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SALARIES, ALLOWANCES AND FACILITIES FOR MPs

The first Legislative Assembly of India came into being in 1920 after the passing of the Government of India Act, 1919 in implementation of the reforms known as the Montague Chelmsford Reforms.

ALLOWANCES ADMISSIBLE TO MEMBERS OF LEGISLATIVE ASSEMBLY

The Members of the Legislative Assembly were at that time entitled to Daily Allowances as indicated below:

<u>Year</u>	<u>Daily Allowance</u>
Upto March, 1921	Rs. 15 per day (for each day of residence at the place where the Assembly met).
From March, 1921	Rs. 20 per day.
1928	Provision of daily allowance was extended to cover any period of residence on duty.
(Budget Session) 1945	Rs. 30 per day as daily allowance Rs. 15 per day as conveyance allowance
April, 1948	Rs. 45 per day (by merger of two allowances) Free of Income Tax.
1949	Rs. 40 per day (A voluntary cut of Rs. 5 imposed).

EXTENSION OF FACILITIES TO MEMBERS GENERALLY ON THE RECOMMENDATIONS OF JOINT COMMITTEE ON SALARY AND ALLOWANCES OF MEMBERS OF PARLIAMENT

- 6 June, 1952: The Speaker announced the appointment of a Joint Committee of two Houses on payment of Salary and Allowances of Members of Parliament.
- 4 August, 1952: The Joint Committee submitted its recommendations.
- 27 March, 1954: The Minister of Parliamentary Affairs moved the resolution for approval and acceptance of the recommendations of the Joint Committee but after some discussion, the House adopted that in view of abolition of First Class on Railways, the question of TA admissible to Members or grant of free passes should be examined by the Joint Committee and the report submitted again to Parliament.
- 20 April, 1954: The Joint Committee presented its second report to the House.
- May, 1954: The Bill on the basis of the recommendations of Joint Committee was passed by the Lok Sabha on 14 May, 1954 and Rajya Sabha on 19 May, 1954. The Parliament enacted a law called "The Salary and Allowances of Members of Parliament Act, 1954".

Commencement of Act 1 June, 1954: The Salary and Allowances of Members of Parliament Act came into being.

Entitlement to Members of Parliament from the commencement of Act, 1954 onwards as amended from time to time A Statement showing the admissibility of Salary, Allowances, Pension and other facilities to Members of Parliament from the enactment of the Act i.e.,

1954 onwards as amended from time to time is at the **Annex X-A** and another statement showing the facilities extended to ex-MPs is at **Annex X-B**.

IMPORTANT RULINGS/DECISIONS RELATING TO ADMINISTRATION OF ACTS

Facilities for Railway accommodation to the Chairman of Parliamentary Committee etc on par with the Ministers/high officials

“The suggestion that the Chairman of the Estimates Committee and the Public Accounts Committee should be provided with a four berthed compartment for journeys undertaken by them in Rail on official purposes, as in the case of Ministers and high officials, was not agreed to by this Department”. (This suggestion was made in the meeting of the General Purposes Committee held on 9 December, 1995).

(File No.55(L) 56)

Attachment of Salary of Members of Parliament

A suggestion was mooted by the Lok Sabha Secretariat that the Code of Civil Procedure should be amended in order to vest powers in the two Secretariats of Parliament for compulsorily attaching from the salaries of Members of Parliament such sum as ordered by the court. This matter was examined in the Department and it was decided that:

“the Attachment of a Member’s salary should take its normal course provided under the Law and Civil Procedure Code need not be amended.”

(File No.F. 115(L) 56-PA)

Entitlements of Members of Lok Sabha to Daily Allowance on adjournment *sine die* and Dissolution of the House

The second Lok Sabha was dissolved on 31 March 1962 but according to the Programme, the session was to continue up to 30 March 1962. In the circumstances, the question arose whether the MPs would be entitled to DA for three days succeeding the date of adjournment *sine die* of the session i.e. up to 2 April 1962,

notwithstanding the dissolution of the Lok Sabha on 31 March 1962. After examination of the matter in consultation with the Ministry of Law and Justice, the Department held the following view:

“Members are entitled to the daily allowance for three days succeeding the date of adjournment sine die notwithstanding the fact that he ceases to be a Member on the dissolution of the House. The right granted to him by the statute is not lost by supervening dissolution.”

(File No.F. 108(L)/62-PA)

Admissibility of Daily Allowance to an MP during the period of suspension from the services of the House

“When a Member is suspended from the remainder of the session, he cannot be said to be residing for that period for the purpose of attending the session for the simple reason that he is precluded from attending the session for the period. The Member cannot, in the circumstances claim daily allowance for this period. However when the Member is not suspended for the remainder of the session for when the suspension is for longer period, the provisions for dealing with such situations may be made in the Rules.”

(File No .F. 108(L)/62-PA.)

Association of Minister of Parliamentary Affairs as Member and Chairman of the Joint Committee on Salaries and Allowances of Members of Parliament

“There is no illegality involved in the nomination of Minister of Parliamentary Affairs as member and Chairman of the Joint Committee on Salaries and Allowances of MPs.”

(File No. F. 108 (L)/62- PA.)

Facility of Free Transport in State Nationalised Bus Service offered to Members of Parliament by State Governments

A reference from the Governments of Kerala and Maharashtra was received in the Department seeking clarifications as to whether any impropriety was involved in allowing MPs from that State to travel free of cost in State Transport Department Buses.

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The opinion held by this Department in this regard was that it was entirely a question covering a State's own policy and that State should feel free to decide the question on its own merits and any Member having a free ride in a State bus during the period of ride was not holding any office of profit. However, the Ministry of Law which was approached for its views opined that MPs are not entitled to any concessions having pecuniary benefits beyond what is provided in the Members Salaries and Allowances Act, 1954. Therefore, after exchanges of views with the Ministry of Law, the following advice was tendered to the Government of Maharashtra:

“MPs cannot be singled out by the State Government for grant of such facilities as free travels to visit Government Undertaking etc. But they can be included in the distinguished visitors to whom such facilities may be extended by the State Government.”

(File No.F. 4(6)/65- R&C & 4 (15)/75- R&C)

Payment of Salary to MPs detained under Defence of India Rules

“The Members of Parliament are entitled to salary in terms of the Salaries and Allowances of Members of Parliament Act, 1954, which did not debar a Member detained under the Defence of India Rules from getting his salary.”

(File No. 4(1)/68-R&C)

Free Rail travel facilities for MPs and Ministers—utilisation of spouse pass by Ministers as an MP

The Law Ministry explained provision of Section 6B (iii) of the Salary, Allowances and Pension of MPs Act, 1954 and the Rule 8 (1) (i) of the Ministers (Allowances, Medical Treatment and other Privileges) Rules, 1957.

(File No.4(1)/77-R&C)

Supply of typewriters at DGS&D rate contract and used typewriters of the Ministry of Defence on fixed price to MPs

“The typewriters by the DGS&D are supplied at the rate contract only to the Govt. Deptts. and not to the individuals.

However, if Lok Sabha/ Rajya Sabha Sectts. indent the typewriters with the DGS&D, the same can be supplied at the rate contract. The used typewriters as per practice followed in the Ministries/ Departments, are disposed off through auction.”

(File No. 4(5)/79- WS)

T.A. admissible to wife of a deceased MP for winding up establishment in Delhi

“Though there is no specific provision in the Act, yet the Ministry of Finance in a number of cases have agreed to allow to and fro first class Railways pass to the wife of the deceased MP for winding up their establishment in Delhi.”

(File No. 4(7)/79-R&C also F. No.4(4)/83-WS)

Annuity paid under the Oriental Pension Fund to be taken into account while determining Parliamentary Pension to ex-MPs

The Oriental Pension Fund is a purely pension scheme. Annuity paid under Oriental Pension Fund Scheme is to be treated as pension for determining parliamentary pension payable to ex-MP in terms of Section 8A (i) of the Salary, Allowances and Pension of Members of Parliament Act,1954.

(File No. 4(14)/79-WS)

Payment of Pension to Shri Narsingh Narayan Panday, ex-MP

Shri Panday was allowed to draw pension of Rs. 200 from State Government of U.P. and Rs. 300 from Central Government for his services rendered as MP.

(File No. 4 (14)/79-WS Vol. I)

Rail-cum-Road or Air-cum-Road T.A. for journey undertaken under Section 5 of the Act

“Members would be entitled to get rail-cum road-or air-cum-road T.A. beyond the nearest airport even if he visits any place outside his constituency for reaching his place of destination.”

(File No. 4 (9)/81- R&C)

Payment of Pension to ex-MPs - entitlement regarding

On his appointment as Government Advocate/Chairman of Board etc.

“Since the honorarium as also fee is a payment made for services rendered, the honorarium and the retainer’s fee can therefore be treated as remuneration within the meaning of the Section 8A (2) (iii) of the Salary, Allowances and Pension of MPs Act and as such the pension under Section 8A (I) of the Act *ibid* will not be admissible.”

On appointment on honorarium basis as Professor in the Gujarat Vidyapith, Ahmedabad

“Since the Gujarat Vidyapith is neither a Municipal Committee nor a District Governmental body nor a corporation owned or controlled by the Central Government or any State Government or a local body, the Section 8A (2) (iii) of the Salary, Allowances and Pension of MPs Act, would not apply and as such the pension payable under Section 8A (i) of the Act *ibid*. would be admissible to the person appointed as Professor in addition to the honorarium.”

(File No. 4 (13)/81-WS)

If the election of a Member is declared void will the period of such membership be counted for the purpose of determining pension

“*Prima facie*, it would appear that members whose election has been declared void may not be entitled to pension. However, each individual case may be dealt with on its merits depending upon the facts of each case.”

(File No. 4 (14)/81-R&C)

Telephone facility to Ministers in their constituency residences

Ministers of Government of India would be entitled to a free telephone connection in their constituency residences, in their capacity as a Member of Parliament, with a maximum ceiling of * 7,500 free local calls in a year. The expenditure in respect of

*Limit raised from time to time, along with increase in free local calls admissible to MPs.

installation, rental and call charges is to be borne by the Ministry/ Department concerned.

(File No. 4(20)/82-WS also F. No. 4 (6)/86- WS S.No. 28)

Meaning of Session *vis-a-vis* commencement, adjournment, adjournment *sine die*, prorogation or dissolution for the purposes of determining intermediate journeys

“A Session once it has commenced on the basis of summons comes to an end only when the House is prorogued or dissolved by the President and the intermediate journeys admissible to MPs under the provisions of the Act shall be regulated in accordance with this interpretation.”

(File No. 4(25)/82-WS)

Pension to Members of Legislative Assembly, Pondicherry, whose tenure falls short by up to maximum of 90 days - concurrence for the introduction of a Bill

“In view of the peculiar circumstances and history of the Legislative Assembly of the Union territory of Pondicherry, the Department agreed that the approval of the Central Government may be accorded to introduction of the Bill in the Legislative Assembly, Pondicherry, which seeks to provide the coverage to short fall of a period of 90 days for grant of pensionary benefits to MLAs.”

(File No. 4(35)/82 -WS)

Payment of D.A. to Ministers without amending the Minister's Act

According to Ministry of Law, it would be necessary to amend the Minister's Act to enable them to get D.A.

(File No. 4 (31)/82- WS)

House Rent Allowances to MPs when on tour as Chairman of the Committee/Board etc.

“In accordance with the provisions of the Salary, Allowances and Pension of Members of Parliament Act, 1954, when an MP appointed as Chairman of the Committee etc. proceeds on tour in connection with the work of the Committee he shall not be entitled to House Rent Allowances for meeting the actual expenditure incurred by him on house rent.”

(File No. 33(6)/82-R&C)

Payment of Special Allowances of Rs. 100 and Medical Allowances of Rs. 10 to the ex-MPs from Bihar who were Freedom Fighters

Special Allowances of Rs. 100 and Medical Allowances of Rs. 10 paid by the State Government of Bihar to ex-MPs from Bihar who are also freedom fighters will not attract the provision of Section 8A (iii) of the Salary, Allowances and Pension of Members of Parliament Act, 1954.

(File No. 4(3)/83-WS)

Commutated value of Pension to be taken into account while determining Parliamentary Pension

Pension means full amount of pension sanctioned and not the balance left after commutation. Commuted value of pension which an ex-MP received for his services as a Government servant is also to be taken into account while determining the parliamentary pension in terms of Section 8A of the Salary, Allowances and Pension of MPs Act, 1954.

(File No. 4(3)/83-WS)

Payment of to and fro T.A. to the spouse of the deceased Member to wind up establishment in Delhi

The Ministry of Finance agreed to the payment of to and fro T.A. to the spouse of the deceased Member for winding up establishment in Delhi on the presumption that the spouse was not in Delhi when the Member expired (equal to and fro rail fare).

(File No. 4(4)/83- WS also. No F.. 4(7)/79-R&C -S.No.10 ante)

Payment of air fare for spouse of a Minister

Payment of air fare in respect of journey performed under Section 6B (iii) of the Salary, Allowances and Pension of MPs Act, 1954, by the spouse of a Member who happens to be a Minister will be borne by the respective Secretariat of Parliament.

(File No. 4(8)/83-WS)

Payment of T.A./D.A. to MPs as representatives of workers' organisations

The case of MPs for payment of T.A./D.A for attending meetings/conferences as representatives of the workers' organisations but not appointed by the Government as such on

these committees etc. was examined in consultation with the Ministry of Law and Ministry of Finance. It was decided that they are not entitled to T.A. under Section 4 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 as they are not appointed by the Government.

(File No. 4(8)/83-WS) Vol. II)

Extension of certain facilities to Ex-MPs

The question of extending certain facilities to ex-MPs such as rail travel facilities, accommodation at concessional rates, etc. was examined in consultation with the Ministry of Law. The Ministry of Law opined that it is for the consideration of the Government whether some public purpose is served by extending these facilities under article 282 of the Constitution and that *prima facie* it seems that no public purpose is served by extending any such facilities to ex-MPs.

(File No. 4(8)/85-WS)

Grants of pension to Shri V.K. Saklecha, ex-MP being ex-MP and ex-MLA

Shri V.K. Saklecha was a Member of the Rajya Sabha for about 5 years. Shri Saklecha was in receipt of pension by virtue of his being ex-MLA @ Rs. 450 p.m. The opinion of the Law Minister was sought as to whether he will get pension under the Central Act after adjusting the amount of Rs. 450. Our view was that Shri Saklecha was entitled only to a pension of Rs. 450 p.m. as an ex-MLA as it was higher than the parliamentary pension of Rs. 300 p.m. to which he is entitled under Section 8A of the Central Act. However, after the amendment of the aforesaid Section in December, 1985 the minimum pension of an ex-MP has been raised to Rs. 500 p.m. The Ministry of Law clarified that from the date of amendment of the said Section, Shri Saklecha is entitled to receive pension of Rs. 500 p.m.—Rs.50 p.m. as parliamentary pension in addition to pension of Rs. 450 p.m.as an ex-MLA. The Ministry of Law agreed with our views *in toto*.

(File No. 4(1)/86-WS)

Telephone facilities to Ministers in their Constituencies/usual places of residence

The Minister of Government of India would be entitled to a telephone connection either in his usual place of residence or at

a place selected by him, being a place situated within the State which he represents or within the State in which he resides, in his capacity as a Member of Parliament with a maximum ceiling of *15,000 free local calls. The Minister would also be allowed to adjust the trunk call bills within the monetary equivalent of 15,000 local calls in a year.

In case where the telephone at the constituency/usual place of residence is in a flat rate exchange, the Minister would be allowed to adjust the charges for trunk calls made from this telephone to the extent of Rs. 3,000 per year (equivalent of 7500 local calls).

(File No. 4(6)/86-WS also F.No. 4(20)/WS S.No. 16 ante)

Grant of pension (*ex-gratia*) by the State Government to Smt. Usha Khan in addition to Parliamentary Pension

The short point for consideration was whether pension (*ex-gratia*) granted by the Government of Rajasthan to Smt. Usha Khan on account of meritorious service rendered by her late husband is liable to be adjusted for calculating pension payable to her by virtue of her being an MP. The opinion given by the Law Ministry in the case is as under:

“the intention underlying the provision appears to be that a person who receiving pension as of right and who can enforce it in a Court of Law alone, is covered by it, and not persons who receive *ex-gratia* payments from the Government.”

(File No. 4(9)/86-WS)

Grant of Honorarium to ex-MPs who are in receipt of Parliamentary Pension (case of Shri R.S. Panjhzari)

“The expression ‘honorarium’ is used in cases, where some special work is done and in consideration thereof certain payments are made. Normally, such special work may be of an occasional or intermittent character. The facts in the reference would appear to bring it under the category of honorarium.

As regards the house rent allowance and the conveyance allowance and the presumption raised by Department now that

*Limit raised along with increase of free local calls admissible to MPs.

as it is clarified by the Department that ex-MP has his permanent residence at Patiala and has to maintain a house himself at Delhi for the assignment, it would appear that as stated by the Department these allowances are compensatory in nature and are not remuneration.”

(File No. 4(11)/86-WS)

TA for intermediate journeys to Members of Parliament under Section 5 of the Act

The opinion of the Ministry of Law was sought as to whether the restriction of not more than 15 days' absence during session of Parliament for claiming TA by MPs as contemplated under section 5 (1) will still be applicable in view of amended Section 5 (2) of the Act. It was clarified by the Ministry of Law that limitation of performing the intermediate journey within the prescribed limit of 15 days as specified in sub-section 1 of the Section 5 of the Act operates only when the concerned House of Parliament is in Session or a sitting of a committee is taking place. The conditions referred to in Section 5 (1) do not govern the TA admissible under Section 5 (2), newly inserted by the 1985 (Amendment Act). Section 5 (2), therefore, will be applicable irrespective of the fact whether a House of Parliament is in session and/or there is a sitting of committee or not. In view thereof, the condition of “absence of less than 15 days” contemplated in sub-section (I) of Section 5 will not be applicable.

(File No. 4(12)/86-WS)

Payment of Honorarium to Minister for use of his copyright

A question arose as to whether Shri P. V. Narasimha Rao, Minister of Human Resource Development, who had contributed an article on “Copyright and Peace” to the World Intellectual Property Organisation may accept a honorarium of 5,000 Swiss Francs from that Organisation for this assignment. The matter was examined in consultation with the Ministry of Home Affairs and the Ministry of Law who opined that there can be no objection to the payment for the use of his copyright. There is nothing in the Code of Conduct disentitling a Minister from receiving honorarium for intellectual work.

(File No. 4(27)/86-WS)

Drawal of Salary by a Chief Minister from the State and Constituency Allowance from the Centre by virtue of his being a Member of Parliament

A reference was examined in consultation with the Ministry of Law and Justice whether a Member of Parliament, while holding office of a Chief Minister in a State Government, can draw his salary from the State Government and Constituency Allowance from the Centre by virtue of his being an MP. The case related to Shri Bansi Lal, Chief Minister of Haryana. The opinion of the Ministry of Law was:

“that there will be no legal objection to the Member of Parliament drawing constituency allowance as a Member of Parliament during this period unless there is any bar to his drawing such allowance under a parliamentary Law or State Law. In the instant case, there appears to be no such bar.”

(File No. 4 (29)/86 -WS)

Entitlement of Shri Sitaram Kesari, Minister of State to draw Pension in addition to salary and allowance under the provisions of the Act

“In the light of the observations of the Supreme Court in *M. Karunanidhi Vs. UOI* AIR 1979 S.C. 898 at 915 that a Minister gets a salary for the public work done, or the public duty performed by him and that the said salary is paid to the Minister from the Government funds, the Minister would appear to be entitled to remuneration from the Government. If that be so, the case squarely falls under Section 8A(2) (iii).”

(File No. 4 (1) /87-WS)

IMPORTANT RULINGS/DECISIONS RELATING TO ADMINISTRATION OF ACTS

Free furnished residence to Chairman of Financial Committees

The recommendations of the Joint Committee on Salaries and Allowances of MPs made on 28 June, 1967 for provision of free furnished residence for the Chairman of 3 Financial Committees was not agreed to by Ministry of Law and Ministry of Finance.

Ministry of Law opined that it would be discrimination to other MPs. Ministry of Finance opined that the matter may not rest there and it will become difficult to deny the same concession to the Chairman of the other Parliamentary Committees.

(File No. 4(3)/67-WS)

Average days for attending Sessions, sittings of Committee

The Joint Committee on Salaries and Allowance of MPs recommended on 11 November, 1992 that the average days for attending sessions and sittings of committee in a year be taken as 250 and not 300 while calculating the financial implications for DA to MPs.

(File No. 4(3)/92-WS)

Extention of free travel facility to spouse of ex-MPs

Extract from reply from Minister of Railways (Shri C.K. Jaffer Sharief) (No.E (W) 92 PS5-7/3 dated June /July 3,1992):

“The long standing demand of ex-MPs for grant of free rail facility has already been agreed to. As an additional benefit and further also directed Railways for inclusion of an attendant in second class on subsequent requests. You will, therefore, appreciate that in view of financial crunch and heavy demand for accommodation and consequent over-crowding in trains, it would not be possible to enlarge the scope of concessions further for inclusion of spouse also, which would mean a further increase in number of persons from initial one to three.”

(F.No. 4(11)/92-WS)

Rail travel facilities to ex-MPs /companions

Instructions were also subsequently issued by the Ministry of Railways on 27 February, 1996 that the First Class Complimentary Card Passes issued to former Members of Parliament may be made available for travel in II AC Class in Rajdhani and Chair Car in Shatabdi Express trains for self along with a companion in the same class without payment of difference of fare. They can also secure reservation in these trains from the General Quota available at the counters. (Ministry of Railways O.M. No. E (W) 95PS5-7/7 dated 29.2.1996).

(File No. 4 (2) /95-WS)

PART-II

Constitution of Joint Parliamentary Committee

Joint Parliamentary Committee (FRM) was constituted by the Speaker, Lok Sabha, w.e.f. 1 June, 1993 to suggest facilities and remuneration for Members of Parliament.

(File No. 4(5)/93 -WS)

Condoning the shortfall in the period of membership upto 15 days for grant of pension (Case of Shri Bansi Lal, ex-MP)

Amendment of the Act was sought for granting discretionary powers to Speaker/Chairman for condoning the shortfall in the period of membership (up to 15 days) for grant of pension.

Ministry of Law *inter alia* opined :

“There would not be any legal objection to the proposed amendment *ibid*. However also suggested that a decision in respect of period sought to be condoned may, in the first instance, be taken on the basis of some reasonable criteria. It is observed that in the present case the ex-MP’s 18th year is falling short by 15 days. There could be other cases where such period could be 16 or 20 days. Therefore, before initiating a formal amendment proposal, a decision regarding period in question would appear to be necessary.”

(File No. 4(8)/93-WS)

Enhancement of CGHS Contribution

To a reference received from the Ministry of Health and Family Welfare regarding enhancement of CGHS Contribution of MPs to Rs. 50 per month, the Ministry responded as under:

“..... it is for the Ministry of Health and Family Welfare to take a policy decision regarding the scale of contribution under the CGHS. However, if the scale of contribution in case of Members of Parliament is to be related to the level of services rendered, it would be necessary to amend Rule 3 of the Medical Facilities (MPs) Rules, 1959 framed under the Salary, Allowances and Pension of Members of Parliament Act, 1954. The

Ministry also opined that the contribution from Members of Parliament should in no case be more than the contribution to be made by the Ministers as a Minister is entitled to receive a salary per mensem and an allowance for each day during his tenure as such Minister at the same rates as are specified in Section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 with respect to Members of Parliament.

In regard to ex-MPs, referring to the Ministry of Health and Family Welfare O.M. No. F. 4-96/74-CGHS (P) dated 6 June, 1976, it was *inter alia* stated :

“... as the contribution under CGHS to be made by ex-MPs was fixed through executive instructions issued by the Deptt of Health, it is for that Deptt. to take a decision in the matter and issue the necessary instructions.”

(F.No. F.4 (24)/94-WS)

Increase in ceiling on supply of furniture to Members of Parliament

The ceiling on supply of durable furniture was raised from Rs. 12,000 to Rs. 24,000 per Member of Parliament and the corresponding ceiling for non-durable furniture was raised from Rs. 3,000 to Rs. 6,000 per Member of Parliament for recovery of concessional rate of hire charges. Recovery of rent for the furniture supplied to Members of Parliament will be made at the following rates subject to 25 per cent rebate:

Durable furniture

Nine per cent per annum of the cost of furniture up to the value of Rs. 24,000 and 13.75 per cent per annum of the cost of furniture beyond the value of Rs. 24,000.

Non-durable furniture

At the rate of 16.5 per cent per annum of the cost of furniture up to the value of Rs. 6,000 and 24.5 per cent per annum of the cost of furniture beyond the value of Rs. 6,000.

(*vide* Directorate of Estates O.M. No. 18012 (2)/84- Pol. III dated 12th November, 1996 effective from 1 December, 1996).

(F.No. 4 (12)/96-WS)

Amendment of the Salaries and Allowances of Officers of Parliament Act, 1953 to provide for pension, housing and medical facilities to the spouse of the Speaker of the House of the People, dying while holding such office

Consequent to the death of Shri G.M.C. Balayogi, former Speaker of Lok Sabha, on 3 March, 2002 the Salary and Allowances of Officers of Parliament Act, 1953 has been amended as under to provide for pension, medical and housing facilities to the spouse of the Speaker dying while holding such office retrospectively from 3 March, 2002.

7A (i) "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-section (1A) of Section 8A of the Salary, Allowances and Pension of Members of Parliament Act, 1954.

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

Subject to any rules made in this behalf under Section 11—such spouse, for the remainder of her life, and the minor children of such Speaker, shall be entitled to medical attendance and treatment, free of charge."

To execute the above provision of the Act of the Officers of Parliament (Pension, Housing and Medical Facilities to the Spouse

of the Speaker of the House of the People, dying while holding such Office) Rules, 2002 have been framed and printed in the Gazette of India *vide* Notification No.535 (E) dated 31 July, 2002 to be effective from 3 March, 2002.

(F. No. 13(2)/2002-WS)

Increase in Sumptuary Allowance of Officers of Parliament and Leaders of Opposition in Parliament

The Sumptuary Allowance shall be paid to :

The Speaker of the House of the People and Leaders of the Opposition in Parliament at the same rate at which the sumptuary allowance is payable, under Section 5 of the Salaries and Allowances of Ministers Act, 1952, to every other Minister who is a member of the Cabinet; the Deputy Chairman and the Deputy Speaker at the same rate at which the sumptuary allowance is payable, under Section 5 of Salaries and Allowances of Ministers Act, 1952 to a Minister of State.

(F.No. 13 (2)/2002-WS)

Recovery of Salary and Allowances of Shri V. C. Shukla for his membership of X Lok Sabha

The election of Shri V.C. Shukla to the X Lok Sabha was declared null and void by the Jabalpur High Court of Madhya Pradesh on the Election Petition filed against him *vide* its order dated 20 February, 1996 in Election petition No.1 of 1991. Though he had appealed against this judgement in the Supreme Court, but by the time the Court decided on his appeal, the X Lok Sabha was dissolved and realising that the appeal was infructuous, he withdrew the appeal from the Supreme Court. While calculating his pension, the Lok Sabha Secretariat ignored his membership for the X Lok Sabha keeping in view the fact that the judgement of the Jabalpur High Court was valid as no judgement had come against it on the basis of appeal filed by Shri Shukla in Supreme Court.

The matter was referred to Ministry of Law and Justice, (Department of Legal Affairs) and on a later stage to the Solicitor General of India. Both of them had opined that in the absence of any judgement by the Higher Court against it, the judgement of

Jabalpur High Court of Madhya Pradesh was valid and Shri V.C. Shukla was not entitled to the pension for his membership of the X Lok Sabha.

On a reference from the Lok Sabha Secretariat and in view of the opinion rendered by Ministry of Law and Justice, (Department of Legal Affairs) and the Solicitor General of India against the grant of pension of Shri V.C. Shukla for his membership for X Lok Sabha, the matter was again referred to Ministry of Law and Justice, (Department of Legal Affairs) asking whether Shri Shukla was entitled to the salary and allowances which he received from Lok Sabha Secretariat as an MP and also as a Member of the Union Council. The Solicitor General of India was also approached in the matter for his esteemed opinion. The opinion rendered by the Solicitor General of India (Shri Harish N. Salve) on 23 February, 2002 is as under :

“for the period prior to the judgement of the High Court any recovery of the salary, even if legally possible, would be highly unjust and unfair for the period after the judgement of the High Court, the government should not, in fairness, considering the factors indicated above, seek a recovery of the salary paid to him.”

(File No. 4(9)/2000-WS)