

**SALARY, ALLOWANCES AND PENSION OF MEMBERS OF
PARLIAMENT ACT, 1954**

30 of 1954

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STATEMENT OF OBJECTS AND REASONS "Under art.106 of the Constitution of indiaMembers of Parliament are entitled to receive such salaries and allowances as may from time to time be determined by Parliament by law and, until provision in that respect is so made. allowances at such rates and upon such conditions as were immediately before the commencement of the

Constitution applicable in the case of Members of the Constituent Assembly. Parliament has not enacted any law so far with the result that Members have continued to receive allowances at rates which applied to the Members of the Constituent Assembly despite certain changes which have since occurred in the classification of accommodation on railways. This Bill seeks to establish the basis on which salary and allowances should be drawn by Members of Parliament."-Gaz. of Ind., 1954,dt. 8-5-1954, Pt. II, section 2. Extra., p. 287.II Amending Act 25 of 1969.- On the 26th April, 1968, during discussion of the Salaries and Allowances of Members of Parliament (Amendment) Bill, 1967, by Shri Pannalal Barupal, the Minister of Parliamentary Affairs suggested that the question as to what concessions and facilities might be given to members of Parliament might be gone into by a Committee. Thereupon the Bill was withdrawn by leave of the House. 2. On 14th May, 1968 members were nominated by the Speaker of Lok Sabha and Chairman of Rajya Sabha to the Joint Committee of the Houses of Parliament to go into the question of providing further amenities and facilities to members of Parliament. This Committee made certain recommendations in this regard in its report which was presented to Lok Sabha on 7th August, 1968. 3. The recommendations of this Committee, unanimous as well as majority, are sought to be implemented through this Bill.-Gaz. of India, 16-5-1969, Pt. II, section 2, Ext., p.486. III Amending Act 29 of 1972.- "The main object of the Bill is to enable the Members of Parliament representing the Union Territory of the Andaman and Nicobar Islands and the Union Territory of Laccadive, Minicoy and Amindivi Islands to the facility of a free non-transferable pass which would entitle them to travel at any time by the highest class by steamer to and any part of his constituency and any other part of his constituency or the nearest port in the mainland of India. 2. The other amendments proposed in the Bill are either consequential or verbal in nature."-Gaz. of Ind., 20-12- 1971, Pt. II, section 2, Extra, p. 1 173. IV Amending Act 65 of 1974.- The object of the Bill is to amend the Salaries and Allowances of Members of Parliament Act, 1954 with a view to entitling the Members of Parliament to draw road mileage allowance at the rate of one rupee per kilometer instead of thirty-two paise per kilometer, as at present, keeping in view the steep increase in the price of petrol, oil and lubricants. The above amendment is being made to give effect to the recommendation made by the Joint Committee on Salaries and Allowances of Members of Parliament.-Gaz. of India,

19-12-1974, Pt. II-S. 2, Ext., p. 1206. Amending Act 48 of 1975.- The Bill seeks to amend the Salaries and Allowances of Members of Parliament Act, 1954, with a view to entitling the Members of Parliament to receive such water electricity, constituency and Secretarial facilities, of such amount in cash in lieu thereof, and also such amount in cash in lieu of housing and postal facilities, as may be specified by the rules, so as to enable them to discharge their duties more efficiently as representatives of the people. The above amendment is mainly based on the recommendations made by the Joint Committee on Salaries and Allowances of Members of Parliament.-Gaz. of India, 6-8-1978, Pt. II, section 2, Ext., p. 676.

VI Amending Act 105 of 1976.- The object of the Bill is to amend the Salaries and Allowances of Members of Parliament Act, 1954 with a view to entitling Members of Parliament to- (a) free air travel facility when the usual place of residence of a member is inaccessible by road or rail or steamer due to climatic conditions; (b) salaries and allowances, etc., from the date of taking oath; and (c) undertake unutilised intermediate air journeys in subsequent sessions. Provision is also being made entitling ex-members of Parliament to pension. 2. The above amendments are being made in the light of the recommendations made by the Joint Committee on Salaries and Allowances of Members of Parliament.-Gaz. of India, 31-8-1976. Pt. II, section 2, Ext., p. 1358.

VII Amending Act 27 of 1979.- In pursuance of a recommendation of the Joint Committee on Salaries and Allowances of Members of Parliament, it is proposed to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954 in order to allow an blind Member the facility of an attendant while performing journeys by air and also to extend the same facility to a Member who is so incapacitated physically as to require the assistance of an attendant. 2. This Bill seeks to give effect to the above objects.- Gaz. of India, 30-3-1979, Pt. II, section 2. Ext.. p. 380.

VIII Amending Act 61 of 1982.- Keeping in view the recommendations of Joint Committee on Salaries and Allowances of Members of Parliament and the demand made by the Members on the floor of the House, it is proposed to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954. with a view to provide the following additional facilities to the Members of Parliament :- (i) Increase in the rate of Road Mileage. (ii) One free First Class Railway Pass for one person to accompany the Member when he travels by rail instead of the lowest class now admissible. (iii) Free air travel facility to the spouse, if any, of the Member from the

usual place of residence of the Member to Delhi and back, once during every session. 2. The Bill seeks to achieve the above objects.-Gaz. of India, 2-11-1982, Pt. II, section 2, Ext., p. 3. IX Amending Act 22 of 1983.-According to section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 a member is entitled to receive salary at the rate of Rs. 500 per mensem. This rate was fixed by an amendment made in 1964. According to the same section, a member is entitled to an allowance at the rate of Rs. 51 for each day during any period of residence on duty and this rate was fixed by an amendment made in the principal Act in 1969. The emoluments of members at these rates have become highly inadequate in relation to the high cost of living. 2. The Joint Committee on Salaries and Allowances of Members of Parliament had recommended that the salary of members may be raised from Rs. 500 to Rs. 750 per month and that their daily allowance may be raised from Rs. 51 to Rs. 101 per day. It is proposed that while the salary may be raised as recommended by the Joint Committee, the rate of daily allowance must be revised so as to be Rs. 75 for each day during any period of residence on duty. 3. The Bill seeks to give effect to the above objects.-Gaz. of India, 26-8-1983, Pt. II, section 2, Ext., p. 2. Prefatory Note Statement of Objects and Reasons. The Joint Committee on Salaries and Allowances of Members of Parliament have from time to time, made several recommendations for enhancing facilities to the Members of Parliament. Separately, a decision was taken to allow the former Members of the 12th Lok Sabha to utilize the balance of one lakh free local calls which had become available to them in a year during the period from the dissolution of the 12th Lok Sabha on 26th April, 1999 to 10th October, 1999, the date on which 13th Lok Sabha was constituted. This facility is proposed to be extended in future also, whenever, the Lok Sabha is prematurely dissolved. After considering the recommendations of the Joint Committee and also the other requests received from the Members of Parliament for enhancing the existing facilities, it has been proposed in the Bill to extend the following facilities to the Members of Parliament, namely: (i) the spouse of a Member may be allowed to travel alone either by rail in AC first class or executive class or by air or partly by rail and partly by air from the usual place of residence of the Member to Delhi and back once during every session and twice in the budget session resulting in eight such single journeys in all in a year; (ii) a Member having no spouse may be allowed to take with him any other

person in place of the spouse in first class AC or executive class during rail travel and this will be in addition to the companion already allowed in AC-II tier; (iii) the road mileage admissible to a Member of Parliament for travel between places connected by rail or steamer will be restricted to the mileage allowance otherwise admissible for travel by rail or steamer and such road mileage may be allowed between places not connected by express or mail or super fast trains; (iv) a Member may be paid road mileage in respect of journeys undertaken by his or her spouse, without being accompanied by such Member from the usual place of residence of the Member of Parliament to the nearest airport, railway station or port and back eight times in all in a year in respect of the journeys referred to in (i) above; (v) a blind and a physically incapacitated Member may be allowed the facility of taking an attendant in rail travel in the same class in which he travels in lieu of the facility of a companion in AC-II tier; (vi) the Members of the prematurely dissolved Lok Sabha may be allowed to avail of the unutilised quota of one lakh free local telephone calls, 25,000 units of electricity and 2000 kiloliters of water available to them in a year during the period from the date of dissolution till the constitution of the new Lok Sabha. A Member re-elected to the new Lok Sabha may be allowed the adjustment of the excess telephone calls, units of electricity and water after availing the above unutilised quota against the quota of free telephone calls, free units of electricity and water which become available to him or her for one year from the date of the constitution of the new Lok Sabha. This will be effective from 26th April, 1999, i.e., the date of dissolution of the 12th Lok Sabha. 2. The Bill seeks to achieve the above objects.

1. Short title and commencement :-

(1) This Act may be called the ¹ (Salary, Allowances and Pension] of Members of Parliament Act, 1954.

(2) It shall come into force on the first day of June, 1954.

[a] Substituted for the words "Salaries and Allowances" by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976(105 of 1976), section 3 (9-9-1976).

2. Definitions :-

In this Act,-

(a) "committee" means a Committee of either House of Parliament, and includes a Joint Committee of both Houses;

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(aa) "dependent" means any of the following relatives of a deceased member, namely:-

(i) a minor legitimate son, and an unmarried legitimate daughter and a widowed mother; or

(ii) if wholly dependent on the earnings of the member at the time of his death, a son or a daughter who has attained the age of eighteen years and who is infirm; or

(iii) if wholly or in part dependent on the earnings of the member at the time of his death,-

(a) the parent; or

(b) a minor brother or an unmarried sister; or

(c) a widowed daughter-in-law; or

(d) a minor child of a pre-deceased son; or

(e) a minor child of a pre-deceased daughter where no parent of the child is alive; or

(f) the paternal grandparent if no parent of the member is alive; or

(g) such other person as may be specified by the rules made under Section 9 by the Joint Committee.

(b) 'member,' means a member of either House of Parliament, ³[but, save as otherwise expressly provided in this Act, does not include.]-

(i) a Minister as defined in Salaries and Allowances of Ministers Act, 1952 : ⁴[* * *]

⁵[(ii) a Leader of the Opposition as defined in Salary and Allowances of Opposition in Parliament Act, 1977: and.]

⁶[(iii)] an officer of Parliament as defined in Salaries and Allowances of Officers of Parliament Act, 1953 :

(c) "new member" means a member who takes his seat in either House of Parliament after the commencement of this Act and includes a member who is elected or renominated;

(d) "period of residence on duty," means the period during which a

member resides at a place where a session of a House of Parliament or a sitting of a committee is held or where any other business connected with his duties as such member is transacted, for the purpose of attending such session or sitting or for the purpose of attending to such other business, and includes-

(i) in the case of session of a House of Parliament, a period of such residence, not exceeding three days, immediately preceding the commencement of the session and a period of such residence, not exceeding three days, immediately succeeding the ^date on which the House of Parliament is adjourned sine die or for a period exceeding seven days], and

(ii) in the case of a sitting of a committee or any other business a period of such residence, not exceeding two days, immediately preceding the commencement of the business of the committee or other business and a period of such residence, not exceeding two days, immediately succeeding the conclusion of the business of the committee or other business;

Explanation.- A member who ordinarily resides at a place where a session of a House of Parliament or a sitting of a Committee is held or where any other business connected with his duties as such member is transacted shall, for the duration of the session or sitting or the time occupied for the transaction of other business (including the three or two days immediately preceding or succeeding), be deemed to reside at such place for the purpose of attending such session or sitting or, as the case may be, for the purpose of attending to such other business;

(e) "term of office" means,-

(a) in relation to a person who is a member at the commencement of this Act, the period beginning with such commencement and ending with the date on which his seal becomes vacant;

7 [(b) in relation to a new member,-

(i) where such new member is a member of the Council of States elected in a biennial election. or nominated, to that House, the period beginning with the date of publication of the notification in the Official Gazette notifying his name under S.71 of the Representation of the People Act, 1951: or

(ii) where such new member is a member of the House of the

People elected in a general election held for the purpose of constituting a new House of the People, the period beginning with the date of publication of the notification of the Election Commission under section 73 of the said Act; or

(iii) where such new member is a member of either House of Parliament elected in a bye-election to that House or a member nominated to the House of the People the period beginning with the date of his election referred to in section 67-A of the said Act or as the case may be the date of his nomination, and ending with in each such case, the date on which his seat becomes vacant.]

Inserted by "Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, [No.9 OF 2004], [January 9, 2004], Published in the Gazette of India, Extra., Part II, Section 1, dated 12th January, 2004, pp. 1-4, No. 11

[a] Substituted for the words "but does not include" by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1958 (55 of 1958), section 2 (30-12-1958).

[b] Word "and" omitted by Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977). section 11(i)(a) (1-11-1977).

[c] Renumbered and inserted Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977). section 11(i)(a) (1-11-1977), section 11(i)(b) and 11(i)(c) (1-11-1977).

[d] Substituted and deemed always to have been substituted for the words "end of the Session" by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1958 (55 of 1958), section 2 (w.r.e.f. 1-6-1954).

[e] Substituted for the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976 (105 of 1976). section 4 (9-9-1976).

3. Salaries and daily allowances :-

A member shall be entitled to receive a salary ⁸"at the rate of sixteen thousand rupees per mensem" during the whole of his term of office ⁹[and subject to any rules made under this Act] an allowance "at the rate of one thousand rupees for each day" day during any period of residence on duty.

"¹⁰ Provided further that the rates of salary and allowance specified in this section shall be applicable for a period of five years from the 14th day of September, 2006 or until it is refixed, whichever is later."

Provided also that in the case of the allowance, the provisos of this section shall have effect as if for the words "four thousand rupees",

the words "five hundred rupees" had been substituted for a period of five years beginning from the date of commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2001."

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In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 3 , for the words "at the rate of four thousand rupees per mensem", the words "at the rate of sixteen thousand rupees per mensem" shall be substituted, by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

[b] Substituted and deemed always to have been substituted for the word "plus" by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1958 (55 of 1958), section 3 (w.r.e.f. 1 -6-1954).

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 3 ,for the second and third provisos, shall be substituted,in place of : -- "[Provided that no member shall be entitled to the aforesaid allowance unless he signs the register, maintained for this purpose by the Secretariat of the House of the People or, as the case may be. Council of States, on all the days (except intervening holidays for which no such signing is required) of the session of the House for which the allowance is claimed.] "Provided further that in the case of salary, the provisions of this section shall have effect as if for the words "four thousand rupees", the words "twelve thousand rupees" had been substituted for a period of five years beginning from the date of commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act. 2001 : " by the Salary,Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

4. Travelling allowances :-

(1) There shall be paid to each member in respect of every journey performed by him-²[in India] for the purpose of attending a session of a House of Parliament or a meeting of a committee or for the purpose of attending to any other business connected with his duties as a member, from his usual place of residence to the place where the session or the meeting is to be held or the other business is to be transacted and for the return journey from such place to his usual" place of residence-

(a) if the journey is performed by rail, an amount equal to ¹¹[one first class fare] plus one ¹³[second class] fare for each such journey, irrespective of the class in which the member actually travels;

(b) if the journey is performed by air, an amount equal to one and one-fourth of the air fare for each such journey:

(c) if the journey or any part thereof cannot be performed by rail or air-

14 [(i) where the journey or any part thereof is performed by steamer, an amount equal to one and three-fifths of the fare (without diet) for the highest class in the steamer for each such journey or part thereof or if there is no regular steamer service, such amount for each such journey or part thereof as may be prescribed by rules made under section 9];

(ii) where the journey or any part thereof is performed by road, a road mileage at the rate of **15**"at the rate of thirteen rupees per kilometre" for such journey or part thereof. **1617**"Provided that where the spouse of a member, if any, performs such journey or part thereof by road twice in a budget session of Parliament and once during every other session of Parliament unaccompanied by such member in respect of which such spouse has been allowed to travel by rail or air or partly by air and partly by rail from the usual place of residence of the member to Delhi and back under sub-sec. (2) of Sec. 6-B, the road mileage prescribed under this sub-clause shall be allowed to such member for such journey or part thereof;"

18[Provided further that where a member performs journey -by road in Delhi from and to an aerodrome, he shall be paid a minimum amount of one hundred and twenty rupees for each such journey.]

19"Provided also that the rate specified in sub-clause (ii) of clause (c) of this sub-section shall be applicable for a period of five years from the date of commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006."

Explanation.- For the purposes of sub-clause (ii) of clause (c) of this sub-section, the expression "journey," shall include the journey from and to the railway station, port or aerodrome to and from the usual place of residence of the member or, as the case may be, the residence of the member at the place where the session of the House of Parliament or a meeting of the committee is to be held or where any other business is to be transacted.

Provided also that in case a member resides within a distance of three hundred kilometres from Delhi, he or his spouse, for the journey performed by him by road, may draw the mileage allowance referred to in sub-clause (ii) of clause (c) of sub-section (1) in place of the travelling allowance which would have been admissible to him had he performed such journey by rail or by road, as the case may be:

Provided also that in case a member resides in the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim or Tripura, he or his spouse may draw the mileage allowance referred to in sub-clause (1) of clause (c) of sub-section (1) for journey performed by him by road from his residence in any of the said States to the nearest airport.

22[(3) There shall be paid to a member in respect of a journey performed by him in the course of a tour outside India undertaken in the discharge of his duties as such member, such travelling and daily allowances as may be prescribed by rules made under section 9 .]

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(4) There shall be paid to a person-

(a) who has been elected in a biennial election as a member of the Council of States but the notification in the Official Gazette notifying his name under Section 71 of the Representation of the People Act, 1951 (43 of 1951) has not been published in the Official Gazette; or

(b) who has been elected as a member of the House of the People in a general election held for the purpose of constituting a new House of the People but the notification in the Official Gazette notifying his name under Section 73 of the Representation of the People Act, 1951 (43 of 1951) has not been published in the Official Gazette; or

(c) who has been elected in a bye-election as a member of either House of Parliament or nominated as a member to either House of Parliament, an amount equivalent to the fare in respect of every journey performed by him for coming to Delhi before the publication of notification referred to in clause (a) or clause (b), or election or nomination under clause (c):

Provided that in case the journey is performed by rail or steamer or road, he shall be entitled to the reimbursement of the fare or road mileage to which a member is entitled:

Provided further that in case he performs the journey by air, such journey shall be included for the purpose of counting thirty-two journeys referred to in the first proviso to sub-section (2) of Section 5.

[a] Inserted by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1958 (55 of 1958), section 2(1-4-1955).

[c] Substituted for the words "third class" by the Salary, Allowances and Pension of Members of Parliament Act, 1982 (61 of 1982), section 2(1)(a) (6-11-1982).

[d] Substituted and deemed always to have been substituted for sub-clause (1) of clause (c) by Salaries and Allowances of Members of Parliament (Amendment) Act, 1958 (55 of 1958), section 4 (w.r.e.f. 1-6-1954).

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 4 of the principal Act, in sub-section (1), in clause (c), in sub-clause (ii), for the words "at the rate of eight rupees per kilometre", the words "at the rate of thirteen rupees per kilometre" shall be substituted, by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

[g] Substituted for portion beginning with words "one rupee and thirty paise" and ending with words "in respect of road journeys," the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993) (48 of 1993), section 3 (9-6-1993).

Substituted for "[Provided that where the spouse, if any, of a member performs such journey or part thereof by road unaccompanied by such member, the road mileage prescribed under this sub-clause shall be allowed to him for such journey or part thereof.]" by THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (AMENDMENT) ACT, 2000, No. 17 of 2000 [7th June, 2000]

[h] Inserted, the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993).

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 4 of the principal Act, in sub-section (1), after the second proviso, and before the Explanation, the following proviso shall be inserted, namely: -- "Provided also that the rate specified in sub-clause (ii) of clause (c) of this sub-section shall be applicable for a period of five years from the date of commencement of the Salary, Allowances and Pension of Members of Parliament

(Amendment) Act, 2006." by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

[2]Omitted for " (2) Notwithstanding anything contained in sub-section (1), a member who performs a journey by road between places connected by rail or steamer, either wholly or in part, may draw the mileage allowance referred to in sub-clause (ii) of clause (c) of sub-section (1) in place of the travelling allowance which would have been admissible to him if he had travelled by rail or steamer, as the case may be : Provided that the total amount of travelling allowance drawn by such member for the entire journey shall not exceed the amount which would have been admissible to him and he performed such journey by rail or by steamer, as the case may be. ", vide The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1998 (28 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, 1988. 1-3, No.43

[b] Substituted for the words "one second class fare" by Salaries and Allowances of Members of Parliament (Amendment) Act, 1955 (9 of 1955), section 2(1-4-1955).

Inserted by Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, [No.9 OF 2004], [January 9, 2004], Published in the Gazette of India, Extra., Part II, Section 1, dated 12th January, 2004, pp. 1-4, No. 11

5. Travelling allowances for intermediate journeys :-

24[(1)] Where a member absents himself for less than fifteen days during a session of a House of Parliament or a sitting of a committee for visiting any place in India, he shall be entitled to receive travelling allowances in respect of such journey to such place and for the return journey-

(a) if the journey is performed by rail, equal to **25**[one first class fare] for each such journey irrespective of the class in which the member actually travels;

(b) **26**[if the journey, being a journey during the sitting of the Committee] is performed by air, equal to one fare by air, for each such journey :

Provided that such travelling allowances shall not exceed the total amount of daily allowances which would have been admissible to such member under section 3 for the days of absence of he had not. so remained absent.

27[Provided further that nothing in the first proviso shall apply, if the member performs the journey by air for visiting any place in

India not more than once during a sitting of the Committee;]

28[(1A) Notwithstanding anything contained in sub-section (1), a member shall be entitled to receive travelling allowances in respect of every journey performed by air for visiting any place in India during the interval not exceeding **29**"five days" between two sittings of a Department related Standing Committee when a House of Parliament is adjourned for a fixed period during the Budget Session :

Provided that such travelling allowances, excluding the air fare shall not exceed the total amount of daily allowances which would have been admissible to such member under section 3 for the days of absence if he has not remained absent.]

30[(2) Every member shall be entitled to an amount equal to the fare by air for each single journey by air **31**[other than a journey referred to in section 4 or the second proviso to sub-section (1) of this section or section 6C] performed by him **3233**["either alone or along with spouse or any number of companions or relatives,"]from any place in India to any other place in India during his term of office as such member :

34"Provided that the total number of such journeys under this subsection shall be thirty-four journeys per year:"

35["Provided further that where the number of journeys performed by any member by air is **36**than thirty-four", then, such number of journeys not performed by him shall be carried over to the following year.".]

37Provided also that the spouse or companion of a member, as the case may be, may alone perform maximum eight journeys by air from any place of India to the place in India for the purpose of visiting such member and such journey shall be included for the purpose of counting **38**"thirty-four journey referred to in the first proviso to sub-section (2).

39"Provided also that in case any member avails a total number of journeys by air more than thirty-four, such journeys permissible to him, in the year, he may be allowed to adjust not exceeding eight such journeys from the entitled number of journeys which may accrue in his credit in the next following year."

40(3) Notwithstanding anything contained in sub-section (2), there shall be paid to a member who, in the opinion of the Chairman of the Council of States or, as the case may be, the Speaker of the House of the People, is so incapacitated physically and therefore cannot perform air or train journey, road mileage for the entire road journey."

Explanation 1.- The provisions of clause (c) of sub-section (1) and sub-section (2) of section 4 shall, so far as may be apply to travelling allowances payable under this section as they apply to travelling allowances payable under that section.

Explanation II.- For the purposes of this section, "year" means,- (i) in the case of a person who is a member at the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1985, the year beginning with such commencement and each of the subsequent years; (ii) in the case of a person who becomes a member after such commencement, the year beginning with the date on which his term of office as such member commences and each of the subsequent years.]

Explanation III.- For the purposes of sub-section (2), any journey performed by **41**["spouse, companions or relatives shall be added in computing the limit of **42** "thirty-four journeys" specified in the proviso to that sub-section"]]

[a] Section 5 renumbered as sub-section (1) thereof by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976 (105 of 1976), section 5 (9-9-1976).

[b] Substituted for "one second class fare" by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1955 (9 of 1955), section 2 (1-4-1955).

[c] Substituted for the words "if the journey", the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993) (74 of 1985), section 3 (26-12-1985).

[d] Substituted for second proviso and Explanations, the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993).

[dd] Inserted by the Salaries and Allowances of Members of Parliament (Amendment) Act. 1955 (18 of 1955) S.2 (I-4-1995), section 2.

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 5 of the principal Act, in sub-section (1A), for the

words "seven days"; the words "five days" shall be substituted, by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

[e] Substituted, the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993).

[f] Inserted, the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993) (3 of 1993), section 2 (5-1-1993).

[g] Substituted for portion beginning with words "one rupee and thirty paise" and ending with words "in respect of road journeys," the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993) (48 of 1993), section 3 (9-6-1993).

[5] Substituted for "[either alone or along with companion or spouse,]", vide The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999 (16 Of 1999), Dt. March 22, 1999 Published in Received the assent of the President on March 22, 1999 and published in the Gazette of India, Extra., Part II, Section I, dated 22nd March, 1999, pp. 1-3, No. 21

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 5 of the principal Act, in sub-section (2), the first proviso, shall be substituted, in place of :-- "rovided that no member shall be entitled to any payment under this sub-section in respect of any journeys in excess of [hirty-two] performed by him during any year." by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

[4] Inserted vide The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1998 (28 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, 1988. 1-3, No.43

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 5 of the principal Act, in sub-section (2), in the second proviso, for the words "less than thirty-two", the words "less than thirty-four" shall be substituted by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

Inserted by Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, [No.9 OF 2004], [January 9, 2004], Published in the Gazette of India, Extra., Part II, Section 1, dated 12th January, 2004, pp. 1-4, No. 11

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 5 of the principal Act, in sub-section (2), in the third proviso, for the words "thirty-two journeys", the words "thirty-four journeys" shall be substituted; by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act),In section 5 of the principal Act,in sub-section (2),after the third proviso, the following proviso shall be inserted, namely:-- "Provided also that in case any member avails a total number of journeys by air more than thirty-four, such journeys permissible to him, in the year, he may be allowed to adjust not exceeding eight such journeys from the entitled number of journeys which may accrue in his credit in the next following year." by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act),In section 5 of the principal Act, after sub-section (2) and before Explanation I, the following sub-section shall be inserted, namely:-- "(3) Notwithstanding anything contained in sub-section (2), there shall be paid to a member who, in the opinion of the Chairman of the Council of States or, as the case may be, the Speaker of the House of the People, is so incapacitated physically and therefore cannot perform air or train journey, road mileage for the entire road journey."; by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

[6]Substituted for "the companion or the spouse shall be added in computing the limit of twenty-eight journeys specified in the proviso to that sub-section.", vide The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999 (16 Of 1999), Dt. March 22,1999 Published in Received the assent of the President on March 22, 1999 and published in the Gazette of India, Extra., Part II, Section I, dated 22nd March, 1999, pp. 1-3, No. 21 In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act),In section 5 of the principal Act, in Explanation III, for the words "thirty-two journeys", the words "thirty-four journeys" shall be substituted, by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

5A. Transit accommodation :-

43 Where a person referred to in sub-section (4) of Section 4 comes to Delhi, he shall be entitled to such transit accommodation for such period as may be specified by the rules made under clause (ccc) of sub-section (3) of Section 9 by the Joint Committee.

Inserted by Salary, Allowances and Pension of Members of Parliament (Amendment)Act, 2003, [No.9 OF 2004], [January 9, 2004],I Published in the Gazette of India, Extra., Part II, Section 1, dated 12th January, 2004, pp. 1-4, No. 11

6. Free transit by railway :-

(1) Every member shall be provided with one free non-transferable

4546["first class air-conditioned or executive class of any train"]pass which shall entitle him to travel at any time by any railway in India.

Explanation.- **47**[For the purposes of this sub-section and sections 6-A and 6B], a member shall include a Minister as defined in the Salaries and Allowances of Ministers Act, 1952, **48**[a Leader of the Opposition as defined in the Salary and Allowances of Lender of Opposition in Parliament Act, 1977] and an officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act 1953, other than the Chairman of the Council of States.

(2) A free railway pass issued to a member under sub-section (1) shall be valid for the term of his office and on the expiration of such term, the pass shall be surrendered to the Secretary of the House of the People or the Council of States, as the case may be : Provided that where any such pass is issued to a new member before he takes his seat in either House of Parliament, he shall be entitled to use the pass for attending a session of that House for taking his seat therein.

(3) Until a member is provided with a free railway pass under sub-section (1). he shall be, and shall be deemed always to have been, entitled to an amount equal to one **49**["first class air-conditioned or executive class of any train"]far for any journey of the nature referred to in sub-section (1) of section 4 performed by him by rail.

(4) A member who on ceasing to be a member surrenders his pass shall, if he performs any return journey by rail of the nature referred to in sub-section (1) of section 4 . be entitled and be deemed always to have been entitled in respect of that journey to an amount equal to one **50** ["first class air-conditioned or executive class of any train"]

(5) Nothing in this section shall be construed as disentitling a member to any travelling allowances to which he is otherwise entitled under the provisions of this Act.]

[b] Substituted for the words "for the purposes of this sub-section and section 6-A" by Act 29 of 1972. section 3 (9- 6-1972).

[7]Substituted for "[air-conditioned two tier] ", vide The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999 (16 Of 1999), Dt. March 22,1999 Published in Received the assent of the President on March 22, 1999 and published in the

Gazette of India, Extra., Part II, Section I, dated 22nd March, 1999, pp. 1-3, No. 21

[c] inserted by the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977), section 11(c)(ii)(1-11-1977).

[d] Substituted for the words "first class" the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993) (60 of 1988), section 4 (w.r.e.f. 1-4-1988).

[8] Substituted for "[air-conditioned two tier]", vide The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999 (16 Of 1999), Dt. March 22, 1999 Published in Received the assent of the President on March 22, 1999 and published in the Gazette of India, Extra., Part II, Section I, dated 22nd March, 1999, pp. 1-3, No. 21

[9] Substituted for " [air-conditioned two tier] fare. ", vide The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999 (16 Of 1999), Dt. March 22, 1999 Published in Received the assent of the President on March 22, 1999 and published in the Gazette of India, Extra., Part II, Section I, dated 22nd March, 1999, pp. 1-3, No. 21

6A. Free transit by steamer :-

(1) ⁴[Without prejudice to the provisions of section 6 , every member representing the Union territory of Andaman and Nicobar Islands or the Union territory of Lakshadweep shall-

(a) be provided with one free non-transferable pass which shall entitle him to travel at any time by the highest class by steamer to and from any part of his constituency and any other part of his constituency or the nearest part in the main land of India: and

(b) be entitled to an amount equal to the fare by air from his usual place of residence to the nearest airport in the main land of India ⁶[and back];] Provided that nothing in this sub-section shall be construed as absolving the member from payment of any diet charges payable by him during such travel.

(2) A free steamer pass issued to a member under sub-section (1) shall be valid for the term of his office and on the expiration of his term. the pass shall be surrendered to the Secretary of the House of the People. Provided that where any such pass is issued to a new member before he takes his seat in the House of the People, he shall be entitled to use the pass for attending a session of that House for taking his seat therein.

(3) Until a member is provided with a free steamer pass under sub-section (1), he shall be entitled to an amount equal to one fare

(without diet) for the highest class for any journey of the nature referred to in sub-section (1) of section 4 performed by him by steamer.

(4) A member who on ceasing to be a member surrenders the steamer pass issued to him under sub-section (1), shall if he performs any return journey by steamer of the nature referred to in subsection (1) of section 4 , been titled in respect of that journey to an amount equal to one fare (without diet) for the highest class.

(5) Nothing in this section shall be construed as disentitling a member to any travelling allowances to which he is otherwise entitled under the provisions of this Act.

(6) In addition to ⁵⁴[the facilities provided to a member] under sub-section (1), he shall also be entitled-

(i) to one free pass for one person to accompany the member and travel by the ⁵⁵[highest class] by steamer to and from any part of the constituency of the member and any other part of his constituency or the nearest port in the mainland of India: ⁵⁶[or]

(ii) to one free non-transferable pass for the spouse, if any, of the member to travel by the highest class by steamer to and from the usual place of residence of the member in his constituency and the nearest port in the mainland, of India ⁵⁷[at any time between the Island and the main ⁵⁸[and of India.]

⁵⁹[(iii) to an amount equal to the fare by air either for the spouse, if any, of the member or for one person to accompany the member from the usual place of residence in the Island to the nearest airport of the main land of India ⁶⁰ [and back.] Provided that nothing in this sub-section shall be construed as absolving the person accompanying the member or the spouse of the member from payment of any diet charges payable by such person or spouse during such travel.]

[aa] Substituted for opening paragraph, the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment)Act (48 of 1993), section 2 (9-6-1993) (60 of 1988), section 5 (w.r.e.f. 1-4-1988).

[c] inserted by the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977), section 11(c)(ii)(1-11-1977).

[d] Substituted for the words "and," the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of

Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993).

[e] Substituted for the words "once during every session," the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993).

[f] Inserted, the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993).

[a] Inserted by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1972 (29 of 1972). section 4(9-6-1972).

[g] Added, the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993) (30 of 1989), section 2 (28-8-1989).

6AA. Special facility to members from Ladakh :-

(1) Without prejudice to the provisions of section 6 , every member who has his ordinary place of residence in the Ladakh area of the State of Jammu and Kashmir shall be entitled to an amount equal to the fare by air for each single journey by air performed by him from any airport in Ladakh to the airport in Delhi and back at any time.

(2) In addition to the air travel provided to a member under subsection (1). he shall also be entitled to an amount equal to the fare by air for each single journey by air performed by the spouse, if any, of the member or one person to accompany such member, from any airport in Ladakh area to the airport in Delhi and back at any time.]

6B. Travel facilities to members :-

62 .-Without prejudice to the other provisions of this Act, every member shall be entitled' to-

(i) one free air-conditioned two-tier class railway pass for one person to accompany the member when he travels by rail; and

(ii) free travel by any railway in India in first class air-conditioned or executive class in any train with the spouse, if any, of the member from any place in India to any other place in India and if such journey or part thereof is performed by air, from any place other than usual place of residence of the member, to Delhi and back, to an amount equal to the fare by air for such journey or part thereof or the amount equal to the journey performed by air from the usual place of the residence of the member to Delhi and back.

whichever is less."]

[10]Substituted for " a [6B .] Travel facilities to members .- Without prejudice to the other provisions of this Act. every member shall be entitled- (i) to travel by any railway in India at any time in first class air-conditioned on payment of the difference between the railway fares for first class air-conditioned "[and air-conditioned two- tier]. (ii) to one free b [air-conditioned two-tier] railways pass for one person to accompany the member when he travels by rail; and 5 ["(iii) to free travel by any railway in India in first class air-conditioned or executive class in all trains by the spouse, if any, of the member from the usual place of residence of the member to Delhi and back and if such journey or any part thereof is performed by air from any place other than the usual place of residence of the member, to Delhi and back, to an amount equal to the fare by air for such journey or part thereof.".] ", vide The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999 (16 Of 1999), Dt. March 22,1999 Published in Received the assent of the President on March 22, 1999 and published in the Gazette of India, Extra., Part II, Section I, dated 22nd March, 1999, pp. 1-3, No. 21

6C. Air travel facilities in certain circumstances :-

Without prejudice to the other provisions of this Act, where during any part of a year the usual place of residence, of and member in his constituency is inaccessible to or, from any place outside his constituency by road. rail or steamer due to climatic conditions, but there is air service between any place in his constituency, and the nearest place. having rail service, outside his constituency, such member shall be entitled to travel to, and, fro by air from the nearest place in his constituency where there is air service to such, place having rail service : Provided that where the nearest place having air service is outside his constitutency, such member shall be entitled to travel to and fro by .air only from such place to the nearest place having rail service."]

6D. Special facilities to blind and physically incapacitated Members. :-

65A member who is blind or who is, in the opinion of the Chairman of the Council of States or, as the case may be, the Speaker of the House of the People, so incapacitated physically as to require the facility of an attendant shall, with respect to each such journey-

(i) by air as is referred to in clause (b) of sub-sec. (1) of Sec. 4 or clause (b) of sub-sec. (1) or sub-sec. (2) of Sec. 5 or Sec. 6-C which he performs along with an attendant be entitled (in addition to the allowances which he is entitled under Sec. 4 or Sec. 5 or, as

the case may be. Sec. 6-C) to an amount equal to one fare by air for such journey;

(ii) by rail as is referred to in Sec. 4, Sec. 5, Sec. 6 or Sec. 6-B be allowed the facility of the one free railway pass for an attendans, to attend such member, in the same class in which such member travels in lieu of one free air-conditioned two-tier class railway pass under clause (i) of sub-sec. (1) of Sec. 6-B."

66 "(iii) by road as is referred to in section 4 or section 5, be entitled to an amount equal to one road mileage."

Substituted for section 6D "Special facility to blind and physically incapacitated members:.-A member who is blind or who is, in the opinion of the Chairman of the Council of States or as the case may be the Speaker of the. House of the People, so incapacitated physically as to require the facility of an attendant shall, with respect to each Such journey by air as is referred to in clause (b) of sub-section (1) of section 4 or clause (b) of [sub-section. (1) or sub-section (2) of section 5] .or section 6C which be performs along with an attendant, be entitled.(in addition to the allowances which he is entitled under section 4 or section 5 or, as the case may be, section 6C) to an amount equal to one fare by air for such Journey.," by THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OFPARLIAMENT (AMENDMENT) ACT, 2000 No. 17 of 2000 [7th June, 2000]

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act),In section 6D of the principal Act, after clause(ii), the following clause shall be added and shall be deemed to have been added w.e.f. the 17/5/2004, namely:-- "(iii) by road as is referred to in section 4 or section 5, be entitled to an amount equal to one road mileage." by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

7. Allowances during short intervals between the termination of one session and the commencement of another session, etc :-

67[Where the intervals between the adjournment of a House of Parliament or, as the case may be, one sitting of a committee and the re-assembly .of that House or the next sitting of the Committee at the same place] does not exceed **68** five days and the member concerned elects to remain at such place during the intervals, he shall be entitled to draw for each day of residence at such place. a daily allowance at the rate specified in section 3 : Provided that; if the member leaves such place during the interval, his absence from the place shall be treated as absence during a session of a House of

Parliament or a sitting of the committee, as the case may be, and the provisions of section 5 shall apply accordingly.

[a] Substituted and deemed always to have been substituted for certain words by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1958 (55 of 1958), section 6 (w.r.e.) In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 7 of the principal Act, for the words "seven days", the words "five days" shall be substituted, by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

8. Constituency allowance and amenities :-

A member shall be entitled to such constituency allowance ⁷⁰[office expense allowance.] and to such medical facilities for himself and for members of his family and to such housing, telephone, water, electricity facilities or such amount in cash in lieu of all or any of such facilities, as may be prescribed by rules under section 9 .] ⁷¹
"Provided that where the House of the people is sooner dissolved before completing five years from the date appointed for its first meeting, the member of such House may be allowed without payment, to such extent of the quota of free telephone calls or free units of electricity or free units in kilolitres of water, available to him for a year in which such dissolution of such House takes place, as remains unutilised on the date of such dissolution, to avail during the period commencing on and from the date of such dissolution and ending on the date immediately preceding the date on which the notification under Sec. 73 of the Representation of the People Act, 1951 (43 of 1951) has been issued for the constitution of subsequent House of the People subject to the condition that such Member shall be liable to pay for any telephone calls, in excess of the calls so allowed to be made during such period on the telephone provided to him by the Government for such purpose, and units of electricity or kilolitres of water consumed in excess of the free electricity or kilolitres of water allowed: Provided further that where the member referred to in that the first proviso becomes Member of the subsequent House of the People as referred to be constituted in that proviso, then, he shall be entitled for the adjustment of the excess telephone calls, units of electricity, kilolitres of water for the payment of which he is liable under the first proviso against the quota of free telephone calls, units of electricity and kilolitres of water for which he is entitled during the first year of the duration of such subsequent House of the People."

[b] Inserted, the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993) (60 of 1988), section 8 (w.r.e.f. 1-4-1988).

Inserted by "THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (AMENDMENT) ACT, 2000 No. 17 of 2000 [7th June, 2000]

8A. Pension :-

72" (1) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006, there shall be paid a pension of eight thousand rupees per mensem to every person who has served for any period as a member of the Provisional Parliament or either House of Parliament:

Provided that where a person has served as a member of the Provisional Parliament or either House of Parliament for a period exceeding five years, there shall be paid to him an additional pension of eight hundred rupees per mensem for every year served in excess of five years."

(1A)⁷³[***]

(2) Where any person entitled to pension under sub-section (1),-

(i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union territory; or

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under Section 3 of the Delhi Administration Act, 1966 ; or

(iii) is employed on a salary under the Central Government or any State Government or any corporation owned or controlled by the Central Government or any State Government, or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority. such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed, or continues to be entitled to such remuneration: Provided that where the salary payable to such

person for holding such office or being such member or so employed, or where the remuneration referred to in clause (iii) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

74[(3) where any person entitled to pension under sub-section (1) is also entitled to any other pension, such person shall be entitled to receive the pension under sub-section (1) in addition to such other person.]

(4) In computing the number of years, for the purposes of sub-section (1), the period during which a person has served as a Minister as defined in Salaries and Allowances of Ministers Act, 1952 **75** [as an Officer of Parliament] as defined in Salaries and Allowances of Officers of Parliament Act, 1953, (other than the Chairman of the Council of States) [for as a Leader of the Opposition as defined in Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 or has served in all or any two of such capacities] by virtue of his membership in the House of the People or in the Council of States shall also be taken into account.]

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 8A of the principal Act, for sub-section (1) and the proviso thereto, shall be substituted, in place of :-- "(1) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, there shall be paid a pension of three thousand rupees per mensem to every person who has served for any period, as a member of the Provisional Parliament or either House of Parliament: Provided that where any person has served as a member of the Provisional Parliament or either House of Parliament for a period exceeding five years, there shall be paid to him an additional pension of six hundred rupees per mensem for every year in excess of five years. Explanation.-For the purpose of this sub-section, "Provisional Parliament" shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution." by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In section 8A of the principal Act, sub-section (1A) and the Explanation thereunder shall be omitted as under :- "(1A) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, there

shall be paid a pension of Rupees One thousand and five hundred per mensem, to the spouse, if any, or dependent of any member who dies during his term of office as such member, for a period of five years from the date of his death. Explanation.-For the removal of doubts, it is hereby declared that the spouse or the dependent of the member referred to in this sub-section shall be entitled to receive the family pension even if the member has died on or before the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003." by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

[h] Inserted, the words "one hundred and fifty rupees" by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act (48 of 1993), section 2 (9-6-1993).

[a] Inserted by Salary. Allowances and Pension of Members of Parliament (Amendment) Act (74 of 1985), section 7 (26-12-1985).

8AA. Travel facilities to ex-Members :-

76(1) Every person who is not a sitting Member but has served for any period as a Member of either House of Parliament shall be,-

(a) with effect from the 18th day of January, 1999, entitled along with a companion to travel in any train by any railway in India in air-conditioned two-tier class; or

(b) entitled to travel alone in any train by any railway in India in air- conditioned first class, without payment of any charges on the basis of an authorisation issued for this purpose by the Secretariat of either House of Parliament as the case may be.

77 "(2) Every person who is not a sitting member but has served for any period as a member from the Andaman and Nicobar Islands or the Lakshadweep, shall be entitled to travel by the highest class of accommodation in any steamer sailing between the Andaman and Nicobar Islands or, as the case may be, the Lakshadweep and the main land territory of India in addition to the facilities available to such member under subsection (1), without payment of any charges on the basis of an authorisation issued for this purpose by the Secretariat of either House of Parliament."

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), Section 8AA of the principal Act shall be numbered as sub-section (1), by the Salary, Allowances and Pension of Members of and Parliament (Amendment) Act, 2006.

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), In the Section 8AA of the principal Act, sub-section(2) shall

be inserted, by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006.

8AB. Rounding off period of pension :-

78 Where the period for which the pension is payable under this Act contains a part of a year, then, if such part is nine months or more, it shall be reckoned equivalent to complete one year for the purpose of payment of additional pension under sub-section (1) of Section 8-A and if such part is less than nine months, it shall be ignored.

Inserted by Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, [No.9 OF 2004], [January 9, 2004], Published in the Gazette of India, Extra., Part II, Section 1, dated 12th January, 2004, pp. 1-4, No. 11

8AC. Family pension :-

79

(1) On the death of a member of either House of Parliament during his term of office, his spouse, if any, or dependent of such member shall be paid during the remaining period of life of such spouse or, as the case may be, such dependent so long as such dependent continues to be a dependent within the meaning of clause (aa) of section 2, family pension equivalent to one-half of the pension which such member of Parliament would have received had he retired:

Provided that no such family pension shall be payable to a dependent if such dependent is a sitting member of Parliament or is drawing pension under section 8A.

(2) The family pension payable under sub-section (1) shall also be payable to the spouse or dependent of a person who was a member of either House of Parliament or the Provisional Parliament at any time before the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006 and died after serving as such member:

Provided that such spouse or dependent is not drawing any pension under this Act or is not entitled to draw family pension under the proviso to sub-section (1):

Provided further that no person shall be entitled to claim arrears of any family pension under this sub-section in respect of a period before the commencement of the Salary, Allowances and Pension of

Members of Parliament (Amendment) Act, 2006.

Explanation.-- For the purposes of this section, "Provisional Parliament" shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution.'

In the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), after section 8AB of the principal Act, the following section shall be inserted, namely:-- '8AC. Family pension.--(1) On the death of a member of either House of Parliament during his term of office, his spouse, if any, or dependent of such member shall be paid during the remaining period of life of such spouse or, as the case may be, such dependent so long as such dependent continues to be a dependent within the meaning of clause (aa) of section 2, family pension equivalent to one-half of the pension which such member of Parliament would have received had he retired: Provided that no such family pension shall be payable to a dependent if such dependent is a sitting member of Parliament or is drawing pension under section 8A. (2) The family pension payable under sub-section (7) shall also be payable to the spouse or dependent of a person who was a member of either House of Parliament or the Provisional Parliament at any time before the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006 and died after serving as such member: Provided that such spouse or dependent is not drawing any pension under this Act or is not entitled to draw family pension under the proviso to sub-section (1): Provided further that no person shall be entitled to claim arrears of any family pension under this sub-section in respect of a period before the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006. Explanation.-- For the purposes of this section, "Provisional Parliament" shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution.' by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006.

8B. Advances for purchase of conveyance :-

There may be paid to a member by way of a repayable advance such sum of money not exceeding **8182** [one lakh rupees] as may be determined by rules made in this behalf under section 9 for the purchase of a conveyance.]

[b] For "the Housing and Telephone Facilities (Members of Parliament) Rules, 1956."-See S.R.O. 1072. D/-8-5- 1956, Gaz. of Ind.. 1956, Extra, Pt. II-section 3, p. 867 (Amended by G.S.Rs. 1703 of 1965; 1227 of 1967; 1843 of 1969; 831 of 1970); for "the

Medical Facilities (Members of Parliament) Rules, 1959" see G.S.R. 1253. D/- 16-11-1959, Gaz. of Ind., 1959. Extra., Pt. II-section 3(i), page 759; for "the Members of Parliament (Allowances for Journeys Abroad) Rules, 1960." see G.S.Rs. 830 and 831. D/-25-7-1960, Gaz. of Ind., 1960. Extra., Pt. II-section 3(i), pages 277 and 279. (Amended by G.S.Rs. 1889 and 1891 of 1966, published in Gaz. of Ind., 12-12-1966, Pt. II, section 3 (i). Extra., Pp. 310, 312) and for Members of Parliament (Travelling and Daily Allowances) Rules, 1957, see Gaz. of Ind., 1957, Pt. II, section 3, Extra., p. 1439 (Amended by G.S.Rs. 978 and 1286 of 1959; 1363 of 1960; 1180 of 1961, 572 of 1963; and 520 of 1964).

[9]Substituted for "[fifty thousand rupees] ", vide The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1998 (28 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. 1-3, No.43

9. Power to make rules :-

(1) For the purpose of making rules under this section, there shall be constituted a Joint Committee of both Houses of Parliament consisting of five members from the Council of States nominated by the Chairman and ten members from the House of the People nominated by the Speaker.

(2) The Joint Committee constituted under sub-section (1) shall elect its Chairman and shall have power to regulate its procedure.

3[2A] A Member of the Joint Committee shall hold office as such member for one year from the date of his nomination and any casual vacancy in the Joint Committee may be filled by nomination by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

Explanation.- In the case of a Member of a Joint Committee holding office as such immediately before the commencement of the Salaries and Allowances of Members of Parliament (Amendment) Act. 1958. the period of one year shall be computed from the date of such commencement.]

(3) The Joint Committee constituted under sub-section (1) may ¹[after consultation with the Central Government] make rules' to provide for all or any of the following matters, namely :-

(a) the routes for the performance of any journey;

(aa) the person who may be specified as dependent under sub-clause (g) of clause (aa) of Section 2

(b) the manner in which fractions of a day shall be dealt with for purpose of determining the daily allowance admissible for that day;

(c) the travelling allowance admissible where a member is provided with free transit for the whole or any part of a journey ³[and the reduction of the daily allowance where a member is provided with free board or lodging at the expense of the Government or a local authority;]

87 [(cc) the rate at which road mileage shall be paid under sub-clause (ii) of clause (c) of sub-section (1) of section 4 ;

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(ccc) the transit accommodation and the period for which such accommodation may be provided under Section 5-A

(d) the travelling allowance admissible where the place from which a member commences his journey or to which he returns is not his usual place of residence;

89 [(dd) the travelling allowance admissible in respect of journeys performed by any vessel where there is no regular steamer service;

(ddd) the travelling and daily allowances admissible for journeys performed by a member in the course of a tour outside India undertaken in connection with his duties as such member;]

(e) the form in which certificates, if any, shall be furnished by a member for the purpose of claiming any allowance under this Act:

90 ["(ee) the form in which certificates, if any, shall be furnished by any person for the purpose of claiming any pension under this Act."]

91 [(f) the constituency allowance and medical and other facilities mentioned in section 8 and the amount to be paid in cash in lieu of such facilities;

(ff) the amount which may be paid by way of repayable advance for the purchase of conveyance; the rate of interest thereon and the mode of recovery of such amount and interest thereon; and.

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(fff) to provide for carry forward of unutilised free telephone calls pertaining to any year beginning on or after the 1st day of April, 2002 to any subsequent year.

(g) general for regulating the payment of [daily and travelling allowances and pension] under this Act.

(4) Any rules made under sub-section (3) shall not take effect until they are approved and confirmed by the Chairman of the Council of States and the Speaker of the House of the People and are published in the Official Gazette, and such publication of the rules shall be conclusive proof that they have been duly made,

[b] For "the Housing and Telephone Facilities (Members of Parliament) Rules, 1956."-See S.R.O. 1072. D/-8-5- 1956, Gaz. of Ind.. 1956, Extra, Pt. II-section 3, p. 867 (Amended by G.S.Rs. 1703 of 1965; 1227 of 1967; 1843 of 1969; 831 of 1970); for "the Medical Facilities (Members of Parliament) Rules, 1959" see G.S.R. 1253. D/- 16-11-1959, Gaz. of Ind., 1959. Extra., Pt. II-section 3(i), page 759; for "the Members of Parliament (Allowances for Journeys Abroad) Rules, 1960." see G.S.Rs. 830 and 831. D/-25-7-1960, Gaz. of Ind., 1960. Extra., Pt. II-section 3(i), pages 277 and 279. (Amended by G.S.Rs. 1889 and 1891 of 1966, published in Gaz. of Ind., 12-12-1966, Pt. II, section 3 (i). Extra., Pp. 310, 312) and for Members of Parliament (Travelling and Daily Allowances) Rules, 1957, see Gaz. of Ind., 1957, Pt. II, section 3, Extra., p. 1439 (Amended by G.S.Rs. 978 and 1286 of 1959; 1363 of 1960; 1 180 of 1961, 572 of 1963; and 520 of 1964).

[d] Inserted by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976 (105 of 1976). section 8(a) (9-9-1976).

[e] Substituted by the Salaries, Allowances and Pension of Members of Parliament (Amendment) Act (74 of 1985). section 8 (26-12-1985).

[a] Inserted by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1958 (LV of 1958). section 8 (30-12-1958).

[c] Inserted by the Salary, Allowances and Pension of Members of Parliament (Second Amendment) Act, 1982(61 of 1982), section 4 (6-11-1982).

Inserted by Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, [No.9 OF 2004], [January 9, 2004], Published in the Gazette of India, Extra., Part II, Section 1, dated 12th January, 2004, pp. 1-4, No. 11