

Chhattisgarh Vidhan Mandal Neta Pratipaksha (Vetan Tatha Bhatta) Adhiniyam, 1980

8 of 1980

[18 August 1980]

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Chhattisgarh Vidhan Mandal Neta Pratipaksha (Vetan Tatha Bhatta) Adhiniyam, 1980

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[18 August 1980]

An Act to provide for the salaries and allowances of 3[Neta Pratipaksh] in the Chhattisgarh Legislature. Beit enacted by the Chhattisgarh Legislature in the Thirty-first Year of the Republic of India as follows :- 1. Substituted by Act No. 21 of 1981. 2. Received the assent of the Governor on the 18th August, 1980; assent first published in the M.P. Rajpatra (Asadharan), dated the 19th August, 1980. 3. Substituted by M.P. Act No. 21 of 1981.

1. Short Title And Commencement :-

(1) This Act may be called the Chhattisgarh Vidhan Mandal Neta Pratipaksh (Vetan Tatha Bhatta) Adhiniyam, 1980.

(2) It shall come into force at once.

2. Definitions :-

In this Act,-

(a) 1["Neta Pratipaksh"] means that member of the Chhattisgarh Legislative Assembly who is, for the time being, the Leader in the State Legislative Assembly of the party in opposition to the State Government having the greatest numerical strength and recognised as such by the Speaker of the Legislative Assembly;

Explanation.-Where there are two or more parties in Opposition to the State Government in the Assembly having the same numerical strength, the Speaker of the Assembly shall having regard to the status of the parties, recognise any one of the Leaders of such parties as the 1[Neta Pratipaksh] for the purposes of this section and such recognition shall be final and conclusive.

(b) Words and expressions used but not defined in this Act and defined in the Chhattisgarh Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension Adhiniyam, 1972 (No. 7 of 1973) shall have the meanings respectively assigned to them in that Act.

1 Substituted by ibid.

3. Salary Of Neta Pratipaksh :-

1 [There shall be paid to the Neta Pratipaksh a salary of one thousand five hundred rupees per mensem].

1 Substituted by M.P. Act No. 17 of 1988.

4. Sumptuary Allowance, Constituency Allowance And Daily Allowance To The Neta Pratipaksh :-

1[(1) 2[x x x].

(2) There shall be paid to the Neta Pratipaksh a constituency allowance of 3(five thousand] rupees per mensem.

(3) There shall be paid to the Neta Pratipaksha a daily allowance of 3[seven hundred sixty seven rupees] per day.]

1 Substituted by Presidents Act No. 9 of 1993.

2 Omitted by C.G. Act No. 12 of 2001.

3 Substituted by C.G. Act No. 17 of 2004.

5. Residence For Neta Pratipaksh :-

1[(1) The 1[Neta Pratipaksh] shall, so long as he continues as such leader and for a period of one month immediately thereafter, be entitled without payment of rent to the use of a furnished 2[office-cum] residence at Raipur and no charge shall fall on him personally in respect of the maintenance of such residence.

(2) If the 1[Neta Pratipaksh] does not avail of the benefit of sub-section (1), he shall in lieu thereof, be entitled to a house rent allowance equal to twenty per centum of the salary payable to him under Section 3.

(3) In addition to a free furnished residence at Bhopal under sub-section (1), the 1[Neta Pratipaksh] shall also be entitled to the use of a furnished residence without payment of rent at any other place which the State Government may, from time to time, for the purposes of this Act, declare to be the place of official residence of the 1[Neta Pratipaksh] so long as such declaration remains in force.

(4) 3[Omitted]

(5) The annual expenditure to be incurred in respect of up keep, annual repairs and maintenance 2[and furnishing] of the 2[office-cum] residence and garden provided under sub-section (1) shall be subject to such monetary limits as may be laid down in the rules made in this behalf by the State Government.

Explanation.-For the purposes of this section 2[office-cum] residence includes the staff quarters and other buildings appurtenant thereto, and the garden thereof and "maintenance" in relation to an 2[office-cum] residence includes the payment of local rates and taxes and the proviso of electricity and water.

1. Substituted by M.P. Act No. 21 of 1981.

2. Added by C.G. Act No. 19 of 2002.

3. Substituted by C.G. Act No. 19 of 2002.

6. Conveyance For Neta Pratipaksh :-

1[(1) There shall be provided to the 1[Neta Pratipaksh] for his use a suitable motor vehicle purchased and maintained at public expense in accordance with the rules to be made by the State Government in that behalf.

(2) The State Government shall also provide at public expense 1[two Chauffeurs] for the motor vehicle, and also supply for the motor vehicle, motor fuel consumed for journeys (other than journeys for which travelling allowance is admissible) performed by

the motor vehicle subject to a maximum of three hundred and fifty litres per month.

1 Substituted by M.P. Act No. 21 of 1981.

7. Medical Attendance And Treatment To The Neta Pratipaksh :-

1[The Neta Pratipaksh and the members of the family of the Neta Pratipaksh shall be entitled to medical attendance and treatment, free of charge, on the scale and conditions applicable to the members of the All India Services and member of their families under the Rules relating to medical attendance and treatment, made from time to time, under the All India Services Act, 1951 (61 of 1951).

1 Substituted by M.P. Act No. 13 of 1989.

8. Prohibition Against Practising Any Profession, Trade Etc :-

A 1[Neta Pratipaksh] shall not, during the tenure of his office for which he draws salary and allowances under this Act,-

- (a) practice any profession or engage in any trade or undertake for remuneration any other employment; and
- (b) draw salary and allowances and be entitled to any other facilities as a member under the Chhattisgarh Vidhan Sabha Vetan, Bhatta Tatha Pension Adhiniyam, 1972 (No. 7 of 1973).

1 Substituted by M.P. Act No. 21 of 1981.

9. Travelling And Daily Allowances To Neta Pratipaksh :-

1[(1) The 1[Neta Pratipaksh] shall, in accordance with the rules made in this behalf by the State Government, be entitled to-

(a) travelling allowance for himself and the members of his family dependent upon him and for the transport of his and his familys effects-

(i) in respect of the journey to Bhopal from his usual place of residence out of Bhopal for assuming office; and

(ii) in respect of the journey from Bhopal to his usual place of residence out of Bhopal on relinquishing office; and

(b) travelling and daily allowance in respect of tours undertaken by him,-

(i) in the discharge of his duties as the Leader of the opposition; and

(ii) in the discharge of his duties as a member of a committee for attending a meeting of that committee.

(2) Any travelling allowance under this section may be paid in cash or free official transport provided in lieu thereof.

(3) In addition to travelling and daily allowances payable in respect of tours specified in clause (b) of sub-section (1), the 1[Neta Pratipaksh] shall be entitled without payment of any charge, to accommodation in, and provision of electricity at, Circuit houses and Rest houses maintained by the State Government, for the period of his stay during such tours.

1. Substituted by M.P. Act No. 21 of 1981.

10. Telephone Facilities :-

(1) The 1[Neta Pratipaksh] shall during the term of his office be entitled to have a telephone installed at Government cost at the place of his residence under Section 5.

(2) No charge shall fall on the 1[Neta Pratipaksh] personally in respect of installation of, initial deposit for, rental charges for maintenance of, and any other charges whatsoever in respect of, telephone installed under sub-section(1)

1. Substituted by M.P. Act No. 21 of 1981.

11. Personal Establishment Of Neta Pratipaksh :-

1[Neta Pratipaksh shall be entitled to staff on his personal establishment to the same extent to which a Minister is entitled under the orders issued by the State Government in this behalf from time to time].

1. Substituted by M.P. Act No. 21 of 1981.

12. Allowances And Perquisites To Be Exclusive Of Income Tax :-

1[All allowances payable and furnished residence without payment of rent and other perquisites admissible to Neta Pratipaksh under this Act shall be exclusive of income tax which shall be payable by the State Government at the maximum rate payable by Neta Pratipaksh. Out of the total amount of income accruing from the above allowances and perquisites payable to Neta Pratipaksh, the amount of the limit of exemption from Income Tax and Standard Deductions, whatsoever as admissible from time to time, shall not be deducted].

1. Substituted by M.P. Act No. 38 of 1997.

13. Notification Respecting The Date On Which Person Became Or Ceased To Be The Neta Pratipaksh To Be Conclusive Evidence There-Of :-

1[The date on which any person becomes or ceases to be the 1[Neta Pratipaksh] shall be notified in the Gazette and any such notification shall be conclusive evidence of the fact that he became or ceased to be the 1[Neta Pratipaksh] on that date for all the purposes of this Act.

1. Substituted by M.P. Act No. 21 of 1981.

14. Power To Make Rules :-

(1) The State Government may, by notification, 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 monetary limit of the annual expenditure to be incurred in the up keep, annual repairs and maintenance of the residence and garden under sub-section (5) of Section 5;

(b) purchase and maintenance of a motor vehicle to be provided to the 1[Neta Pratipaksh] under Section 9;

(c) travelling and daily allowance admissible to the 1[Neta Pratipaksh] under Section 9;

(d) duties of the 1[Neta Pratipaksh] for purpose of Section 9;

(e) any other matter which is to be or may be prescribed.

(3) The power to make rules conferred by this section shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act but no retrospective effect shall be given so as to prejudicially affect the existing interests of the 1[Neta Pratipaksh].

(4) All rules made under this Act shall be laid on the table of the Legislative Assembly.

1. Substituted by M.P. Act No. 21 of 1981.

15. Amendment Of Chhattisgarh Act No. 16 Of 1967 :-

In the Chhattisgarh Vidhan Mandal Sadasya Nirarhata Nivaran Adhiniyam, 1967 (No. 16 of 1967), in the Schedule, for item 16 and Explanation, the following item and Explanation shall be

substituted, namely :-

"16. The Office of the 1[Neta Pratipaksh] in the Chhattisgarh Legislative Assembly.

Explanation.-For the purpose of item 16, the 1[Neta Pratipaksh] shall have the meaning assigned to it in the Chhattisgarh Vidhan Mandal 1[Neta Pratipaksh] (Vetan Tatha Bhatta) Adhiniyam, 1980."

1. Substituted by M.P. Act No. 21 of 1981.

16. Amendment Of Chhattisgarh Act No. 7 Of 1973 :-

In the Chhattisgarh Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension Adhiniyam 1972 (No. 7 of 1973),

(i) in clause (b) of Section 2,-

(a) n sub-clause (iv), the word "and" at the end shall be omitted;

(b) after sub-clause (iv), the following sub-clause shall be inserted, namely :-

"(iv-a) the 1Neta Pratipaksh] as defined in the Chhattisgarh Vidhan Mandal 1[Neta Pratipaksh] (Vetan Tatha Bhatta) Adhiniyam, 1980;"

(ii) in sub-section (4) of Section 6-A, in clause (iii), after the words "or as both" the words "or as 1[Neta Pratipaksh] as defined in the Chhattisgarh Vidhan Mandal 1[Neta Pratipaksh] (Vetan Tatha Bhatta) Adhiniyam, 1980" shall be inserted; and

(iii) Section 8 shall be omitted.

1 Substituted by M.P. Act No. 21 of 1981.