

## **GUJARAT LEGISLATIVE ASSEMBLY (LEADER OF THE OPPOSITION) SALARY AND ALLOWANCE RULES, 1979**

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## **GUJARAT LEGISLATIVE ASSEMBLY (LEADER OF THE OPPOSITION) SALARY AND ALLOWANCE RULES, 1979**

In exercise of the powers conferred by section 112 of the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979 (Guj. 16 of 1979), the Government of Gujarat hereby makes the following rule. namely:-

### **1. Short title. :-**

These rules may be called the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Rules, 1979.

### **2. Definitions. :-**

In these rules, unless the context otherwise requires,-

(a) "the Act" means the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979:

(b) "patient" means a person entitled, free of charge, to accommodation in Government hospitals and to medical attendance and treatment under section 7:

(c) "residence" means the furnished residence provided to the Leader of the Opposition under sub-section (1) of section 4;

(d) "section" means a section of the Act;

(e) "Schedule" means a Schedule appended to these rules:

(f) "touring on public business" for the purposes of section 6, does not include any journey performed by the Leader of the Opposition which is not undertaken for attending to, or in connection with, any public business as such Leader of the Opposition;

(g) words and expressions used in these rules but not defined shall unless they are in the Act have the same meanings as are assigned to them in the Bombay Civil Services Rules. 1959 and the Gujarat Ministers (Medical Attendance and Treatment) Rules. 1964.

### **3. Scale of expenditure on furnishing residence of Leader of Opposition. :-**

For furnishing the residence of the Leader of the Opposition in Gandhinagar, there may be supplied, by the Officer authorised in this behalf by the State Government under sub-rule (2) of rule 3 of the Gujarat Ministers' (Scale of Expenditure on Furnishing Residence) Rule 1988, articles of standard quality mentioned in Schedule-1: so. however, that the total expenditure for such supply shall in no case exceed Rs. 2.50,000/-].

### **4. Maintenance and repairs of conveyance. :-**

(1) The State Government shall bear the expenditure on the maintenance (including servicing) and repairs of the motor car or other conveyance provided for the use of the Leader of the Opposition under sub-section (1) of section 5, other than the expenditure on account of the salary and allowances (if any) of the chauffeur and of the petrol.

(2) The servicing and repairs for which the State Government is liable under sub-rule (1) shall be carried out at the Government Transport Service Workshops.

(3) Where, on account of the Leader of the Opposition being on tour on public business, such servicing and repairs are required to be done at a place where there is no Government Transport Service Workshop, the servicing and repairs so required may be carried out at any other workshop: and the expenditure on this account shall be recoverable by the Leader of the Opposition from the State Government.

## **5. Daily allowance. :-**

(1) Subject to the provisions of sub-rules (2) to (4) the Leader of the Opposition shall, while touring on public business, be entitled to daily allowance at the rate admissible to a Government Officer of the first grade.

(2)(a) Full daily allowance at the rate specified in sub-rule (3) or, as the case may be, sub-rule (4) shall be admissible to the Leader of the Opposition for each completed calendar day of absence from the head-quarters reckoned from mid-night to mid- night.

(b) For absence from the head-quarters for less than 24 hours the daily allowance shall be admissible to the Leader of the Opposition at the following rates, namely: -

(i) If absence from the head-quarters does not 30% exceed 6 hours

(ii) If absence from the head-quarters exceeds 6 50% hours but does not exceed 12 hours

Explanation. -Where the period of absence from the head-quarters falls on two calendar days, it shall be reckoned as the days and daily allowance shall be calculated for each day separately and daily allowance for the days of departure and arrival at the head-quarters shall be determined accordingly.

<sup>1</sup>[(3) The rate of daily allowance for halts at places other than a hotel or a lodge shall be as under:-

Place of halt	Rate of daily allowance
---------------	-------------------------

1 2

A- Class Cities:

Ahmedabad, Bangalore,  
Calcutta, Delhi,  
Greater

Bombay, Hyderabad,  
Kanpur, Madras and  
Pune. Rs. 106/-

(4)<sup>2</sup> [(a) For halts at a hotel or a lodge or such other establishment. providing boarding and lodging, the daily allowance shall be admissible at the rates mentioned in column 2 of the Table below for cities mentioned against them in column 1 thereof].

TABLE

(b) Where daily allowance is claimed at the rates mentioned in clause (a), such claim shall be supported by vouchers or any other relevant document evidencing payment for boarding or lodging or for both in a hotel, lodge or such other establishment to owner or manager of a hotel, lodge or such other establishment and a certificate in that behalf shall be furnished in the Form specified in

Schedule 1-A to those rules].

1. Subs. by No. 18 dt. [28-9-95].
2. Subs. by No. 18 dt. [28-9-95].

**5A. Rates of travelling allowance. :-**

(1) Subject to the provisions of sub-rules (2) to (5), the Leader of the Opposition shall while touring on public business be entitled draw travelling allowance at the rate admissible to a Government officer of the firstgrade.

(2) For journey by rail, the Leader of Opposition may reserve by requisition a single berth in an air-conditioned coach or a first class compartment consisting of two berths:

Provided that where he reserves a first class compartment he shall be entitled, to take with him in the accommodation available in the compartment one relative.

(3) The Leader of the Opposition shall be entitled to the actual fare including surcharge, if any, for the compartment which he may reserve in accordance with sub-rule (2).

(4) For journey by air, the Leader of the Opposition may, at his option, reserve one berth for himself and for such reservation he shall be entitled to draw the fare for the berth.

(5) For journey by road, the Leader of the Opposition shall be entitled to the travelling allowance admissible to a first grade officer of Government: <sup>1</sup> [Provided that where the Leader of the Opposition undertakes journey

(1) by a motor car provided by the State Government, he shall be entitled to a mileage allowance

(a) at the rate of Rs. 2.45 (Two rupees and forty five paise) per kilometer, if such motor car is operated by petrol: and

(b) at the rate of Rs. 0.90 (Ninety paise only) per kilometer, if such motor car is operated by diesel.

(2)(a) By his own motor car or by a hired or private motor car operated by petrol, he shall be entitled to a mileage allowance at the rate of Rs. 3.00 (Rupees Three) per kilometer: and

(b) by his own motor car or by a hired or a private motor car operated by diesel, he shall be entitled to a mileage allowance at

the rate of Rs. 1.45 (Rupees one and forty five paise) per kilometer]:

Provided further that for sending empty car either from the Gandhinagar to the place of journey or vice-versa under the instruction of the Leader of the Opposition, the mileage allowances shall be admissible at the rate specified in sub- clause (a) or sub- clause (b) of clause (1), or, as the case may be, clause (2) of the first proviso.

1. Subs. by No. 17 dt. [13-3-92].

**6. Controlling officer. :-**

For the purposes of these rules, the Leader of the opposition shall be his own Controlling Officer.

**7. Residential accommodation under section 6. :-**

The Leader of the Opposition shall at the places visited by him while touring on public business, be entitled to residential accommodation in Government Circuit House or Guest House at such rates and upon such conditions as are applicable in the case of a Minister under section 9 of the Gujarat Ministers' Salaries and Allowances Act. 1960.

**8. Reimbursement for expenditure incurred by patient. :-**

(1) Where a patient incurs any expenditure on account of medical attendance or treatment under section 7, the amount so paid by him shall, on production of a certificate in Schedule II. be reimbursed to the patient.

(2) All medicines, sera or other therapeutic substances prescribed by the authorised medical attendant shall as far as may be, be dispensed

(a) in the City of Ahmedabad, at the Civil Hospital or at the Akhandanand Ayurvedic Hospital: and

(b) elsewhere, at such Government Hospital as the authorised medical attendant may specify:

Provided that where any medicine, sera or other therapeutic substance is not available in any such Hospital the patient may purchase the same and the cost thereof shall be reimbursed to him by Government in such manner as it may determine.

**9. Special provision for medical attendance. :-**

(1) Where the authorised medical attendant is of opinion that the case of a patient is of such a serious nature as to require medical attendance or treatment by some person other than himself, the authorised medical attendant may

(a) refer the patient to the nearest specialist or other medical officer;

(b) if the patient is too ill to travel, summon the specialist or other medical officer to attend upon the patient.

(2) Where the place at which the patient falls ill is not the headquarters of the authorised medical attendant and the medical officer attending the patient is of opinion that it would not be safe for the patient to make a journey without being attended to, such medical officer may accompany the patient.

(3) Where the authorised medical attendant is of opinion that owing to the severity of the illness of the patient, the patient cannot be given treatment in a Government Hospital, the patient may receive treatment at his residence:

Provided that in such a case the patient shall be entitled to be reimbursed on such treatment a sum equivalent to the cost of such treatment as he would have been entitled to receive free of charge, if he had been treated at Government Hospital.

(4) A specialist or other medical officer summoned under clause (b) of sub-rule (1) shall, on production of a certificate in writing by the authorised medical attendant in this behalf, be entitled to travelling allowance for the journey to and from the place where the patient is. In such a case, the attendant if a Government servant, shall be deemed to be travelling on duty and may draw travelling allowance for the outward and return journey as for a journey on tour and if he is not a Government servant, shall be entitled to actual expenses.

**10. Reimbursement of cost not permissible otherwise than under these rules. :-**

Nothing in these rules shall be deemed to entitle a patient to reimbursement of cost incurred in respect of any medical attendance or treatment obtained by him otherwise than that expressly provided in these rules.

**11. Telephone facility. :-**

(1) The Leader of the Opposition shall be entitled to the facility of a telephone both at his residence as well as his office,

(2) The expenditure on account of installation and rental charges in respect of such telephone and the charges for all official calls, including trunk calls which are not of private nature, made by the Leader of Opposition shall be borne by the State Government:

Provided that the Leader of the Opposition shall certify that the trunk-calls, in respect of which the charges are to be borne by the Government, were not of a private nature.

**12. Secretarial facility. :-**

**1** [

(1) The Leader of the Opposition shall be provided with such staff for his office as is provided to a Minister of a Cabinet rank by the State Government, from time to time].

(2) The conditions of service of the staff [Provided under] sub- rule (1), shall be such as may be determined by the State Government.

(3) The expenditure in respect of such staff shall be borne by the State Government.

[(3-A) Expenditure in respect of purchase of newspapers, cycle repairs, conveyance charges, purchase of stationery and other incidental charges relating to the Office of the Leader of Opposition may be incurred upto such amount as may be determined by the State Government.]

[(4) The Secretary, Gujarat Legislature Secretariat, or any other officer of that Secretariat authorised by him in this behalf shall be the [appointing and controlling officer] for the purpose of this rule]].

1. INSERTED BY NO. 8 DT. [26-7-83].

**13. Interpretation. :-**

If any question arises as to the interpretation of any provision of these rules, it shall be decided by the State Government whose decision thereon shall be final and conclusive.

**SCHEDULE 1**

Articles of Standard quality for furnishing residence of the Leader of the Opposition.

**SCHEDULE 1A**

CERTIFICATE OF PAYMENT



# Certified that

I, Shri..... the  
Leader of the Opposi  
tion..... stayed, from..... (date)..... to.....  
(date)... at (name of hotel, lodge or establishment)..... hotel,  
lodge or establishment.... at Place which provides boarding or lodging or both

and have made payment of Rs..... for any boarding or lodging **or**  
**both at the said hotel,**  
**lodge or establishment.**

**Date:**

**Place:**

Signature of the Leader of the Opposition].

## SCHEDULE 2 SCHEDULE II

[See Rule 8( 1)]

**I** certify that Shri/Shrimati/Kumari . . wife / s o n / daughter of Shri  
.....  
Leader of the Opposition has been under my treatment from to at the Hospital /  
Dispensary / my consulting room and that the under men**tioned**  
**medicines prescribed by**  
**me in this connection**

were essential for the recovery/ prevention of serious deterioration in the condition of the patient. The medicines are not ordinarily stocked/ are out of stock in the..... Hospital.

Sr. Name of  
No. the  
medicines  
(in block letters)

Price  
Rs. Paise

1.

2.

3.

(Rupees..... and paise..... only).

Signature and  
Designation  
of Authorised  
Medical  
Attendant