

THE SALARIES AND ALLOWANCES OF MEMBERS OF
PARLIAMENT (AMENDMENT) ACT, 1976

No. 105 OF 1976

[9th September, 1976.]

An Act further to amend the Salaries and Allowances of Members
of Parliament Act, 1954.

BE it enacted by Parliament in the Twenty-seventh Year of the
Republic of India as follows:—

Short
title.

1. This Act may be called the Salaries and Allowances of Members
of Parliament (Amendment) Act, 1976.

Amend-
ment of
long title.

2. In the Salaries and Allowances of Members of Parliament Act, 1954 30 of 1954.
(hereinafter referred to as the principal Act), in the long title, for the
words "salaries and allowances", the words "salary, allowances and
pension" shall be substituted.

Amend-
ment of
section 1.

3. In section 1 of the principal Act, in sub-section (1), for the words
"Salaries and Allowances", the words "Salary, Allowances and Pension"
shall be substituted.

Amend-
ment of
section 2.

4. In section 2 of the principal Act, for sub-clause (b) of clause (e),
the following sub-clause shall be substituted, namely:—

(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
section 71 of the Representation of the People Act, 1951; or 43 of 1951.

(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 67A 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.

5. Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof and after that sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment of section 5.

“(2) Where in any year a member does not perform during any session any such journey as is referred to in the second proviso to sub-section (1), or the number of such journeys performed by him during any session is less than the maximum specified in that proviso with respect to such session, then, such member shall be entitled to perform all or, as the case may be, the remaining number, of such journeys during any other session or sessions in that year, in addition to the number of journeys which he is otherwise entitled to perform under that proviso during such other session or sessions.”

6. After section 6B of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 6C.

“6C. Without prejudice to the other provisions of this Act, where during any part of a year the usual place of residence of a 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:

Air travel facilities in certain circumstances.

Provided that where the nearest place having air service is outside his constituency, such member shall be entitled to travel to and fro by air only from such place to the nearest place having rail service.”

7. After section 8 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 8A.

“8A. (1) With effect from the commencement of the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976, there shall be paid a pension of three hundred rupees per mensem

Pension.

to every person who has served for a period of five-years, whether continuous or not,—

(i) as a member of the Council of States; or

(ii) as a member of the House of the People; or

(iii) partly as a member of the Council of States and partly as a member of the House of the People; or

(iv) as a member of the Provisional Parliament; or

(v) partly as a member of the Provisional Parliament and—

(a) partly as a member of the Council of States and partly as a member of the House of the People, or

(b) partly as a member of the Council of States or partly as a member of the House of the People:

Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of fifty rupees per mensem for every year in excess of five, so, however, that in no case the pension payable to such person shall exceed five hundred rupees per mensem.

Explanation.—For the purposes of clauses (iv) and (v) of sub-section (1), "Provisional Parliament" shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the Commencement of the Constitution.

(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.

(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension from 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, under any law or otherwise, then,—

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section.

(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 the Salaries and Allowances of Ministers Act, 1952 or 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), or both, by virtue of his membership in the House of the People or in the Council of States shall also be taken into account.”.

58 of 1952.
20 of 1953.

8. In sub-section (3) of section 9 of the principal Act,—

Amend-
ment of
section 9.

(a) after clause (e), the following clause shall be inserted, namely:—

“(ee) the form in which certificates, if any, shall be furnished by any person for the purpose of claiming any pension under this Act;”;

(b) in clause (g), for the words “daily and travelling allowances”, the words “daily and travelling allowances and pension” shall be substituted.