

## **Leader Of Opposition In Maharashtra Legislature Salaries And Allowances Act, 1978**

**8 of 1978**

### CONTENTS

1. Short Title And Commencement
2. Definition
3. Salary Of Leaders Of Opposition
- 3A. Sitting Allowance To Leaders Of Opposition
4. Residence Of Leaders Of Opposition
- 4A. Sumptuary Allowance To Leaders Of Opposition
5. Conveyances For Leaders Of Opposition
6. Travelling And Daily Allowance And Residential Accommodation  
At Places Other Than Headquarters
7. Free Transit By Any Railway And Steamer
8. Medical Attendance
9. Telephone Facilities
10. Secretariat Facilities
- 10A. Facility Of A Personal Assistant
11. Leaders Of Opposition Not To Draw Salary And Allowances, Etc.  
As Members Of State Legislature
12. Leaders Of Opposition Not Disqualified
13. Power Of State Government To Make Rules And Orders
14. Amendment Of Bom Xlix Of 1956

## **Leader Of Opposition In Maharashtra Legislature Salaries And Allowances Act, 1978**

**8 of 1978**

### PREAMBLE

Amended by Mah 30 of 1981 (1-4-1981)[2]

Amended by Mah 48 of 1981[3]

Amended by Mah 72 of 1981 (1-4-1981)[2] [4]

Amended by Mah 10 of 1982 (1-2-1982)[2]

Amended by Mah 3 of 1986[5] (1-8-1985)[2]

Amended by Mah 24 of 1987 (1-8-1987)[2]

Amended by Mah 4 of 1989 (1-7-1988)[2]

Amended by Mah 6 of 1991 [6](2-1-1991)

Amended by Mah 5 of 1994 (1-8-1993)[2]

Amended by Mah 10 of 1997 (1-1-1997)

Amended by Mah 32 of 1999 (30-04-1999) (w.e.f. 01-05-1999)

Amended by Mah 8 of 2001 (08-01-2001)

Amended by Mah 25 of 2003 (08-08-2003)

Amended by Mah 30 of 2005 (08-08-2005) (w.e.f. 01-04-2005)

Amended by Mah 18 of 2009 (01-07-2009)

Amended by Mah 32 of 2010 (21-12-2010) (w.r.e.f. 01-04-2010)

An Act to provide for salaries and allowances of Leaders of Opposition in Maharashtra State Legislature

WHEREAS, it is expedient to provide for determination of the salaries and allowances of the Leaders of the Opposition in Maharashtra State Legislature and for certain other matters hereinafter appearing; It is hereby enacted in the Twenty-ninth Year of the Republic of India as follows:-

[1] For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1978. Part V Extra., p. 46.

[2] This indicates the date of commencement of Act.

[3] Mah. 48 of 1981 except Sections 5, 7 and 9 came into force on the 1st April, 1981 Section 5, 7 and 9 came into force on the date of publication of the Act in the Official Gazette, i.e. on the 18th September 1981.

[4] Mah. 72 of 1981 except Sections 5, 7 and 9 came into force on the 1st April, 1981, the remaining Sections came into force on the date of publication of the Act in the Official Gazette, i.e. on the 18th September, 1981.

[5] Mah. 72 of 1981 except Sections 3 and 9 came into force on the 1st April, 1981, the sections 3 and 9 came into force on the date of publication of the Act in the Official Gazette, i.e. on the 29th December, 1981.

[6] Sections 2, 4 and 5 of this Act came into force on the 1st day of June 1990 and section 3 came into force on the 20th May 1987.

## **1. Short Title And Commencement :-**

(1) This Act may be called the Leaders of Opposition in Maharashtra Legislature Salaries and Allowances Act, 1978.

(2) It shall be deemed to have come into force on the 27th March 1978.

## **2. Definition :-**

In this Act, "Leader of Opposition" in relation to either House of the State Legislature, means that member of the State Legislature

Assembly or the State Legislature Council as the case may be, who is for the time being the Leader in that House of the party in opposition to the State Government having the greatest numerical strength and recognised as such by the Speaker of the Assembly or the Chairman of the Council as the case may be.

Explanation - Where there are two or more parties in opposition to the State Government in the Assembly or in the Council having the same numerical strength, the Speaker of the Assembly or the Chairman of the Council as the case may be, 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 purposes of this Act, and such recognition shall be final and conclusive.

### **3. Salary Of Leaders Of Opposition :-**

There shall be paid to each Leader of the Opposition a salary of [1] [Rs. 10,000] per month.

[1] Substituted for "Rs. 5000" by 32 of 2010 dated 21st December, 2010 (w.r.e.f. 01-04-2010).

### **3A. Sitting Allowance To Leaders Of Opposition :-**

[1][Each Leader of Opposition shall be entitled to a sitting allowance at the rate of [2][Rs. 500] per day throughout his term of office as such Leader of Opposition.]

[1] Inserted by Mah. 24 of 1987, Section 3.

[2] Substituted for "Rs. 200" by 32 of 2010 dated 21st December, 2010 (w.r.e.f. 01-04-2010).

### **4. Residence Of Leaders Of Opposition :-**

(1) Each 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 in Bombay, or in lieu of such residence a house allowance at the rate of [1][Rs. 10,000] per month and in addition a sum equal to the electricity charges and water charges, if any, paid by him for his place of residence in Bombay (being a place other than the place of residence provided under this Act by the State Government)

(2) No charge shall fall on the Leader of the Opposition personally in respect of the maintenance of any residence provide under this section.

(3) The expenditure on furnishing the residence provided under this section shall be on such scale as the State Government may by rules or orders determine.

[2][(4) Where a house allowance and other sum are payable under sub-section (1) to a Leader of the Opposition, then, save as otherwise provided by or under this Act, the State Government shall not incur any expenditures, or the Leader of the Opposition shall not be entitled to any payment for, additions, alterations, maintenance, repairs or for doing anything whatsoever in respect of his place of residence.]

[1] Substituted for "Rs. 2,500" by 32 of 2010 dated 21st December, 2010 (w.r.e.f. 01-04-2010).

[2] Sub-section (4) was added by Mah. 4 of 1989, s. 4(b).

#### **4A. Sumptuary Allowance To Leaders Of Opposition :-**

[1][There shall be placed at the disposal of each Leader of Opposition, a sumptuary allowance of three lakh rupees per annum.]

[1] Section 4-A inserted by 32 of 2010 dated 21st December, 2010 (w.r.e.f. 01-04-2010).

#### **5. Conveyances For Leaders Of Opposition :-**

(1) The State Government may from time to time for the use of each Leader of the Opposition, purchase and provide a motor car and other suitable conveyances upon such conditions as regards its maintenance and repairs as may be determined by rules or orders made in this behalf. The State Government may also provide free of charge the services of a chauffeur for the car or conveyance so provided.

(2) There shall be paid to each Leader of the Opposition a conveyance allowance at [1][such rate per month as may be prescribed by rules made in that behalf.]

[1] These words were substituted for the letters and figures "the rate of Rs. 1,000 per month" by Mah. 3 of 1986, Section 2.

#### **6. Travelling And Daily Allowance And Residential Accommodation At Places Other Than Headquarters :-**

Subject to any rules or orders made in this behalf by the State Government, each Leader of the Opposition shall be entitled to--

(a) travelling allowance for himself and the members of his family,

and for the transport of his and his family's effects,  
(i) in respect of the journey to Bombay from his usual place of residence outside Bombay for assuming office; and  
(ii) in respect of the journey from Bombay to his usual place of residence outside Bombay on relinquishing office: and  
(b) travelling and daily allowances in respect of tours undertaken by him in the discharge of his duties as the Leader of the Opposition, and suitable residential accommodation at places visited by him on such tours.

Explanation.- The expression "Bombay" includes any other place appointed by the State Government for the purposes of this section.

## **7. Free Transit By Any Railway And Steamer :-**

[1][(1) Each Leader of the Opposition shall, [2] [\* \* \*] be provided with facilities, which shall entitle him at any time to travel singly by [3][first class or, as the case may be, by air-conditioned two-tier] by any railway in any part of India, or by steamer in any part of the State of Maharashtra, in such manner, and subject to such conditions, as may by rules or orders be prescribed in that behalf: Provided that such travel by railway, in any part of India whether within the State or outside the State, may be availed of by the Leader of the Opposition, either singly or jointly with his spouse or with his minor children or jointly with his spouse and minor children [4][or companion], so, however, that the distance so travelled by him outside the State, and by the members of his family [4][or companion], whether within or outside the State, in any financial year does not in the aggregated exceed [5][fifty thousand kilometres.]

Explanation.--For the purposes of calculating the maximum limit of [5][fifty thousand kilometres] for travelling, the number of kilometres travelled by the Leader of the Opposition outside the State, and the number of kilometres travelled by the members of his family [6][or companion] from the place of their residence, whether within or outside the State, shall be counted separately.

(2) (a) Notwithstanding anything contained in this Act, where a Leader of the Opposition, either singly or jointly with his spouse or with his minor children or jointly with his spouse and minor children [7][or companion], undertakes a journey by air, in any part of India, whether within or outside the State, instead of by railway as provided in this section, he shall be entitled, subject to the

maximum limit of [5][fifty thousand kilometres] for travelling, to claim travelling allowance as if he or both or all of them, as the case may be, had undertaken the [8][journey by first class by railway]. In such cases, the difference between the fare for journey by air and the fare for [journey by first class railway] will have to be borne by the Leader of the Opposition.

(b) Where a Leader of the Opposition, either singly or jointly with the members of his family [9] [or companion] as aforesaid undertakes a journey by steamer or road transport, in any part of India outside the State, he shall be entitled, subject to the maximum limit of [5][fifty thousand kilometres] of travelling, to claim the fare for journey by steamer or road transport if it is less than the fare for [10] [journey by first class by railway] for the same distance, or if the fare for journey by the steamer or road transport is more than the fare for [10][journey by first class by railway] for the same distance, to claim the fare for [10][journey by first class by] railway for the distance, and he shall have to bear the difference between the two fares.

(3) In this section, where facilities are given to a Leader of the Opposition to travel jointly with the spouse (with or without minor children) [11][or companion], then in the case of a lady Leader of Opposition, she shall be entitled to have these facilities to travel from time to time, jointly with her spouse, or, instead, with any other member of her family as defined in the Explanation to Section 8.]

[1] Section 7 was substituted by Mah. 72 of 1981, Section 6.

[2] The words, figures and letters "with effect from the 1st day of April 1981," were deleted by Mah. 6 of 1991, section 3(a)(i).

[3] These words were substituted for the words "first class" by Mah. 6 of 1991, section 3(a)(ii).

[4] Inserted by Mah. 8 of 2001, dated 8th January 2001, section 7(a)(i).

[5] Substituted for "thirty thousand kilometres" by 32 of 2010 dated 21st December, 2010 (w.r.e.f. 01-04-2010).

[6] Inserted by Mah. 8 of 2001, dated 8th January 2001, section 7(a)(ii).

[7] Inserted by Mah. 8 of 2001, dated 8th January 2001, section 7(b)(i).

[8] These words were substituted for the words "first class" by Mah. 6 of 1991, section 3(b).

[9] Inserted by Mah. 8 of 2001, dated 8th January 2001, section 7(b)(ii).

[10] These words were substituted for the words "twenty thousand kilometres" by Mah. 24 of 1987, section 4.

[11] Inserted by Mah. 8 of 2001, dated 8th January 2001, section 7(c).

## **8. Medical Attendance :-**

Subject to any rules or orders made by the State Government, a Leader of the Opposition and the members of his family who are residing with and dependent on him, shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment.

Explanation.- For the purposes of this section, the expression "a member of the family" means the husband, wife, son, daughter, father, mother, brother or sister.

## **9. Telephone Facilities :-**

(1) Each Leader of the Opposition shall during the term of his office be entitled to have a telephone installed at Government cost at the place of residence or at any place in his constituency selected by him, being a place other than the place of, residence provided under this Act, by the State Government.

(2) No charge shall fall on the Leader of the Opposition personally in respect of installation of, initial deposit for, rental charges for maintenance of, and official calls made from the telephone installed under sub-section (1).

(3) There shall also be paid to each Leader of the Opposition a sum of [1][Rs. 12,000] per month, from the month in which telephone facility has been provided under this section.

[2][(4) Where a Leader of the Opposition has a telephone installed at any place referred to in subsection (1) at his own cost, then

(a) the rental charges in respect of such telephone shall be borne by the State Government, and there shall be paid to him a sum of [3][Rs. 12,000] per month in respect of such telephone;

(b) the charges in respect of official calls made from such telephone shall also be borne by the State Government if he resides at such place as a residence and a separate telephone is not provided to him by or under the provisions of this Act by the State Government.]

[1] Substituted for "Rs. 8,000" by 32 of 2010 dated 21st December, 2010 (w.r.e.f. 01-04-2010).

[2] Sub-section (4) was substituted by Mah. 4 of 1989, section 11.

[ 3 ] Substituted for "Rs. 8,000" by 32 of 2010 dated 21st December, 2010 (w.r.e.f. 01-04-2010).

#### **10. Secretariat Facilities :-**

There shall be placed at the disposal of each Leader of the Opposition such staff as may be determined by rules or orders made in that behalf.

#### **10A. Facility Of A Personal Assistant :-**

[1][Each leader of the Opposition shall be entitled, free of charge, to the services of a personal assistant. For this purpose, each Leader of Opposition may appoint any person, possessing such qualifications as may be prescribed by rules or orders made under section 13, as his personal assistant. Subject to such rules or orders as may be made in this behalf, the assistant so appointed shall receive a fixed salary of [2][Rs. 8,000] per month from the State Government.]

[1] Section 10-A was inserted by Mah. 48 of 1981, Section 9.

[2] Substituted for "Rs. 7000" by Mah. 18 of 2009, section 9 (w.e.f. 01-07-2009).

#### **11. Leaders Of Opposition Not To Draw Salary And Allowances, Etc. As Members Of State Legislature :-**

Notwithstanding anything contained in any law for the time being in force, determining the salaries and allowances of the members of the State Legislature, a Leader of the Opposition shall not be entitled to receive any salary or allowances or other facilities under such law although he is a member of the Assembly or the Council, as the case may be.

#### **12. Leaders Of Opposition Not Disqualified :-**

For the avoidance of doubt, it is hereby declared that a person shall not be disqualified for being chosen as, or for being, a member of the State Legislative Assembly or the State Legislative Council merely by reason of the fact that he holds the office of a Leader of the Opposition.

#### **13. Power Of State Government To Make Rules And Orders :-**



(1) Without prejudice to any power to make rules or order contained elsewhere in this Act, the State Government may make any rules or orders for carrying out the purposes of this Act.

(2) Any rule or order under this Act may be made so as to be retrospective to any date not earlier than the date of commencement of this Act.

(3) All rules or orders made under this Act shall have effect as if enacted in this Act.

#### **14. Amendment Of Bom Xlix Of 1956 :-**

Amendments have been incorporated in the principal Act.