

MAHARASHTRA LEGISLATURE MEMBERS SALARIES AND ALLOWANCES ACT, 1956

49 of 1956

[20th February, 1984]

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MAHARASHTRA LEGISLATURE MEMBERS SALARIES AND ALLOWANCES ACT, 1956

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An Act to provide for the salaries and allowances of Members of the Maharashtra Legislature and certain other matters. WHEREAS it is expedient to provide for the salaries and allowances of Members of the Maharashtra Legislature and certain other matters as hereinafter appearing; It is hereby enacted in the Seventh Year of the Republic of India as follows

1. Short title and commencement :-

1 [

(1) This Act may be called the Maharashtra Legislature Members' Salaries and Allowances Act.

]

(2) It shall be deemed to have come into force on the 1st day of November. 1956.

1. Sub-section (1) was substituted, ibid.

2. Definitions. :-

In this Act. unless there is anything repugnant in the subject or context.-

(a) "Assembly" means the [Maharashtra Legislative Assembly

(b) "Chairman" means the Chairman of the Council:

(c) "Committee" means a committee of the Assembly or the Council or a joint committee of both, as the case may be;

(d) "Council" means the [Maharashtra Legislative Council];

(e) "Member" means a Member of the Assembly or the Council, as the case may be,

(f) ["Minister", "Minister of State" and "Deputy Minister" means respectively a Minister, a Minister of State and a Deputy Minister] of the [Government of Maharashtra] and "Minister" includes the Chief Minister [and the Deputy Chief Minister]; [ff) "newMember" means [Member who is elected or nominated to the Assembly or Council after the commencement of the Bombay Legislature Members' Salaries and Allowances (Amendment) Act, 1969], and includes a Member who is re-elected or re-nominated]:

(g) "Parliamentary Secretary" means a Parliamentary Secretary to a Minister;

(h) "Speaker" means the Speaker of the Assembly;

[(i) "term of office" means -

(a) in relation to a new Member, the period beginning with the date when such Member takes his seat in the Assembly, or, as the case may be, in the Council [or such other earlier date as the State Government may by order specify in this behalf, if he is not likely

to take

(b) in relation to any other Member, the period at whichever date begun, before the commencement of the ¹ [the Bombay Legislature Members' Salaries and Allowances (Amendment) Act, 1969] and ending with the date on which his seat becomes vacant],

1. These words, brackets and figures were substituted for the words, brackets and figures "a Member who takes his seat in the Assembly or Council after the commencement of the Bombay Legislature Members' Salaries and Allowances (Amendment) Act, 1958". by Mah. 21 of 1969, Section 2 (b) (ii).

3. Salaries to be paid to Members and consolidated allowances. :-

] ¹[

(1) There shall be paid to each Member ²[during the whole of his term of office] a salary at the rate of ³[Rs. 2,000] per month.

⁴[

(2) There shall be paid to each Member during the whole of his term of office per month a sum of ⁵ [Rs 500] as a consolidated allowance for all matters not specifically provided for by or under the provisions of this Act].

1. Section 3 was renumbered as sub-section (1) and sub-section (2) was added by Bom. 38 of 1959, Section 2(1).

2. These words were inserted by Bom. 43 of 1958, Section 3.

3. Substituted by Mah. 32 of 1999, Section 8.

4. Subst.by Mah. 23 of 1985, Section 2.

5. These words were added by Bom. 33 of 1959. Section 2 (2).

3A. Salary and allowances of Leaders of Opposition :-

Deleted by Mah. 8 of 1978, Section 14 (a).

4. Daily allowance to be paid to Members. :-

There shall be paid, subject to such rules or orders ¹[as may be made under Section 8] in this behalf, to each Member a daily allowance ²[at the rate of ³[Rs. 400] for each day of the period of residence for the purpose of attending the session of the Assembly or Council or the meeting of a Committee, as the case may be, at the place where such session or meeting is held ⁴[or for each day of the period of residence at any place where any business connected with the Member's duties as Chairman of a Committee is transacted ⁵[or where any other business connected with his duties

as Member is transacted.]

Provided that in the case of a Member, who ordinarily resides or carries on business at the place where such session or meeting is held ⁶[or where such business is transacted], there shall be paid to such Member subject to the rules or orders as aforesaid daily allowance ⁶[at the rate of ⁶[Rs.100] for each day on which he attends such session or meeting ⁶[or transacts such business]; but a break of not more than three days between two successive meetings [or days on which such business is transacted] shall be deemed to be days of attendance ⁶[or of the transaction of such business] for such Member who does leave the place of session or meeting ⁶[or of the transaction of such business] during such break.

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[Explanation:- For the purposes of this section and Section 5, attendance of a Member, with the approval of the Speaker or the Chairman, as the case may be. at any place for participating in any refresher course in parliamentary practice and procedure, or for being present at any seminar, conference or meeting of any Parliamentary- Association. University or other recognised body on matters connected with any parliamentary affairs, shall be deemed to be attendance of the Member at that place for transacting a business connected with his duties as a Member.]

1. These words and figures were substituted for the words "as the State Government may make" by Bom. 38 of 1959, Section 3
2. This portion was substituted for the words, figures and letters "at the rate of Rs. 10" by Mah. 3 of 1965, Section 3.
3. Substituted by Mah. 32 of 1999, Section 3.
4. These words were inserted by Mah. 17 of 1962. Section 2(1)
5. These words were inserted by Mah. 19 of 1978, Section 2 (a)
6. These words were inserted by Mah. 17 of 1962, Section 2 (2)
11. This explanation was added by Mah. 19 of 1978, Section 2 (b)

5. Travelling allowance to be paid to Members :-

(1) There shall be paid to each Member a travelling allowance for a journey undertaken for the purpose of attending the session of the Assembly or Council or a meeting of a Committee to the place where such session or meeting is held ¹[, or for the purpose of transacting any business connected with his duties as Chairman of a Committee ²[or of attending to any other business connected with his duties as Member], to the place where such business is to

be transacted,] and for the return journey from such place - ³

(i) at the rate of one and one-half of the first class fare for a journey by railway or steamer, irrespective of the class in which the Member actually travels, and]

(ii) at such rate per mile for a journey by road, sea or river in addition to the journey by railway or steamer, as may likewise be prescribed ⁴,

Provided that nothing in this sub-section shall entitle a Member to travelling allowance, if such Member ordinarily resides or carries on business at the place where such session or meeting is held ⁵[or such business is transacted

6

Provided further that, if a Member ordinarily resides or carries on business at any place outside the State of Maharashtra, he shall be entitled to travelling allowance under this section only for that part of his journey which is performed within the limits of the State

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Provided also that where a Member travels ⁹[by railway or steamer] in accordance with the facilities provided under Section SAC, or travels on a free pass under Section 5A, he shall be entitled only to a travelling allowance of an amount equal to one first class fare for the distance travelled as if such journey had been performed by railway.

10

(1A) Notwithstanding anything contained in sub-section (1), any member may. for the purpose of attending the session of the Assembly or Council, undertake or perform journey by air from the nearest airport from his residence to and fro only on one occasion during the entire period of the session

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(2) Notwithstanding anything contained in Section 4 or in this section, if a session of the Assembly or the Council is adjourned for more than one day and if a member undertakes a journey from the place where

1. These words were inserted by Mah. 17 of 1962, Section 3(1)

2. These words were inserted by Mah. 3 of 1965, Section 4 (a)(i)

3. Clause (i) was substituted, *ibid.* Section 4 (a) (ii).
4. The words "by the State Government" were deleted by Bom. 38 of 1959. Section 4 (2)
5. These words were inserted by Man. 17 of 1962. Section 3(1).
6. This proviso was inserted by Mah. 11 of 1966, Section 2 (a).
7. This proviso was substituted by Mah. 3 of 1965, Section 4 (a) (iii).
8. These words were substituted for the words "Provided further that" by Mah. 11 of 1966. Section 2 (b).
9. These words were substituted for the words "by railway" by Mah. 64 of 1974, Section 2.
10. Inserted by Mah. 22 of 1987. Section 4
11. Added by Mah. 28 of 1981. Section 4.

5AA. Allowances to Chairman or member of Committee when on tour on duty in any part of India :-

¹There shall be paid to the Chairman or a member of Committee in respect of a journey performed by him in the course of a tour in any part of India, undertaken in the discharge of his duties as such Chairman or member, ² [daily and travelling allowances] at the same rates as are provided for in Sections 4 and 5.

1. This section was inserted by Mah. 17 of 1962, Section 4.
2. These words were substituted for the words "daily travelling and conveyance allowances" by Mah. 3 of 1965, Section 5.

5AB. Chairman) of [Committees entitled to travel] [by air-conditioned coach or by air] :-

¹²³⁴Notwithstanding anything contained in Sections 5 and Appellate Authority, ⁵any Member may, for the purpose of transacting any business connected with his duties as ⁶[Chairman of any Committee] undertake or perform the journey referred to in those sections ⁷[either by railway in an air-conditioned coach or by air] and in that case, he shall be entitled to receive traveling allowance of an amount equal to one and one-fourth ⁸ [of the fare for the air-conditioned class, or as the case may be, of the air fare) for each such journey.]

1. These words were substituted for the words "by air" by Mah. 24 of 1969, Section 2 (c).
2. Sections SAB and SAC were inserted by Mah.3 of 1965, Section 6. Section 8 of Mah. 3 of 1965 reads as follows:- "Section SAB inserted in the principal Act by section 6 of this Act shall be deemed to have come into force on the 15th day of December, 1961 "
3. The words "Leaders of the Opposition and" were deleted by Mah. 8 of 1978. Section 14(a)(ii).

4. The word "certain" was deleted by Mah. 49 of 1972, Section 2 (b).
5. The words "the Leaders of the Opposition when undertaking or performing any journey for the purposes of these sections and" were deleted by Mah. 8 of 1978. Section 14(a)(i).
6. These words were substituted for the words beginning with "Chairman of the Committee" and ending with "or Committee on Government Assurances" by Mah. 49 of 1972. Section 2 (a).
7. These words were substituted for the words "by air" by Mah. 24 of 1969. Section 2 (a).
8. These words were substituted for the words "of the air fare", ibid. Section 2 (b).

5AC. Free transit by railway and steamer :-

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(1) Every member shall, with effect from the 1st day of April, 1981, be provided with facilities, which shall entitle him at any time to travel singly by first class by any railway in any part of India, or by steamer in any part of the State of Maharashtra, in such manner, and subject to such conditions, as may by rules or orders be prescribed in that behalf:

Provided that such travel by railway in any part of India, whether within the State or outside the State, may be availed of by the member, either singly or jointly with his spouse or with his minor children or jointly with his spouse and minor children, so, however, that the distance so travelled by the member outside the State and by the members of the family whether within or outside the State, in any financial year, does not in the aggregate exceed ²[thirty thousand kilometres.]

Explanation:- For the purpose of calculating the maximum limit of ³[twenty thousand kilometres] for travelling the number of kilometres travelled by an officer jointly with his spouse, outside the State, and the number of kilometres travelled by the member of his family from the place of residence, whether within or outside the State, shall be counted separately.

(2)

(a) Notwithstanding anything contained in this Act, where a member, either singly or jointly with his spouse or with his minor children or jointly with his spouse and minor children, undertakes a journey by air, in any part of India, whether within or outside the State, instead of by railway, as provided in this section, he shall be

entitled, subject to the maximum limit of ³[twenty thousand kilometres] for travelling, to claim „ travelling allowance as if he or both or all of them, as the case may be, had undertaken the journey by railway. In such cases, the difference between the fare for journey by air and the fare for journey by railway will have to be borne by the member.

(b) Where a member, either singly or jointly with the members of his family as aforesaid undertakes a journey by steamer or road transport, in any part of India outside the State, he shall be entitled, subject to the maximum limit of ³ [twenty thousand kilometres] for travelling, to claim the fare for journey by steamer or road transport if it is less than the fare

(3) In this section and in Section 5A, where facilities are given to a member to travel jointly with the spouse (with or without minor children), then in the case of a lady member, she shall be entitled to have these facilities to travel, from time to time, jointly with her spouse or, instead, with any other member of her family as defined in the Explanation below sub-section (2) of Section 6].

1. This Section was substituted by Mah. 72 of 1981, Section 2.
2. Substituted by Mah. 22 of 1987, Section 5.
3. These words were substituted for the words "fifteen thousand kilometres" by Mah. 23 of 1985, Section 4.

5A. Free transit by road transport service :-

¹Every member shall be provided with one free non- transferable pass [together with a voucher book, for reservation of, seats without charge] which shall entitle him at any time ² [to travel either] singly or jointly with his spouse by such road transport services, including those provided by the Maharashtra Tourism Development Corporation Limited, (in any part of the State of Maharashtra in which those services operate), such class of accommodation therein, and subject to such conditions as may by rules or orders be prescribed in that behalf].

1. Section 5A was substituted for the original by Mah. 29 of 1960, Section 3.
2. These words were substituted for the words "to travel by such road transport services" by Mah. 28 of 1981 .Section 6.

5B. Daily allowance and travelling allowance to members on vacating seats. :-

¹ Notwithstanding anything contained in this Act, a person on

ceasing to be a member shall be entitled, and be deemed always to have been entitled-

(a) for the day next succeeding the day on which he ceased to be a member to daily allowance at the rate provided for in Section 4, and

(b) for the return journey, to travelling allowance at the rate provided for in Section 5 for such journey]

1. Section 5B was inserted by Bom. 66 of 1959, Section 2.

5C. Telephone facilities to members :-

1.

(1) A Member shall be entitled to have a telephone installed at Government cost at the place where he ordinarily resides or at any other place in the State which is also used by him for residence. The amount of initial deposit, installation and rental charges shall be borne by the State Government.

(2) Where a Member has a telephone installed at the place of his residence referred to in sub-section (1) at his own cost, then the rental charges in respect of such telephone shall be borne by the State Government.

(3) There shall be paid to every Member from the 1st day of January, 1975 a sum of ² [Rs. 6,000] per month irrespective of the fact whether or not telephone facility has been provided under this section or whether the member has a telephone installed at his own cost].

1. Section 5C was substituted for the original by Mah. 40 of 1975, Section 2.

2. Substituted by Mah. 32 of 1999, Section 11.

6. Amenities :-

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(1) A member shall be entitled to residential accommodation ²[either without payment, of rent or on payment of such rent and] on such scale and on such conditions and to such other facilities as may be prescribed by rules or orders made under Section 8:

³Provided that, where any residential accommodation is provided to a member in any Hostel for the Members it shall be without payment or rent]

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(2) Subject to rules or orders made under Section 8, a member shall be entitled for himself and for members of his family who are residing with, and dependent on him, free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment.

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

(3)⁴A member shall be entitled, free of charge, to the services of a personal assistant. For this purpose, the Chairman, the Deputy Chairman, the Speaker or the Deputy Speaker, as the case may be, may appoint any person, possessing such qualifications as may be prescribed by rules or orders made under Section 8, as his personal assistant. Subject to such rules or orders as may be made in this behalf, the assistant so appointed shall receive a fixed salary of ⁵[Rs. 3,000] per month from the State Government.

(4)

(a)⁶A member elected to the Assembly shall be entitled to the use of a motor vehicle provided by the State Government, for ⁷[fifteen days] in a month, for the purpose of touring within the limits of his constituency. If the constituency of such member is situated within the limits of any City-for which a Municipal Corporation is constituted, he shall be entitled to this facility within the limits of that City.

(b) A member nominated to the Assembly and any member of the Council shall be entitled to use of a motor vehicle provided by the State Government, for ⁸[fifteen days] in a month, for the purpose of touring, at his option, either within the limits of any Assembly constituency selected by him or within the limits of the taluka in which he ordinarily resides or carries on business. If any such member ordinarily resides or carries on business in a City for which a Municipal Corporation is constituted, he shall be entitled to this facility within the limits of that City.

(c) Where a member uses the motor vehicle provided under clause (a) or (b), the cost for the services of the chauffeur shall be borne by the State Government. The cost of fuel required for the vehicle shall subject to a maximum limit of distance or quantity as may be

fixed by rules or orders made in this behalf, be borne by the State Government.

(d) Where a member does not make use of a motor vehicle provided under clause (a) or (b) for the purpose of his touring, throughout the period of any month, he shall be entitled to a mileage allowance for the tours undertaken by him in that month, at such rate and subject to such maximum limit of distance as may be fixed by rules or orders made in that behalf]

(5)⁹There shall be paid to every member a sum of ¹⁰ [Rs. 2000] per month for stationery and postage].

1. Section 6 was substituted by Mah. 23 of 1964, Section 2.
2. These words were inserted by Mah. 3 of 1965, Section 7.
3. The proviso was added by Mah. 28 of 1981, Section 8 (a).
4. Sub-section (3) was substituted by Mah. 48 of 1981, Section 3.
5. Substituted by Mah. 22 of 1987, Section 7 (a).
6. Added by Mah. 28 of 1981, Section 8 (b)
7. Substituted by Mah. 22 of 1987, Section 7 (b) (i).
8. Substituted, by Mah. 22 of 1987, Section 7 (b) (ii).
9. This sub-section was added by Mah. 23 of 1985, Section 6 (c).
10. Substituted by Mah. 10 of 1997, Section 7 (c).

6A. Travel facilities to members :-

¹. Without prejudice to the other provisions of this Act, every member, who travels with his spouse shall once during every session be Entitled to one first class railway fare or, as the case may be ² [steamer fare] for his spouse from his usual place of residence to the place where the session is held and for the return journey from such place.

1. Sub-section 6A was inserted by Mah. 64 of 1974, Section 5.
2. These words were substituted for the words "steamer fare and" by Mah. 11 of 1976, Section 2. These words were substituted for the words "Ministers, Deputy Ministers," by Mah. 52 of 1969, Sections (2). These words were inserted by Mah. 8 of 1978, Section 14 (c) (iii).

7. Minister, Ministers of State. Deputy Ministers. Speaker, Chairman :-

Leaders of Opposition] or salaried Parliamentary Secretaries not entitled to salaries and allowances under this Act Notwithstanding anything contained in this Act ¹[Minister, Minister of State or Deputy Ministers] the Speaker or Chairman, [or a Leader of the Opposition] or a salaried Parliamentary Secretary shall not be entitled to any salary, allowances, or provision for residential

accommodation under this Act, by reason of the fact that²[Minister, Minister of State, Deputy Ministers] the Speaker, Chairman,³ [Leader of Opposition] or salaried Parliamentary Secretary is a member of the Assembly or Council.

1. These words were substituted by Mah. 52 of 1969, Section 5(1).
2. These words were inserted by Mah. 8 of 1978, Section 14 (c)(ii). Sub-section (1) and the marginal note were substituted for the original by Bom. 38 of 1959, Section 6.
3. The words "shall elect its Chairman and" were deleted, ibid. Section 3 (b).

8. Power to make rules and orders :-

(1)

(a) For the purpose of making rules or orders under this section, there shall be constituted a joint Committee of both Houses of the Legislature consisting of five members from the Council nominated by the Chairman and ten members from the Assembly nominated¹[by the Speaker and the Finance Minister shall be its ex-officio member and Chairman.]

(b)The Joint Committee constituted under clause (a)²shall have power to regulate its procedure.

(c) a member of the Joint Committee³ [other than the Finance Minister] shall hold office as such member for one year from the date of his nomination and any casual vacancy in the Joint Committee may be filled by nomination by the Chairman or the Speaker, as the case may be.

(d) The Joint Committee constituted under clause (a) may, in consultation with the State Government, make rules or orders for carrying out the purposes of this Act.

(e) Any rules or orders made under clause (d) shall not take effect until they are approved and confirmed by the Chairman and the Speaker and are published in the Official Gazette; and such publication of the rules or orders shall be conclusive proof that they have been duly made.]

(2) Any rule or order under this section may be made so as to be retrospective to any date not earlier than the 1st day of November, 1956.

(3) Rules or orders made under this section shall have effect as if

enacted in this Act.

1. These words were substituted for the words "by the Speaker" by Mah. 72 of 1981, Section 3 (a).
2. The words "shall elect its Chairman and" were deleted, ibid. Section 3 (b).
3. These words were inserted ibid. Section 3 (c).

9. Repeal :-

The Bombay Legislature Members' Salaries and Allowances Act, 1937 (Bom. III of 1937), the Bombay Legislature Members' Daily Allowance Act, 1950 (Bom. XXI of 1950) and the Bombay Legislature Members' Traveling Allowance Act, 1950 (Bom. XLV of 1950) (in this section referred to as the said Acts), and any law corresponding to the provisions of this Act in force immediately before the 1st day of November, 1956 in or in relation to any territories which after that date form part of the new State of Bombay shall stand repealed:

Provided that, notwithstanding such repeal any rules or orders made under the said Act, shall, so far as they are inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act, unless and until they are superseded by any rules or orders made under this Act.