

## LEADERS OF OPPOSITION IN MAHARASHTRA LEGISLATURE ALLOWANCES RULES, 1987

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## LEADERS OF OPPOSITION IN MAHARASHTRA LEGISLATURE ALLOWANCES RULES, 1987

### LEADERS OF OPPOSITION IN MAHARASHTRA LEGISLATURE ALLOWANCES RULES, 1987

#### **1. Short title :-**

These rules may be called the Leaders of Opposition in Maharashtra Legislature Allowances Rules, 1987.

#### **2. Definitions :-**

In these rules, unless the context requires otherwise-

(a) "Act" means the Leaders of Opposition in Maharashtra Legislature Salaries and Allowances Act, 1978.

(b) "actual travelling expenses" means the actual cost of transport of a Leader of the Opposition and the members of his family and for transport of his and his family's personal luggage, including charges for ferry and other tolls, if paid, but does not include charge,-

(i) for accommodation in a hotel or in a traveller's bungalow, or

(ii) for refreshments, or

(iii) for the carriage of any stores or conveyance, or

(iv) on account of presents to a driver and the like, or

(v) for any allowance for such incidental losses or expenses as breakage of crockery, wear and tear of furniture, or

(vi) for the employment of any additional domestic servants;

(c) "family" means the Leader of the Opposition's spouse residing with the Leader of the Opposition and children (including adopted children (if any), if under the personal law of the Leader of the Opposition, adoption is legally recognised), and step-children residing with and wholly dependent upon the Leader of the Opposition, and except in Rule 4. includes his parents, sisters and minor brothers if residing with and wholly dependent upon the Leader of the Opposition, but does not include more than one wife;

(d) "holiday" means a public holiday prescribed or notified by or under Section 25 of the Negotiable Instruments Act, 1881;

(e) "Leader of the Opposition" means the Leader of the Opposition in the Assembly or the Leader of the Opposition

in the Council, as the case may require;

(f) "section" means a section of the Act.

### **3. Travelling allowance for assuming office :-**

(1) Where a person is appointed as Leader of the Opposition, he shall be entitled to draw travelling allowance for himself and the member of his family and for the transport of his and his family's effects, in respect of journey to Bombay from his usual place of residence outside Bombay for assuming office, at his option either under this rule or Rule 4. A Leader of the Opposition who elects to be governed by the provisions of sub-rule (2) of this rule shall have no claim to any of the concessions admissible under Rule 4.

(2) Where a person on being appointed as a Leader of the Opposition undertakes the journey by railway or steamer, he shall be entitled to travelling allowance under Rule 4 or the following concessions that is to say -

(a) any accommodation, which a Leader of the Opposition is entitled under these rules to reserve by requisition after joining office;

(b) the charge for haulage of the reserved accommodation shall be paid by Government;

(c) the Leader of the Opposition shall pay to Government the fare which he would have paid if no accommodation had been reserved, and shall, in addition, pay in cash to the station master of the station or the officer in charge of the port of embarkation from which the journey commences, the fares for any member of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares shall be credited to Government.

### **4. Travelling allowance and transport of personal effects :-**

(1) Where the journey is undertaken by rail, a Leader of the Opposition may draw one single fare of the first class plus the following amount to cover incidental expenses, namely:-

(a) a lump payment of Rs. 150, and

(b) an allowance at the rate of 0.70 for every 10 kilometers, or part thereof, if the journey exceeds 5 kilometres, subject to limit of Rs. 20 if the journey by rail is of less than 12 hours; and Rs. 30 if such journey is of 12 hours or more.

(2) Where the journey is undertaken by steamer, a Leader of the Opposition may draw double the single fare of the highest class plus a lump payment of Rs. 150.

(3) A Leader of the Opposition may draw one fare of the first class for each adult member of his family, and one-half such fare for each child for whom such fare is payable, if they accompany him;

(4) A Leader of the Opposition may draw the actual cost of carriage by goods train, steamer or other craft; of personal effects; so however, that, in the case of a Leader of the Opposition having a family, the personal effects do not weigh more than 3360 kilograms and in any other case, such effects do not weigh more than 2240 kilograms : Provided that, a Leader of the Opposition whether having a family or not, may at his option engage a whole railway wagon of the minimum size, and draw the minimum charges payable for it according to the railway goods tariff if such charges exceed the charges for his maximum weightage provided as aforesaid.

(5) If a Leader of the Opposition carries his personal effects by a passenger-train instead of by a goods-train, he may draw the actual cost of carriage upto a limit of the amount which would have been admissible had he taken the maximum of number of kilograms by goods-train;

(6) A Leader of the Opposition who carries his personal effects by road between stations connected by rail or steamer, may draw actual expense upto the limit of the amount which would have been admissible had he taken the same quantity by goods-train or steamer, where the actual expenses claimed exceed such limit, the Leader of the Opposition, may for reasons recorded in writing, claim such charges, subject to the limit of the amount which would have been admissible if the maximum weight of personal effects in kilograms had been transported by goods-train or by steamer.

(7) Where a Leader of the Opposition transports his personal effects, which weigh more than the maximum weight in kilograms admissible to him under this rule by a cheaper route, he may draw actual charges not exceeding the amount admissible for the maximum weight by the normal recognised route;

(8) For the purpose of this rule, the actual physical weight of personal effects carried by steamer shall be taken into account, and not the theoretical weight as arrived at by the shipping companies according to their own formula for calculating the charges;

(9) Claims preferred under this rule for the carriage of personal effects shall be admitted in all cases at the lowest rates for "small".

Explanation - In this sub-rule, "small" means goods which of themselves do not constitute a working load for the unit of railway transport, the wagon. The minimum load constituting a wagon load is specified, by each of the railways who quote reduced rates for wagon loads, in its tariffs.

### **5. Journey by road in motor vehicle for assuming office :-**

(1) Where a Leader of the Opposition performs journey by road for assuming office in a motor vehicle (not being a vehicle plying for conveyance of passengers), he may draw one mileage at the rate of 55 paise per kilometre plus a lump payment of Rs. 150. He may draw, in addition a second mileage at the rate of 55 paise per kilometre, if one member of his family, accompanies him and one more mileage at the same rate if more than one member of his family accompany him:

(2) A Leader of the Opposition hiring a conveyance may draw mileages by road as provided in sub-rule (1), without the production of particulars of actual expenses and vouchers in support of the claim. The claim shall, however, be accompanied by a certificate in the following form, namely"- "I certify that 1 did not perform the road journey(s). for which the above mileages have been claimed, in a motor vehicle plying regularly for the conveyance of passengers."

Explanation - For the purposes of sub-rules (1) and (2). mileage as - Provided in this rule is also admissible for the distance between the Leader of the Opposition actual place of residence and the nearest railway station at both ends.

#### **6. Journeys by road in State vehicle for assuming office :-**

Where a Leader of the Opposition performs the journey for assuming office in a motor vehicle plying regularly for the conveyance of passengers, he may draw two fares for the journey for himself plus a lump payment of Rs. 150. In addition, he may draw one fare for every adult member of his family and one-half fare for each child for whom such fare is payable, if they accompany him on the journey.

#### **7. Transport of personal effects and packing charges :-**

A Leader of the Opposition may draw mileage allowance for the transport of his personal effects from his place or residence in the State outside Bombay by the cheapest means of conveyance within the limits prescribed in Rule 4, at the following rates for every 35 kilograms of goods and part thereof, if his personal effects except 17 kilograms in weight, that is to say -

Explanation -

(1) The rates specified for the place where a cart is hired shall apply to the whole journey when not over 8 kilometres.

(2) For journeys of 3 kilometres or less, mileage may be drawn as for 3 kilometres.

(3) Each separate "cartage" of kit. from the bungalow to a railway station shall be considered as a separate journey.

(4) A Leader of the Opposition may draw packing charges at the rate of 2 paise per kilogram of personal effects actually carried, subject to limits prescribed in Rule 4.

#### **8. Miscellaneous provisions in relation to foregoing rules :-**

For the purposes of the foregoing rules , -

(1) a member of a Leader of the Opposition's family who follows him within six months after the date of his taking over charge as Leader of the Opposition may be treated as accompanying him;

(2) If any such member travels from place in or out of India other than the Leader of the Opposition's usual place of residence outside Bombay, the Leader of the Opposition may draw the actual fare for the journey made by such member by rail or steamer, plus the road mileage, if any, at the rate and subject to the conditions prescribed in sub-rule (1) of Rule 5, for the actual distance of the road journey performed by such member; Provided that, their sum shall not exceed the total mileage allowance that would have been admissible had such member proceeded from his usual place of residence outside Bombay to Bombay;

(3) no travelling allowance shall be admissible in respect of a member added to the family, after the date of taking over charge as the Leader of the Opposition.;

(4) a Leader of the Opposition who claims higher travelling allowance on the ground that the members of his family accompanied him, shall support his claim by a certificate showing their number and relationship;

(5) a Leader of the Opposition claiming the cost for transport of personal effects shall support his claim by a certificate that the actual expense incurred was not less than the sum claimed;

(6) while furnishing the declaration of actual expenses, the Leader of the Opposition shall state the weight of personal effects actually carried and the details of the amount actually paid for its transport separately by rail, road, steamer or other craft;

(7) the following charges shall be admitted in audit as part of the cost of transport, namely :-

(a) lighterage, wharfage and port trust dues actually paid;

(b) agency fees and other incidental charges actually incurred on the transport by sea of a Leader of the Opposition's personal effects between his usual place of residence outside Bombay and the harbour, or the railway station and the harbour, or from one vessel to another, at the rate of rupees (Rs. 2) for every 35 kilograms or part thereof, if it exceeds 17 kilograms of the personal effects actually conveyed subject to the maximum weight in kilograms prescribed in Rule 4.

(c) octroi duty.

Explanation - In sub-clause (b) of sub-rule (7) -

(i) the incidental charges at the rate mentioned in that sub-rule may be admitted where a Leader of the Opposition is required to transport his personal effects by means of a country-craft while crossing a river or creek in the course of a journey by road;

(ii) incidental charges do not include customs duty;

(8) the charges for the transport of personal effects of a Leader of the Opposition allowed by this rule may be admitted in audit, if they do not, for good and sufficient reasons, accompany him, but are carried to Bombay within six months after the date of his taking over charge as Leader of the Opposition.

(9) The Leader of the Opposition, and not the Audit Office, is responsible for the accuracy of a claim for travelling allowance;

(10) A Leader of the Opposition shall not claim travelling allowance in respect of that item of his travelling allowance bill on which he has not actually spent anything by virtue of his having been provided with free transit for himself, any member of his family, or kit, in a private or Government vehicle. He may, however, claim an allowance for incidental expenses at the rates appropriate for journeys by rail, steamer or State Carriage by which he would have travelled in the normal course but for availing of free transit:

Provided that, in case he is entitled to the higher road mileage under Rule 5, a single mileage at such higher rate shall only be claimed in respect of himself and any member or member of his family who may also avail of free transit to cover incidental expenses. He may, however, claim travelling allowance as otherwise admissible for the members of his family who do not avail of free transit as well as for personal effects transported at his cost. The actual expenses or the transport of personal effects shall be restricted to the amount admissible for the maximum weight in kilograms as provided in Rule 4(4) reduced by that carried free in a private or Government vehicles:

(11) when a journey involves journey by more than one mode of travel (i.e. by rail, steamer or road), the lump payments admissible under this rule shall be subject to a maximum limit of Rs. 150.

#### **9. Journey by rail on tour on public business :-**

(1) A Leader of the Opposition may, when travelling by railway on tour on public business reserve by requisition , -

(a) one first class compartment; or

(b) engage a two or four berth air-conditioned compartment; or

(c) a saloon; Provided that except in exceptional circumstances duly certified by the Leader of the Opposition ,

(i) a saloon shall not ordinarily be requisitioned, unless the tour extends over more than one day (between sunrise and sunset); and

(ii) a six or eight-wheeled saloon shall not ordinarily be requisitioned when four wheeled saloon is available, and can be attached to the train by which he desires to travel. In exceptional circumstances either or both of these restrictions may be waived.

Explanation -

(1) As to what constitute exceptional circumstances, the certificate of the Leader of the Opposition shall be accepted as final.

(2) While travelling by railway in a reserved compartment consisting of two berths (i.e. a coupe) under clause (a) or clause (b) of sub-rule (1) a. Leader of the Opposition may use the second berth for taking his wife or dependent son or daughter with him in that compartment, free of charge.

(3) Without prejudice to the provisions of sub-rules (1) and (2) there shall also be paid to a Leader of the Opposition when travelling by railway on tour on public business, a sum equal to one first class fare for a journey by railway irrespective of the class in which a Leader of the Opposition actually travels.

#### **10. Provision for carrying car and for recovery of cost thereof :-**

(1) Where a Leader of the Opposition is satisfied that it is in the interest of the public service that he may send his motor car by railway or by steamer or by any other manner he may when traveling on tour on public business recover the cost of carrying the motor car, provided that. Government is satisfied that the car has been employed for all practical purposes, only as a means of performing in the public interest, a journey off the line of a railway. In cases where the presence of his car has apart from the advantages to Government of the particular tour on journey, saved him expense in hiring a conveyance or served his personal convenience to an appreciable extent he shall pay 1/5th of the cost of carriage.

(2) When claiming the cost under this rule, a certificate in following form shall be appended to the traveling allowance bill, namely :-

"I certify that the car was employed for all practical purposes only as a means of performing in the public interest a journey off the line of railway. The car has/has not saved me expense in hiring a conveyance or served my personal

conveyance to an appreciable extent and one fifth of the cost of carriage may/may not be recovered from me".

**11. Journeys by steamer on tour on public business :-**

(1) For the purpose of calculating mileage allowance for a journey performed by a Leader of the Opposition in respect of tours on public business by a steamer between Indian ports, a Leader of the Opposition shall be entitled to accommodation of the highest class.

(2) A Leader of the Opposition while performing the journey referred to in sub-rule (1) pays for his passage to the Steamship Company or their agents direct, the Leader of the Opposition shall furnish to the Audit Office with his travelling allowance bill, the following particulars, namely :-

- (a) Name of the ship and the date of embarkation;
- (b) the cost actually paid;
- (c) the agency through which the passage was booked.

"Certified \_\_\_\_\_ that

---

deck passage(s)

(Here enter the number)

From \_\_\_\_\_ to  
\_\_\_\_\_ has/have  
been provided

To

---

.

(Here enter the name etc., of  
the Leader of Opposition)

Per \_\_\_\_\_ S.S.

---

sailing

(Name of vessel)

On \_\_\_\_\_ the  
cost paid at tariff rate being Rs.

\_\_\_\_\_  
(Date)

Station\_\_\_\_\_

Date\_\_\_\_\_

\_\_\_\_\_  
Signature

Explanation -

(a) Steam launches plying up and down the creeks in the Ratnagiri and Sindhudurg districts shall be considered as over steamers for the purposes of these rules.

(b) The provisions of this rule shall apply in the case of Leader of the Opposition who crosses a river or arm of the sea by a steamer in the course of a journey on tour on public business, unless such crossing occurs during a railway journey and the charges for it are included in the railway fare. In the latter case, the crossing shall be treated as a part of the railway journey.

(c) Where a Leader of the Opposition travels by sea or river, otherwise than on payment of passage money, in a vessel the cost of which is paid by Government or by a local authority, he may draw no travelling allowance except daily allowance admissible to him; Provided that, when his luggage is not conveyed on the vessel but is sent separately at his expense, he may draw in addition the actual cost of transporting it.

(d) Where a Leader of the Opposition is allowed free transit by sea or river, otherwise than in a Government vessel, the mileage allowance which he draws for the journey shall be reduced by the amount of the fare which, but for such free transit he would have paid. If he travels on a free pass, the reduction made shall include the full number of fares covered by the pass, unless the Leader of the Opposition certifies that the pass was not used in respect of any fares for which no reduction is made. Provided that, nothing in this sub-rule shall apply in cases where a Leader of the Opposition is allowed a free pass by a steamship company, without cost to Government, unless the free pass is issued in connection with his official status or duties.

(e) If a Leader of the Opposition or a member of his family travels in a class of accommodation lower than that to which he is entitled, he shall be allowed the fare of the class of accommodation actually used, plus the extra allowance admissible according to these rules. All travelling allowance bills containing claims representing payment of railway or steamer fares shall bear the following certificate:- "Certified that the claims representing payment of railway or steamer fares are for the fares of the class of accommodation actually used"

(f) A Leader of the Opposition while travelling on tour on public business by steamer may reserve a cabin of two berths and draw fares for reservation of a cabin of two berths (but not when utilising a state cabin) and in addition,

the Leader of the Opposition may draw Rs. 10 for a journey of not less than 12 hours and Rs. 15 for a journey of more than 12 hours. When travelling in a State Cabin, no additional fare shall be admissible for incidental expenses.

**11A. Conveyance allowance for Leaders of the Opposition when using Government vehicles :-**

There shall be paid to each Leader of the Opposition a conveyance allowance at the rate of Rs. 1,500 per month.

**12. Journeys by road on tour on public business :-**

(1) A Leader of the Opposition when travelling by road on tour on public business shall be entitled , -

(a) (i) to 80 paise per kilometre, if he uses a Government car allotted to him or (ii) except as provided in clause (c), to the actual cost of hiring the conveyance, in whole or in part, subject to a limit of 80 paise per kilometre when using a car other than the Government car allotted to him:

(b) to actual expenses, subject to a limit of 35 paise per kilometre, when using a conveyance other than that mentioned in clause (a) and (c) of this sub-rule and also when provided with means of locomotion but pays only the cost of its use or propulsion.

(c) to the actual cost of hiring two seats subject to the limit of 80 paise per kilometre while travelling in a motor vehicle plying regularly for conveyance of passengers.

(2)

(i) Whenever a Leader of the Opposition is in need of transport while he is on tour on public business in the districts, the Collector or other Officer concerned shall provide him with a car of any Government Department.

(ii) Whenever a car (including a private car) other than a Distinguished Visitor's is provided for the use of the Leader of the Opposition during his tour on public business in the districts, the bills for the supply of petrol to the car shall be initially paid by the District Officer concerned, and the debit passed on subsequently to the Maharashtra Legislature Secretariat account for adjustment.

(iii) When a Distinguished visitor's car is provided, the bills on account of the use of the car shall be paid by the Maharashtra Legislature Secretariat.

(3) A Leader of the Opposition shall not draw any daily allowance when his tour on public business extends to one day away from Bombay. He may however, draw the daily allowance admissible to him when the tour extends beyond one day away from Bombay.

Explanation -

(a) In calculating mileage allowance for a journey by road, fractions of a kilometre in each item of a bill shall be rounded off to the nearest figure, half and more than half a kilometre being taken as one kilometre, and fractions less than half a kilometre being ignored.

(b) Each complete journey shall be considered separately, and a journey on tour on public business ends whenever a Leader of the Opposition returns to Bombay whether he halts there or not.

**13. Journeys when no special accommodation is reserved :-**

(1) A Leader of the Opposition when travelling on tour on public business by road, steamer, or rail, if no special accommodation is reserved, may draw, at his option, either his actual traveling expenses or the travelling allowance admissible under the foregoing rules. When claiming actual travelling expenses under this rule, a certificate to the following effect shall be appended to the travelling allowance bill, namely:- "I certify that I have actually paid the amount of this bill, and that it does not include any charge for the freight of any stores or goods other than my personal luggage, or any charge for refreshments, hotels or travellers' bungalows.

(2) Where a Leader of the Opposition when travelling by road , -

(a) takes out the Government car allotted to him for personal use, he may draw road mileage at the rate of 55 paise per kilometre;

(b) uses either a motor vehicle hired for him by Collector or the other Officer concerned, or a motor vehicle borrowed from an officer or any other individual the hire charges in respect of the former, and the actual expenses incurred on petrol, oil and on any article or thing for the proper use of the vehicle in the case of the latter as also bills for the use of distinguished visitor's car, if any shall be paid by Maharashtra Legislature Secretariat.

(3) A Leader of the Opposition when travelling on duty on public business by rail in reserved compartment (but not when utilising a saloon) or by Government vehicle or Distinguished Visitor's car for which no cost on its use is paid by the Leader of the Opposition, may draw 35 paise for every 10 kilometres or part thereof if it exceeds 5 kilometres, as allowance for incidental expenses for such journeys.

Explanation - (a) For the purposes of sub-rule

(1) stores carried for consumption on tour may be treated as personal luggage.

(b) A Leader of Opposition may draw travelling allowance by the route actually taken irrespective of whether or not such route is the shortest or the cheapest.

(c) A rail motor coach shall be treated as a compartment as it is not a saloon nor has the convenience of a saloon.

(d) The maximum incidental charges admissible for journey by rail under this rule shall be restricted to the following monetary ceilings namely:-

## monetary ceiling for journey

(i) of less than 12 hours . . . . .  
Rs. 10

(ii) of twelve hours and more . . . . .  
Rs. 15

### **14. Travelling allowance for journey by air :-**

Travelling allowance of a Leader of the Opposition travelling on tour on public business by air shall be regulated as follows, namely :-

(1) Whether a Leader of the Opposition is permitted under a special or general order of Government free transit by air in a Government aeroplane, or in an aeroplane, chartered by Government for the purpose, he shall be entitled to travelling allowance as follows, namely:-

(a) If he has not to provide separate conveyance at his own expense for his peons or luggage, he may draw the daily allowance admissible to him, and may not exchange it for mileage allowance. If, however, part of the journey is made by other means of locomotion, he may, at his option, draw in lieu of, or in addition to the daily allowance, the mileage allowance admissible for that part provided the conditions of Rule 25 are fulfilled in respect of that part taken independently, except in Bombay;

(b) If he has to provide separate conveyance at his own expenses for his peons or luggage, he may ,-

(i) if the journey is between places connected by rail or steamer, draw one-half or one fare as the case may be, of the class of accommodation in which he is entitled to travel, or

(ii) if the journey is between places not connected by rail or steamer, draw the daily allowance as admissible to him or half the mileage allowance calculated for the journey. If, however, a part of the journey is performed by other means of locomotion, he may draw the travelling allowance admissible for that part, subject to the condition laid down in clauses (a) and (b) of sub-rule (2) of Rule 24.

(2) For journeys performed in an aeroplane of public air transport companies regularly plying for hire :-

(a) a Leader of the Opposition traveling in respect of tour on public business by air shall be entitled to the mileage allowance equal to one standard air fare for the journey plus an allowance for incidental expenses at one-fifth of the standard air fare limited to a maximum of Rs. 75 for each journey within the State and Rs. 100 for each journey outside the State.

Explanation -

(i) "Standard air fare" means the actual single journey air fare payable for the service by which the journey is performed, including the 1st class fare in an aircraft, where there is such a class provided the journey is actually performed by that class in that aircraft.

(ii) The limit of Rs. 75 for each journey within the State and Rs. 100 for each journey outside the State on the amount for the incidental expenses in respect of journeys by air shall apply to the total air journey between the starting station and destination even if the journey by air between those stations is performed by more than one service. However, if any official duty is required to be performed by a Leader of Opposition at the place of termination of one service before he avails of another service, each of the journeys from the starting station to that intermediate station and from the latter to the destination, shall be treated as a single air journey for the purpose of the aforesaid limit of Rs. 75 for each journey within the State and Rs. 100 for each journey outside the State for incidental expenses.



(in) In the case of air journeys involving an over-night halt (either due to non-availability of connecting service or to the cancellation of the connecting service at an intermediate station, for which the Indian Airlines Corporation does not provide at its expense, any facility for boarding or lodging to the touring Leader of Opposition), half daily allowance at the rate applicable to that intermediate station may be drawn by him in respect of each such over-night halt, in addition to the allowance for incidental expenses admissible for the air journey.

(iv) Drawal of daily allowance for a halt in an intermediate station which is necessitated by the performance of official duty at the station shall be regulated under Rules 20 to 23.

(v) Leader of the Opposition who are allowed free transit by air in a Government aeroplane or an aeroplane chartered by Government for the purpose shall be paid incidental charge on the same scale as admissible to Leader of the Opposition travelling by regular air service planes.

(vi) For forward and return journeys, when the return ticket at a reduced rate is purchased, the actual cost of the return ticket plus two-fifths of the standard air fare for a single journey or Rs. 150 for journeys within the State or Rs. 200 for journey outside the State whichever is less (the two fifths being limited respectively to Rs. 150 or 200 only) as incidental expenses shall be admissible. If available, a return ticket at reduced rate shall always be purchased, when a Leader of the Opposition expects to perform the return air journey within the period during which such return ticket is available.

(3) A Leader of the Opposition, who is allowed free transit by air in a Government aeroplane or an aeroplane chartered by Government for the purpose, shall be paid incidentals on the same scale as are admissible to a Leader of the Opposition travelling by regular air service planes. These are related to standard air fares. Where standard fares do not obtain for routes not served by the scheduled air services, a Leader of the Opposition shall be paid incidental charges at the rate of 10 paise per kilometre limited to Rs. 75 for each single journey within the State and 15 paise per kilometer limited to Rs. 100 for each journey outside the State. In cases where a Leader of the Opposition undertakes more than one journey between places not connected by scheduled air services on the same day, he shall be paid incidental expenses on the same scale as admissible to the Leader of the Opposition travelling by regular air service planes or as mentioned above, subject to the overall limit of Rs. 75 for each journey within the State and Rs. 100 for each journey outside the State for all air journeys performed on that day.

(4) (i) Each Leader of the Opposition shall also be entitled to the facility provided under sub-rule (1) while travelling on duty by commercial airlines, but in his case the facility will be available at Government cost only for two return journeys in the State and two return journeys in any part of India outside the State, during a financial year and for any such journey or journeys, exceeding the limits aforesaid, undertaken by him with the spouse, the difference between the fare for journey by air and the fare for journey by railway in an airconditioned compartment will have to be borne by the Leader of the Opposition.

#### **15. Travelling by air to foreign countries :-**

Where a Leader of the Opposition visits foreign countries on public business, he shall be entitled to travel by air by first class.

#### **16. Cancellation of air passage :-**

On the cancellation of a journey due to official reasons (or circumstances which are unavoidable and are beyond his control), a Leader of the Opposition shall be entitled to be reimbursed by Government any deduction made by an Air Transport Company when refunding the fare on account of cancellation of the air passage.

#### **17. Rate of daily allowance :-**

A Leader of the Opposition may draw daily allowance at the uniform rate of Rs. 75 for all places in India:

Provided that, where a Leader of the Opposition travelling on tour on public business outside the State of Maharashtra is treated as a "State Guest", he may not draw any daily allowance.

#### **18. When daily allowance to be drawn :-**

Daily allowance may not be drawn except during the period of absence from Bombay on tour on public business.

Explanation - For the purposes of this rule a period of absence from Bombay begins when a Leader of the Opposition leaves Bombay, and ends when he actually returns to his place of residence in Bombay, whether he halts there or not.

#### **19. When daily allowance may not be drawn :-**

Daily allowance may not be drawn for any day on which a Leader of the Opposition does not reach a point outside a radius of 8 kilometres from Bombay or Nagpur, if that place is appointed for the purposes of Section 9 or beyond the limits of the Municipal Corporation of Greater Bombay or of the City of Nagpur, whichever is farther, or return to Bombay or Nagpur, as the case may be, from a similar point.

Explanation -

(1) This rule does not apply to a Journey which is continued without interruption to a point more than 8 kilometres from Bombay or Nagpur or beyond the limits mentioned in this rule, is farther even though at the expiration of the day (midnight) on which the journey was commenced, the Leader of the Opposition had not reached such a point.

(2) A Leader of the Opposition may make a journey between two stations, the distance between whose points exceeds 8 kilometres and daily allowance in respect of such a journey shall be admissible only if the conditions

prescribed in this rule are satisfied.

**20. Daily allowance during halt :-**

Subject to the conditions laid down in Rules 21 and 22, daily allowance may be drawn during a halt on a tour on public business or on a holiday occurring during such tour.

Explanation -

(1) "Day" means a calendar day, beginning and ending at midnight. But an absence from Bombay which does not exceed 24 hours, though it may begin and end on different calendar dates, is reckoned as one day for the purpose of travelling allowance. For such an absence, a Leader of the Opposition is restricted to one day's daily allowance which may be exchanged for mileage allowance by road, railway or steamer, when a Leader of the Opposition leaves Bombay on one day and returns the next day and claims daily allowance for more than one day, the hours of departure from and of return to Bombay shall be given.

(2) A Leader of the Opposition who during the course of his tour on public business returns temporarily to Bombay on a Sunday or other holiday to attend to his private business is not entitled to draw daily allowance for the day or days spent at Bombay, as daily allowance is not admissible for any day, whether Sunday or other holiday, unless the Leader of the Opposition is actually, and not merely constructively on such tour. Accordingly, in respect of a claim for daily allowance for a Sunday or other holiday falling during the course of such tour, the Leader of the Opposition shall certify on the travelling allowance bill that he was actually, and not merely constructively, on tour on public business on such a day.

(3) A Leader of the Opposition who leaves a place at which he has been halting on tour on public business, precisely at midnight, is entitled to draw daily allowance if otherwise admissible, is admissible, in respect of the halt for the 24 hours, immediately preceding his departure.

**21. Provision for calculating daily allowance :-**

Quantum of daily allowance admissible for a halt on tour on public business at an outstation shall be related to the actual period of halt. The daily allowance for a period of halt specified in column 1 of the Table below shall be calculated as shown in column 2 of the Table. \

Explanation - For the purpose of this rule, the period of halt shall begin from the time the forward journey ends at an outstation and shall end at the time the return or further journey commences.

**22. Daily allowance for halt for more than 15 days :-**

Daily allowance may not be drawn for a continuous halt of more than fifteen days at any one place: Provided that, Government may grant general or individual exemptions from the operation of this rule, on such conditions as it thinks fit, if it is satisfied -

(a) that prolonged halts are necessary in the interest of the public business; and

(b) that such halts necessitate the maintenance of equipage, or where no equipage is maintained, continue after the first fifteen days, to entail extra expense upon the Leader of the Opposition.

**23. Halting place and halts :-**

For the purposes of Rules 19, 20 and 22 -

(a) after a continuous halt of 15 days' duration, the halting place shall be deemed to be appointed as Bombay;

(b) a halt is continuous unless terminated by an absence on duty at a distance from the halting place exceeding 8 kilometres for a period including not less than three nights;

(c) in calculating the duration of a halt, any day on which a Leader of the Opposition travels or halts at a distance from the halting place exceeding 8 kilometres shall be excluded.

Explanation - For the purpose of clause (b) of this rule, a halt is considered to be terminated when a Leader of the Opposition returns to Bombay even though the return may be for less than three nights.

**24. Mileage allowance in place of or in addition to daily allowance :-**

(1) Subject to any conditions, which Government may by general or special order impose, a Leader of the Opposition may exchange his daily allowance for mileage allowance on any day on which he travels by railway or steamer or both, more than 32 kilometres by road; provided that, if a continuous journey extends over more than one day, the exchange shall be made for all such days and not for a part only of them.

(2) Where a journey by road is combined with a journey by railway or steamer under sub-rule (1) of this rule, then subject to the provisions of this rule -

(a) mileage allowance may be drawn on account of such journey by road, but such mileage allowance shall be limited to the amount of daily allowance unless the road journey exceeds 32 kilometres.

(b) unless such journey by road is a journey to or from Bombay or temporary residence at a place of halt, mileage allowance shall, subject to the provisions of this rule, be calculated on the distance actually travelled.

(3) No mileage allowance for a journey to and from a railway station or steamer port shall be admissible in addition to mileage for the journey by rail or by steamer, unless the sum of all the road journey performed in connection

with the journey by rail or steamer during the same calendar day exceeds 8 kilometres.

(4) Short journey within a radius of 8 kilometres from Bombay may not be added to other journeys when calculating the distance travelled by road or the amount of mileage allowance for the road journeys.

(5) Two or more Leaders of the Opposition travelling on tour on public business in the same conveyance may not all draw mileage for journeys, but only the Leader of the Opposition who either owns the conveyance or has borrowed or hired it may draw mileage and daily allowance, subject to the above conditions, while the rest may draw travelling allowance admissible to them.

(6) Vouchers shall be attached to every travelling allowance bill presented for payment. If vouchers cannot be obtained, the Leader of the Opposition shall certify that to the best of his knowledge, the claim is correct. But when the whole conveyance is hired, a voucher shall ordinarily be required.

(7) The nature of the conveyance used shall be certified on the travelling allowance bill presented for payment.

**25. Condition for exchanging daily allowance for mileage apply to journeys by air :-**

The conditions under which daily allowance may be exchanged for mileage allowance under Rule 24 apply to journeys by air also, except that where the standard air fare includes charges for transportation to and from the airport, such journeys shall not be included in calculating road mileage.

**26. Restrictions on daily allowance :-**

A Leader of the Opposition travelling on tour on public business within 8 kilometres of Bombay or within the limits mentioned in Rule 20. whichever is farther, shall not be entitled to daily or mileage allowance, but may recover the actual amount limited to the daily allowance which he may have spent in payment of ferry and other tolls, if any.

**27. Journeys for election campaign :-**

(1) Whenever a Leader of the Opposition undertakes a journey out of Bombay on election campaign in connection with elections to the State Legislature or Parliament or elections to local authorities in his own constituency or any other constituency or on private work at his own cost, he shall, if he is required to interrupt the election campaign or the private-work, as the case may be, and return to Bombay in the public interest, be held eligible for a single return railway, air or steamer fare by usual class and road mileage as on tour plus the incidental charges as admissible under these rules.

Explanation - For the purposes of this sub-rule, the journey undertaken to return to Bombay for attending any meeting or any conference at Bombay shall be deemed to be a journey undertaken in the public interest.

(2) Travelling allowance shall be admissible if a Leader of the Opposition goes from his constituency where he has proceeded to a place in connection with elections to any other place on urgent official work, but such travelling allowance shall be limited to the amount admissible from Bombay to that place and back, that is limited to the amount which would have been payable to the Leader of the Opposition as if he had performed the journey to that place from Bombay.

(3) This rule shall also be applicable to the case of journeys performed by a Leader of the Opposition in a Government plane for election purpose, and also while on official duty.

**28. Journeys performed by family of Leader of the Opposition who dies while in office :-**

The members of the family of a Leader of the Opposition who dies while holding office of Leader of the Opposition may draw the travelling allowance as follows, provided that they complete the journey within six months after his death, that is to say , -

(1) for journey by rail or steamer or by both -

(i) actual fares (without the allowance for incidental expenses) of the class of accommodation to which the deceased Leader of the Opposition was himself entitled for each member of his family, except the provisions for the use of a saloon.

(ii) the actual cost of transportation of personal effects as laid down in these rules.

(2) for journeys by road -

(i) one mileage allowance if one member of the family, a second mileage allowance if two other members of the family and a third mileage allowance if more than two other members of the family travel, at the rate applicable to the deceased Leader of the Opposition.

(ii) travelling expenses shall be admissible by the shortest route from Bombay to the usual place of residence which shall be the Leader of the Opposition's permanent home or such other place as may have been declared by him while he was a Leader of the Opposition to be his permanent home: Provided that, if the permanent home is outside the State of Maharashtra then the traveling allowance shall be admissible only in respect of the portion of the journey upto the end of the State boundary;

(3) if at the time of a Leader of the Opposition's death, a member of his family happens to be at a station other than Bombay, or living there, proceeds to a station other than usual place of residence, such member may draw the actual fare for the journey made by rail or steamer, road mileage for the actual distance of the road journey and cost of transport of personal effects from the place where he was at the time of the Leader of the Opposition's death

to the place to which he actually travels, provided that the total expenses claimed shall not exceed the total mileage allowance and cost of transportation of personal effects upto the prescribed limits that would have been admissible had such member travelled from Bombay to the usual place of residence of the Leader of the Opposition.

**29. Journey on relinquishing office :-**

A Leader of the Opposition on relinquishing office shall be entitled to draw travelling allowance for himself and for members of his family in respect of journey between Bombay and his usual place of residence, within the State according to the provisions of Rule 4.

**30. Controlling officer :-**

A Leader of the Opposition shall be his own Controlling Officer for purposes of travelling allowance. After a Leader of the Opposition relinquishes office, the Secretary, Maharashtra Legislature Secretariat shall be Controlling Officer for the purposes of travelling allowance bill of the Leader of the Opposition in respect of his and his family's journey back to his usual place of residence and for the transfer of his personal effects. Such bills shall be preferred within a period of six months from the date of relinquishment of office.

**31. Leader of the Opposition not entitled to cost in transporting his family or personal effects in certain cases :-**

Except as otherwise expressly provided in these rules, a Leader of the Opposition shall not, when undertaking tours on public business or otherwise, be entitled to recover from the Maharashtra Legislature Secretariat the cost of transporting the members of his family, personal effects, conveyances, tents and other articles or goods.-

**32. Repeal and saving :-**

On the commencement of these rules, any rules and orders made in this behalf and in force immediately before such commencement shall stand repealed: Provided that, anything done or any action taken (including any claim for allowances already made or any such claim to be made) under the rules and orders so repealed shall be deemed to have been done or taken or continued or made under the corresponding provisions of these rules.