

Payment Of Salaries And Allowances (Amendment) Act, 1977

22 Of 1977

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Payment Of Salaries And Allowances (Amendment) Act, 1977

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An Act further to amend the Payment of Salaries and Allowances Act, 1951. WHEREAS it is expedient further to amend the Payment of Salaries and Allowances Act, 1951, for the purposes hereinafter appearing; BE it enacted in the Twenty-eighth Year of the Republic of India as follows:- 1. Received the assent of the Governor on 01.09.1977 and published in the Kerala Gazette No.510 dated 01.09.1977.

1. Short Title :-

This Act may be called the Payment of Salaries and Allowances (Amendment) Act, 1977.

2. Amendment Of Long Title :-

In the long title to the Payment of Salaries and Allowances Act, 1951 (XIV of 1951) (hereinafter referred to as the principal Act), for the words and Deputy Speaker and members, the words, the Deputy Speaker, the Leader of the Opposition and members shall be substituted.

3. Amendment Of Preamble :-

In the preamble to the principal Act, for the words the Speaker and Deputy Speaker, the words the Speaker, the Deputy Speaker and the Leader of the Opposition shall be substituted.

4. Amendment Of Section 2 :-

In section 2 of the principal Act, after clause (c), the following clauses shall be inserted, namely:-

(d) Deputy Speaker means the member of the Legislative Assembly chosen to be Deputy Speaker thereof under article 178 of the Constitution;

(e) Leader of the Opposition means the leader of the largest party in opposition in the Legislative Assembly and recognized as such by the Speaker;

(f) Speaker means the member of the Legislative Assembly chosen to be Speaker thereof under article 178 of the Constitution."

5. Amendment Of Section 3 :-

In section 3 of the principal Act,-

(a) in the marginal note, after the word Ministers, the words and Leader of the Opposition shall be inserted;

(b) after the word Minister, the words and the Leader of the Opposition shall be inserted.

6. Amendment Of Section 4 :-

In section 4 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:-

(2) There shall be paid to the Deputy Speaker a salary of seven hundred and fifty rupees per mensem and dearness allowance at such rates as officers of Government drawing a salary of seven hundred and fifty rupees shall be entitled to from time to time.

7. Amendment Of Section 5 :-

In section 5 of the principal Act,-

- (a) in the marginal note, for the words and the Speaker, the words, Speaker and Leader of the Opposition shall be substituted;
- (b) for the words and the Speaker of the Legislative Assembly, the words, the Speaker and the Leader of the Opposition shall be substituted;
- (c) for the words or Speaker, the words or the Speaker or the Leader of the Opposition shall be substituted.

8. Substitution Of New Sections For Sections 5A, 5B, 6 And 6A :-

For sections 5A, 5B, 6 and 6A of the principal Act, the following sections shall be substituted, namely:-

5A. Medical facilities to Ministers, Speaker, Deputy Speaker and Leader of the Opposition. - (1) Subject to any rules made in this behalf, every person who holds the office of a Minister or the Speaker or the Deputy Speaker or the Leader of the Opposition, and the members of his family shall be entitled to free medical treatment in any Government institution and to free medical attendance by any medical practitioner or other person in the service of the Government.

(2) Subject to any rules made in this behalf, every person who holds the Office of a Minister or the Speaker or the Deputy Speaker or the Leader of the Opposition and the members of his family shall, after the commencement of the Payment of Salaries and Allowances (Amendment) Act, 1977, be entitled at the expense of the Government,-

(a) to medical treatment in any institution other than a Government institution;

(b) to medical attendance by any medical practitioner other than a medical practitioner in the service of the Government or by any other person not in the service of the Government, And accordingly, every Minister, the Speaker, the Deputy Speaker and the Leader of the Opposition shall be entitled to all charges incurred by them in connection with such medical treatment and medical attendance.

Explanation .- For the purposes of this section, Members of family means the wife or husband, children including adopted children and step children, and parents wholly dependant upon the Minister or the Speaker or the Deputy Speaker or the Leader of the

Opposition, as the case may be.

5B. Accident insurance to Ministers, Speaker, Deputy Speaker and Leader of the Opposition. - Subject to any rules made in this behalf under section 10, the Ministers, the Speaker, the Deputy Speaker and the Leader of the Opposition shall be entitled to be insured at the expense of the Government against accidents during journey by air performed on public business.

6 . Conveyance for the Ministers, Speaker, Deputy Speaker and Leader of the Opposition .--

(1) The Government shall from to time provide suitable conveyances for the use of the Ministers, the Speaker, the Deputy Speaker and the Leader of the Opposition throughout their term of office and for a period of fifteen days immediately thereafter subject to such rules as regards their maintenance and repair as may be made by the Government.

(2) The Ministers, the Speaker, the Deputy Speaker, and the Leader of the Opposition shall be paid a consolidated sum of two hundred rupees per mensem in lieu of the cost of petrol and oil for the conveyances for journeys performed within the City of Trivandrum and a radius of eight kilometers thereof.

(3) Every Minister, the Speaker and the Leader of the Opposition shall be entitled, for journeys on public business in place beyond a radius of eight kilometers of the city of Trivandrum , to use a Government conveyance in addition to the conveyance provided under sub-section (1).

6A. Free use of boats belonging to Government by Ministers, Speaker, Deputy Speaker and Leader of the Opposition. --

The Ministers, the Speaker, the Deputy Speaker and the Leader of the Opposition shall, while touring on public business, be entitled, without payment of charges, to the exclusive use of boats belonging to the Government.

9. Amendment Of Section 7 :-

In section 7 of the principal Act,-

(a) In sub-section (1), for the second proviso, the following proviso shall be substituted, namely:-

Provided further that a Minister shall not be entitled to any traveling allowance for journeys performed in any Government conveyance other than that provided under sub-section (1) of section 6.;

(b) to sub-section (2), the following further proviso shall be added,

namely:-

Provided further that the Speaker shall not be entitled to any traveling allowance for journeys performed in any Government conveyance other than that provided under sub-section (1) of section 6.;

(c) after sub-section (2) and the provisos there under, the following sub-sections shall be inserted, namely:-

(3) Traveling Allowance of the Leader of the Opposition .-The Leader of the Opposition shall be entitled in respect of tours undertaken by him on public business, to traveling and daily allowances at the rates specified in the Schedule, upon such conditions as may be specified by rules made by the Government:

Provided that the Leader of the Opposition shall not be entitled to any traveling allowance for journeys performed in any Government conveyance other than that provided under sub-section (1) of section 6.

(4) The Minister, the Speaker, the Deputy Speaker and the Leader of the Opposition shall not be entitled to any traveling and daily allowances for journeys performed within the City of Trivandrum and a radius of eight kilometers thereof.

10. Amendment Of Section 7A :-

In section 7A of the principal Act, for the words and figures Section 4,5,6, and 7, the words, figures and brackets section 4, section 5, sub-section (3) of section 6 and section 7 shall be substituted.

11. Substitution Of New Section For Section 7B :-

For section 7B of the principal Act, the following section shall be substituted, namely:-

7B. Medical facilities to the members of the Legislative Assembly .- Subject to any rules made in this behalf, every member of the Legislative Assembly who does not hold any of the offices referred to in sections 3 and 4 the members of his family shall be entitled, free of charge, to medical treatment and medical attendance and to all other benefits in connection therewith, to the same extent as a first grade officer of the State Government and the members of his family are respectively entitled to from time to time.

Explanation. - For the purposes of this section, members of family means the wife or husband, children including adopted children and step children, and parents wholly dependent upon the member of the Legislative Assembly.

12. Amendment Of Section 8 :-

In section 8 of the principal Act, in sub-section (4), after the words Deputy Speaker and the Ministers, the words the Deputy Speaker, the words the Leader of the Opposition shall be inserted.

13. Amendment Of Section 8A :-

In section 8A of the principal Act, in sub-sections (1) and (3), for the words the Speaker and the Ministers, the words "the Speaker, the Deputy Speaker, the Leader of the Opposition and the Ministers shall be substituted.

14. Amendment Of Sections 9 And 9A :-

In section 9 and 9A of the Principal Act for the words "the Deputy Speaker and the Ministers, the words the Deputy Speaker, the Leader of the Opposition and the Ministers shall be substituted.

15. Insertion Of New Section 9B :-

After section 9A of the principal Act, the following section shall be inserted, namely:-

9B. Deduction of Government dues from allowances payable to members of Legislative Assembly. - Any amount payable to the Government by any member of the Legislative Assembly who does not hold any of the offices referred to in section 3 and 4, in his capacity as such member, may, if such amount is not paid within the time or on or before the date fixed for its payment, be deducted from the fixed allowance or the traveling and daily allowance which he is entitled to receive under section 8, in accordance with such rules as may be made by the Government in this behalf.

16. Amendment Of Schedule :-

In the Schedule to the principal Act, , -

(a) in paragraph I,-

(i) in the marginal note and in the opening portion, for the words Ministers and the Speaker, the words Ministers, the Speaker, the Deputy Speaker and the Leader of the Opposition shall be substituted;

(ii) in sub-clause (d) of clause (1), for the letters and figures Rs.50, the letters and figures Rs.62.50 shall be substituted;

(b) paragraph II shall be omitted.