

**BENGAL LEGISLATIVE ASSEMBLY (MEMBERS EMOLUMENTS)  
ACT, 1937**

**2 of 1937**

**[5th October, 1937]**

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**BENGAL LEGISLATIVE ASSEMBLY (MEMBERS EMOLUMENTS)  
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An Act to fix the salaries and allowances of Members of the Bengal Legislative [Assembly]. WHEREAS it is expedient to fix the salaries and allowances of the Members of the Bengal Legislative [Assembly]; It is hereby enacted as follows:

**1. Short title and commencement :-**

(1) This Act may be called the Bengal Legislative <sup>1</sup> [Assembly] (Members' Emoluments) Act, 1937.

(2) It shall be deemed to have come into force from the first day of April, 1937.

1. Word subs, for the word "Chambers" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

**2. Definitions :-**

In this Act and for the purposes thereof "Member" means a Member <sup>1</sup> \* \* \* \* \* <sup>3</sup> \* \* \* \* \* of the <sup>4</sup> [West Bengal] Legislative Assembly, other than the Governor's Council of Ministers, <sup>2</sup> \* \* \* \* \* the Speaker of the said Assembly, Parliamentary Secretaries,

Parliamentary Under-Secretaries and Parliamentary Private Secretaries, if any.

1. Words "either of the West Bengal Legislative Council but not including the Chairman thereof, or" first ins. by W.B. Act 16 of 1959, then those words om. by Order No. 1504-L, dated the 31.7.1970, published in the Calcutta Gazette, Extraordinary, dated the 31.7.1970, part I, page 1708.

2. Words "the President of the said Council" om. by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

### **3. Salaries :-**

<sup>1</sup>There shall be paid to each member a salary at the rate of <sup>2</sup>[(one thousand and five hundred rupees) per mensem] with effect from the date on which he takes his oath:

Provided that the salary of any member in respect of <sup>3</sup>[any period prior to <sup>4</sup>(the first day of September, 1983,) shall be paid at the rate of 10(two hundred and fifty rupees) per mensem]:

<sup>5</sup>Provided further that there shall be paid to the member, who is the Leader of the Opposition, such salaries and allowances as are admissible to a Minister under the West Bengal Salaries and Allowances Act, 1952:

<sup>6</sup> Provided also that there shall be paid to the Chief Government Whip such salaries and allowances as are admissible to a Minister of State under the West Bengal Salaries and Allowances Act, 1952.

Explanation I. "Leader of the Opposition" means that member of the West Bengal Legislative Assembly who is for the time being the Leader in

Explanation II. If any doubt arises as to which is or was at the material time the party in opposition to the State Government having the greatest numerical strength in the West Bengal Legislative Assembly, or as to who is or was at any material time the Leader in the said Assembly of such a party, the question shall be decided for the purposes of this Act, by the Speaker of the said Assembly, and his decision, certified in writing under his hand, shall be final and conclusive.

1. Sec. 3 subs. by Ben. Act 1 of 1945, w.e.f. 1.1.1944, which was earlier as under: "3. Salaries. There shall be paid to each Member a salary at the rate of one hundred and fifty rupees per mensem with effect from the date on which he takes his oath."

2. Words "two hundred and fifty rupees per mensem" first subs. for

the words "two hundred rupees per mensem" by W.B. Act 8 of 1965 w.e.f. 1.4.1965, then the words "three hundred and fifty rupees" subs. for the words "two hundred and fifty rupees" by W.B. Act 30 of 1983, thereafter the words "six hundred and fifty rupees" subs. for the words "three hundred and fifty rupees" by W.B. Act 10 of 1997. and finally the words within the first brackets subs. for the words "six hundred and fifty rupees" by W.B. Act 12 of 1998.

3. Words and figures subs. for the words and figures "any period prior to the 1st day of January, 1944, shall be paid at the rate of one hundred and fifty rupees per mensem" by W.B. Act 8 of 1965, w.e.f. 1.4.1965.

4. Words and figures subs. for the words and figures "the first day of April, 1965," by W.B. Act 30 of 1983.

5. Proviso first ins. by W.B. Act 24 of 1957, then subs. by W.B. Act 30 of 1983, which was earlier as under: "Provided further that there shall be paid to the member, who is the Leader of the Opposition, salaries and allowances as specified below: Salary Rs. 750 per month. • House allowance Rs. 250 per month. Conveyance allowance Rs. 200 per month."

6. Proviso ins. by W.B. Act 10 of 1997, w.e.f. 1.4.1997. the State Assembly of the party in opposition to the State Government having the greatest numerical strength in the said Assembly;

#### **4. Allowances :-**

Subject to such conditions as may be determined by rules made under this Act:

(a) there shall be paid to members not ordinarily resident within such distances, as may be prescribed by rules made under this Act, of the place at which their attendance is required in connection with their duties as members

<sup>1</sup>(i) daily allowance at the rate of 14 [three hundred and fifty rupees] per diem.

Explanation. Notwithstanding anything contained elsewhere in this Act or any other law for the time being in force, for the purposes of this clause, a member of the Governor's Council of Ministers, if elected to the West Bengal Legislative Assembly, the Speaker of the West Bengal Legislative Assembly, the Deputy Speaker of the said Assembly, the Leader of the Opposition, the Chief Government Whip, a Parliamentary Secretary, a Parliamentary Under-Secretary, or a Parliamentary Private Secretary, if any, shall be deemed to be a "Member";

(ii) travelling allowance for journeys by 15[air at the rate of one and one-fourth times the air fare {for journeys by rail at the rate of

<sup>2</sup>(or at the rate of half the Air-conditioned 2-tier class fare) and for journeys by steamer}] at the rate of one and a half times first class fare <sup>3</sup>[for himself and one first class fare for one person accompanying him], and

(iii) road mileage allowance at such rates as may be fixed by rules made under this Act; <sup>4</sup>\* \*

<sup>5</sup>(aa) there shall be paid to all members compensatory allowance at the rate of <sup>6</sup>[one thousand and five hundred rupees] per mensem;

(aaa) there shall be paid to all members constituency allowance at the rate of <sup>7</sup>[two thousand and five hundred rupees] per mensem;

<sup>8</sup>(b) there shall be paid to a member an allowance at the rate of <sup>9</sup>[two thousand rupees] per annum on account of <sup>10</sup>{postal expenses;]

<sup>11</sup>(bb) there shall be paid to a member an allowance at the rate of two thousand rupees per annum a lump sum on account of purchase of books, newspapers and periodicals.

Explanation. Notwithstanding anything contained elsewhere in this Act or any other law for the time being in force, for the purposes of this clause, a member of the Governor's Council of Ministers, if elected to the West Bengal Legislative Assembly, the Speaker of the West Bengal Legislative Assembly, the Deputy Speaker of the said Assembly, the Leader of the Opposition, the Chief Government Whip, a Parliamentary Secretary, a

<sup>12</sup>(c) <sup>13</sup>[there shall be issued to each member who undertakes journeys in connection with his duties as such members, ]

(1) <sup>14</sup>[railway coupons or vouchers for such member and for one person accompanying such member ]

(i) in respect of all such journeys to any place or places within the State of West Bengal,

<sup>15</sup>(ii) in respect of such journeys to any place or places within India outside the State of West Bengal:

Provided that the maximum limit for the member and for the person accompanying him shall with respect to each of them be <sup>16</sup>[fifteen thousand kilometres] a year :

**17** Provided further that when a Member undertakes journeys to any place or places within India outside the State of West Bengal in connection with his duties as a Member of any committee of the West Bengal Legislative Assembly or as a member of any delegation appointed by the West Bengal Legislative Assembly, the distances of such journeys shall not be taken into account in

(2) **18** [one free pass] in respect of any such journey or part thereof to any place within the State of West Bengal by any road transport service provided by a State transport undertaking carried on by the State Government or by any Road Transport Corporation established by the State Government under section 3 of the Road Transport Corporation Act, 1950 34[, except for any such journey or part thereof by the road transport service provided by the Calcutta State Transport Corporation on its city routes] 35[and, for the purpose of this sub-clause, the identity card of the Member shall be treated as free pass for himself and for his companion.]

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**19** (4) one free pass of the Calcutta Tramways Company for such member and for one person accompanying such member for any such journey or part thereof by any tram-car of such Company; and, for the purposes of this sub-clause, the identity card of the Member shall be treated as free pass for himself and for his companion.

1. Sub-clause (i) first subs. by Ben. Act 1 of 1945, then again subs. by W.B. Act 23 of 1994, w.e.f. 21.1.1994, which was earlier as under: "(i) daily allowance at such rate as is admissible to a Minister under the West Bengal Salaries and Allowances Act, 1952: Provided that in respect of any period prior to the commencement of the Bengal Legislative Chambers (Members' Emoluments) Amendment Act, 1945, daily allowance shall be paid at the rate of ten rupees per diem;".

2. Words and figure ins. by W.B. Act 12 of 2000 w.e.f. 1.4.2000.

3. Words ins. by W.B. Act 23 of 1994, w.e.f. 21.1.1994.

4. Word "and" om. by W.B. Act 16 of 1959.

5. Clause (aa) ins. by W.B. Act 18 of 1974, w.e.f. 1.4.1974.

6. Words "three hundred rupees" first subs. for the words "two hundred rupees" by W.B. Act 30 of 1983, then the words "five hundred rupees" subs. for the words "three hundred rupees" by W.B. Act 10 of 1997, w.e.f. 1.4.1997, and finally, the words within the third brackets subs. for the words "five hundred rupees" by W.B. Act 12 of 1998, w.e.f. 1.12.1998.

7. Words "one thousand rupees" first subs. for the words "five hundred rupees" by W.B. Act 10 of 1997, w.e.f. 1.4.1997, then the words within third brackets subs. for the words "one thousand

rupees" by W.B. Act 12 of 1998, w.e.f. 1.12.1998.

8. Clause (b) subs. by W.B. Act 23 of 1994, w.e.f. 21.1.1994, which was earlier as under: "(b) there shall be paid to all members conveyance allowance for attending meetings at the rate of twenty-five rupees per diem; and"

9. Words subs. for the words "one thousand rupees" by W.B. Act 15 of 2002, w.e.f. 1.4.2002.

10. Words subs. for the words "postal expenses; and" by W.B. Act 12 of 2000, w.e.f. 1.4.2000.

11. Clause (bb) ins. by W.B. Act 12 of 2000, w.e.f. 1.4.2000.

12. Clause (c) first ins. by W.B. Act 16 of 1959, then subs. by W.B. Act 3 of 1966, then again subs. by W.B. Act 8 of 1969. Previous clause (c) was as under: "(c) there shall be issued to members who undertake journeys in connection with their duties as such members, railway coupons or vouchers (i) in respect of all such journeys to any place or places within the State of West Bengal, and (ii) subject to a maximum limit of three thousand miles or four thousand eight hundred and twenty-eight kilometres a year, in respect of such journeys to any place or places within India outside the State of West Bengal."

13. Words subs. for the words "there shall be issued to members who undertake journeys in connection with their duties as such members, " by W.B. Act 28 of 1979.

14. Words subs. for the words "railway coupons or vouchers " by W.B. Act 28 of 1979.

15. Item (ii) subs. by W.B. Act 16 of 1980, w.e.f. 13.10.1979, which was earlier as under: "(ii) subject to a maximum limit of eight thousand kilometers a year, in respect of such journeys to any place or places within India outside the State of West Bengal,".

16. Words "ten thousand kilometres" first subs, for the words "eight thousand kilometres" by W.B. Act 25 of 1989, w.e.f. 1.4.1989, then the word "twelve subs, for the word "ten" by W.B. Act 23 of 1994. w.e.f. 21.1.1994. and finally the words within third brackets subs, for the words "twelve thousand kilometres" by W.B. Act 10 of 1997, w.e.f. 1.4.1997.

17. Proviso ins. by W.B. Act 17 of 1986.

18. Words subs. for the words "state transport coupons" by W.B. Act 17 of 1986.

19. Sub-clauses (3) and (4) first ins. by W.B. Act 49 of 1978, then sub-clause (4) subs. by W.B. Act 25 of 1989, w.e.f. 1.4.1989. Previous sub-clause (4) was as under: "(4) one free pass of the Calcutta Tramways Company for each, for any such journey or part thereof by any tramcar of such Company."

#### **4A. Amenities :-**

<sup>1</sup> A member shall be entitled to such medical facilities and such telephone facilities as may be determined by rules made under this Act.

1. Sec. 4A ins. by W.B. Act 28 of 1979.

## **5. Power to make rules :-**

**1**

(1) The State Government shall make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules

(a) to prescribe the periods during which, and the conditions under which, daily allowance <sup>2</sup>\* \* \* \* \* may be drawn, the circumstances under which <sup>3</sup>[such allowance] may be withheld, and the conditions under which the journeys referred to in clause (c) of section 4 may be undertaken;

(b) to fix the rates of road mileage allowance, and to prescribe the conditions under which such allowance may be drawn; and

(c) to prescribe the distances referred to in section 4 in respect of each of the allowances referred to in the said section;

<sup>4</sup> (d) to determine the medical and telephone facilities mentioned in section 4A.

(3) Until rules are made under this section rules framed under the Bengal Legislative Assembly (Members' Emoluments) Act, 1937, before the commencement of the Bengal Legislative Assembly (Members' Emoluments) (Amendment) Act, 1959, shall continue to remain in force.

1. Sec. 5 subs. by W.B. Act 16 of 1959, which was earlier as under: "5. Power to make rules. (1) The Provincial Government shall, as soon as may be, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules (a) to prescribe the periods during which, and the conditions under which, daily allowance and conveyance allowance may be drawn, and the circumstances under which such allowances may be withheld; (b) to fix the rates of road mileage allowance, and to prescribe the conditions under which such allowance may be drawn; and (c) to prescribe the distances referred to in section 4 in respect of each of the allowances referred to in the said section. (3) All rules made under this section shall be published in the Official Gazette."

2. Words "and conveyance allowance" om. by W.B. Act 23 of 1994, w.e.f. 21.1.1994.

3. Words subs. for the words "such allowances" by W.B. Act 23 of 1994, w.e.f. 21.1.1994.

4. Clause (d) ins. by W.B. Act 28 of 1979.

