

MEMBERS OF MAHARASHTRA LEGISLATURE (ALLOWANCES) RULES

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MEMBERS OF MAHARASHTRA LEGISLATURE (ALLOWANCES) RULES

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1. Short title :-

1 These rules may be called the Members of Maharashtra Legislature (Allowances) Rules.]

1. Substituted vide M.L.S. Notification No.26153/4-38, dated 6-

10-81 published in M.G.G., Pt. 1V-C, dated 6-10-1981, p. 80.

2. Definitions :-

In these rules, unless the context requires otherwise .- ¹

(a) "Act" means the Maharashtra Legislature Members' Salaries and Allowances Act (Bom. XLIX of 1956);]

(b) "day" means a period of twenty-four hours beginning at midnight:

(c)"House" means the Assembly or, as the case may be, the Council:

(d)¹ "member" means a member of the Assembly or the Council, as the case may be, but does not include a Minister, Minister of State or Deputy Minister or the Chairman or Deputy Chairman or the Speaker or Deputy Speaker or a Leader of Opposition or a salaried Parliamentary Secretary;]

(e) "period of residence" means the period beginning on the commencement of a session of a House or meeting of a Committee and ending on the termination thereof during which a member resides at the place where the session or meeting is held for attending the same; and includes the day, immediately preceding the commencement of the session of the meeting and the day immediately succeeding the termination thereof;

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

1. Substituted vide M.L.S. Notification No.26153/4-38, dated 6-10-81 published in M.G.G., Pt. 1V-C, dated 6-10-1981, p. 80.

3. Daily Allowance :-

Subject to the provisions of these rules a Member shall be entitled to draw daily allowance at the rate of ¹ [Revision settlement. 75] specified in Section 4 for each day during the period of residence:

Provided that the member shall not be entitled to daily allowance for any day during the period of residence, unless the member -

(a) has resided at such place for at least 6 hours on that day (not being the day on which he departs finally from the place of that session or meeting and does not return); and

(b) if the session or meeting is held on that day, he has except due to illness or such final departure from such place, attended such

session or meeting on that day.

1. This has been raised from Rs. 50 to Rs. 75 with effect from 1st August, 1985, vide Notification No. 31415-A/H-38, dated 17th December, 1985, published in M.G.G., Part IV-C, dated 17th December, 1985

4. When members entitled to draw travelling allowance :-

Subject to the provisions of these rules, no member shall be entitled to draw travelling allowance under Section 5 except for the first journey undertaken by him from his usual place of residence for the purpose of attending a session of a House or meeting of a Committee at the place where such session or meeting is held and for the return journey therefrom whether before or after the termination of the session or close of the meeting:

Provided that, where a member performs such journeys from a place other than his usual place of residence, or returns to such place, he shall be entitled to draw travelling allowance for the actual journey performed or the journey from or to his usual place of residence, whichever is less.

5. Rate of travelling allowance :-

(1) Subject to the provisions of these rules, a member shall be entitled to draw travelling allowance under Section 5, for journeys described in that section undertaken by him for the class and at the rates hereinafter provided, that is to say , - if the journey is undertaken -

(a) by railway or steamer, the rate shall be one and one-half of the fare of the first class provided thereon;

(b) by road ,

(i) in the hired conveyance, the rate shall be ¹[one rupee] per kilometre, or the actual cost incurred, whichever is less, and

(ii) in any other manner, the rate shall be ¹[one rupee] per kilometre;

(c) by sea or river, in a stream launch, or in any vessel, other than a steamer, the rate shall be ¹ [one rupee] per kilometer.

(2)

(a) The allowance to be drawn under sub-rule (1) shall be calculated for the shortest route, that is to say, the route by which

a member may by the ordinary modes of traveling most speedily reach his destination. Where more routes than one equally short exist, the fare or rate shall be calculated for the cheapest route.

Where it is not convenient for a member to travel by the shortest route for the reason that all trains, or, as the case may be, all steamers or steam launches do not halt at a railway station or port nearest to the place where he ordinarily resides or carries on business, he may travel by the route more convenient to him, and in such case the travelling allowance shall be calculated for the route by which he actually travelled.

(b) Where the shortest route is temporarily closed, the extra allowance at the fare or rate aforesaid may be allowed for the next shortest route.

(bb) If due to the timing of the arrival or departure of any steamer, it is both inconvenient and not possible to reach the place of session or meeting or, as the case may be, the place of residence, earlier, a member may undertake journey by the next shortest and cheapest land route and draw the travelling allowance for such journey.

(c) In case of doubt or dispute as regards the shortest route the matter shall be referred to the Chairman, or, as the case may be, the Speaker, and the Chairman or the Speaker shall decide the shortest route and such decision shall be final.

1. This has been raised from forty paise to one rupee with effect from 1-12-1982, vide M.L.S. Notification No.90-H-38 dated 1-12-1982, published in M.G.G., Part IV-C, dated 1-12-1982.

6. Member not entitled to allowances for attending meeting of Committee in certain cases :-

Notwithstanding anything contained in Rules 3 and 4, a member shall not be entitled to draw -

(a) travelling allowance, or daily allowance under the Act for attending a meeting of a Committee on any day unless he attends such meeting for at least half the period of its duration on that day;

(b) where a meeting of a Committee is called when a House is in session, travelling allowance, if he has already drawn travelling allowance for the journey undertaken by him for attending the session:

Provided that the Chairman, or, as the case may be, the Speaker may sanction the grant of allowances under clause (a), if failure to attend the meeting for the period aforesaid is satisfactorily explained.¹

1. T.A/D.A. shall be drawn in accordance with Rules 4, 5 and 6 in the case of Committees other than Legislature Committees, vide Appendix to these rules.

7. Travelling Allowance :-

(1) Where a session of a House is held for a period exceeding fourteen days, then on the expiry of any continuous period of fourteen days, a member, who after attending any seven meetings during such period of fourteen days, leaves the place of session to any place in the State of Maharashtra, shall be entitled to travelling allowance for the journeys undertaken by him to such place and for returning therefrom for attending the session, at the rate admissible under Rule 5, provided that the total amount of such travelling allowance does not exceed the total amount of daily allowance, which would have been admissible to such member under the Act for the days of absence, if he had not undertaken the journey.

(2) Notwithstanding anything contained in sub-rule (1), where such journeys are undertaken at the time before the expiry of the said period of fourteen days, they shall, for the purpose of sub-rule (1), also be deemed to have been undertaken in accordance with the said sub-rule, if the member has attended seven meetings as required in the said sub-rule and the day or days between the commencement of the journeys and the expiry of the said period of fourteen days constitute an unbroken period during which no meeting of the house is held.

8. Allowance for attending the meeting of Committee during adjournment :-

¹ Where a meeting of a Committee is adjourned for more than one day, and if a member undertakes journey from the place where the meeting is held to the place where he ordinarily resides or carried on business and returns to the place where such meeting is held, he shall be entitled to draw at his option either the daily allowance for the period of such journeys or the travelling allowance.

1. Substituted vide MLS Notification No.26153/H-38, dated 6-10-1981, published in M.G.G., Pt. IV-C. dated 6-10-1981.

9. Allowances admissible when Members attend session which is adjourned :-

Where a Member arrives at the place of session or meeting of a Committee and such session or meeting is adjourned to a future date, if such Member did not have notice sufficiently in advance of the adjournment, he shall be entitled to draw allowance in accordance with Rule 8.

10. Allowances for attending meetings of Committee held before or after session :-

Where a meeting of a Committee is held

(1) not more than five days before the commencement of a session of a House and is adjourned or terminated before the commencement of the session, then -

(a) if the Member stays during the period between adjournment or termination of the meeting and the commencement of the session at the place where the meeting is held, such Member may draw daily allowance for each day of his stay during such period at the rate specified in Section 4;

(b) if during such period he visits the place where he ordinarily resides or carries on business and returns therefrom for attending the session, he may draw travelling allowance for the journeys undertaken by him at the rate admissible under Rule 5, but the total amount of such travelling allowance shall not exceed the amount of daily allowance that he would have drawn if sub-clause (a) of this clause had applied to him;

(2) not later than five days, after the adjournment or prorogation of a session of a House, then , -

(a) if the member stays during the period between the adjournment or prorogation of the session and the commencement of the meeting at the place where the session is held, such member may draw daily allowance for each day of his stay during such period at the rate specified in Section 4;

(b) if during such period he visits the place where he ordinarily resides or carries on business and returns therefrom for attending the session, he may draw travelling allowance for the journeys undertaken by him at the rate admissible under Rule 5 but the total amount of such traveling allowance shall not exceed the amount of daily allowance that he would have drawn if sub-clause

(a) of this clause had applied to him;

10A. Allowances for attending the office by the Chairman of Committees :-

1 . Where break between two successive days, when a member transacts business as a Chairman of a Committee, does not exceed three days when if such a member visits during the said break, the place where he ordinarily resides or carries on business or returns therefrom for transacting such business, he shall be entitled to an amount equal to T.A. admissible under Section 6 or the T.A. admissible under Section 4 had he stayed at place where the business had been transacted, whichever is less.

1. Inserted vide MLS Notification No. 4224/H38, dated 17-2-1981, published in M.G.G., Pt. 1V-C, dated 19-2-1981.

11. Member resigning or ceasing to be Member after attending session or meeting on any day entitled to salary and allowances for that day :-

Where a Member immediately after attending a session of a House or a meeting of a Committee, resigns his seat or ceases to be a Member, he shall notwithstanding anything contained in these rules, be entitled to draw for the day on which he resigns or ceases to be a Member his salary, daily allowances and also traveling allowance for the return journey to the place where he ordinarily resides or carries on business. If he resides at the place where the session or meeting is held for at least six hours on the day next succeeding to the day on which he resigns or ceases to be a Member, he shall be entitled to daily allowance also for such succeeding day.

12. Allowance not to be drawn if it is already drawn in another capacity :-

Notwithstanding anything contained in these rules, a Member shall not draw travelling or daily allowance admissible under these rules, if, for the same journey or the same halt if he has drawn travelling or daily allowance from the Government Treasury [or from any other Government or semi-Government body] in another capacity.

13. Travelling allowance may be drawn in advance :-

A Member may draw in advance travelling allowance for his final return journey under these rules.

14. Daily allowance not to be paid in advance :-

The daily allowance shall not be paid in advance to any Member.

15. Audit of Bills :-

(1) A Member claiming travelling or daily allowance shall prepare a bill in that behalf, and endorse thereon any one or more of the certificates in the following forms applicable to his claim, and present the bill to the Maharashtra Legislature Secretariat :- (See Section 4, Proviso)

(i) Certified that I did not leave the place of session, or meeting during the period of break commencing on_____and ending on_____'____'for which daily allowance is claimed under the proviso to Section 4.

(ii) Certified that I do not ordinarily reside or carry on business at Bombay /Nagpur.

(iii) Certified that distances travelled by road, sea or river are correct so far as I have been able to ascertain. (See Rule 3)

(iv) Certified that I attended/could not attend on account of illness _____the meeting/meetings of the Assembly/Council or due to my final departure on the day/days for which daily allowance is claimed.

(v) Certified that I resided for not less than six hours at Bombay/Nagpur on each of the days as stated on the reverse for which daily allowance has been claimed for the purpose of attending the session of the Council/Assembly meeting of the Committee.

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(v a) Certified that the journeys undertaken for the purpose of attending (i) the session of the Assembly/Council, (ii) the meetings of the Committee, (iii) for the purpose of transacting business connected with my duties as Chairman of the Committee, (iv) other business connected with my duties as member, to the place where such session/meeting is held or to the place where such business is to be transacted, were actually performed in the manner indicated in the Bill.]

(vi) Certified that, in respect of journeys which were performed by road in a hired conveyance, the allowance claimed for the road journeys does not exceed the actual cost incurred by me for hiring the conveyance.

(vii) Certified that the journeys by road were not performed by the State Transport Service using the free pass facility.

(viii) Certified that, I attended the meeting or meetings of the Committee in respect of which travelling allowance, and daily allowance, are claimed for at least half the period of its duration on each of these days. that day

(ix) Certified that I have actually undertaken the journeys for which I have claimed travelling allowance under Rule 7/8/9/10.

(x) Certified that I resided for not less than six hours at Bombay/Nagpur during the period commencing on_____and ending on_____for which daily allowance is claimed by me under Rule 8/9/10 read with Rule 3.

(xi) Certified that I have not already drawn travelling allowance for the same journey or daily allowance for the same halt, in another capacity.

² [(xii) Certified that the details of the return journey from the place where the session of the Assembly/Council was held or the meeting was held or the business was transacted, for which T.A. has been drawn by me in advance will be furnished on completion of the journey. I also undertake to refund the amount if any, by which the T.A. admissible with reference to the return journey actually performed happens to be less than the amount of T.A., advance drawn by me in this Bill.]

(2) The bill shall be countersigned by the Secretary of the Legislature or any officers authorised by him in that behalf and paid either by a cheque against his assignment Account or at the Treasury from which the member draws his salary: Provided that where a Member claims allowances under Rule 9, the Secretary or such officer shall, before countersigning the bill, also endorse thereon the following certificate, namely :- Certified that"_____did not have notice sufficiently in advance of the adjournment of the session/meeting of _____/of lo_____on 11_____

(3) The paid vouchers shall then be sent to the Accountant General.

1. Added vide MLS Notification No. 4224/H 38, dated 17-2-1981. published in M.G.G.. Pt. IV-C, dated 19-2-1981.
2. Added vide MLS Notification No. 4224/H 38, dated 17-2-1981, published in M.G.G., Pt. 1V-C. dated 19-2-1981.

16. Residential accommodation :-

¹ Deleted.

1. Deleted vide MLS Notification No. 26I53/H-38, dated 6-10-1981, published in M.G.G. Pt. IV-C, dated 6-10-1981.

16A. Residential accommodation in Dak Bungalows etc :-

When a Member visits any place in the State of Maharashtra for the purposes of attending to any business connected with his duties as a member, he shall, on certifying to that effect, be . provided with residential accommodation in a Government Dak- Bungalow. Inspection- Bungalow, Circuit House or Rest House during the period of his stay at such place on such business on the same terms and conditions on which Government Officers of class 1 are provided with accommodation therein when on duty.

17. Telephone Facilities :-

When during a session of a House, or a sitting of a Committee, as the case may be ¹ [a Member who resides in a Legislator's Hostel shall be entitled] to make local calls free of charge from the telephones installed in the said Hostel and also the telephones installed for Members' use near the Assembly or Council Chambers.

1. Substituted vide MLS Notification No. 26I53/H-38, dated 6-10-1981, published in M.G.G. Pt. 1V-C, dated 6-10-1981.

18. Recovery of Government and other dues from Members bills :-

(1) Whenever any Government dues, such as house rent. telephone dues. etc. are reported to be outstanding against a Member and appropriate claims or bills in support thereof are received from the authority concerned and where such Member, inspite of repeated requests, had failed to make payment of such dues, an amount equivalent to such dues shall be deducted from the next salary or traveling or daily allowances bills to be prepared for and on behalf of the Member and the balance shall be paid to him.

(2) Ordinarily any non- Government dues outstanding against a Member shall not be recovered from his salaries or allowances but where such dues are on account of certain services rendered to him in the course of his parliamentary duties, such as, when he is on

tour with a committee, and the arrangements for such services rendered to him in the course of his parliamentary duties, such as. when he is on tour with a Committee, and the arrangements for such services have been made by or at the instance of semi-Government institutions or private parties at the request of the officers of the Maharashtra Legislature Secretariat, and where such Member, inspite of repeated requests, had failed to make payment of such

19. Payment of dues to deceased Member :-

(1) Salary and allowances of a deceased Member shall be drawn for the day on which he died irrespective of the time of his death.

(2) Where any sum standing to the credit of any deceased Member as salary or allowances or the balance thereof (after deducting any lawful dues) has become payable, the Officer whose duty it is to make the payment may, without requiring the production of the usual legal authority, pay the sum or balance, as the case may be, to any person claiming it on behalf of the deceased Member , -

(i) where the sum or, as the case may be, the balance does not exceed ¹[Rs. 1.650] under the orders of the Collector of the District in which the deceased Member ordinarily resided or carried on business immediately before his death, after making such inquiry into the right and title of the claimant as may be deemed sufficient;

(ii) where the sum or, as the case may be, the balance payable does not exceed ¹ [Rs. 1,650] under the orders of the Chairman or the Speaker (such order being passed after the Chairman or, as the case may be, the Speaker is satisfied as respects the right and title of the claimant and is of the opinion that undue hardship will be caused to the claimant by insisting on the production of the usual legal authorities) on the claimant executing an indemnity bond with such sureties as the Chairman or the Speaker may require.

(3) Notwithstanding anything contained in sub-rule (2), where there is any doubt as respects the right and title of the claimant, no payment shall be made unless the claimant produces probate or letters of administration evidencing the grant to him of administration to the estate of the deceased Member or a certificate granted under the Indian Succession Act, 1925, or under the Bombay Regulation VIII of 1827, entitling the holder thereof to

receive payment of the sum or balance.

1. This has been raised from Rs. 1,300 to Rs. 1,650, vide MLS. Notification No. 3I415/H-38, dated 17-12-1986, published in M.G.G. pt. IV-C, dated 17-12-1985.