

**MAHARASHTRA LEGISLATIVE COUNCIL (CHAIRMAN AND
DEPUTY CHAIRMAN) AND THE MAHARASHTRA LEGISLATIVE
ASSEMBLY (SPEAKER AND DEPUTY SPEAKER) SALARIES
AND ALLOWENCES RULES, 1987**

CONTENTS

1. Short title
2. Definitions
3. Travelling allowance for assuming office
4. Travelling allowance and transport of personal effects
5. Journey by road in motor vehicle for assuming office
6. Journey by road in State carriage for assuming office
7. Transport of personal effects and packing charges
8. Miscellaneous provisions in relation to foregoing rules
9. Journey by rail on tour on public business
10. Provision for carrying car and for recovery of cost thereof
11. Journey by steamer on tour on public business
- 11 A. Conveyance allowance for Presiding Officers when using Government Vehicles
12. Journeys by road on tour for public business
13. Journey when no special accommodation is reserved
14. Journeys by air on tour on public business
15. Travelling allowance for journey by air
16. Travelling by air to foreign countries
17. Cancellation of air passage
18. Rate of daily allowance
19. When daily allowance to be drawn
20. When daily allowance may not be drawn
21. Daily allowance during halt
22. Provision for calculating daily allowance
23. Daily allowance for halt for more than 15 days
24. Halting place and halts
25. Mileage allowance in place of or in addition to daily allowance
26. Condition for exchanging daily allowance for mileage apply to journeys by air
27. Restriction on daily allowance
28. Journeys for election campaign
29. Journeys performed by family of Presiding Officer who dies while in office
30. Journey on relinquishing office
31. Controlling Officer
32. Presiding Officer not entitled to cost in transporting his family or personal effects in certain cases

33. Repeal and saving

MAHARASHTRA LEGISLATIVE COUNCIL (CHAIRMAN AND DEPUTY CHAIRMAN) AND THE MAHARASHTRA LEGISLATIVE ASSEMBLY (SPEAKER AND DEPUTY SPEAKER) SALARIES AND ALLOWENCES RULES, 1987

MAHARASHTRA LEGISLATIVE COUNCIL (CHAIRMAN AND DEPUTY CHAIRMAN) AND THE MAHARASHTRA LEGISLATIVE ASSEMBLY (SPEAKER AND DEPUTY SPEAKER) SALARIES AND ALLOWENCES RULES, 1987

1. Short title :-

These rules may be called the Maharashtra Legislative Council (Chairman And Deputy Chairman) And The Maharashtra Legislative Assembly (Speaker And Deputy Speaker) Salaries And Allowances Rules, 1987.

2. Definitions :-

In these rules, unless the context requires otherwise , -

(a) "Act" means the Maharashtra Legislative Council (Chairman And Deputy Chairman) And The Maharashtra Legislative Assembly (Speaker And Deputy Speaker) Salaries And Allowances Act., 1956;

(b) "actual travelling expenses" means the actual cost of transport of a Presiding Officer 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 charges -

(i) for accommodation in a hotel or in a travellers' 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 or breakage of crockery, wear and tear of furniture: or

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

(c) "family" means the Presiding Officer's spouse residing with the Presiding Officer and children (including adopted children (if any), if under the personal law, of the Presiding Officer adoption is legally recognised), and step-children residing with or wholly dependent upon the Presiding Officer, and except in Rule 4, includes his

parents, sisters and minor brothers if residing with and wholly dependent upon the Presiding Officer; 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) "Presiding Officer" means the Chairman or the Deputy Chairman of the Legislative Council and the Speaker or the Deputy Speaker of the Legislative Assembly as the case may require;

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

3. Travelling allowance for assuming office :-

(1) Where a person is elected as a Presiding Officer, he shall be entitled to draw travelling allowance for himself and the members of his family, and for the transport of 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 Presiding Officer 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 elected as Presiding Officer 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 Presiding Officer is entitled under these rules to reserve by requisition after joining office;

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

(c) The Presiding Officer 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 the 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 Presiding Officer

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 Rs. 0.70 for every 10 kilometres, or part thereof, if the journey exceeds 5 kilometres, subject to a 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 Presiding Officer may draw double the single fare of the highest class plus a lump payment of Rs. 150.

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

(4) A Presiding Officer 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 Presiding Officer 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 Presiding Officer 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 Presiding Officer 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 number of kilograms by goods-train;

(6) A Presiding Officer, who carries his personal effects by road, between stations connected by rail or steamer, may draw actual expenses, 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 exceeds such limit, the Presiding Officer 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-tram or by steamer.

(7) Where a Presiding Officer 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 available rate for "smalls".

Explanation In this sub-rule, "smalls" 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 load, in its tariffs.

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

(1) Where a Presiding Officer performs the journey by road for assuming office in a motor vehicle (not being a vehicle plying for conveyance of passengers), he may draw 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 accompanies him.

(2) A Presiding Officer 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 I 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 Presiding Officer's actual place of residence and nearest railway

station at both ends.

6. Journey by road in State carriage for assuming office :-

Where Presiding Officer 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 Presiding Officer 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 exceed 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 Presiding Officer 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 Presiding Officer's family who follows him within six months after the date of his taking over charge as Presiding Officer may be treated as accompanying him;

(2) if any such member travels from a place in or out of India other than the Presiding Officer's usual place of residence outside Bombay, the Presiding Officer 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 Presiding Officer:

(4) a Presiding Officer 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 Presiding Officer 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 Presiding Officer 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 Presiding Officer'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 two 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 Presiding Officer 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 leviable on imported cars;

(8) The charges for the transport of personal effects of a Presiding Officer 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 Presiding Officer.

(9) The Presiding Office, and not Audit Officer is responsible for the accuracy of a claim for travelling allowance:

(10) a Presiding Officer 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 members 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 for 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 vehicle;

(11) When a journey involves journey by more than one mode of travel (i.e., by a rail, steamer or road), the lump payment 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 Presiding Officer 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 a Presiding Officer ,-

(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 tram by which he desires to travel, in exceptional circumstances either or both these restrictions may be waived.

Explanation As to what constitute exceptional circumstances, the certificate of a Presiding Officer 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 (b) of sub- rule (1), a Presiding Officer 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 be paid to a Presiding Officer, 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'Presiding Officer actually travels.

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

(1) Where a Presiding Officer 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 travelling 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 or journey, saved him expenses 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 travelling 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 a 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. Journey by steamer on tour on public business :-

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

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

(i) Name of the ship and the date of embarkation;

(ii) the cost actually paid;

(iii) the agency through which the passage was booked.

If such journey is performed by deck the Presiding Officer shall also attach to the travelling allowance bill the following certificate duly signed by the shipping agent at the time of booking the passage.

Explanation

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

(b) The provisions of this rule shall apply in the case of Presiding Officers who cross 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 Presiding Officer 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 Presiding Officer 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 shall include the full number of fares covered by the pass, unless the Presiding Officer certifies that the pass was not used in respect of any fare or fares for which no reduction is made:

Provided that, nothing in this sub-rule shall apply in cases where a Presiding Officer is allowed a free pass by steamship company, without cost to Government, unless the free pass is issued in connection with his official status or duties.

(e) If a Presiding Officer 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 Presiding Officer 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 Presiding Officer may draw Rs. 10 for a journey of 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 Presiding Officers when using Government Vehicles :-

There shall be paid to each Presiding Officer a conveyance allowance at the rate of ¹ [Rs. 3,000] per month.

1. Subst. by G.N. of 18-9-1987

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

(1) A Presiding Officer 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 Presiding Officer 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 car is provided for the use of a Presiding Officer 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 Presiding Officer 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

kilometre, and fractions less than half a kilometre being ignored.

(b) Each complete journey shall be considered separately and a journey on public business ends whenever a Presiding Officer returns to Bombay whether he halts there or not.

13. Journey when no special accommodation is reserved :-

(1) A Presiding Officer 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 travelling expenses or the travelling allowance admissible under the foregoing rules, when claiming actual 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 Presiding Officer 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 80 paise per kilometre;

(b) uses either a motor vehicle hired for him by the 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 the Maharashtra Legislature Secretariat.

(3) A Presiding Officer when travelling on duty on public business by rail in a reserved compartment (but not when utilising a saloon) or by Government vehicle or Distinguished Visitors' Car for which no cost on its use or propulsion is paid by the Presiding Officer may draw 35 paise for every 10 kilometres or part thereof if it exceeds 5 kilometres, as allowance for incidental expenses of 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 Presiding Officer may draw travelling allowance by the route

actually taken irrespective of whether or not such route is the shortest or 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. Journeys by air on tour on public business :-

(1) (a) A Presiding Officer may use the Government aeroplane in respect of tours on public business and not for any private purpose.

(2) Road mileage shall be allowed, where admissible, to the Presiding Officer, for surface transport to and from the aerodrome except in Bombay.

(3) Presiding Officers using Government aeroplane under sub-rule (1) of this rule, may take with them a Government servant whom the Presiding Officer wants to accompany him.

(4) Where a Presiding Officer uses the Government aeroplane, only daily allowance for the air journey plus a mileage allowance for other journeys e.g., rail, road, steamer, as admissible under Rule 15, may be granted.

15. Travelling allowance for journey by air :-

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

(1) Where a Presiding Officer 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 been provided special 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 26 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 25.

(2) For journeys performed in an aeroplane of public air transport companies regularly plying for hire:- (a) a Presiding Officer travelling in respect of the tour on public business by air shall be entitled to the mileage allowance equal to the standard air fare for the journey plus an allowance for incidental expenses at one-fifth on 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 journey 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 Presiding Officer 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.

(iii) In the case of an air journey involving an overnight 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, and facility for lodging or boarding or the touring Presiding Officer, halt daily allowances at 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 at an intermediate station which is necessitated by the performance of official duty at that station shall be regulated under Rules 21 to 24.

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

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

(3)A Presiding Officer, 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 Presiding Officer travelling by regular air service planes. These are related to standard air fares. Where standard fares do not obtain for routes and served by the scheduled air services, a Presiding Officer shall be paid incidental charges at the rate of 10 paise per kilometre limited to Rs. 75 for each journey

within the State and 15 paise per kilometre limited to Rs. 100 for each journey outside the State. In case where a Presiding Officer 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 Presiding Officer travelling by regular air service planes or as mentioned above, subject to the overall limit of Rs. 75 per each journey within the State and Rs. 100 for each journey outside the State for all air journeys performed on that day.

(4) Each Presiding Officer shall also be entitled to the facility provided under sub-rule (1) while travelling on duty by commercial Airlines, but in their 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 the journey by air and the fare for journey by railway in an air-conditioned compartment will have to be borne by the Presiding Officer.

16. Travelling by air to foreign countries :-

Where a Presiding Officer visits foreign countries on public business, he shall be entitled to travel by air by first class.

17. 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 Presiding Officer 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 Air passage.

18. Rate of daily allowance :-

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

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

19. 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 Presiding Officer leaves Bombay, and ends when he actually returns to his place of residence in Bombay, whether he halts there or not.

20. When daily allowance may not be drawn :-

Daily allowance may not be drawn for any day on which a Presiding Officer 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 6 or 12, as the case may be, 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, whichever is farther even though at the expiration of the day (midnight) on which the journey was commenced, the Presiding Officer had not reached such a point.

(2) A Presiding Officer may make a journey between two stations, the distance between those 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.

21. Daily allowance during halt :-

Subject to the conditions laid down in Rule 22 and 23, daily allowance may be drawn during a halt on 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 Presiding Officer is restricted to one day's daily allowance which may be exchanged for mileage allowance by road, railway or steamer, when a Presiding Officer 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 Presiding Officer who during the course of his tour on public business returns temporarily to Bombay on a Sunday or other holiday to attend his private business is not entitled to draw daily allowance for the day or days spent at Bombay, a daily allowance is not admissible for any day, whether Sunday or other holiday unless the Presiding Officer 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 tour, the Presiding Officer 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 Presiding Officer 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 in respect of the halt for the 24 hours, immediately preceding his departure.

22. 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 the 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 of further journey commences.

23. 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 Presiding Officer.

24. Halting place and halts :-

For the purposes of Rules 20, 21 and 23 -

(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 Presiding Officer 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 Presiding Officer returns to Bombay even though the return may be for less than three nights.

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

(1) Subject to any conditions, which Government may by general or special order imppe, a Presiding Officer 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 be 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 Presiding Officers travelling on public business in the same conveyance may not all draw mileage for journeys, but only that Presiding Officer who either owns the conveyance or has borrowed or hired it may draw mileage and daily allowance, subject to the above condition, 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 Presiding Officer 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.

26. 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 25 apply to journey by air also, except that where the standard air fare includes charges for transportation to and from the airport, such journey shall not be included in calculating road mileage.

27. Restriction on daily allowance :-

A Presiding Officer travelling on tour on public business within 8 kilometres of Bombay or within the limits mentioned in Rule 21. 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.

28. Journeys for election campaign :-

(1) Whenever a Presiding Officer 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 to 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

(1) For the purposes of this sub-rule, the journey undertaken to return to Bombay for attending any Committee 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 Presiding Officer 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 Presiding Officer 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 Presiding Officer in a Government plane for election purpose, and also while on official duty.

29. Journeys performed by family of Presiding Officer who dies while in office :-

The members of the family of a Presiding Officer who dies while holding office of Presiding Officer 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) The actual fares (without the allowance for incidental expenses) of the class of accommodation to which the deceased Presiding Officer was himself entitled for each member of his family, except the provisions for the use of the 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 Presiding Officer.

(ii) travelling expenses shall be admissible by the shortest route from Bombay to the usual place of residence which shall be

Presiding Officer's permanent home or such other place as may have been declared by him while he was a Presiding Officer to be his permanent home:

Provided that, if the permanent home is outside the State of Maharashtra, then the travelling 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 Presiding Officer'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 the 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 Presiding Officer'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 deceased Presiding Officer.

30. Journey on relinquishing office :-

A Presiding Officer on relinquishing office shall be entitled to draw travelling allowance for himself and the 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.

31. Controlling Officer :-

A Presiding Officer shall be his own Controlling Officer for purposes of travelling allowance. After a Presiding Officer relinquishes office, the Secretary, Maharashtra Legislature Secretariat, shall be the Controlling Officer for the purposes of the travelling allowance bill of the Presiding Officer 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.

32. Presiding Officer not entitled to cost in transporting his family or personal effects in certain cases :-

Except as otherwise expressly provided in these rules, a Presiding Officer shall not, when undertaking tours on Public business or otherwise, be entitled to recover from the State Government, the

cost of transporting the members of his family, personal effects, conveyances, tents and other articles or goods.

33. 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.