

THE MAHARASHTRA LEGISLATURE MEMBER'S  
SALARIES AND ALLOWANCES ACT.

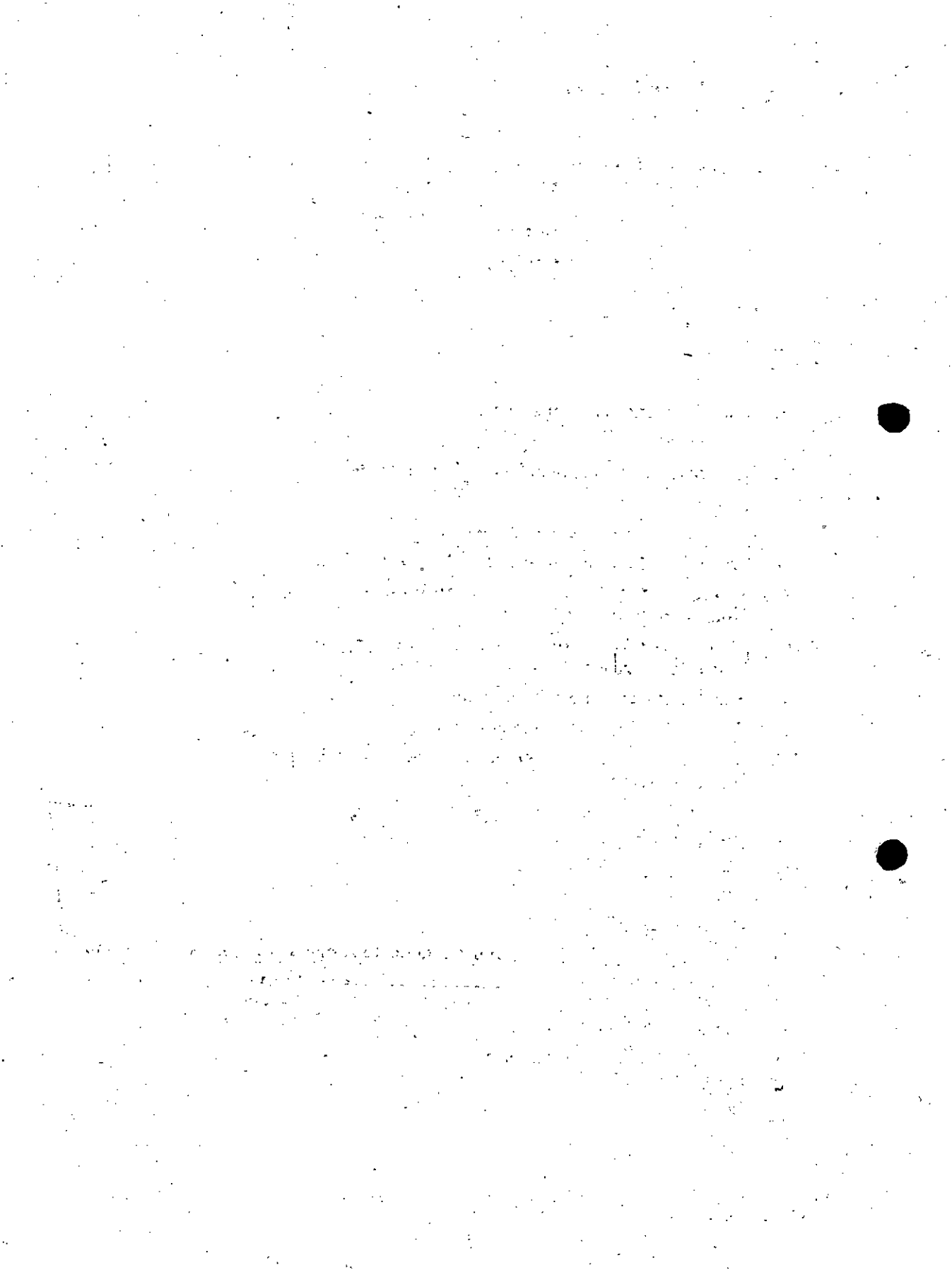
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**BOMBAY ACT No. XLIX OF 1956.<sup>1</sup>****[THE MAHARASHTRA LEGISLATURE MEMBERS'  
SALARIES AND ALLOWANCES ACT]**

[This Act received the assent of the Governor on the 30th November 1956 and assent first published in the *Bombay Government Gazette*, Extraordinary, Part IV, dated the 30th November 1956].

Amended by Bom. 41 of 1957.

” ” ” 43 of 1958.

” ” ” 38 of 1959.

” ” ” 66 of 1959.

Adapted and modified by the Maharashtra Adaption of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 29 of 1960.

” ” ” 17 of 1962.

” ” ” 23 of 1964.

” ” ” 3 of 1965.

” ” ” 11 of 1966.

” ” ” 29 of 1967.

” ” ” 21 of 1969.

” ” ” 24 of 1969.

” ” ” 52 of 1969.

” ” ” 2 of 1970.

” ” ” 23 of 1970.

” ” ” 16 of 1972.

” ” ” 49 of 1972.

” ” ” 64 of 1974 (1-1-1975)\*

” ” ” 40 of 1975 (8-9-1975)\*

” ” ” 11 of 1976 (14-4-1976)\*

” ” ” 8 of 1978 (27-3-1978)\*

” ” ” 9 of 1978 (7-3-1978)\*

” ” ” 19 of 1978 (15-4-1978)\*

” ” ” 15 of 1980.

” ” ” 23 of 1981 (1-4-1981)\*

” ” ” 48 of 1981.†

” ” ” 72 of 1981†† (1-4-1981)\*

Amended by Mah. 23 of 1981 (1-8-1985)\*

” ” ” 22 of 1987 (1-8-1987)\*

” ” ” 3 of 1991 @ (2-1-1991)\*

” ” ” 25 of 1993 (1-8-1993)\*

” ” ” 10 of 1997 (1-1-1997)\*

” ” ” 14 of 1999 (25-1-1999)\*

” ” ” 32 of 1999 (1-5-1999)\*

” ” ” 8 of 2001 (8-1-2001)\*

” ” ” 25 of 2003 (1-1-2003)\*

” ” ” 26 of 2003 (31-12-2002)\*

**An Act to provide for the salaries and allowances of Members of <sup>2</sup>[the Maharashtra Legislature] and certain other matters.**

WHEREAS it is expedient to provide for the salaries and allowances of Members of <sup>2</sup>[the Maharashtra Legislature] and certain other matters as hereinafter

<sup>1</sup> For Statement of Objects and Reasons, See *Bombay Government Gazette*, 1956, Part V, pages. 341-42.

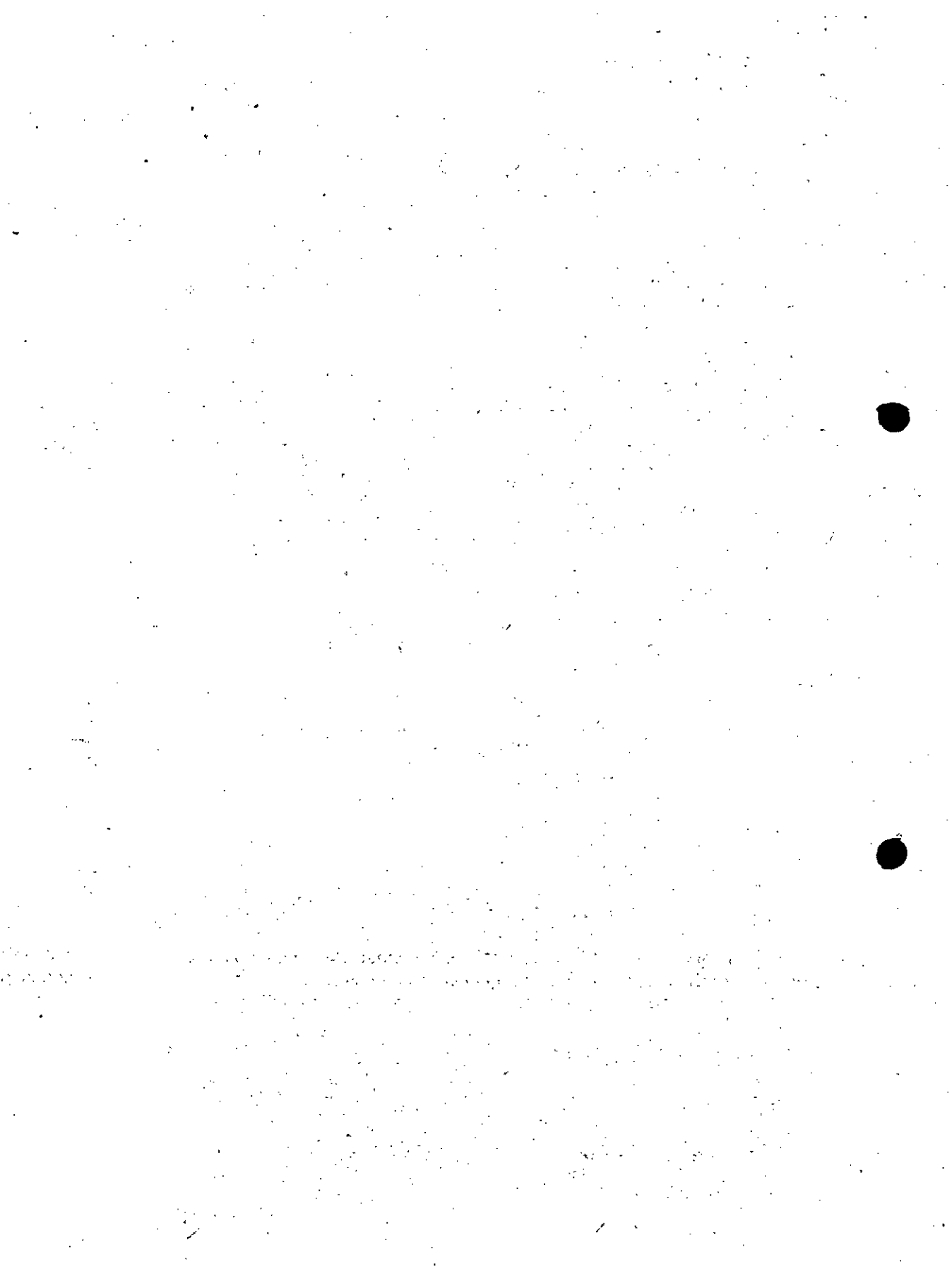
<sup>2</sup> These words were substituted for the words, “the Bombay Legislature” by Mah. 15 of 1980, Schedule.

\* This indicates the date of commencement of Act.

† Mah. 48 of 1981, except sections 5, 7 and 9 came into force on the 1st April 1981, sections 5, 7 and 9 came into force on the date of publication of the Act on the *Official Gazette*, i.e. 18th September, 1981.

†† Mah. 72 of 1981, except sections 3 and 9 came into force on 1st April 1981 and the remaining sections came into force on the date of publication of the Act in the *Official Gazette*, i.e. 29th December 1981.

@ sections 2, 5 and 6 of this Act came into force on the 1st day of June 1990 and sections 3, 4, and 7 came into force on the 20th day of May 1987.



appearing ; It is hereby enacted in the Seventh Year of the Republic of India as follows :—

1. <sup>1</sup>[(1) This Act may be called the Maharashtra Legislature Members' Salaries and Allowances Act.] Short title  
and comm-  
encement.

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

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "Assembly" means the <sup>2</sup>[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 <sup>3</sup>[Maharashtra Legislative Council] ;

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

(f) <sup>4</sup>[" Minister ", " Minister of State " and " Deputy Minister " means respectively a Minister, a Minister of State and a Deputy Minister] of the <sup>5</sup>[Government of Maharashtra], and Minister includes the Chief Minister <sup>6</sup>[and the Deputy Chief Minister] ;

<sup>7</sup>[(ff) " new Member " means a <sup>8</sup>[Member who is elected or nominated to the Assembly, or Council after the commencement or the Bombay Legislature Members' Salaries and Allowances (Amendment) Act, 1969,] and includes a Member who is re-elected or re-nominated;] Mah.  
XXI  
of  
1969.

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

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

<sup>1</sup> Sub-section (1) was substituted, by Mah. 15 of 1980 Sch.

<sup>2</sup> These words were substituted for the words "Bombay Legislative Assembly" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>3</sup> These words were substituted for the words "Bombay Legislative Council" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>4</sup> These words were substituted for the words " "Minister" and "Deputy Minister" means respectively a Minister and a Deputy Minister" by Mah. 52 of 1969, s.2.

<sup>5</sup> These words were substituted for the words "Government of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>6</sup> These words were inserted by Mah. 9 of 1978, s. 4.

<sup>7</sup> Clause (ff) was inserted by Bom. 43 of 1958, s. 2(1).

<sup>8</sup> 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 1939, s. 2(a).

<sup>1</sup>(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 <sup>2</sup>[or such other earlier date as the State Government may by order specify in this behalf, if he is not likely to take his seat as aforesaid within fifteen days of the date of occurrence of vacancy or the date of notification of his election or nomination, whichever is later,] and ending with the date on which his seat becomes vacant ;

(b) in relation to any other Member, the period at whichever date begun, before the commencement of the <sup>3</sup>[Bombay Legislature Members' Salaries and Allowances (Amendment) Act, 1969] and ending with the date on which his seat becomes vacant.]

Mah.  
XXI of  
1969.

<sup>1</sup> Clause (i) was added by Bom. 43 of 1958, s. 2(2).

<sup>2</sup> These words were inserted by Mah. 21 of 1969, s 2(b) (i).

<sup>3</sup> These words, brackets and figures were substituted for the words, brackets and figures "Bombay Legislative Members Salaries and Allowances (Amendment) Act, 1958," *ibid.*, s.2 (b)(ii).

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

Salaries to be paid to members <sup>4</sup>[and consolidated allowances.]

<sup>1</sup>[(2)] There shall be paid to each Member during the whole of his term of office per month a sum of <sup>5</sup>[Rs. 1,500] as a consolidated allowance for all matters not specifically provided for by or under the provisions of this Act.]

3A. [*Salary and allowances of Leaders of Opposition*] Deleted by Mah. 8 of 1978. s. 14(a).

4. There shall be paid subject to such rules or orders <sup>6</sup>[as may be made under section 8] in this behalf, to each Member a daily allowance <sup>7</sup>[at the rate of <sup>8</sup>[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 <sup>9</sup>[ or for each day of the period of residence at any place where any business connected with the Members' duties as Chairman of a Committee is transacted] <sup>10</sup>[or where any other business connected with his duties as Member is transacted] :

Daily allowances to be paid to Members.

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 <sup>11</sup>[or where such business is transacted], there shall be paid to such Member subject to the rules or orders as aforesaid daily allowance <sup>7</sup>[at the rate of <sup>8</sup>[ Rs. 400]] for each day on which he attends such session or meeting <sup>12</sup>[ or transacts such business]; but a break of not more than three days between two successive meetings <sup>13</sup>[ or day on which such business is transacted] shall be deemed to be days of attendance <sup>14</sup>[or of the transaction of such business] for such Member who does not leave the place of session or meeting <sup>15</sup>[ or of the transaction of such business] during such break.

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

<sup>2</sup> These words were inserted by Bom. 43 of 1958, s. 3.

<sup>3</sup> These letters and figures were substituted for the letters and figures "Rs. 1,500" by Mah. 32 of 1999, s. 8.

<sup>4</sup> These words were added by Bom. 38 of 1959, s. 2(2).

<sup>5</sup> These letters and figures were substituted for the letters and figures "Rs. 500" by Mah. 25 of 1993, s.2(b).

<sup>6</sup> These words and figures were substituted for the words "as the State Government may make" by Bom. 38 of 1959, s. 3.

<sup>7</sup> This portion was substituted for the words, figures and letters "at the rate of Rs. 10" by Mah. 3 of 1965, s.3.

<sup>8</sup> These letters and figures were substituted for the letters and figures "Rs. 200" by Mah. 32 of 1999, s.4.

<sup>9</sup> These words were inserted by Mah. 17 of 1962, s.2(1).

<sup>10</sup> These words were inserted by Mah. 19 of 1978, s. 2(a).

<sup>11</sup> These words were inserted by Mah. 17 of 1962, s. 2(2)(a).

<sup>12</sup> These words were inserted *ibid.*, 2(2)(b).

<sup>13</sup> These words were inserted *ibid.*, 2(2)(c).

<sup>14</sup> These words were inserted *ibid.*, 2(2)(d).

<sup>15</sup> These words were inserted *ibid.*, 2(2)(e).

<sup>1</sup>[*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.]

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<sup>1</sup> The *Explanation* was added by Mah.19 of 1978, s. 2(b).



5. (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 <sup>1</sup>[or for the purpose of transacting any business connected with his duties as Chairman of a Committee <sup>2</sup>[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—

Travelling allowance to be paid to Members.

<sup>3</sup>[(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 <sup>4</sup>\* \* \* \* :

<sup>5</sup>[Provided that a Member ordinarily residing or carrying on business at the place where such session or meeting is held or where the business connected with the duties as a Member is transacted, shall be entitled to travelling allowance for the journey undertaken by him from the place of his residence or business to the place where such session or meeting is held or the business connected with his duties as a member is transacted, at the rate of rupees five per kilometer:]

<sup>6</sup>[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.] :

<sup>1</sup> These words were inserted by Mah. 17 of 1962, s. 3(1).

<sup>2</sup> These words were inserted by Mah. 3 of 1965, s. 4(a)(i).

<sup>3</sup> Clause (i) was substituted *ibid.*, s. 4(a)(ii).

<sup>4</sup> The words "by the State Government" were deleted by Bom. 38 of 1959, s. 4(2).

<sup>5</sup> This proviso was substituted by Mah. 32 of 1999, s. 10.

<sup>6</sup> This proviso was inserted by Mah. 11 of 1966, s. 2(a).

<sup>1</sup><sup>2</sup>[Provided also that], where a member travels <sup>3</sup>[by railway or steamer] in accordance with the facilities provided under section 5AC, or travels on a free pass under section 5A he shall be entitled only to a travelling allowance on an amount equal to one first class fare for the distance travelled as if such journey had been performed by railway.] :

<sup>4</sup>[Provided also that, where a Member travels by railway actually by air-conditioned two-tier <sup>5</sup>[or three-tier], he shall be entitled, if such journey is for any of the purposes specified in this section or, as the case may be, in accordance with the facilities provided under section 5AC, to a travelling allowance of an amount equal to one and one half of air-conditioned two-tier <sup>5</sup>[or three-tier] fare, or to one such fare, as the case may be.]

<sup>6</sup>[(1A) Notwithstanding anything contained in sub-section (1), any member may undertake or perform journey by air from the nearest airport from his residence <sup>7</sup>[to any cities or towns or from any cities or towns to the nearest airport from his residence within the State, total twelve single journeys ; and to Delhi from the nearest airport from his residence or to the nearest airport from his residence from Delhi, total four single journeys], during the entire period of a year.]

<sup>8</sup>[(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 the session is held to the place where he ordinarily resides or carries on business and the return journey, he shall be entitled to draw, at his option, either the daily allowance for the period of such journeys or the travelling allowances.]

Allowances to  
Chairman or  
members of  
Committee  
when on tour  
on duty in  
any part of  
India.

<sup>9</sup>[5AA. There 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, <sup>10</sup>[daily and travelling allowances] at the same rates as are provided for in sections 4 and 5.]

<sup>1</sup> This proviso was substituted by Mah. 3 of 1965, s. 4(a)(iii).

<sup>2</sup> These words were substituted for the words "Provided further that" by Mah. 11 of 1966, (b), s. 2.

<sup>3</sup> These words were substituted for the words "by railway" by Mah. 64 of 1974, s.2.

<sup>4</sup> This proviso was added by Mah. 3 of 1991, s. 3.

<sup>5</sup> These words were substituted by Mah. 14 of 1999, s. 5(a).

<sup>6</sup> Sub-section (1A) was substituted by Mah. 25 of 1993, s. 4.

<sup>7</sup> These words were substituted by Mah. 14 of 1999, s. 5(b).

<sup>8</sup> Sub-section (2) was added by Mah. 28 of 1981, s. 4.

<sup>9</sup> This section was inserted by Mah. 17 of 1962, s. 4.

<sup>10</sup> These words were substituted for the words, "daily travelling and conveyance allowances" by Mah. 3 of 1965, s. 5.

†<sup>1</sup>[5AB. Notwithstanding anything contained in section 5 and section 5AA, <sup>2\*</sup> \* \* \* \* \* Chairman of <sup>7[\* \*]</sup> Committees entitled to travel <sup>8</sup>[by air-conditioned coach or by air.] any member may, for the purpose of transacting any business connected with his duties as <sup>3</sup>[Chairman of any Committee] undertake or perform the journey referred to in those sections <sup>4</sup>[either by railway in an air-conditioned coach or by air] and in that case, he shall be entitled to receive travelling allowance of an amount equal to one and one-fourth <sup>5</sup>[of the fare for the air-conditioned class, or as the case may be, of the air fare] for each such journey].

<sup>9</sup>[5AC. (1) Every member shall <sup>10\*</sup> \* be provided with facilities, which shall entitle him at any time to travel singly by <sup>11</sup>[first class or, as the case may be, by air-conditioned two-tier] <sup>12</sup>[or three-tier] 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 : Free transit by railway and steamer.

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 <sup>13</sup>[or companion] so, however, that the distance so travelled by the member outside the State, and by the members of his family <sup>14</sup>[or companion] whether within or outside the State, in any financial year, does not in the aggregate exceed <sup>15</sup>[ thirty thousand kilometers].

<sup>11</sup> Sections 5AB and 5AC were inserted by Mah. 3 of 1965, s. 6.

Section 8 of Mah. 3 of 1965 reads as follows :—

“Sections 5AB 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.”

<sup>2</sup> 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, s. 14(a)(i).

<sup>3</sup> 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, s. 2(a).

<sup>4</sup> These words were substituted for the words “ by air ” by Mah. 24 of 1969, s. 2(a).

<sup>5</sup> These words were substituted for the words “ off the air fare ”, *ibid.*, s. 2 (b).

<sup>6</sup> The word “ Leaders of Opposition and ” were deleted by Mah. 8 of 1978, s. 14(a) (ii).

<sup>7</sup> The word “ certain ” was deleted by Mah. 49 of 1972, s. (b).

<sup>8</sup> These words were substituted for the words “ by air ” by Mah. 24 of 1969, s. 2(c).

<sup>9</sup> Section 5AC was substituted by Mah. 72 of 1981, s. 2.

<sup>10</sup> The words, figures and letters “ with effect from the 1st day of April 1981 ” were deleted by Mah. 3 of 1991, s. 4(a)(i).

<sup>11</sup> These words were substituted for the words “ first class ”, *ibid.*, s. 4 (a)(ii).

<sup>12</sup> These words were inserted by Mah. 14 of 1999, s. 3.

<sup>13</sup> These words were inserted by Mah. 8 of 2001, s. 4 (a)(i) (A).

<sup>14</sup> These words were inserted *ibid.*, s. 4(a)(i)(B).

<sup>15</sup> These words were substituted for the words “ twenty thousand kilometers ” by Mah. 22 of 1987, s. 5.

*Explanation.*—For the purpose of calculating the maximum limit of <sup>1</sup>[thirty thousand kilometers] for travelling, the number of kilometers travelled by the member outside the State, and the number of kilometers travelled by the members of his family <sup>2</sup>[or companion] from the place of their 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 <sup>3</sup>[or companion] 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 <sup>1</sup>[thirty thousand kilometers] for travelling to claim travelling allowance, as if he or both or all of them as the case may be, had undertaken the <sup>4</sup>[journey by first class by railway]. In such cases, the difference between the fare for journey by air and the fare for <sup>4</sup>[journey by first class by railway] will have to borne by the member.

(b) Where a member, either singly or jointly with the members of his family <sup>5</sup>[or companion] 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 <sup>1</sup>[thirty thousand kilometers] for travelling to claim the fare for journey by steamer or road

<sup>1</sup> These words were substituted for the words "twenty thousand kilometers" by Mah. 22 of 1987, s. 5.

<sup>2</sup> These words were inserted by Mah. 8 of 2001, s. 4 (a)(ii).

<sup>3</sup> These words were inserted *ibid.*, s. 4(b)(i).

<sup>4</sup> These words were substituted for the words "journey by railway" by Mah. 3 of 1991, s.4 (b).

<sup>5</sup> These words were inserted by Mah. 8 of 2001, s.4 (b) (ii).

transport if it is less than the fare for <sup>1</sup>[journey by first class by railway] for the same distance or, if the fare for journey by steamer or road transport is more than the fare for <sup>1</sup>[journey by first class by railway] for the same distance to claim the fare for <sup>1</sup>[journey by first class by railway] or the same distance, and he shall have to bear the difference between the two fares.

(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 <sup>2</sup>[or companion] 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.]

<sup>3</sup>[5A. Every member shall be provided with one free non-transferable pass <sup>4</sup>[(together with a voucher book, for reservation of seats without charges)] which shall entitle him at any time <sup>5</sup>[to travel either singly or jointly with his spouse <sup>6</sup>[or companion], by such road transport service, including those provided by the Maharashtra Tourism Development Corporation Limited,] (in any part of the State of Maharashtra in which those services operate), in such class of accommodation therein, and subject to such conditions, as may by rules or orders be prescribed in that behalf.]

Free transit by road transport service.

<sup>7</sup>[5B. 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—

Daily allowance and travelling allowance to members on vacating seats.

(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.]

<sup>8</sup>[5C. (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.

Telephone facilities to members.

<sup>1</sup> These words were substituted for the words "journey by railway" by Mah. 3 of 1991, s.4 (b).

<sup>2</sup> These words were inserted by Mah. 8 of 2001, s. 4(c).

<sup>3</sup> Section 5A was substituted for the original by Mah. 29 of 1960, s.3.

<sup>4</sup> These words were inserted by Mah. 29 of 1967, s. 3.

<sup>5</sup> These words were substituted for the words "to travel by such road transport services" by Mah. 28 of 1981, s. 6.

<sup>6</sup> These words were inserted by Mah. 8 of 2001, s.5.

<sup>7</sup> Section 5B was inserted by Bom. 66 of 1959, s.2.

<sup>8</sup> Section 5C was substituted for the original by Mah. 40 of 1975, s. 2.

(2) Where a member has a telephone installed at a 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 <sup>1</sup>[a sum of <sup>2</sup>[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.]

Amenities. <sup>3</sup>[6. (1) A member shall be entitled to residential accommodation <sup>4</sup>[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 :

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<sup>1</sup> These words, letter and figures were substituted for the words, letter and figures " from 1st day of January 1975 a sum of Rs. 1,550" by Mah. 3 of 1991, s. 5.

<sup>2</sup> These letters and figures were substituted for the letters and figures " Rs. 4,500 " by Mah. 32 of 1999, s. 11.

<sup>3</sup> This section was substituted by Mah. 23 of 1964, s. 2.

<sup>4</sup> These words were inserted by Mah. 3 of 1965, s. 7.

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<sup>1</sup>[Provided that where any residential accommodation is provided to a member in any Hostel for the members, it shall be without payment of rent].

(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 purpose of this sub-section, the expression “ a member of his family ” means the husband, wife, son, daughter, father, mother, brother or sister.]

<sup>2</sup>(3) A member shall be entitled, free of charge, to the services of a personal assistant. For this purpose, the member 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 order as may be made in this behalf the assistant so appointed shall receive a fixed salary of <sup>3</sup>[Rs. 5,000] per month from the State Government.]

<sup>4</sup>(4)(a) A member elected to the Assembly shall be entitled to the use of a motor vehicle provided by the State Government, for <sup>5</sup>[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 the use of a motor vehicle provided by the State Government, for <sup>6</sup>[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.

<sup>1</sup> This proviso was added by Mah. 28 of 1981, s 8(a).

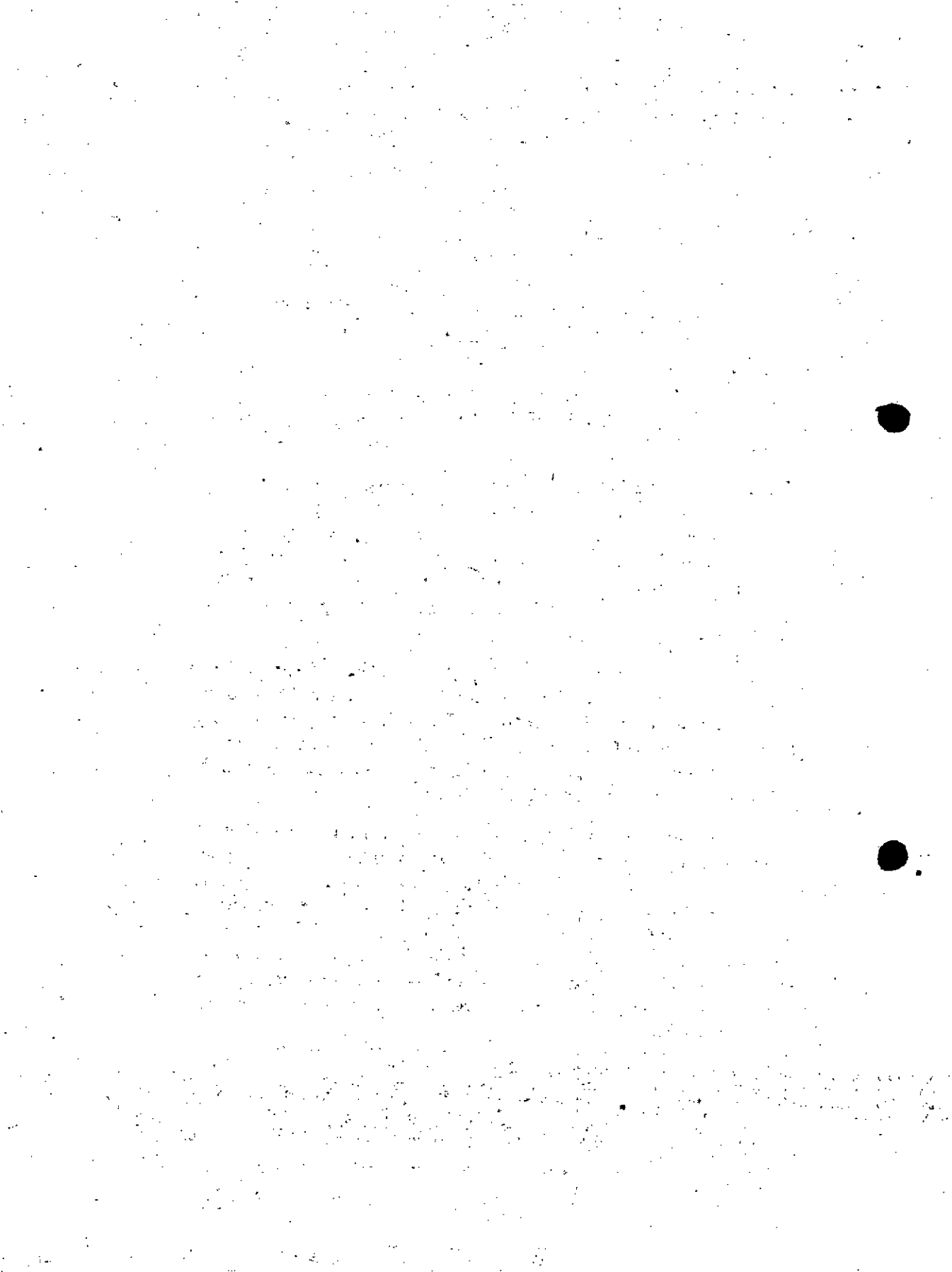
<sup>2</sup> Sub-section (3) was substituted by Mah. 48 of 1981, s. 3.

<sup>3</sup> These letters and figures were substituted for the letters and figures “ Rs. 2,500 ” by Mah. 25 of 2003, s. 4(a).

<sup>4</sup> Sub-section (4) was added by Mah. 28 of 1981, s. 8(b).

<sup>5</sup> These words were substituted for the words “ ten days ” by Mah. 22 of 1987, s. 7(b)(i).

<sup>6</sup> These words were substituted for the words “ ten days ” *ibid.*, s. 7(b) (ii).





(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 this behalf.]

<sup>1</sup>[(5) There shall be paid to every member a sum of <sup>2</sup>[Rs. 6,000] per month for stationery and postage.]

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<sup>1</sup> This sub-section was added by Mah. 23 of 1985, s. 6(c).

<sup>2</sup> These letters and figures were substituted for the letters and figures " Rs. 3,000 " by Mah. 25 of 2003, s. 4(b).

Travel  
facilities to  
members.

<sup>1</sup>[6A. Without prejudice to the other provisions of this Act, every member who travels with his spouse <sup>2</sup>[or companion] shall once during every session be entitled to one first class railway fare or as the case may be <sup>3</sup>[Steamer fare] for his spouse <sup>4</sup>[or companion] from his usual place of residence to the place where the session is held and for the return journey from such place :

<sup>5</sup>[Provided that, where a member and his spouse travel by railway actually by air-conditioned two-tier, he shall be entitled to one air-conditioned two-tier fare for his spouse.]

Other  
amenities.

<sup>6</sup>[6B. (1) The State Government may, by order, subject to such terms and conditions as may be specified in the said order, allot a piece of land, in the vicinity of Vidhan Bhavan or MLAs' Hostel in Mumbai, to the Maharashtra State Legislature for the purpose of making available to the Members of the State Legislature, amenities like Gymkhana, Club House or Recreation Centre, etc.

*Explanation.*—For the purposes of this section, “ the Members of the State Legislature ” means the sitting and past Members of the State Legislature.

(2) On allotment of the land to the Maharashtra State Legislature by the State Government under sub-section (1), a Managing Committee consisting of the office bearers as specified below, shall be deemed to have been constituted from the date of such allotment, for the management, supervision, running and maintenance of such Gymkhana, Club house or Recreation Centre, etc., as the case may be, namely :—

- |                                                             |     |                            |
|-------------------------------------------------------------|-----|----------------------------|
| (a) Chairman                                                | ... | ex officio Chairperson.    |
| (b) Speaker                                                 | ... | ex officio Co-Chairperson. |
| (c) Chief Minister                                          | ... | ex officio Member.         |
| (d) Deputy Chairman,<br>Maharashtra Legislative<br>Council. | ... | ex officio Member.         |
| (e) Deputy Speaker,<br>Maharashtra Legislative<br>Assembly. | ... | ex officio Member.         |

<sup>1</sup> Section 6A was inserted by Mah. 64 of 1974, s. 5.

<sup>2</sup> These words were inserted by Mah. 8 of 2001, s. 6(i).

<sup>3</sup> These words were substituted for the words “ steamer fare and ” by Mah. 11 of 1976, s. 3 Second Sch.

<sup>4</sup> These words were inserted by Mah. 8 of 2001, s. 6 (ii).

<sup>5</sup> This proviso was added by Mah. 3 of 1991, s. 7.

<sup>6</sup> Sections 6B and 6C were inserted by Mah. 26 of 2003, s.2.

- (f) Deputy Chief Minister ... *ex officio* Member.
- (g) Minister for Parliamentary Affairs. ... *ex officio* Member.
- (h) Leaders of Opposition in the Assembly and Council. ... *ex officio* Members.
- (i) Minister (s) of State, Parliamentary Affairs. ... *ex officio* Member(s).
- (j) One member each from the recognised political parties in the State Legislature, nominated by the Chairperson. ... *ex officio* Members.

(3) The Chairperson shall appoint, from amongst the members, a Treasurer and such other office bearers as deemed necessary, and the Principal Secretary of the Maharashtra Legislative Assembly or the Maharashtra Legislative Council, nominated by the Chairperson, shall be the *ex officio* Executive Secretary of the Committee.

(4) The objectives, the nature and scope of the activities, etc., of such Gymkhana, Club House or Recreation Centre, as the case may be, set up on such land by the Maharashtra State Legislature and the membership fees, the annual subscription fees or any other fees or charges to be collected from the members by such Gymkhana, Club House or Recreation Centre, as the case may be, shall be such as may be prescribed by the rules made in this behalf by the Managing Committee and such rules shall be laid, as soon as may be, after the same are made, before each House of the State Legislature.

(5) The Managing Committee may make bye-laws for its governance, and for carrying out its functions and duties, consistent with the provisions of this Act and the rules made thereunder and any other law for the time being in force.

(6) The Executive Secretary of the Managing Committee shall be responsible for convening the meetings of the Committee as per the directions of the Chairperson and for recording the minutes of the meetings and shall perform such other duties and functions as may be directed by the Committee.

Constitu-  
tion of  
Fund.

6C. (1) The Maharashtra Legislature Secretariat shall, on allotment of land by the State Government under section 6B, constitute a fund to be called "the Gymkhana Fund", "the Club Fund", or "the Recreation Centre fund", as the case may be. Such fund shall consist of,—

(i) initial grant of not less than rupees five crores given by the State Government, after appropriation duly made in this behalf, by law ;

(ii) Membership fees, donations, endowments or any other money received by such institution by way of rent or any other source.

(2) The Gymkhana, Club or the Recreation Centre, as the case may be, shall keep the current and savings deposit account with the State Bank of India or any other nationalised bank.

(3) Such account shall be operated by such office bearers as may be authorised by the Managing Committee.

(4) The managing Committee shall lay before both Houses of the State Legislature, its Annual Report, not later than three months from the expiry of every financial year.]

<sup>4</sup>[Ministers,  
Ministers of  
State,  
Deputy  
Minister]  
Speaker,  
Chairman,  
<sup>5</sup>[Leaders of  
the  
Opposition]  
or salaried  
Parliamentary  
Secretary  
Secretaries not  
entitled to  
salaries and  
allowances  
under this  
Act.

7. Notwithstanding anything contained in this Act, <sup>1</sup>[Minister, Minister of State or Deputy Minister], the Speaker or Chairman <sup>2</sup>[or a Leaders 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 that <sup>1</sup>[the Minister, Minister of State, Deputy Minister], Speaker, Chairman, <sup>3</sup>[Leaders of the Opposition] or salaried Parliamentary Secretary is a member of the Assembly or Council.

<sup>1</sup> These words were substituted, by Mah. 52 of 1969, s. 5(1).

<sup>2</sup> These words were inserted by Mah. 8 of 1978, s. 14(c) (ii).

<sup>3</sup> These words were inserted, *ibid.*, s 14(c) (ii).

<sup>4</sup> These words were substituted for the words "Minister, Deputy Minister" by Mah. 52 of 1969, s 5(2).

<sup>5</sup> These words were inserted by Mah. 8 of 1978, s. 14(c) (iii).

BOMBAY ACT No. LII OF 1956<sup>1</sup>

[THE MAHARASHTRA LEGISLATURE MEMBERS (REMOVAL OF  
DISQUALIFICATIONS) ACT]

(This Act received the assent of Governor on the 12th December 1956 ; assent first published in the *Bombay Government Gazette*, Part IV, on the 17th December 1956.)

Amended by Bom. 52 of 1958.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah.	3	of 1962
"	"	15 of 1962
"	"	23 of 1963
"	"	2 of 1964
"	"	10 of 1964 read with Bom. 69 of 1948.
"	"	28 of 1965
"	"	4 of 1975 (26-1-1975)†
"	"	28 of 1977 (5-12-1977)†
"	"	7 of 1978 (26-12-1977)†
"	"	15 of 1980.
"	"	23 of 1980 (24-11-1980)†‡
"	"	38 of 1981 (20-7-1981)†@
"	"	44 of 1981 (29-7-1981)@@
"	"	6 of 1993 (30-12-1993)†‡§
"	"	1 of 1996 (8-6-1995)†**
"	"	13 of 2001 (15-12-1999)@@@

**An Act to provide for the removal of certain disqualifications for being chosen as, and for being, a member of<sup>2</sup>[the Maharashtra Legislative Assembly and the Maharashtra Legislative Council].**

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1956, Part V, page 345-46.

<sup>2</sup> These words were substituted for the words "the Bombay Legislative Assembly and the Bombay Legislative Council" by Mah. 15 of 1980. Schedule.

<sup>†</sup> This indicates the date of commencement of the Act.

<sup>‡</sup> Maharashtra Ordinance No. XIV of 1980 was repealed by Mah. 23 of 1980, s.3.

@Maharashtra Ordinance No. VII of 1981 was repealed by Mah. 38 of 1981, s.3.

@@Maharashtra Ordinance No. IX of 1981 was repealed by Mah. 44 of 1981, s.6.

‡‡Maharashtra Ordinance No. XVII of 1992 was repealed by Mah. 6 of 1993, s.4.

§Section 3 of Mah. 6 of 1993 reads as under :—

"3. For the removal of doubt it is hereby declared that the office of the Executive President of the Maharashtra State Planning Boards, in so far as it is an office of profit under the State Government, shall not disqualify or shall be deemed never to have disqualified the holder thereof for being a member of the Maharashtra Legislative Assembly notwithstanding the fact that he has availed himself of the facilities provided by the State Government, such as, rent free residential accommodation, telephone at the residence and office, chauffeur driven car and travelling and daily allowances for journeys on official tours."

\*\*Maharashtra Ordinance No. XI of 1995 was repealed by Mah. 1 of 1996.

@@@Maharashtra Ordinance No. Y of 2001 was repealed by Mah. 13 of 2001.

*Maharashtra Legislature Members (Removal of Disqualifications) Act* [1956 : Bom. LII

WHEREAS by the Constitution of India provision has been made for declaring by Act of the State Legislature any office of profit under the Government of India or the Government of any State specified in the First Schedule to the said Constitution not to disqualify its holder for being chosen as, and for being, a member of a State Legislature ;

AND WHEREAS it is expedient to make such declaration ; It is hereby enacted in the Seventh Year of the Republic of India as follows :—

Short title  
and  
commence-  
ment.

1. <sup>1</sup>[(1) This Act may be called the Maharashtra Legislature Members (Removal of Disqualifications) Act.]

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

8. (1) <sup>1</sup>(a) For the purpose of making rules or orders under this section, there shall be constituted a Joint Committee of both Houses of the State Legislature consisting of five members from the Council nominated by the Chairman and ten members from the Assembly nominated <sup>2</sup>[by the Speaker and the Finance Minister shall be its *ex-officio* member and Chairman], <sup>1</sup>[Power to make rules and orders.]

(b) The Joint Committee constituted under clause (a) \* \* \* \* \* shall have Power to regulate its procedure,

(c) A member of the Joint Committee, [other than the Finance Minister] shall hold office as such members 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.

Bom. III of 1937 Bom XXI of 1950 Bom. XLV of 1950. 9. The Bombay Legislature Members' Salaries and Allowances Act, 1937, the Repeal. Bombay Legislature Members' Daily Allowances Act, 1950 and the Bombay Legislature Members' Travelling Allowance Act, 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 Acts, shall, so far as they are not 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.

<sup>1</sup> Sub-section (1) and the marginal note were substituted for the original by Bom. 38 of 1959 s.6  
<sup>2</sup> These words were substituted for the words " by the Speaker were by Mah. 72 of 1981, s. 3(a)  
<sup>3</sup> The words " shall elect its Chairman and " were deleted, *ibid*, s. 3(b).  
<sup>4</sup> These words were inserted, *ibid*, s. 3(c).

