

FINANCE DEPARTMENT.

FINANCIAL BRANCH.

(THE LEGISLATURE SALARIES AND ALLOWANCES RULES.)

No. 28

Rangoon, the 22nd March 1938.

No. 28.— The Legislature Salaries and Allowance Rules, made by the Governor in accordance with the provisions of section 7 of the Legislature Salaries and Allowances Act, 1938, were laid before both Chambers of the Legislature on the 21st March 1938 and are published together with Appendices I and II for general information. These rules shall be deemed to have effect from the same date as that on which the substantive Act came into force.

THE LEGISLATURE SALARIES AND ALLOWANCES RULES.

PART I.-Definitions.

1. In these rules—

- (a) “The Act” means the Legislature Salaries and Allowances Act, 1938.
- (b) “Secretary” means the Secretary, Burma Legislature.
- (c) A session or meeting shall be deemed to be in progress during any adjournment which takes place between the opening and closing days.
- (d) “Halting Allowance” means an allowance drawn for any day by a member who is compelled to halt for the whole of that day at a place other than his notified place of residence after or before any journey undertaken for the purpose of attending a session or meeting.
- (e) “Notified place of residence” means the ordinary place of residence of a member as notified by him to the Secretary.
- (f) “Rangoon” includes the area lying within a distance of two miles beyond the Municipal boundaries of Rangoon.
- (g) Any other expression used in these rules which is defined in the Act is used in the sense therein defined.

PART II. – Salaries and Daily Allowances.

2. Subject to the proviso to section 6 of the Act salaries and daily allowances (if any) become due and may be drawn on the first working day of the month following that in which they are earned; provided that in the case of a member whose seat becomes vacant his salary and daily allowances (if any) become due on the day following that on which his seat becomes vacant and may be drawn on any subsequent day before the expiry of three months. A copy of the Gazette Notification declaring the seat vacant should be attached to the salary bill.
3. Daily allowance can only be drawn under section 3 of the Act for each day of actual residence at the place of session or meeting while it is in progress and for the days of arrival at or departure from the place of session or meeting. For the purpose of the calculation of the period for which daily allowance may be claimed the Secretary will provide the Accountant-General on the last day of each month, during any part of which a session or meeting has been in progress, with a statement showing the opening and final days of the session or meeting or if the session or meeting is still in progress on the last day of the month a statement to that effect. Daily allowance should be drawn in the same bill together with salary.
4. (1) Salary bills will be paid only upon the personal claim of the member concerned and to his personal receipt, provided that the salary bill may be made payable to a banker or agent in the manner provided by sub-rule (2) of this rule. On the written request of a member money or a cheque will be made over to a messenger named in the written request but Government accepts no responsibility for any fraud or misappropriation in respect of such money or cheque.
(2) A salary bill may be paid in Rangoon through a bank or agent who has given an indemnity bond to Government, provided that the member signs an endorsement on his salary bill that payment is to be made to such bank or agent. A list of banks and agents through whom payment can be made is given in Appendix I to these Rules.
5. Members should notify the Secretary in writing of their ordinary place of residence. Any change of residence should similarly be notified in writing to the Secretary by the member concerned.
6. A member who proceeds out of Burma should make his own arrangements for payment of his salary in Burma.

PART III.-Travelling Allowance.

7. (1) For the first journey to attend a session or meeting and for the final return journey therefrom the following allowances are admissible:-

(a) For so much of the journey as is performed by rail or steamer:-1(3/5) ths the ordinary single first class fare exclusive of diet.

(b) For so much of the journey as cannot be performed by rail or steamer:-annas 12 per mile.

(2) When two or more steamship lines ply to Rangoon and quote different rates of fares travelling allowance will be based on the fares quoted by the line actually used, exclusive if diet.

(3) For journeys performed by air, travelling allowance is limited to the amount which a member would have drawn had he travelled first class by rail or steamer.

(4) A member who performs by road a journey or part of a journey which he might have performed by rail or steamer may draw travelling allowance for the journey or part so performed at the rate of 12 annas a mile, provided that the total amount so drawn shall be limited to the amount which he would have drawn had he travelled first class by rail or steamer.

(5) A member who performs a journey or part of a journey in a conveyance provided otherwise than at his own expense cannot draw travelling allowance equivalent to fares or mileage for such journey or part but shall be entitled to an allowance equivalent to half the amount of halting allowance for any day not less than six hours of which have been occupied in performing such journey or part.

(6) If a session or meeting is adjourned, a member who returns to his notified place of residence during the period of the adjournment will be entitled to claim travelling allowance limited to the amount of the daily allowance he would have been entitled to, had he continued to reside at the place of session or meeting during such adjournment.

8. Halting allowance at the rate of Rs. 15 per day may be drawn by members whose notified place of residence is outside Rangoon in the following circumstances, but cannot be drawn for any day on which daily allowance under Part II of these rules is drawn:-

(1) If at the conclusion of a session or meeting a member remains at the place of such session or meeting until the day on which another session or meeting begins, he may draw halting allowance for each complete day of such halt if the intervening period is so short that the member's claim to travelling allowance for the journey from and back to the place of the session or meeting admissible under Rule 7 would exceed the amount admissible under this sub-rule.

(2) Any member coming from or returning to the Tavoy and Mergui Districts and the Arakan Division may draw halting allowance for the day intervening between the day of arrival and the first day of the session or meeting, and between the last day of the session or meeting and day of departure, as the

case may be, if these days must necessarily be spent in Rangoon on account of the fact that means of communication with these localities are not available daily.

9. For intermediate journeys from and to Rangoon when a session or meeting is in progress a member may draw one ordinary single first class fare for so much of the journey as is performed by public conveyance in each direction provided that the amount shall be limited to the amount of daily allowance which the member could have drawn had he remained in Rangoon; provided further that no travelling allowance shall be admissible for absences lasting seven days or more or shall exceed the amount admissible under this rule for a journey to and from the member's notified place of residence.
10. For the purpose of calculating travelling allowance the journey between two places is held to be performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short. The shortest route is that by which a member can most speedily reach his destination by rail or steamer, if such places are connected by rail or steamer route, or by the means ordinarily employed by the travelling public if they are not so connected.
11. For the purpose of calculating the amount admissible for journeys the house in which the member is residing when he starts his journey to the place of session or meeting shall be regarded as the starting point of his journey and either the same house if he actually returns thereto or otherwise his notified place of residence shall be regarded as the end of his journey when returning from the place of session or meeting provided that both places are in Burma. Where this proviso is not fulfilled the amount to be allowed shall be calculated as if the journey had been either to or from his notified place of residence. The Chamber of the Legislature shall be regarded as one terminal point of such journeys when the place of session or meeting is Rangoon and the building in which the meeting is actually held if the place of meeting is elsewhere than Rangoon.
12. Travelling allowance bills become due and may be cashed on the first day of the month following the month in which the journey was performed; provided that if a member so desires when the place of session or meeting is in Rangoon the bill for the journey to Rangoon, if not already cashed, and for the journey from Rangoon may be prepared and cashed immediately before his departure from Rangoon. Travelling allowance bills will be paid in the manner provided in Rule 4.
13. The Secretary is the controlling officer for the purpose of countersigning all claims to travelling allowance.

PART IV.-Interpretation.

14. If any doubt arises as to the interpretation of these rules the decision of the Auditor-General of Burma shall be final.

By order,
C. F. B. PEARCE,
Secretary to the Govt. of Burma, Finance Dept.

----- Attachment -----

[ATTACH LIST 1] 01 APPENDIX I. (THE LEGISLATURE SALARIES AND ALLOWANCES RULES.)

[ATTACH LIST 2] 02 APPENDIX II. (THE LEGISLATURE SALARIES AND ALLOWANCES RULES.)