

KARNATAKA LEGISLATURE (MEMBERS TRAVELLING ALLOWANCE) RULES, 1957

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KARNATAKA LEGISLATURE (MEMBERS TRAVELLING ALLOWANCE) RULES, 1957

In exercise of the powers conferred by Section 15 of the Karnataka Legislature Salaries Act, 1956 (Karnataka Act 2 of 1957), and in supersession of rules published in Notification No. LD 1333 LA-86-56-1, dated the 28th December, 1956, and Notification No. LAW 31 LGR 57, dated the 7th June, 1957, the Government of Karnataka hereby makes the following rules, namely:

1. . :-

These rules may be called the Karnataka Legislature (Members Travelling Allowance) Rules, 1957.

2. . :-

In these rules, unless the context otherwise requires.

- (1) "Assembly" means the Karnataka Legislative Assembly;
- (2) "Committee" means a Select Committee of the Assembly or the Council or any Committee constituted under the Assembly or Council Rules or a Committee appointed by the Speaker or the Chairman;
- (3) "Council" means the Karnataka Legislative Council;
- (4) "Day" means a calendar day, beginning and ending at midnight;
- (5) "House" means the building in which the meeting is held;
- (6) "Member" means a member of the Assembly or the Council and includes the Deputy Speaker and the Deputy Chairman;
- (7) "Mofussil member" means a member whose ordinary place or residence is outside the municipal limits of the place at which a meeting is held;
- (8) "Ordinary place of residence" means the 2[place within the State where] a member ordinarily resides for at least six months in the year;
- (9) "Secretary" means the Secretary of the State Legislature and includes the Assistant Secretary of the State Legislature.
- (10) "Session" means the whole period elapsing between and including the day for which the Assembly or Council, as the case may be, is summoned to meet and the day on which it is prorogued or adjourned sine die;
- (11) All other expressions shall have the meanings, respectively assigned to them in the Karnataka Legislature Salaries Act, 1956.

3. . :-

- (1) Subject to the provisions of the succeeding rules a member may draw daily allowance for any day on which he attends a meeting.

(2) For the purpose of determining the days of attendance at meetings under sub-rule (1), an attendance register shall be maintained by the Secretary in which every member shall sign his name on every day on which he attends a meeting.

4. . :-

Save as otherwise provided in Rule 8, no mofussil member may draw daily allowance in addition to travelling allowance for the day of journey unless he attends a meeting.

5. . :-

No member whose ordinary place of residence is within the municipal limits of the place at which the meeting is held may draw travelling allowance for attending the meeting.

6. . :-

A mofussil member shall be entitled to travelling allowance to and from his ordinary place of residence for attending any meeting.

7. . :-

(1) A mofussil member who proceeds to the place of a meeting not being aware of the postponement or cancellation of the meeting due to non-receipt of intimation regarding its postponement or cancellation, shall be entitled to the travelling allowance from and to his ordinary place of residence and to daily allowance for one day, and daily allowance in accordance with Rule 8, provided the member satisfies the Chairman or the Speaker, as the case may be, that he did not receive intimation of the postponement or cancellation of the meeting before he left his ordinary place of residence.

(2) A mofussil member who proceeds to the place of a meeting but is prevented from attending the meeting consequent on its postponement for want of quorum, shall be entitled to the travelling allowance from and to his ordinary place of residence and to daily allowance for the day of the meeting and daily allowance in accordance with Rule. 8. In such a case the Secretary shall issue a certificate that the member was present at the place of meeting and that the meeting did not take place for want of quorum.

8. . :-

A mofussil member shall be entitled to draw daily allowance for the day before and the day after the day of the meeting and where a meeting extends for more than one day, for the day before the day

of the commencement of the meeting, provided such member attends on the day of commencement of the meeting and the day after the day of conclusion of the meeting, provided such member attends on the day of the conclusion of the meeting, irrespective of the hour of arrival at, or departure from, the place of meeting:

Provided further that if a member is by illness or other cause prevented from attending on the day of commencement of the meeting or on the day of conclusion of the meeting, he shall be entitled to daily allowance under this rule, if he is present at the place of the meeting on such day and has explained his absence to the satisfaction of the Speaker or the Chairman, as the case may be.

9. . :-

A mofussil member who is prevented from attending any meeting of the Assembly or Council or a Committee may draw daily allowance for the day or days of his absence, if.

(i) he stayed at the place of the meeting on each day of such absence; and

(ii) he has explained such absence to the satisfaction of the Speaker or the Chairman, as the case may be:

1 Provided further that nothing in this rule shall be applicable to a member suspended from the service of the Assembly or Council, except when such suspension is for a specific period:

Provided that there daily allowance is drawn under the authorisation of the Speaker or the Chairman, as the case may be, for days of absence, the allowance shall be drawn at the following rates.

(a) for the first six days of absence in a session, at full rates;

(b) for a further twelve days of absence in a session, at half rates;

(c) for days of absence in excess of eighteen days in a session, no allowance.

1. Second proviso added by GSR 328, dated 11-9-1968 and shall be deemed to have come into force w.e.f.-1-7-1962

10. . :-

(1) In cases of adjournments in the course of a meeting or intervals or holidays between meetings of five days or less, if a member

leaves the place of meeting, he may draw either the daily allowance admissible to him under clause (b)(i) of Section 12 for the period of adjournment, interval or holidays or the travelling allowance admissible to him under clause (a) of Section 12 for the journey performed to and from his usual place of residence, whichever is less, 2[and a member other than a mofussil member may draw daily allowance admissible under sub-clause (1) of clause (d) of Section 12 for the period of adjournment, interval or holidays:]

Provided that every such member attends the sitting on the day before the adjournment, interval or holidays, as well as on the day of the reassembly:

Provided further that if a member is by illness or other cause prevented from attending on the day before the adjournment, interval or holidays, or on the day of the re-assembly, he shall be entitled to draw the allowance under this sub-rule if he is present at the place of the meeting on such day and has explained his absence to the satisfaction of the Speaker or the Chairman, as the case may be.

(2) In the case of adjournments or intervals or holidays between meetings of more than five days, a mofussil member may return to his ordinary place of residence in the intervening period and may draw travelling allowance, and the daily allowance permissible under Section 12(B)(ii) If he stays at the place of meeting he may draw daily allowance, but the amount drawn shall not exceed the amount which he would have drawn as travelling allowance had he returned to his ordinary place of residence plus the daily allowance admissible under Rule 8 for the day after the day of adjournment and the day before the date of reassembly of the meeting.

Explanation. For the purpose of this rule the expression "intervals or holidays between meetings" include any interval or holiday between.

(i) a meeting of the Assembly or Council and of a Committee thereof; or

(ii) a meeting of a Committee and of the same or another Committee or of the Assembly or Council.

11. . :-

In the case of intervals of three days or less between the conclusion

or commencement of a meeting of the Assembly or Council or a Committee thereof and the commencement or conclusion, as the case may be, of a meeting of a Committee constituted by the State Government, for attendance at which travelling and daily allowances are payable by the State Government, a mofussil member may draw daily allowance for the period. If he returned to his ordinary place of residence, he may draw travelling allowance, but the amount so drawn shall in no case exceed the amount which would have been admissible if he had elected to stay at the meeting place and drawn daily allowance at the rates prescribed for attendance at the meetings of Committees appointed by the State Government. ¹ [Where such member returns to his ordinary place of residence within three days of conclusion of the meeting of the Legislature or a committee thereof, not being aware of the meeting of the legislature or a committee thereof or a committee constituted by the Government, as the case may be, he will be entitled to draw normal travelling allowances without such allowances being so restricted.

1. Inserted by GSR 158, dated 15-7-1982 and shall be deemed to have come into force w.e.f. 7-1-1982

12. . :-

¹During a continuous series of meetings exceeding a period of twenty-one days, a mofussil member may absent himself from the place of meeting and return once to his ordinary place of residence and may draw travelling allowance for the purpose of journeying from the place of meeting and from his ordinary place of residence provided the said journeys are actually performed and he attends a meeting of the same series after his return from his ordinary place of residence:

Provided further that the amount of travelling allowance admissible under this rule shall not exceed the total of the daily allowance payable for a period of seven days or the actual number of days of his absence, whichever is less.

Explanation. In this rule, 'continuous series of meetings' means a continuous series of meetings without an adjournment or interval exceeding seven days:

² Provided that the meetings of the Legislative Council from the 28th February, 1959 to 2nd May, 1959, with intervals between 19th March, 1959 to 30th March, 1959 and 4th April, 1959 to 15th

April, 1959 shall be deemed to be continuous series of meetings of the Legislative Council for purposes of this rule and the travelling and daily allowances paid to the Members in respect of the said meetings shall be deemed to have been validly paid.

1. Rule 12 substituted by Notification No. LAW 124 LGR 60, dated 8-2-1962 and shall be and shall always be deemed to have been substituted

2. Proviso inserted by Notification No. LAW 124 LGR 60, dated 8-2-1962

12A. . :-

¹ Free furnished accommodation provided under clause (a) and clause (d) of Section 12 to a member, means provision of accommodation with facilities such as chairs, tables, carpets, cots, mattresses, chest of drawers and like equipments, water and lighting facilities, crockery, cutlery and linen.

1. Rule 12-A inserted by Notification No. LAW 47 LGR 60, dated 31-1-1962 and shall always be deemed to have been substituted

13. . :-

(1) Subject to the provisions of the succeeding sub-rules, for the purpose of calculating travelling allowance payable to a member, a journey between two places shall be held to be performed by the shortest of two or more practicable routes, or by the cheapest of such routes as may be equally short.

(2) The shortest practicable route is that by which the traveller can most speedily reach his destination by the Ordinary modes of travelling. In case of doubt, the State Government shall, in consultation with the Speaker and the Chairman, declare which shall be regarded as the shortest of two or more practicable routes between any two places.

(3) If a member travels by a route which is not shortest, but is cheaper than the shortest, his travelling allowance should be calculated by the route by which the journey is actually made.

(4) Where the place to which a member has to travel is connected partly by rail and partly by road, the member may perform the journey by the most expeditious mode of conveyance, whether by road and rail or by road or rail, as he deems fit, 3[but the travelling allowance shall be limited to

14. (1) In respect of journeys by road, a member shall be

entitled to draw travelling allowance at the rate specified in clause (a) of Section 12, irrespective of the mode of conveyance used for the journey. :-

(2) In calculating travelling allowance for journeys by road fractions of a mile shall be omitted, from the total of a bill for any one journey but not from the various items which make up the bill.

14A. . :-

1 A member who is the Chairman of any Committee of the Legislative Assembly or of the Legislative Council or of both shall for attending the Conference of the Chairman of such Committees held outside the State in India be paid towards transportation charges.

(i) Rs.50 (fifty only) per day for each day of his stay at the place of the Conference; and

(ii) if the Conference is held at Delhi, an additional sum of Rs. 50/- (fifty only) for the journeys from the airport to Karnataka Bhavan and back.

1. Rule 14-A inserted by GSR 99, dated 15-3-1976 and shall be deemed to have come into force w.e.f. 1-3-1975

15. . :-

(1) A member shall, before claiming travelling allowance for the journey from his usual place of residence to the place of meeting or for the return journey from the place of meeting to his usual place of residence, fill in and sign Forms 'B' and 'C' respectively and deliver the same at the office of the Secretary.

(2) A member shall have his travelling allowance bills prepared at the office of the Secretary, if he so desires.

(3) All claims of travelling and daily allowance preferred after the expiry of one year from their becoming due shall be regarded as time barred:

Provided that such allowances shall be admitted if the member claiming such allowances furnishes reasons to the satisfaction of the Secretary for not claiming them before the said period of one year.

16. . :-

In special cases of tours, the Secretary may sanction and disburse without pre-audit advances to the members of the Estimates Committee and the Public Accounts Committee, subject to the

condition that such advances are adjusted in full by the members of the Committee on completion of the tours. Such advances shall not exceed ninety per cent of the travelling allowances admissible for the tours.

17. . :-

(1) The procedure in force on the date of commencement of these rules for disbursing in cash travelling and daily allowances to members at the close of each continuous series of meetings will continue.

(2) The travelling and daily allowances due to the members may be disbursed in cash firstly for their inward journey as soon as members arrive at the place of meeting, thereafter in two or more instalments at the end of

Explanation. In this sub-rule "continuous series of meetings" means a continuous series of meetings without adjournments or intervals exceeding fifteen days.

(3)¹ For purposes of payment under this rule the Secretary may draw the amount on advance travelling allowance bills encashable without pre-audit subject to the condition that the amount so drawn is adjusted in full by preferring travelling allowance bills of the members concerned

(4) With effect from the 1st October, 1957, the provisions of this rule shall be applicable to meetings of committees of the Assembly or Council or both.

1. Sub-rule (3) substituted by Notification No. LAW 31 LGR 57, dated 29-4-1958

18. . :-

In respect of meetings of the Assembly or the Council or of a Committee, as the case may be, a certificate of attendance shall be recorded on the travelling allowance bill of the member, by the Secretary to the Legislature in the following form. "Certified that Shri/Shrimati.....has attended the meetings of the.....on.....as a member thereof. Secretary, Karnataka Legislature".

19. . :-

The amounts due from members to the Government on account of Guest House charges, cost of library books, telephone call charges

and amenities provided to such members like boarding, etc., shall, on the orders of the Speaker or the Chairman, as the case may be, be deducted from the amount payable to such members under these rules.

20. . :-

Travelling allowance bills shall be drawn in Form 'A' annexed to these rules, stamped, if necessary, and signed by the members concerned and delivered at the Office of the Secretary, Mysore Legislature, for countersignature. The travelling allowance bills so presented shall be subject to the provisions of Rule 22, be countersigned by the Secretary.

21. . :-

A member shall record in his travelling allowance bill, a certificate that he has actually performed the journeys for which travelling allowance is claimed and that he has not in any other capacity drawn travelling allowance for the same journey or daily allowance for the same day.

22. . :-

Whenever bills of members are countersigned by the Secretary, he shall accept the declarations and certificates furnished by the members as regards the facts of the journey on which the claim is founded, as correct, satisfy himself that the claim is in accordance with the provisions of the Act and these rules, and shall countersign the bill and approve payment of such amount as is admissible under the Act and these rules. The Secretary shall not be competent to question the necessity of any journey or halts by a member.

23. . :-

The travelling and daily allowances due to a deceased member may be paid to the claimant of the estate of the deceased member without the production of the usual legal authority.

(a) where the sum claimed is less than five hundred rupees if the Deputy Commissioner or Collector of the District in which the member has his ordinary place of residence, after such enquiry as he deems sufficient into the claimant's right and title, certifies the claimant to be the proper person to receive such payment; and

(b) where the claim is in excess of five hundred rupees under the orders of the State Government on the execution of an indemnity bond with such sureties as they may require.

24. . :-

All payments of travelling and other allowances made and anything done or any action taken in accordance with the provisions of the Karnataka Legislature Salaries Rules, 1956, before the commencement of these rules, shall be deemed to have been validly made, done or taken, as if the said rules had been made under the provisions of the Karnataka Legislature Salaries Act, 1956.