

**THE MEMBERS OF MAHARASHTRA LEGISLATURE.  
( ALLOWANCES) RULES, 1959**

**1. *Short title.***—These rules may be called the Members of Maharashtra Legislature (Allowances) Rules, 1959.

**2. *Definitions.***—In these rules, unless the context requires otherwise,—

(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) “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 or the meeting and the day immediately succeeding the termination thereof;

(f) “section” means a section of the Act.

**3. *Daily Allowance.***—Subject to the provisions of these rules a member shall be entitled to draw daily allowance at the rate of [Rs. 2000] \* 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 that period of residence, unless the member—

(a) has resided at such place for at least six 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.

**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 there from whether before or after the termination of the session, or close of the meeting :

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\* words and figures 'Rs.2000' instead of 'Rs.1000' have been included as per Rule 3 of The Members of Maharashtra Legislature (Allowances) (Amendment) Rules, 2016. (Maharashtra Legislature Secretariat's Notification No.4163, dated 4.2.2017)

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 or as the case may be, by air conditioned two- tier or three tier provided thereon;
- (b) by road, the rate shall be twenty \*\*rupees per kilometer;
- (c) by sea or river in a steam launch, or in any vessel other than a steamer, the rate shall be twenty \*\* rupees 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 travelling most speedily reach his destination. Where more routes than one are equally short, the fare or rate shall be calculated for the cheapest route.

(aa) 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.

**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.—

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\*\* words "twenty" instead of "fifteen" has been included as per Sub-Rule 1 (a) of Rules of The Members of Maharashtra Legislature (Allowances) (Amendment) Rules 2016.

- (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 atleast half the period of its duration on that day;
- (b) Where a meeting of 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.

**7. Travelling allowances for intermediate journeys.**— (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 there from 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 any 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 unbroken period during which no meeting of the house is held.

**8. Allowances for attending the meetings of committee during adjournment.**—When 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 carries 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.

**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 allowances 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 meeting, 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 period he visits the place where he ordinarily resides or carries on business and returns therefrom for attending the meeting, 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.

**10 A. Allowances for attending the office by the Chairmen of Committees.**— Where break between two successive days, when a member transacts business as a Chairman of a Committee, does not exceed three days then if such a member visits during the said break, the place where he ordinarily resides or carries on business and returns therefrom for transacting such business, he shall be entitled to an amount equal to travelling allowance admissible under section 5 or the daily allowance admissible under section 4 had he stayed at place where the business had been transacted, whichever is less.

**"10AA. Allowances and Facilities to be given to the Members for study tour outside the State –**

Subject to the provisions of these rules, as per the provisions of clause 5AA, a member participating in the study tour of a Legislature Committee conducted outside the State shall be entitled to the following—

(a) He shall be entitled to receive travelling allowance as per Rule 5(1), for undertaking journey from his usual place of residence to the destination fixed for assembling for the proposed tour of the committee and for return journey from such place.

(b) Subject to the limit of kilometers prescribed under clause 5AC for a member undertaking railway journey outside the State –

(one) If he has availed the facility of railway coupon book ; then he shall be entitled to receive one time fare of two-tier A/C,

(Two) If he has undertaken the railway journey without availing the facility of railway coupon book, then he shall be entitled to receive one and half times the fare of two-tier A/C ;

(c) Subject to the limit of journeys prescribed in clause 5(1A), journey by air outside the State may be undertaken.

(d) Where government vehicle is not available to the committee for undertaking a journey by road, by sea, during study tour outside the State, then for entire journey by road or by boat, as the case may be, member shall be entitled to travelling allowance at the rate specified in clause 5(1).

(e) Subject to the proviso to this rule, a member shall be entitled to receive daily allowance at the rate specified in clause 4 for each day, for the period of residence.

(f) Reimbursement of expenses of any kind shall not be allowed to a member for the journey and stay undertaken privately or any combined private journey.

(g) Subject to the limit of kilometres prescribed in clause 5AC, a member, who is appointed on more than one committees, can as a Committee Member, be allowed to travel along with his/her spouse for the study tour outside the State of any one of the committees, However during such tour-

(one) the facility of rail travel coupon for out of state travel may be availed for husband-wife,

(two) where the concerned persons have undertaken journey by rail, then reimbursement at the rate of one time fare of two-tier AC of railway journey shall be allowed to them.

**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 travelling 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 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 anyone 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.

(See Section 5, Proviso)

(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 attend

could not attend on account of illness

the meetings of the Council

meeting

Assembly

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 for attending the

sessions of the Council/Assembly

meeting of the Committee

(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 such business is to be transacted, were actually performed in the manner indicated in the Bill.

[See rules 5(1)(b)(i) and section 5]

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

[See third proviso to section 5(1)]

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

(See rule 6 )

(viii) Certified that, 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.

(See rules 7, 8, 9 and 10)

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

(See rules 8, 9 and 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 rules 8/9/10 read with rule 3.

(See rule 12)

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

(xii) Certified that the details of the return journey, from the place where the sessions of the Assembly/Council was held or the business was transacted, for which travelling allowance 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 travelling allowance admissible with reference to the return journey actually performed happens to be less than the amount of travelling allowance draw in advance 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 counter signing 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 ..... on .....

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

**16-A.** *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 I are provided with accommodation therein when on duty.

**17.** *Telephone facilities.*—Where during session of a House, or a sitting of a Committee, as the case may be a Member who resides in a Legislators' 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.

**18.** *Recovery of Government and other dues from the 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, in spite 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 travelling and daily allowance 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 arrangement for such services have been made by or at the instance of semi-Government institutions or private parties at the request of officers of the Maharashtra Legislature Secretariat, and where such member, in spite of repeated requests, had failed to make payment of such dues, recovery thereof may be effected from the salary or travelling or daily allowance bills of such member.

**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 letter claiming it on behalf of the deceased member,—

(i) Where the sum or, as the case may be, the balance does not exceed Rs. 8000 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 exceeds Rs. 8,000 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 respect to 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 authority letter) 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 respect to 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 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.