

---

---

**SALARIES AND ALLOWANCES OF  
LEADERS OF OPPOSITION IN THE STATE  
LEGISLATURE ACT, 1985**

**(Act No. XVI of 1985)**

---

---



**THE SALARIES AND ALLOWANCES OF LEADERS OF  
OPPOSITION IN THE STATE LEGISLATURE ACT, 1985**

**(Act No. XVI of 1985)**

CONTENTS

SECTION.

1. Short title and commencement.
  2. Definition.
  3. Salary of Leaders of Opposition.
  4. Residence for Leaders of Opposition.
  5. Travelling and Daily Allowances to Leaders of Opposition.
  6. Medical Treatment etc. to Leaders of Opposition.
  7. Leaders of Opposition not to draw Salary and Allowances as member of Legislature.
  8. Amenities to Leaders of Opposition.
  9. Notification respecting the date on which persons became or ceased to be Leaders of Opposition to be conclusive evidence thereof.
  10. Power to make rules.
-

**THE SALARIES AND ALLOWANCES OF LEADERS  
OF OPPOSITION IN THE STATE LEGISLATURE  
ACT, 1985**

**(Act No. XVI of 1985)**

*[Received the assent of the Governor on 9th October, 1985, and published in the Government Gazette dated 15th October, 1985.]*

**An Act to amend the laws governing the Salary and Allowances of Leaders of opposition in the Jammu and Kashmir State Legislature.**

Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-Sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Salary and Allowances of Leaders of Opposition in the State Legislature Act, 1985.

<sup>1</sup>(2) It shall come into force on such date as the Government may, by notification in the \*[Government Gazette], appoint].

<sup>2</sup>[2. *Definition.*— In this Act, ‘Leader of the Opposition’ means that Member of the Legislative Assembly of the Union territory of Jammu and Kashmir, who is for the time being, the Leader of the party in opposition to the Government having at least a strength equal to the quorum fixed to constitute a sitting of the House and recognised as such by the Speaker of the Legislative Assembly.

*Explanation.*—Where there are two or more parties in opposition to the Government, in the Legislative Assembly having the same numerical strength, the Speaker shall, having regard to the status of the parties, recognise any one of the Leaders of such parties as the Leader of the Opposition for the purpose of this section and such recognition shall be final and conclusive.]

<sup>3</sup>[3. *Salary of Leaders of Opposition.*—<sup>4</sup>[Leader of the Opposition] shall be entitled to such salary as is admissible to a Minister under section

---

1. Enforced w.e.f. 26th January, 1986 vide SRO-64 dated 22-01-1986.

\* Now Official Gazette.

2. Section 2 substituted by S.O. 1229(E) dated 31.03.2020.

3. Section 3 substituted by Act IV of 2003, s. 2, w.e.f. 18-11-2002.

4. Substituted for “Each Leader of the Opposition” by S.O. 1229(E) dated 31.03.2020.

3 of the Jammu and Kashmir Minister's and Ministers of State Salaries Act, 1956].

4. *Residence for Leaders of Opposition.*—(1) <sup>1</sup>[Leader of the Opposition] shall, so long as he continues as such Leader and for a period of fifteen days immediately thereafter, be entitled without payment of rent to the use of a furnished residence and no charge shall fall on the Leader of the Opposition personally in respect of the maintenance of such residence.

(2) In the event of the death of <sup>2</sup>[Leader of the Opposition], his family shall be entitled to the use of the furnished residence occupied by him for a period of fifteen days immediately after his death, without payment of rent and no charge shall fall on his family in respect of the maintenance of such residence.

*Explanation.*—For the purposes of this section, “residence” includes the staff quarters and other buildings, appurtenant thereto, and the garden thereof, and “maintenance” in relation to a residence includes the payment of taxes and the provisions of electricity and water.

5. *Travelling and Daily Allowances to Leader of Opposition.*— Subject to any rules made in this behalf by the Government, <sup>2</sup>[Leader of the Opposition] shall be entitled to—

- (a) travelling allowances for himself and the members of his family and for transport of his and his family's effect—
  - (i) in respect of the journey to the headquarters of the Government from his usual place of residence outside such headquarters for assuming office ; and
  - (ii) in respect of the journey from the headquarters of the Government to his usual place of residence outside such headquarter on relinquishing office ; and
- (b) travelling and daily allowances in respect of tours undertaken by him in the discharge of his duties as Leader of the Opposition, whether by land or air.

---

1. Substituted by S.O. 1229(E) dated 31.03.2020 for “Each Leader of the Opposition”.

2. Substituted *ibid* for “a Leader of the Opposition”.

6. *Medical treatment etc. to Leader of Opposition.*—Subject to any rules made in this behalf by the Government, <sup>1</sup>[Leader of the Opposition] and the members of his family shall be entitled free of charge to accommodation in the hospitals maintained by the Government and also to medical treatment.

7. *Leader of Opposition not to draw salary and allowances as Member of Legislature.*— No Leader of the Opposition in receipt of a salary or allowance under this Act, shall be entitled to receive any sum out of funds provided by the Legislature by way of salary or allowances in respect of his membership of <sup>2</sup>[either House of the Legislature].

8. *Amenities to Leaders of Opposition.* —(1) Subject to any rules made in this behalf by the Government, <sup>3</sup>[Leader of the Opposition] shall be entitled to telephone and secretarial facilities.

(2) Subject to any rules made in this behalf by the Government such Leader of the Opposition shall be entitled to a conveyance allowance of one thousand rupees per month.

9. *Notification respecting the date on which person became or ceased to be Leader of Opposition to be conclusive evidence thereof.*— The date on which any person became or ceased to be <sup>1</sup>[Leader of the Opposition] shall be published by the Speaker <sup>4</sup>[x x x x] in the <sup>\*</sup>[Government Gazette], and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, <sup>1</sup>[Leader of the Opposition] on that date for all the purposes of this Act.

10. *Power to make rules.* —(1) The Government may, by notification in the <sup>\*</sup>[Government Gazette], 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 travelling and daily allowances admissible to <sup>1</sup>[Leader of the Opposition] under section 5 ;

---

1. Substituted for “a Leader of the Opposition” by S.O. 1229(E) dated 31.03.2020.

2. Now Legislative Assembly of the Union territory of Jammu and Kashmir.

3. Substituted for “each Leader of the Opposition” by S.O. 1229(E) dated 31.03.2020.

4. Words “or the Chairman, as the case may be” omitted *ibid*.

444 SALARIES AND ALLOWANCES OF LEADERS OF OPPOSITION  
IN THE STATE LEGISLATURE ACT, 1985

(b) the medical treatment admissible to <sup>1</sup>[Leader of the Opposition] and the members of his family under section 6 ;

(c) the telephone and secretarial facilities admissible to <sup>1</sup>[Leader of the Opposition] and the conditions subject to which he shall be entitled to conveyance allowances under section 8 ;

<sup>2</sup>(3) Omitted.

-----

---

1. Substituted for "a Leader of the Opposition" by S.O. 1229(E) dated 31.03.2020.  
1. Sub-section (3) omitted by S.O. 1229(E) dated 31.03.2020.