

**SALARIES AND ALLOWANCES OF OFFICERS OF PARLIAMENT
ACT, 1953**

20 of 1953

[16th May, 1953]

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STATEMENT OF OBJECTS AND REASONS "Under Art.90~~f~~ of the Constitution, read with paragraph 7 of the Second Schedule, the Chairman and the Speaker are each at present entitled to the same salary and allowances as were payable to the Speaker of the Constituent Assembly (Legislative) before the 26th January 1950, that is to say, a salary of Rs. 3000 per mensem, a sumptuary allowance of Rs. 500 per mensem and the use of a fully furnished residence in New Delhi free of rent throughout his term of office. Similarly the Deputy Chairman and the Deputy Speaker are entitled to the same salary and allowances as were payable to the Deputy

Speaker of the Constituent Assembly (Legislative), namely a salary of Rs. 1,500 per mensem for the period during which he is on work connected with the business of the House and a daily allowance of Rs. 40 as admissible to a Member of the House. All these officers of Parliament are also entitled in respect of journeys on duty to travelling and daily allowances. Paragraph 7 of the Second Schedule is a transitional provision and Art. 97 contemplates a law of Parliament providing for the salaries and allowances of all these four officers of Parliament. When the salary and allowances of the Speaker of the Constituent Assembly (Legislative) were fixed by a statutory order in February, 1945, they were equated to the salary and allowances of a Cabinet Minister. The present Bill has been drafted in pursuance of Art.97 of the Constitution and equates the position of the Speaker and the Chairman to that of a Cabinet Minister with respect to their salaries, allowances and other facilities as envisaged in Salaries and Allowances of Ministers Act, 1952. With respect to the Deputy Speaker and the Deputy Chairman, a salary of Rs. 2,000 per mensem is proposed and in addition they would be entitled to the use of a fully furnished residence." -Gaz. of India, 11-3-1953, Extra. Pt. II, section 2,p. 121.

1. Short title and commencement :-

(1) This Act may be called The Salaries and Allowances of Officers of Parliament Act. 1953.

(2) It shall be deemed to have come into force on the first day of May, 1953.

2. Definitions :-

In this Act "Officer of Parliament" means any of the following officers, namely, the Chairman and Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People.

3. Salaries, etc. of officers of Parliament :-

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2 (1) There shall be paid to the Chairman of the Council of States a salary of forty thousand rupees per mensem.

(2) Each officer of Parliament, other than the Chairman of the Council of States, shall be entitled to receive a salary per mensem and an allowance for each day during the whole of his term as such officer at the same rates as are specified in S.3 of the Salaries,

Allowances and Pension of Members of Parliament Act, 1954 with respect to members of Parliament.

(3) Each officer of Parliament, other than the Chairman of the Council of States, shall be entitled to receive a constituency allowance at the same rate as is specified under section 8 of the said Act with respect to members of Parliament.]

1. Substituted by Salaries and Allowances of Officers of Parliament (Amendment) Act (75 of 1985), section 2 (26- 12-1985).

2. Substituted for " (1) There shall be paid to the Chairman of the Council of States a salary of seven thousand five hundred rupees per mensem; and an allowance for each day during the whole of his term as the Chairman at the same rate as is specified in section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 with respect to members of Parliament 1 ["and an allowance for each day during the whole of his term as the Chairman at the same rate as is specified in Section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954), with respect to members of Parliament".] ", vide The Salaries and Allowances of Officers of Parliament (Amendment) Act, 1998 (26 Of 1998), Dt. August 20, 1998 Published in Received the assent of the President on August 20, 1998 and published in the Gazette of India, Extra., Part II, Section 1, dated 20th August, 1998, pp. 1-2, No. 41

4. Residence for Officers of Parliament :-

1 [(1)] Each Officers of Parliament shall be entitled without payment of rent to the use of a furnished residence throughout his term of office and for a period of **2** [one month] immediately thereafter, and no charge shall fall on the officer personally in respect of the maintenance of such residence.

3 [(2) In the event of the death of an Officer of Parliament, his family shall be entitled to the use of the furnished residence occupied by the Officer of Parliament-

(a) for a period of one month immediately after his death, without payment of rent and no charge shall fall on the family of the Officer of Parliament in respect of the maintenance of such residence, and

(b) for a further period of one month, on payment of rent at such rates as may be prescribed by rules made in this behalf under section 11 and also charges in respect of electricity and water consumed in that residence during such further period.]

Explanation.- For the purposes of this section, "residence" includes

the staff quarters and other buildings appurtenant thereto and the garden thereof, and "maintenance" in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water.

1. Original section re-numbered as sub-section (1) thereof by the Salaries and Allowances of Officers of Parliament (Amendment) Act, 1970 (49 of 1970), section 2 (w.r.e.f. 1-11-1969).

2. Substituted for 'fifteen days', the Salaries and Allowances of Officers of Parliament (Amendment) Act, 1970 (49 of 1970), section 2 (w.r.e.f. 1-11-1969).

3. Sub-section (2) inserted, the Salaries and Allowances of Officers of Parliament (Amendment) Act, 1970 (49 of 1970), section 2 (w.r.e.f. 1-11-1969).

5. Sumptuary allowance :-

¹There shall be paid to ²[***]the Speaker of the House of the People a sumptuary allowance of one thousand rupees per mensem and to the Deputy Chairman and the Deputy Speaker a sumptuary allowance of five hundred rupees per mensem.]

³ "Provided that on and from the 17th day of September 2001, the sumptuary allowance shall be paid to

(a) the Speaker of the House of the People at the same rate at which the sumptuary allowance is payable, under Section 5 of the Salaries and Allowances of Ministers Act, 1952 (58 of 1952), to every other Minister who is a member of the Cabinet;

(b) the Deputy Chairman and the Deputy Speaker at the same rate at which the sumptuary allowance is payable, under Section 5 of the Salaries and Allowances of Ministers Act, 1952 (58 of 1952), to a Minister of State."

1. Inserted by the Salaries and Allowances of Officers of Parliament (Amendment) Act (75 of 1985), section 3.

2. Omitted for "the Chairman of the Council of States and ", vide The Salaries and Allowances of Officers of Parliament (Amendment) Act, 1998 (26 Of 1998), Dt. August 20, 1998 Published in Received the assent of the President on August 20, 1998 and published in the Gazette of India, Extra., Part II, Section 1, dated 20th August, 1998, pp. 1-2, No. 41

3. In Section 5, Proviso shall be inserted by Salaries and Allowances of officers of Parliament and Leaders of Opposition in Parliament (Amendment) Act, 2002 (29 of 2002), Published in the Gazette of India, Extra, Part II, Section 1, dated 28th May, 2002, pp.1-2, No.32.

6. Travelling and daily allowances to Officers of Parliament

:-

(1) Subject to any rules made . in this behalf under section 11 , an Officer of Parliament shall be entitled to-

(a) travelling allowances 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 Delhi from his usual place of residence outside Delhi on relinquishing office; and

(ii) in respect of the journey from Delhi to his usual place of residence outside Delhi on relinquishing office: and

(b) travelling and daily allowances in respect of tours undertaken by him in the discharge of his official duties, whether by sea, land or air.

1 (1-A) On and from the commencement of the Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002, an officer of Parliament and his family, whether travelling together or separately, shall be entitled to travelling allowance at the same rates and for the same number of return journeys as admissible to a Minister and his family under sub-section (1-A) of Section 6 of the Salaries and Allowances of Ministers Act, 1952 (58 of 1952).

(2) Any travelling allowance under this section may be paid in cash or free official transport may be provide in lieu thereof.

1. In Section 6, sub-section (1A) shall be inserted by Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002 (Act 56 of 2002), published in the Gazette of India, Extra. Part II, Section 1, dated 18th December, 2002, pp. 1-2, No.68

7. Medical facilities to Officers of Parliament :-

Subject to any **1** rules made in this behalf under section 11 , an Officer of Parliament and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment.

1. F'or such rules, see Gaz. of India. 1954. Pt. II, seclion 3. p. 810.

7A. Family pension, etc., to spouse of Speaker dying in office. :-

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(1) With effect from the commencement of the Salaries and Allowances of Officers of Parliament (Second Amendment) Act, 2002, there shall be paid a family pension, to the spouse of the Speaker of the House of the People who dies while holding such office at the rate of fifty per cent. of the salary last drawn by him for the remainder of life of such spouse from the date of death of the Speaker :

Provided that the spouse of such Speaker shall not be entitled to receive pension available to the spouse of any member of Parliament who dies during his term of office as such member for a period of five years from the date of death of the member under sub-sec. (1-A) of Sec. 8-A of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954).

(2) Without prejudice to the provisions of clause (a) of sub-sec. (2) of Sec. 4 and subject to any rules made in this behalf under Sec. 11, such spouse shall be entitled to the use of unfurnished residence without payment of licence fee for the remainder of her life.

(3) Subject to any rules made in this behalf under Sec. 11,

(a) such spouse, for the remainder of her life; and

(b) the minor children of such Speaker. shall be entitled to medical attendance and treatment, free of charge."

1. Section 7A shall be inserted by Salaries and Allowances of Officers of Parliament (Second Amendment) Act, 2002. (31 of 2002), Gaz. of India, Exty., Pt. II-Sec. 1, No. 34, dt. 28.5.2002, p. 1.

8. Advances to Officers of Parliament for purchase of motor-cars :-

There may be paid to any Officer of Parliament by way of a repayable advance such sum of money as may be determined by rules¹ made in this behalf under section 11 for the purchase of a motor-car in order that he may be able to discharge conveniently and efficiently the duties of his office.

1. For "the Officers of Parliament (Advances for Motor-cars) Rules 1953", see Gaz. of India, 12-6-1954, Pt. II. section 3, p. 1463.

9. Officers of Parliament not to draw salary or allowances as Members of Parliament :-

No Officer of Parliament in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by Parliament by way of salary or allowance, in respect of his membership of either House of Parliament.

10. Notification respecting appointment, etc., of Officers of Parliament to be conclusive evidence thereof :-

The date on which any person became or ceased to be an Officer of Parliament shall be published in the Official Gazette and any such notification shall be conclusive evidence of the fact that he became, or ceased to be an Officer of Parliament on that date for all the purposes of this Act.

10A. Exemption from liability to pay income-tax on daily allowance received by the Chairman and certain perquisites received by an officer of Parliament :-

¹ Notwithstanding anything contained in Income tax Act, 1961 ,-

"(a) in computing the total income of a previous year of the Chairman of the Council of States, any income by way of an allowance referred to in sub-section (I) of section 3 shall not be included :

(b) the value of rent free furnished residence (including maintenance thereof) provided to an officer of Parliament under sub-section (1) of section 4 shall not be included in the computation of his income chargeable under the head "Salaries" under Section 15 of the Income tax Act, 1961 .]

1. Substituted by Salaries and Allowances of Officers of Parliament (Amendment) Act (17 of 1990), section 3 (w.r.e.f. 1-4-88).

11. Power to make rules :-

(1) The Central Government may, in consultation with the Chairman and the Speaker, make rules¹ for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

1. For Rules providing for Medical Facilities to Officers of Parliament and Members of their families - see Gaz. of India, 1954, Pt. II, section 3, p. 810; for Officers of Parliament (Travelling and Daily Allowances) Rules, 1954 -see Gaz. of India,1956,Pt.II-S.3, p. 1018; for Officers of Parliament (Advances for Motor-cars) Rules, 1953 - see Gaz. of India, 12-6-1954, Pt. II-S. 3, p.1463. Officers of

Parliament (Rent for Residence Retained by Family after Death) Rules, 1974.-See G. S.R.200.D/-7- 2-1974, Gaz. of India,23-2-1974, Pt. II, S. 3(i), p. 408.