

Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006

February 15, 2013

Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006¹

[No. 40 OF 2006]

[September 12, 2006]

An Act further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

Prefatory Note-Statement of Objects and Reasons.-The Joint Committee on Salaries and Allowances of Members of Parliament in its Report dated the 22nd May, 2006 has made certain recommendations regarding increase in the salary, daily allowance and the other facilities to which the Members of Parliament are entitled to, pension payable to former Members of Parliament and family pension to the spouse or dependent of the Members of Parliament and former Members of Parliament after the demise of such Members of Parliament/former Members of Parliament. After considering the said Report, it has been decided to enhance the salary, daily allowance, rate of road mileage and other facilities to which the Members of Parliament are entitled to and pension to former Members of Parliament and the family pension to the spouse or dependent of Members of Parliament and former Members of Parliament after the demise of Members of Parliament/former Members of Parliament. It is, therefore, proposed to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954 for giving effect to the aforesaid proposals.

2. The Bill, inter alia, seeks to provide for the following, namely:-

(i) to enhance the salary of Members of Parliament from twelve thousand rupees per mensem to sixteen thousand rupees per mensem for a period of five years from 14th September, 2006;

(ii) to enhance the allowance payable to the Members of Parliament during any period of residence on duty from five hundred rupees for each day of duty to one thousand rupees for each day of duty for a period of five years from 14th September, 2006;

(iii) to enhance the rate of road mileage in respect of every journey performed in India for the purpose of attending session of a House of Parliament or a meeting of a Parliamentary Committee or for the purpose of attending to any other business connected with his duties as a Member of Parliament from eight rupees per kilometre to thirteen rupees per kilometre for a period of five years from the enactment of the proposed legislation;

(iv) to allow a physically incapacitated Member of Parliament who cannot travel by air and rail to travel by road;

(v) to reduce the interval between the adjournment of a House of Parliament or, one sitting of a Parliamentary Committee and the reassembly of that House or the next sitting of the Committee at the same place, as the case may be, from seven days to five days;

(vi) to enhance thirty-two single air journeys to which a Member of Parliament is entitled to avail in a year to thirty-four single air journeys in a year;

(vii) to allow the ex-Members of Parliament from the Andaman and Nicobar Islands or the Lakshadweep to travel by highest class of accommodation in any steamer sailing between the Andaman and Nicobar Islands or Lakshadweep, as the case may be, and the main land territory of India without payment of any charges, on the basis of an authorisation issued for the purpose by the concerned Secretariat of Parliament;

(viii) to enhance the pension of three thousand rupees per mensem available to a former Member of Parliament to six thousand rupees per mensem and the additional pension of six hundred rupees per mensem payable to them for every year in excess of five years membership to eight hundred rupees per mensem;

(ix) to increase the family pension payable to the spouse or dependent of a Member of Parliament dying during his term of office from one thousand five hundred rupees per mensem to three thousand rupees per mensem for life as against only for a period of five years only as at present;

(x) to provide the spouse of dependent of a deceased former Members of Parliament a family pension of three thousand rupees per mensem for life of such spouse or dependent till he remains as such without any claim for the arrears prior to the commencement of the proposed legislation.

3. The Bill seeks to achieve the above objects.

1. Received the assent of the President on September 12, 2006 and published in the Gazette of India, Extra., Part II, Section 1, dated 12th September, 2006, pp. 1-4, No. 47.

1. Short title and commencement.

(1) This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006.

(2) Save as otherwise provided, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

2. Amendment of Section 3.

In Section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) (hereinafter referred to as the principal Act),-

(a) 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;

(b) for the words "at the rate of four hundred rupees for each day", the words "at the rate of one thousand rupees for each day" shall be substituted;

(c) for the second and third provisos, the following proviso shall be substituted, namely:-

"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."

3. Amendment of Section 4.

In Section 4 of the principal Act, in sub-section (1),-

(a) 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;

(b) 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.";

(c) in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:-

"Provided also that the first proviso shall not be applicable 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 not travel by air or train."

4. Amendment of Section 5.

In Section 5 of the principal Act,-

(a) in sub-section (1-A), for the words "seven days", the words "five days" shall be substituted;

(b) in sub-section (2),-

(i) for the first proviso, the following proviso shall be substituted, namely:-

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

(ii) in the second proviso, for the words "less than thirty-two", the words "less than thirty-four" shall be substituted;

(iii) in the third proviso, for the words "thirty-two journeys", the words "thirty-four journeys" shall be substituted;

(iv) 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.”;

(c) 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.”;

(d) in Explanation III, for the words “thirty-two journeys”, the words “thirty-four journeys” shall be substituted;

5. Amendment of Section 6-D.

In Section 6-D of the principal Act, after clause (ii), the following clause shall be added and shall be deemed to have been added with effect from the 17th day of May, 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.”

6. Amendment of Section 7.

In Section 7 of the principal Act, for the words “seven days”, the words “five days” shall be substituted.

7. Amendment of Section 8-A.

In Section 8-A of the principal Act,-

(a) for sub-section (1) and the proviso thereto, the following shall be substituted, namely:-

“(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.”;

(b) sub-section (1-A) and the Explanation thereunder shall be omitted.

8. Amendment of Section 8-AA.

Section 8-AA of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:-

“(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.”.

9. Insertion of new Section 8-AC.

After Section 8-AB of the principal Act, the following section shall be inserted, namely:-

“8-AC. 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 {ad} 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 8-A.

(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.’
