

The Leaders of Opposition in Maharashtra Legislature Salaries and Allowances Act, 1978

MAHARASHTRA

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Act 8 of 1978

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The Leaders of Opposition in Maharashtra Legislature Salaries and Allowances Act, 1978 Maharashtra Act No. 8 of 1978 For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1978, Part V. Extraordinary p. 46. An Act to provide for salaries and allowances of Leaders of Opposition in Maharashtra State Legislature Whereas, it is expedient to provide for determination of the salaries and allowances of the Leaders of Opposition in the Maharashtra State Legislature and for certain other matters hereinafter appearing; It is enacted in the Twenty-Ninth Year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Leaders of Opposition in Maharashtra Legislature Salaries and Allowances Act, 1978. (2) It shall, be deemed to have come into force on the 27th March, 1978.

2. Definition.

- In this Act, "Leader of the Opposition" in relation to either House of the State Legislature means that member of the State Legislature Assembly or the State Legislature Council as the case may be who is for the time being the Leader in that House of the party in opposition to the State Government having the greatest numerical strength and recognised as such by the Speaker of the Assembly or the Chairman of the Council as the case may be. Explanation.- Where there are two or more parties in opposition to the State Government in the Assembly or in the Council having the same numerical strength, the Speaker of the Assembly or the Chairman of the Council as the case may be shall, having regard to the status of the parties, recognise any one of the Leaders of such parties as the Leader of the Opposition for the purposes of this Act, and such recognition shall be final and conclusive.

3. Salary of Leaders of Opposition.

- There shall be paid to each Leader of the Opposition a salary [Rs. 10,000] [These letters and figures were substituted for the letters and figures 'Rs. 5,000' by Maharashtra 32 of 2010, section 20, (w.e.f. 1-4-2010).] per month.

3A. [Sitting allowance to Leaders of Opposition. - Each Leader of Opposition shall be entitled to sitting allowance at the rate [Rs. 500] [Section 3A was inserted by Maharashtra 24 of 1987, section 3.] per day throughout his term of office as such Leader of Opposition.]

4. Residence of Leaders of Opposition.

(1)Each Leader of the Opposition shall, so long as he continues as such Leader and for a period of fifteen days immediately thereafter, be entitled without payment of rent, to the use of a furnished residence in Bombay, or in lieu of such residence a house allowance at the rate of [Rs. 10,000 per month and in addition a sum equal to the electricity charges and water charges, if any, paid by him for his place of residence in Bombay (being a place other than the place of residence provided under this Act by the State Government)] [These letters and figures were substituted for the letters and figures 'Rs. 2,500' by Maharashtra 32 of 2010, section 22, (w.e.f. 1-4-2010).].(2)No charge shall fall on the Leader of the Opposition personally in respect of the maintenance of and residence provide under this section.(3)The expenditure on furnishing the residence provided under this section shall be on such scale as the State Government may by rules or orders determine.(4)[Where a house allowance and other sum are payable under sub-section (1) to a Leader of the Opposition, then save as otherwise provided by or under this Act, the State Government shall not incur any expenditures, or the Leader of the Opposition shall not be entitled to any payment for, additions, alterations, maintenance, repairs or for doing anything whatsoever in respect of his place of residence.] [Sub-section (4) was added by Maharashtra 4 of 1989, Section 4(b).]

4A. [Sumptuary allowance to Leaders of Opposition. [Section 4A was inserted by Maharashtra 32 of 2010, section 23 (w.e.f. 1.4.2010)]

- There shall be placed at the disposal of each Leader of Opposition, a sumptuary allowance of three lakh rupees per annum.]

5. Conveyances for Leaders of Opposition.

(1)The State Government-may from time to time for the use of each Leader of the Opposition, purchase and provide a motor car and other suitable conveyances upon such conditions as regards its maintenance and repairs as may be determined by rules or orders made in this behalf. The State Government may also provide free of charge the services of a chauffeur for the car or conveyance so provided.(2)There shall be paid to each Leader of the Opposition a conveyance allowance at [such

rate per month as may be prescribed by rules made in that behalf.] [These words were substituted for letters and figures 'to rate of at Rs. 1.000 per month' by Maharashtra 3 of 1986. section 2.]

6. Travelling and daily allowance and residential accommodation at places other than headquarters.

- Subject to any rules or orders made in this behalf by the State Government, each Leader of the Opposition shall be entitled to -(a)travelling allowance for himself and the members of his family, and for the transport of his and his family's effects,(i)in respect of the journey to Bombay from his usual place of residence outside Bombay for assuming office; and(ii)in respect of the journey from Bombay to his usual place of residence outside Bombay on relinquishing office; and(b)travelling and daily allowances in respect of tours undertaken by him in the discharge of his duties as the Leader of the Opposition, and suitable residential accommodation at places visited by him on such tours.Explanation.- The expression "Bombay" includes any other place appointed by the State Government for the purposes of this section.

7. [Free transit by any railway and steamer. - (1) Each Leader of the Opposition shall [* * *] [Section 7 was substituted by Maharashtra 72 of 1981 section 6.] be provided with facilities, which shall entitle him at any time to travel singly by [first class or, as the case may be, by air-conditioned two-tier] [These words were substituted for the words 'first class' by Maharashtra 6 of 1991, section 3(a)(ii).] 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 Leader of the Opposition either singly or jointly with his spouse or with his minor children [or companion] [These words were inserted by Maharashtra 8 of 2001, section 7(a), (w.e.f. 8.1.2001).] jointly with his spouse and minor children, so, however, that the distance so travelled by him outside the State, and by the members of his family [or companion] [These words were inserted by Maharashtra 8 of 2001, section 7(a), (w.e.f. 8.1.2001).] whether within or outside the State in any financial year does not in the aggregate exceed [fifty thousand kilometres] [These words were substituted for the words 'thirty thousand kilometres' by Maharashtra 32 of 2010, section 24 (w.e.f. 1.4.2010).].Explanation.- For the purpose of calculating the maximum limit of [fifty thousand kilometres] [These words were substituted for the words 'thirty thousand kilometres' by Maharashtra 32 of 2010, section 24 (w.e.f. 1.4.2010).] for travelling, the number of kilometres travelled by the Leader of the Opposition outside the State, and the number of kilometres travelled by the members of his family [or companion] [These words were inserted by Maharashtra 8 of 2001, section 7(a), (w.e.f. 8.1.2001).] 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 Leader of the Opposition, either singly or jointly with his spouse or

with his minor children [or companion] [These words were inserted by Maharashtra 8 of 2001, section 7(a), (w.e.f. 8.1.2001).] 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 [fifty thousand kilometres] [These words were substituted for the words 'thirty thousand kilometres' by Maharashtra 32 of 2010, section 24 (w.e.f. 1.4.2010).] travelling, to claim travelling allowance as if he or both or all of them, as the case may be, had undertaken the [journey by air-conditioned two-tier by railway] [These words were substituted for the words 'journey by first class by railway' by Maharashtra 11 of 1913, section 7 (w.e.f. 1.4.2013).]. In such cases, the difference between the fare for the journey by air and the fare for [journey by air-conditioned two-tier by railway] [These words were substituted for the words 'journey by first class by railway' by Maharashtra 11 of 1913, section 7 (w.e.f. 1.4.2013).] will have to be borne by the Leader of the Opposition.(b)Where a Leader of the Opposition, either singly or jointly with the members of his family [or companion] [These words were inserted by Maharashtra 8 of 2001, section 7(b)(ii), (w.e.f. 8.1.2001).] 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 [fifty thousand kilometres] [These words were inserted by Maharashtra 8 of 2001, section 7(a), (w.e.f. 8.1.2001).] of travelling, to claim the fare for journey by steamer or road transport if it is less than the fare for [journey by air-conditioned two-tier by railway] [These words were substituted for the words 'journey by first class by railway' by Maharashtra 11 of 1913, section 7 (w.e.f. 1.4.2013).] for the same distance or, if the fare for journey by steamer or road transport is more than the fare for [journey by air-conditioned two-tier by railway] [These words were substituted for the words 'journey by first class by railway' by Maharashtra 11 of 1913, section 7 (w.e.f. 1.4.2013).] for the same distance, to claim the fare for [journey by air-conditioned two-tier by railway] [These words were substituted for the words 'journey by first class by railway' by Maharashtra 11 of 1913, section 7 (w.e.f. 1.4.2013).] for the distance, and he shall have to bear the difference between the two fares.(3)In this section, where facilities are given to a Leader of the Opposition to travel jointly with the spouse (with or without minor children, [or companion] [These words were inserted by Maharashtra 8 of 2001, section 7(b)(ii), (w.e.f. 8.1.2001).] then in the case of a lady Leader of Opposition, 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 to section 8.]

8. Medical attendance.

- Subject to any rules or orders made by the State Government, a Leader of the Opposition and the members of his family who are residing with and dependant on him, shall be entitled, 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.

9. Telephone facilities.

(1)Each Leader of the Opposition shall during the term of his office be entitled to have a telephone installed at Government cost at the place of residence or at any place in his constituency selected by

him, being a place other than the place of residence provided under this Act, by the State Government.(2)No charge shall fall on the Leader of the Opposition personally in respect of installation of, initial deposit for, rental charges for maintenance of, and official calls made from the telephone installed under sub-section (1).(3)There shall also be paid to each Leader of the Opposition a sum of [Rs. 12,000] [These letters and figures were substituted for the letters and figures 'Rs. 8000' by Maharashtra 32 of 2010 section 25, (w.e.f. 1.4.2010).] per month, from the month in which telephone facility has been provided under this section.(4)[Where a Leader of the Opposition has a telephone installed at any place referred to in sub-section (1) at his own cost, then-(a)the rental charges in respect of such telephone shall be borne by the (State Government) and there shall be paid to him a sum of [Rs. 12,000] per month in respect to such telephone;(b)the charges in respect of official calls made from such telephone shall also be borne by the State Government if he resides at such place as a residence and a separate telephone is not provided to him by or under the provisions of this Act, by the State Government.]

10. Secretariat facilities.

- There shall be placed at the disposal of each Leader of the Opposition such staff as may be determined by rules or orders made in that behalf.

10A. [Facility of a personal assistant. - Each Leader of the Opposition shall be entitled, free of charge, to the services of a personal assistant. For this purpose, each Leader of Opposition may appoint any person, possessing such qualifications as may be prescribed by rules or orders made under section 13, 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 [Rs 15,000] [Section 10A was inserted by Maharashtra 48 of 1981, section 9.] per month from the State Government] [Sub-section (4) was substituted by Maharashtra 4 of 1989, section 11.].

11. Leaders of Opposition not to draw salary and allowances etc. as members of State Legislature.

- Notwithstanding anything contained in any law for the time being in force determining the salaries and allowances of the members of the State Legislature, a Leader of the Opposition shall not be entitled to receive any salary or allowances or other facilities under such law although he is member of the Assembly or the Council, as the case may be.

12. Leaders of Opposition not disqualified.

- For the avoidance of doubt, it is hereby declared that a person shall not be disqualified for being chosen as, for being, a member of the State Legislative Assembly or the State Legislative Council merely by reason of the fact that he holds the office of a Leader of the Opposition.

13. Power of State Government of make rules and orders.

(1) Without prejudice to any power to make rules or order contained elsewhere in this Act, the State Government may make rules or orders for carrying out the purposes of this Act. (2) Any rule or order under this Act may be made so as to be retrospective to any date not earlier than the date of commencement of this Act. (3) All rules or orders made under this Act shall have effect as if enacted in the Act.

14. [Amendment of Bombay XLIX of 1956]

Amendments have been incorporated in the principal Act.