

Maharashtra Legislative Council (Chairman And Deputy Chairman) and Maharashtra Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1956

MAHARASHTRA

India

Maharashtra Legislative Council (Chairman And Deputy Chairman) and Maharashtra Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1956

Act 47 of 1956

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Maharashtra Legislative Council (Chairman And Deputy Chairman) and Maharashtra Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1956 Bombay Act No. 47 of 1956 For Statement of Objects and Reasons see Bombay Government Gazette, 1956 Part 5, p. 338. [This Act received the assent of the Governor on the 30th November 1956; assent first published in the Bombay Government Gazette, Part IV, on the 30th November 1956.] An Act to provide for the salaries and allowances of the Chairman and the Deputy Chairman of [the Maharashtra Legislative Council] [These words were substituted respectively for the words, 'the Bombay Legislative Council' and 'the Bombay Legislative Assembly' by Maharashtra 15 of 1980, Schedule.] and the Speaker and the Deputy Speaker of [the Maharashtra Legislative Assembly] [These words were substituted respectively for the words, 'the Bombay Legislative Council' and 'the Bombay Legislative Assembly' by Maharashtra 15 of 1980, Schedule.] and certain other matters. Whereas it is expedient to provide for the determination of the salaries and allowances of the Chairman and the Deputy Chairman of [the Maharashtra Legislative Council] [These words were substituted respectively for the words 'the Bombay Legislative Council' and 'the Bombay Legislative Assembly' by Maharashtra 15 of 1980, Schedule.] and the Speaker and the Deputy Speaker of [the Maharashtra Legislative Assembly] [These words were substituted respectively for the words 'the Bombay Legislative Council' and 'the Bombay Legislative Assembly' by Maharashtra 15 of 1980, Schedule.] and certain other matters as hereinafter appearing; It is hereby enacted in the Seventh Year of the Republic of India as follows :-

1. Short title and commencement.

- [(1) This Act may be called the Maharashtra Legislative Council (Chairman and Deputy Chairman) and Maharashtra Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act.] [Sub-section (1) was substituted by Maharashtra 15 of 1980, Schedule.](2)It shall be deemed to have come into force on the 1st November 1956.

2. Definitions.

- In this Act unless there is anything repugnant in the subject or context,-(a)"Assembly" means the [Maharashtra Legislative Assembly] [These words were substituted for the words 'Bombay Legislative Assembly' by the Maharashtra Adaptation of Laws (State and concurrent Subjects) Order, 1960.];(b)"Chairman" and "Deputy Chairman" means respectively the Chairman and Deputy Chairman of the Council;(c)"Council" means the [Maharashtra Legislative Council] [These words were substituted for words 'Bombay Legislative Council' by Maharashtra adaptation of Laws (State and Concurrent Subjects) Order, 1960.];(d)"maintenance" in relation to a residence includes the payment of rates and taxes to Government or any local authority and the provision of electricity, gas and water;(e)"residence" includes the staff quarters and buildings appurtenant thereto and the garden thereof;(f)"rules or orders" means the rules or order respectively made under this Act;(g)"Speaker" and "Deputy Speaker" means respectively the Speaker and Deputy Speaker of the Assembly.

3. Salaries of Chairman and Speaker.

- There shall be paid to the Chairman and the Speaker each [a salary of [Rs. 10,000] [These words letters and figures were substituted for the words, letters and figures 'a salary of Rs. 1,100 per month, by Maharashtra 51 of 1969, section 2.] per month.]

4. Residence of Chairman and Speaker.

(1)The Chairman and the Speaker each shall be entitled, without payment of rent, to the use of a furnished residence in Bombay throughout his term of office and for a period of fifteen days immediately thereafter, 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 words and figures were substituted for the words and figures 'Rs. 2,500' by Maharashtra 32 of 2010, section 3, (w.e.f. 1.4.2010).](2)No charge shall fall on the Chairman or the Speaker personally in respect of the maintenance of any residence provided under this section.(3)The expenditure on furnishing 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 the Chairman or the Speaker, then, save as otherwise provided by or under this Act, the State Government shall not incur any expenditure, or the Chairman or the Speaker shall not be entitled to any payment, or 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 2(b).]

4A. [Sumptuary allowance to Chairman and Speaker.] [Section 4A was inserted by Maharashtra 8 of 1960, section 2.] - [There shall be placed at the disposal of the Chairman] [These words were substituted for the words 'There shall be paid to the Chairman' by Maharashtra 51 of 1969, section 3(a).] and the Speaker each a sumptuary allowance of [six lakh rupees] [These words were substituted for the words 'four lakh rupees' by Maharashtra 18 of 2009, section 2, (w.e.f. 1-7-2009).] per annum.

5. Conveyances for Chairman and Speaker.

(1)The State Government may, from time to time, for the use of the Chairman and the Speaker purchase and provide motor cars and other suitable conveyances, upon such conditions as regard their 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 each motor car on conveyance so provided.] [These words were added by Maharashtra 51 of 1969, section 4.](2)There shall also be paid to the Chairman and the Speaker each a conveyance allowance at [such rate per month as may be prescribed by rules made in that behalf.] [These words were substituted for the words, letters and figures 'the rate of Rs. 1,000 per month' by Maharashtra 2 of 1986, section 2.]

6. [Travelling and daily allowances. - Subject to any rules made in this behalf by the State Government, the Chairman or the Speaker 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 on public business undertaken by him.Explanation.- The expression "Bombay" includes any other place appointed by the State Government for the purpose of this section.] [Section 6 was substituted for the original by Maharashtra 2 of 1961, section 2.]

7. Medical attendance.

- Subject to rules or order made by the State Government, the Chairman and the Speaker and the members of the family of the Chairman or the Speaker, as the case may be, who are residing with and dependent 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 purpose of this section, the expression "a member of the family" means the husband, wife, son, daughter; father, mother, brother or sister.

7A. [Telephone facilities to Officers of State Legislature. - (1) Every officer of State Legislature shall during the term of his office be entitled also 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 officer of the State Legislature personally in respect of installation of, initial deposit for, rental charges for maintenance of and official call made from, the telephone installed under sub-section (1). (3) There shall also be paid to every officer of the State Legislature a sum of, [Rs. 12,000] [Section 7A was inserted by Maharashtra 41 of 1975, section 2.] per month from the month in which telephone facility has been provided under this section. (4) [Where an officer of the State Legislature 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 such officer a sum of [Rs. 12,000] per month in respect of such telephone; and (b) the charges in respect of official calls made from such telephone shall also be borne by the State Government if such Officer 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. Explanation. - In this section [and in section 8] [These words were inserted by Maharashtra 52 of 1976, section 2.] officer of the State Legislature means the Chairman and Deputy Chairman and the Speaker and the Deputy Speaker.] [Sub-section (4) was substituted for the original by Maharashtra 4 of 1989, section 4.]

8. [Free transit by railway and steamer.] [Section 8 was substituted by Maharashtra 72 of 1981, Section 4.] - (1) Every officer of the State Legislature shall [* * *] [The words figures and letters 'with except from the 1st day of April 1991' were deleted by Maharashtra 2 of 1991, section 3(a)(i).] 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 2 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 officer, either singly or jointly with his spouse or with his minor children or jointly with his spouse and minor children [or companion] [These words were inserted by Maharashtra 8 of 2001, section 2 (w.e.f. 8.1.2001).] so, however, that the distance so travelled by the officer outside the State and by members of his family [or companion] [These words were inserted by Maharashtra 8 of 2001, section 2 (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 5 (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 5 (w.e.f. 1-4-2010).] for travelling the number of kilometres travelled by the officer 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 2 (w.e.f. 8.1.2001).] from the place their residence, whether within or outside the State, shall be counted separately.(2)(a)Notwithstanding anything contained in this Act, where an officer, either singly or jointly with his spouse or with his minor children, [or companion] [These words were inserted by Maharashtra 8 of 2001, section 2 (w.e.f. 8.1.2001).] or jointly, with his spouse and minor children [or companion] [These words were inserted by Maharashtra 8 of 2001, section 2 (w.e.f. 8.1.2001).] 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 5 (w.e.f. 1-4-2010).] for 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 2013, Section 4(1)(11) (w.e.f. 1.4.2013).]. In such cases the difference between the fare for 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 2013, Section 4(1)(11) (w.e.f. 1.4.2013).] will have to be borne by the Officer.(b)Where an officer, either singly or jointly with the members of his family [or companion] [These words were inserted by Maharashtra 8 of 2001, section 2 (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 substituted for the words 'thirty thousand kilometres' by Maharashtra 32 of 2010, section 5 (w.e.f. 1-4-2010).] for travelling to claim the fare 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 2013, Section 4(1)(11) (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 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 2013, Section 4(1)(11) (w.e.f. 1.4.2013).], for the same distance, and he shall have to bear the difference between the two fares.(3)In this section, where facilities are given to an officer of the State Legislature to travel jointly with the spouse (with or without minor children, [or companion] [These words were inserted by Maharashtra 8 of 2001, section 2 (w.e.f. 8.1.2001).]) then in case of a lady officer, 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 the family as defined in the Explanation to section 12A].

9. [Chairman, Deputy Chairman, Speaker and Deputy Speaker] [These words were substituted for the words 'the Chairman and Speaker' by Maharashtra 2 of 1965, section 4(c).] not entitled to salaries and allowances 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, [the Chairman, the Deputy Chairman, the

Speaker or the Deputy Speaker] [These words were substituted for the words 'the Chairman and the Speaker' by Maharashtra 2 of 1965, section 4(a).] shall not be entitled to receive any salary or allowances under such law although [he] [This word was substituted for the words 'such Chairman and Speaker' by Maharashtra 2 of 1965, section 4(b).] is a member of the Council or Assembly.

10. Salaries of Deputy Chairman and Deputy Speaker.

- There shall be paid to the Deputy Chairman and the Deputy Speaker each [a salary of [Rs. 9200] [These words, letters and figures were substituted for the words and figures 'a salary of Rs. 750 per month' by Maharashtra 51 of 1969, section 5.] per month][10-1A.Sumptuary allowance to Deputy Chairman and Deputy Speaker. - There shall be placed at the disposal of the Deputy Chairman and the Deputy Speaker each, a sumptuary allowance of three lakh rupees per annum.] [Section 10-1A was inserted by Maharashtra 32 of 2010, section 7, w.e.f. 1.4.2010.]

10A. [Sitting allowance to Chairman, Deputy Chairman, Speaker and Deputy Speaker. - The Chairman, Deputy Chairman, Speaker and Deputy Speaker each shall be entitled to sitting allowance at the rate of [Rs. 500] [Section 10A was inserted by Maharashtra 25 of 1987, section 6.] per day throughout his term of office as such Chairman, Deputy Chairman, Speaker or Deputy Speaker as the case may be.]

11. [Residences of Deputy Chairman and the Deputy Speaker.] [Section 11 and 11A were substituted for the original section 11 by Maharashtra 2 of 1965, section 6.] - (1) The Deputy Chairman and the Deputy Speaker each shall be entitled without payment of rent, to the use of a furnished residence in Bombay throughout his term of office and for a period of fifteen days immediately thereafter, 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 charge and water charges, if any, paid by him for his place of residence in Bombay] [These letters and figures were substituted for the letters and figures 'Rs. 2,500' by Maharashtra 32 of 2010, section 9, (w.e.f. 1.4.2010).] being a place other than place of residence provided under this Act by the State Government.

(2)No charge shall fall on the Deputy Chairman or the Deputy Speaker personally in respect of the maintenance of any residence provided under this section.(3)The expenditure on furnishing any 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 sums are payable under sub-section (1) to the Deputy Chairman or the Deputy Speaker, then, save as otherwise provided by or under this Act, the State Government shall not incur any expenditure, or the Deputy Chairman or the Deputy

Speaker 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 5(b).]

11A. Conveyance for Deputy Chairman and Deputy Speaker.

(1)The State Government may, from time to time for the use of the Deputy Chairman and the Deputy Speaker purchase and provide motor cars and other suitable Conveyance upon such conditions as regards their maintenance and repairs as may be determined by rules or order made in this behalf. The State Government may also provide free of charge the [services of a chauffeur for each motor car or conveyance so provided.] [These words were added by Maharashtra 51 of 1969 section 6.](2)There shall also be paid to the Deputy Chairman and the Deputy Speaker, each a conveyance allowance at [such rate per month as may be prescribed by rules made in that behalf.] [These words were substituted for the words, letters and figures 'the rate of Rs. 1,000 per month' by Maharashtra 2 of 1986, section 5.]

12. [[Travelling and daily allowance.] [Section 12 was substituted for the original by Maharashtra 2 of 1961, section 3.] - Subject [* * *] [The words 'to the provisions of section 1 and' were deleted by Maharashtra 2 of 1965, section 7(a).] to any rule made in this behalf by the State Government the Deputy Chairman or the Deputy Speaker 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 on public business undertaken by him.Explanation.- The expression "Bombay" includes any other place appointed by the State Government for the purpose of this section.]

12A. [Medical attendance. - Subject to rules or orders made by the State Government, the Deputy Chairman and the Deputy Speaker and the members of the family of the Deputy Chairman or the Deputy Speaker, as the case may be, who are residing with and dependent 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 "member of the family" means the husband, wife, son, daughter, father, mother, brother or sister.] [Section 12A was substituted for the original by Maharashtra 2 of 1965, section 8.]

12B. [Facility of a personal assistant. - The Chairman, the Speaker, the Deputy Chairman and the Deputy Speaker shall be entitled free of charge, to the services of a personal assistant. For this purpose, the Chairman, the Deputy Chairman, the Speaker or the Deputy Speaker, as the case may be, may appoint any person, possessing such qualification 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. 15000] [Section 12B was inserted by Maharashtra 48 of 1981, section 5 which came into force on 18th September, 1981.] per month from the State Government.]

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

- [(1) The State Government may, in consultation with the Chairman and the Speaker, make rules or orders for carrying out the purposes of this Act.(1A)All rules or orders made under this Act shall be laid before both Houses of the State Legislature as soon as may be after they are made.] [Sub-section (1) and (1A) were substituted for the original sub-section (1) by Maharashtra 8 of 1960, section 3.](2)Any rule or order made 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.

14. Repeal.

- The Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly, (Speaker and Deputy Speaker) Salaries and Allowances Act, 1952 (in this section referred to as "the said Act") 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] [The words 'State of Bombay' shall stand unmodified [vide the Maharashtra Adaptation of Laws (State Concurrent Subjects) Order, 1960].]:Provided that notwithstanding such repeal any rules or orders made under the said Act 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.NotificationsG.N., L. & J. D., No. 129-B-N, dated 1st December, 1969 (M. G., part IV-B, pages 1766) - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances (Amendment) Act, 1969 (Maharashtra LI of 1969), the Government of Maharashtra hereby appoints the 1st day of December 1969 to be the date on which the said Act shall come into force.