacted and for the return journey from such place-

- (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
- (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 kilometer 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 or such business is transacted:

Provided further that where a Member travels by railway in accordance with the facilities under section 5B he shall be entitled only to a traveling allowance of an amount equal to one half first class fare for the distance traveled.

5A. Allowances to chairman or member of committee when on tour on duty in any part of India.

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 traveling allowance at the same rates as are provided for in sections 4 and 5.

5B. Free transit by railway.

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 or by second class Air conditioned by any railway in any part of the State of Gujarat and in any part of India in such manner and subject to such conditions as may 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 a member 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 traveled by the member singly in any year does not exceed 10,000 kilometres and the total distance so traveled jointly by the member 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 kilometers traveled by a member 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 kilometers traveled by him and by his spouse and two other members of his family residing with and dependent on him shall be counted separately.

6. Free transit by road transport service and payment of mileage.

(1) Every Member shall on the production of identity card, be entitled 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 identity card for a purpose mentioned in sub-section (1) of section 5 he shall be paid traveling allowance at such rate per kilometer as may be determined by rules or orders made under section 10.

(3) 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 road transport service in any part of India outside the State of Gujarat in such manner and subject to such conditions as may, by rules or orders be prescribed in that behalf:

Provided that such travel by road transport service in any part of India outside the State of Gujarat may be availed of by a member singly or jointly with his spouse and two other members of his family residing with and dependent on him subject to the limitation specified in the proviso to section 5B.

6AB. Travel facilities by air.

Any member 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 member.

6AA. Free transit by railway and road transport service to spouse of member.

Where a member travels jointly with his spouse and two other members of his family residing with and dependent on him in any part of the State of Gujarat either by railway or by road transport service such spouse and the members of his family shall be entitled in respect of such travel to the same facility of free transit by railway or as the case may be, free transit by road transport service as such member is entitled under section 5B or, as the case may be, sub-section (1) of section 6.

6A. Telephone facilities.

(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. 4,000 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).

7. Daily allowance and traveling allowance to Members on vacating seats.

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 traveling allowance at the rate provided for in section 5 for such journey.

8. Amenities.

(1) A member shall be entitled to residential accommodation on such scales and on such conditions as may be determined by rules or orders.

(2) There shall be paid to every Member a sum of Rs. 3000 per month towards the cost of services of a personal assistant that may be incurred by him as such Member.

(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) a Member and the members of his family who are residing with and dependent on him shall be entitled,-

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

(ii) notwithstanding that in a place where there is a hospital maintained by the State Government in case of critical condition of health or emergency to be certified by the Authorised Medical Attendant of a hospital or dispensary where treatment is taken to such accommodation, medical attendance or treatment in the hospital maintained by a municipal corporation, a municipality, a panchayat or a hospital or dispensary receiving aid from the state Government; and

(b) a Member shall be entitled 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 medical attendance and treatment taken by him or by a member of his family residing with and dependent on him, on production of a certificate and bills regarding the charges paid by him in respect of such medical attendance or treatment—

(i) from any Authorised Medical Attendant of a hospital mentioned in proviso (a)(ii) above, or

(ii) from any registered Medical Practitioner (a) in the State of Gujarat, where there is no hospital maintained by the State Government, municipal corporation, municipality or a panchayat or a hospital or dispensary receiving aid from the State Government, or (b) in any part of India outside the State of Gujarat.

(5A) There shall be paid to every Member a sum of Rs. 3000 per month to meet with the cost of postal and stationery charges that may be incurred by him as such member.

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

Explanation (1).- In this section “rules” and “orders” means rules or orders respectively made under section 10.

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

8A. Mode of recovery of sums due by member.

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.

9. Ministers, Deputy Ministers, Speaker, Deputy Speaker, Leader of the Opposition, salaried Parliamentary Secretaries or Government Chief Whip not entitled to salaries and allowances under this Act.

Notwithstanding anything contained in this Act, a Minister or Deputy Minister, the Speaker or the Deputy Speaker, Leader of the Opposition, a salaried Parliamentary Secretary or a government Chief Whip shall not be entitled to any salary, allowances, or provisions for residential accommodation under this Act, by reason of the fact that Minister, Deputy Minister, Speaker, Deputy Speaker, Leader of the Opposition salaried Parliamentary Secretary or a Government Chief Whip is a member of the Assembly.

10. Power to make rules and orders.

(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. Repeal of Guj. Ord. No.III of 1960 and Guj.Ord.No.X of 1960.

The Gujarat Legislative Assembly Members' Salaries and Allowances Ordinance, 1960 and the Gujarat Legislative Assembly Members' Salaries and Allowances (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