

The Salaries And Allowances Of Officers Of Parliament Act, 1953

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Act 20 of 1953

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27.

/1384 Under Article 97 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 Constitution 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 Constitution Assembly (Legislative), namely a salary of Rs. 1500 per mensem for the period during which engaged on work connected with the business of the House and of 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 article 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 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 the 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." - Gazette of India, 11-3-1953, Extra, Pt. II, section 2, p. 121.[16th May, 1953]An Act to provide for the salaries and allowances of certain Officers of Parliament. BE it enacted by Parliament as follows:-

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. Definition.

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.

3. [Salaries etc., of officers of Parliament. [Substituted by Act 75 of 1985, s.2 (w.e.f. 26.12. 1985)]

(1) There shall be paid to the Chairman of the Council of States a salary of one lakh twenty-five thousand rupees per menses [and an allowance for each day during the whole of his terms 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.] (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 officer at the same rates as are specified in section 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.] [Substituted by Act 75 of 1985, s.2 (w.e.f. 26.12. 1985)]

4. [(1)] [Section 4 re-numbered as sub-section (1) of that section by Act 49 of 1970, Section 2 (w.e.f. 1.11.1969).] Residence for officers of parliament.

Each officer 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 [one month] [Substituted by Act 49 of 1970, Section 2, for "fifteen days" (w.e.f. 1.11.1969).] immediately thereafter, and no charge shall fall on the officer personally in respect of the maintenance of such residence. (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.

5. [Sumptuary allowance. [Inserted by Act 75 of 1985, s.4,(w.e.f. 26.12.1985)]

There shall be paid to the Chairman of the Council of States and 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.] [Inserted by Act 49 of 1970, Section 2 (w.e.f. 1.11.1969).]

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 for assuming 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.(1A)[A Minister and any one member of this family accompanying him shall be entitled to travelling allowances in respect of not more than six return journeys performed, during each year, within India, at the same rates at which travelling allowances are payable to such Minister under clause (b) of sub-section (1) in respect of tours referred to in that clause.Explanation.-For the purposes of this sub-section, "return journey" means a journey from one place to another place and the return journey from such other place to the first mentioned place.] [Inserted by Act 75 of 1985, s.4,(w.e.f. 26.12.1985)];(2)Any travelling allowance under this section may be paid in cash or free official transport may be provided in lieu thereof.

7. Medical facilities to officers of Parliament.

Subject to any [rules] [For such rules, see Gazette of India, 1954, Pt. II, Sec., 3, p. 810.] 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.

8. Advances to officers of Parliament for purchase of motorcars.

There may be paid to any officer of Parliament by way of a repayable advance such sum of money as may be determined by rules 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.

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. [Substituted by Act 17 of 1990, s.3 (w.e.f. 1.4.1988).]

Notwithstanding anything contained in the 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 (1) 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.]

11. Power to make rules.

(1) The Central Government may, in consultation with the Chairman and the Speaker, make rules 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.

Additional Information⁶

For Rules providing for Medical Facilities to Officers of Parliament and Members of their families - see Gazette of India, 1954, Pt. II, section 3, page 810; for Officers of Parliament (Travelling and Daily allowances) Rules, 1954 - See Gazette of India, 1956, Pt. II, Section 3, p. 10118; for Officers of Parliament (Advances for Motor-cars) Rules, 1953 - see Gazette of India, 12-6-1954, Pt. II - Section

3, page 1463. Officers of Parliament (Rent for Residence Retained by Family after Death) Rules, 1974.- See G.S.R. 200, D/- 7-2-1974, Gazette of India, 23-2-1974, Pt. II, Section 3(i), page 408.