

# **The Rajasthan Legislative Assembly (Members Residential Accommodation) Rules, 1973**

RAJASTHAN

India

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### **Rule**

### **THE-RAJASTHAN-LEGISLATIVE-ASSEMBLY-MEMBERS-RESIDENTIAL-ACCOMMODATION-RULES-1973**

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The Rajasthan Legislative Assembly (Members Residential Accommodation) Rules, 1973 Published vide Notification No. F.12(3) Sansad/73, dated February 16, 1973 Last Updated 24th May, 2019 In exercise of the powers conferred by clause (e) of sub-section (2) of Section 11 of Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956 (Rajasthan Act 6 of 1957) the State Government hereby makes the following rules specifying the housing facilities to which the members of the Rajasthan Legislative Assembly shall be entitled, namely:-

### **1. Short title, extent and commencement.**

(1) These rules may be called the Rajasthan Legislative Assembly (Members Residential Accommodation) Rules, 1973. (2) These rules shall come into force with immediate effect. (3) These rules shall apply to the allotment of residential accommodation specified in Appendix 'B' to the members of the Rajasthan Legislative Assembly.

### **2. Definitions.**

- [In these rules, unless the context otherwise requires,] [Added by G.S.R. 49, dated 21-8-1981, Published in Rajpatra (Extraordinary), part IV(ga), dated 21-8-1981, page 127-129]-(a)"Allotting Authority" means the House Committee of the Rajasthan Legislative Assembly or any person duly authorised by the House Committee;(b)"Class" in relation to a residential accommodation means the class of that residential accommodation specified in appendix 'B';(c)"Day" means a calendar day beginning and ending at mid-night;(d)"Executive Engineer" means the Executive Engineer, page

W.D. (B & R), City Division I, Jaipur or any other officer authorised by the Government to perform the functions of the Executive Engineer;(e)"Family" includes only the wife, children, step children, parents, brothers, their wives and sisters ordinarily residing with, the wholly dependent on the member;(f)"Government" means the Government of Rajasthan;(g)"House Committee" means the House Committee of the Rajasthan Legislative Assembly;(h)"Member" means a member of the Rajasthan Legislative Assembly, but does not include-(i)a Minister as defined in the Rajasthan Ministers' Salaries Act, 1956 (Rajasthan Act 43 of 1956);(ii)an officer of the Legislative Assembly for the State as defined in the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956 (Rajasthan Act 6 of 1957); and(iii)a Government Chief Whip or a Deputy Government Chief Whip or a Leader of the Opposition as defined in the enactment referred to in sub-clause (ii);(i)"Month" means a calendar month;(j)"Penal Rent" means the rate of rent that may be equal to double the [house rent allowance to which a member is entitled in accordance with the rules] [Substituted by G.S.R. 11, dated 26-7-1990, Published in Rajpatra (Extraordinary), part IV(ga), dated 26-7-1990, page 21];(k)"Rent" means the rate of rent as given in column 2 of Appendix 'D';(l)"Secretary" means the Secretary, Rajasthan Legislative Assembly and includes any other officer of the Rajasthan Legislative Assembly Secretariat for the time being performing the functions of the Secretary;(m)"Sub-letting" includes parting with the whole or part of the accommodation by an allottee, with or without payment of rent, but does not include a casual guest.

### **3. Allotment of residential accommodation.**

(1)The Executive Engineer, shall intimate to the House Committee the number and class of the vacant residential accommodation as soon as the same falls vacant.(2)A member seeking an allotment of residential accommodation shall submit an application in the form given in Appendix 'A' addressed to the Secretary.(3)Applications received shall be entered in a priority Register to be maintained by the Secretary.(4)Ordinarily the allotment shall be made in accordance with the strength of the various parties and groups in the Rajasthan Legislative Assembly and on the basis of the priority of the receipt of the applications. No allotment of accommodation, shall, however, be made under these rules to a member who may be availing of accommodation facilities as provided under the Rajasthan Legislative Assembly ((Officers and Members Emoluments) (Housing Facilities) Rules, 1956, on annual rent basis.(5)In case more than one applications are received on the same date allotment shall be made by drawing lot:Provided that preference shall be given to applicants desiring to stay with their families, over those desiring to stay single.(6)While making allotment, the House Committee may also, after due consideration, make out of turn allotment on any or all of the following grounds, namely:-(i)When a member happens to be the Chairman or a member of one of the Committee formed for the purpose of transacting Assembly business; or(ii)Illness or physical disability of the member; or(iii)Other circumstances of the member warranting such allotment on; priority basis.(7)The Secretary shall communicate the decision of the House Committee to the member concerned requesting him to execute an agreement in duplicate in the form given in Appendix 'C'.(8)On the execution of such an agreement, the Secretary shall intimate to the Executive Engineer accordingly and request him to handover the vacant possession of the residential accommodation to the member concerned.(9)The key of the residence shall be made over by the Executive Engineer to the member himself or to any other person duly authorised by him in writing, after the member has himself executed an agreement in the form given at

Appendix 'C'.(10)The Executive Engineer shall intimate the date of occupation of the accommodation to the Executive Engineer, Rajasthan State Electricity Supervisor, Vidhayak Niwas, the Assembly Secretariat and other Government departments concerned.(11)If a member fails to accept the allotment of the accommodation within 7 days from the date of receipt of the allotment order or fails to occupy it within 15 days:-(a)the allotment order in his name shall stand cancelled and his name shall go down at the bottom of the applicants of his category, maintained in the Priority Register:(b)after cancellation of the allotment order the accommodation shall be available for re-allotment.(12)the allotment of residential accommodation shall be effective from the date on which its possession is taken by or on behalf of the applicant and shall stand terminated:-(a)one month after he ceases to be a member of Rajasthan Legislative Assembly:[Provided that in special circumstances State Government may extend the said period from time to time, but in no case such period shall run beyond the date on which next Assembly is constituted.] [Substituted by G.S.R. 32, dated 18-7-1995, Published in Rajpatra (Extraordinary), part IV(ga), dated 19-7-1995, page 67](b)from the date it is cancelled or stand cancelled under these rules:(c)from the date it is surrendered by the member concerned.(13)Members having the same class of residential accommodation may, with the prior approval of the allotting authority, exchange them.(14)A residential accommodation can be surrendered by a member as follows:-(i)A member may at any time surrender an allotment made to him under these rules. Fifteen days notice in case of allotments for more than a month shall be necessary. If for any reason a member is unable to give due notice as prescribed above he shall inform the allotting authority of the circumstances under which due notice could not be given;(ii)A member desirous of vacating the residence shall handover vacant possession of the residence alongwith the key of the residence to the Executive Engineer concerned;(iii)A member shall be treated to be in occupation of the residence allotted to him so long as he does not handover vacant possession of the residence to the Executive Engineer after intimating the time and Sate of vacation.(15)[ A residential accommodation may be taken possession of in accordance with the provisions contained in sub-section (3) of section 9 of the Act.] [Inserted by G.S.R. 11, dated 26-7-1990, Published in Rajpatra (Extraordinary), part IV(ga), dated 26-7-1990, page 21]

#### **4. House rent allowance.**

- Members (excluding those availing of accommodation facility on annual rent basis under the Rajasthan Legislative Assembly (Officers and Members Emoluments) (Housing Facilities) Rules, 1956 or those living in the allotted Government Accommodation residing at Jaipur in the accommodation owned or hired by them shall be entitled to draw House Rent allowance of [Rs. 20,000/- per month with effect from 1.4.2017] [Substituted 'Rs. 7500/- per month with effect from 1.4.2012' by Rajasthan Notification No. G.S.R. 34, dated 19.6.2017 (w.e.f.16.2.1973).][or from the date of the use of such residential facility whichever is later] [Substituted by G.S.R. 32, dated 17-4-1989, Published in Rajpatra part IV(ga), dated 22-6-1989, page 146], on production of a House rent receipt or a certificate that the house is personally owned or hired by them.

## **5. Payment of House Rent Allowance.**

- Payment of house rent allowance to members who before the commencement of these rules have been residing in hired accommodation and have also been allowed to draw house rent allowance, shall be continued under these rules.

## **6. Supply and rent of furniture.**

(a) A member who has been allotted residential accommodation specified in Appendix 'B' shall normally be supplied by the PWD furniture worth [Rs. 50,000/-] [Substituted by G.S.R. 12, dated 28-4-1998, Published in Rajpatra (Extraordinary), part IV(ga), dated 28-4-1998, page 21(2).] in the residence. Extra articles of furniture may be supplied to the allottees by the Executive Engineer on demand, if available. Payment of rent for the extra furniture shall have to be made by the allottee monthly to the Executive Engineer; (aa) [Facility of furniture supplied to an allottee as aforesaid under clause (a) shall be available during the extended period of allotment under clause (a) of sub-rule (12) of rule 3 of these rules.] [Inserted by G.S.R. 32, dated 18-7-1995, Published in Rajpatra (Extraordinary), part IV(ga), dated 19-7-1995, page 67] (b) Transfer of furniture between the members shall not be permissible; (c) The extra furniture when not required by the allottee shall be handed over to the Executive Engineer, and a receipt thereof shall be obtained. (d) The allottees shall be responsible for the loss and damage to articles of furniture beyond fair wear and tear cost of the articles, not returned to the Executive Engineer, shall be recovered from the allottees.

## **7. Unauthorised occupation.**

(1) The allottee shall use the accommodation for his own residence and that of his family members only and under no circumstances shall be sub-let to or share the residence with any other person, whether a member or otherwise or allow any person to occupy the same. (2) A member shall, on unauthorised occupation or on sub-letting of residence or portion thereof including a garage or servant quarter allotted to him:-(a) be able to pay penal rent; and (b) be debarred from being allotted accommodation for a period of three years. (c) [x x x] [Omitted by G.S.R. 11, dated 26-7-1990, Published in Rajpatra (Extraordinary), part IV(ga), dated 26-7-1990, page 21]

## **8. Fixation of rent.**

- Rent for each class of accommodation shall be fixed by the Government.

## **9. Recovery of rent.**

(1) The member concerned shall deduct the rent from his salary bill every month and deposit the same in the treasury concerned in accordance with the procedure laid down by the Government from time to time. (2) If a member fails to make payment of rent for three consecutive months, the tenancy shall be liable to be cancelled by the House Committee with consequent eviction. (3) For the purpose of these rules the amount of last salary to the member shall be released on production of

'No Dues Certificate' when he/she ceases to be a member.

## **10. Electricity and water supply.**

- (1) A member allotted residential accommodation specified in Appendix 'B' shall have electric and water connection direct from the Rajasthan State Electricity Board and Water Works Department respectively. (2) The bill on account of electricity and water supply [during the period of allotment and extended period of allotment if any, under rule 3] [Inserted by G.S.R. 32, dated 18-7-1995, Published in Rajpatra (Extraordinary), part IV(ga), dated 19-7-1995, page 67] shall be paid by the [member] [Substituted by G.S.R. 85, dated 16-12-1995, Published in Rajpatra (Extraordinary), part IV(ga), dated 18-12-1995, page 180] in accordance with the procedure laid down by Government from time to time: [Provided that such payment shall not exceed beyond the grant on account of consumption of electricity and water of [rupees four thousand per month. If such amount exceeds Rs. 4000/-P.M.,] [Substituted by G.S.R. 73, dated 12-8-1994, Published in Rajpatra (Extraordinary), part IV(ga), dated 19-8-1994, page 261] the member shall be liable to pay such excess amount],

## **11. Liability for damage to property etc.**

(a) A member shall be personally responsible for any loss of or damage to Government property supplied in the residence if the loss or damage occurs during his occupation of the residence. (b) The member shall be responsible for the maintenance of proper sanitation in the residence, proper preservation of plants, lawn, etc.

## **12. Possession and supervision of residence and submission of vacant residence report.**

- The residence shall remain in the possession and supervision of the Executive Engineer who will submit fortnightly report of vacant residence to the Secretary on 1st and 15th of every month.

## **13. Checking of residence.**

- The allotting authority may institute or cause to be instituted periodical checks of all residence either through the members of the House Committee or through an office authorised by the House Committee, in this behalf, to ensure that no residences, garages, servant quarters etc. sub-let etc. or occupied in an unauthorised manner.

## **14. Repeal and savings.**

- The residential accommodation (Jaipur) Rules, 1956 shall be repealed but all action taken heretofore under those rules shall be deemed to have been taken under these rules. Appendix 'A' [Rule 3(2)] Form of Application for Government Accommodation for residential purposes To The Secretary, Rajasthan Legislative Assembly, Jaipur. I hereby apply for Government residential accommodation.

**1. Name.**

**2. Constituency.**

**3. Pay.**

**4. Allowances, if any.**

**5. Number of adults and children in the family (including relationship with the applicant).**

**6. State whether you have house property in Jaipur.**

**7. State whether you are a member of any of the Standing Committee of the Rajasthan Legislative Assembly.**

It is certified that I am not availing of accommodation facility as provided in the Rajasthan Legislative Assembly ((Officers and Members Emoluments) (Housing Facility) Rules, 1956, in the Vidhayak Niwas on annual rent basis.

Signature .....

M.L.A.

Dated ..... (Division No. ....)

Appendix 'B'

S.No.	Class of residential accommodation	Number of Bungalows & flats available	Location
1.	'B' Type M.L. As. Bungalow	18	Near Vidhayak niwas behind the General Post Office, M.I. Road, Jaipur.
	'C' Type M.L. As Bungalow	10	
2.	Flats in Vidhayak-puri	24	Behind All India Radio, Station Road, Jaipur.
3.	Flats in Vidhayak Niwas	16	In front of Rajasthan Legislative Assembly House, SirehDeorhi Bazar, Jaipur
4.	Flats in Dhabhaiji-ki-Haveli	16	

Appendix 'C'I, ..... hereby agree to the allotment of bungalow/ flat No. .... subject to the following conditions:(a)that I shall pay to Government dues pertaining to such occupation by deduction from my salary every month and the Treasury Officer may be informed about the deduction;(b)that I shall not sub-let or share the quarter or any part of it with any person other than member of my family; and(c)that I shall abide by the rules formulated from time to time in respect of sanitation, maintenance and proper preservation of quarters allotted to me.

Signature .....

M.L.A.

Dated ..... (Division No. ....)

[Appendix 'D'] [Added by G.S.R. 112, dated 2-2-1982, Published in Rajpatra (Extraordinary), part IV(ga), dated 2-2-1982, page 411]

S.No. Description of the building Rent chargeable per month Standard Rent

1	2	3	4
	M.L.A's Bungalows		
1.	"B" Type quarters	Rs. 60/-	Rs. 25/-
2.	"C" Type quarters	Rs. 45/-	Rs. 13/-
	Vidhayakpuri Flats	Rs. 45/-	Rs. 15/-
	Vidhayak Niwas Flats	Rs. 35/-	Rs. 15/-
	Dhabhai Ji Ki Haveli Flats		
1.	Category (A)	Rs. 30/-	Rs. 20/-
2.	Category (B)	Rs. 25/-	Rs. 15/-
3.	Category (C)	Rs. 20/-	Rs. 10/-
4.	Category (D)	Rs. 15/-	Rs. 05/-

Rent at the fixed rate would be payable for notice period also if an occupant gives notice of surrendering allotment prematurely and the house remains unoccupied during the period of notice.