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**THE PAYMENT OF SALARIES AND
ALLOWANCES ACT, 1951
(ACT XIV OF 1951)**

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(Amended by Act XIV of 1952, Kerala Adaptation of Laws Order, 1956, Act V of 1956, Act 4 of 1957, Act 25 of 1958, Act 2 of 1960, Act 18 of 1961, Act 2 of 1968, Act 27 of 1968, Act 27 of 1972, Act 20 of 1973, Act 13 of 1974, Act 22 of 1977, Act 17 of 1979, Act 22 of 1979, Act 5 of 1980, Act 16 of 1981, Act 2 of 1982, Act 24 of 1985, Act 16 of 1986, Act 33 of 1987, Act 33 of 1989, Act 2 of 1991, Act 26 of 1991, Act 9 of 1992, Act 11 of 1994, Act 4 of 1997, Act 25 of 1999, Act 13 of 2003, Act 25 of 2008, Act 3 of 2012, Act 4 of 2012, Act 12 of 2013, Act 10 of 2014, Act 4 of 2017 and Act 8 of 2018.)

An Act to provide for the salaries and allowances of Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition, the Chief Whip and Members of the Legislative Assembly.

Preamble.—WHEREAS, pursuant to the provisions of Article 164, clause (5), Article 186 and Article 195 of the Constitution of India read with Article 238 thereof, it is necessary to provide by an Act of the Legislature for the salaries and allowances of Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip and of the Members of the Legislative Assembly.

It is hereby enacted as follows:

1. *Short title and commencement.*—(1) This Act may be called the Payment of Salaries and Allowances Act, 1951.

(2) Sections 2, 3, 4, 5 and 6 of this Act shall be deemed to have come into force on the 26th day of January, 1950 and the rest of this Act shall come into force at once.

2. *Definitions.*—In this Act,—

(a) “residence” includes the staff quarters and other buildings appurtenant thereto, and the gardens thereof ; and

(b) “maintenance” in relation to a residence includes the payment of local rates and taxes and the provisions of electricity and water ;

(c) “first grade officer” means an officer classified as a first grade officer under Rule 1, Part II of the Kerala Service Rules, 1959 ;

(d) “Deputy Speaker” means the member of the Legislative Assembly chosen to be Deputy Speaker thereof under Article 178 of the Constitution ;

(e) “Leader of the Opposition” means the leader of the largest party in Opposition in the Legislative Assembly and recognised as such by the Speaker ;

(f) “Speaker” means the member of the Legislative Assembly chosen to be Speaker thereof under Article 178 of the Constitution ;

(g) “Chief Whip” means the Government Chief Whip in the Legislative Assembly.

3. *Salaries and Allowances of Ministers, the Leader of the Opposition and the Chief Whip.*—There shall be paid to each Minister, the Leader of the Opposition and the Chief Whip a salary of two thousand rupees per mensem and dearness allowance at such rates as officers of Government drawing a salary of one thousand rupees per mensem shall be entitled to from time to time and a constituency allowance of forty thousand rupees per mensem.

4. *Salaries and Allowances of the Speaker and Deputy Speaker of the Legislative Assembly.*—There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly a salary of two thousand rupees per mensem and dearness allowance at such rates as officers of Government drawing a salary of one thousand rupees per mensem shall be entitled to from time to time and a constituency allowance of forty thousand rupees per mensem.

5. *Residence of Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip.*—Each Minister, the Speaker, the Deputy Speaker, Leader of the Opposition and the Chief Whip shall be entitled, without payment of rent, to the use of a fully furnished residence in the City of Trivandrum throughout their term of office and for a period of fifteen days immediately thereafter and no charge shall fall upon the Minister or the Speaker or the Deputy Speaker or the Leader of the Opposition or the Chief Whip personally in respect of the maintenance of the residence, or *in lieu* to the use of such furnished residence and its maintenance, to a house rent allowance of One Hundred and Fifty Rupees per mensem.

5A. *Medical Facilities to Ministers, Speaker, Deputy Speaker, Leader of the Opposition and the Chief Whip.*—(1) Subject to any rules made in this behalf, every person who holds the office of a Minister or the Speaker or the Deputy Speaker or the Leader of the Opposition or the Chief Whip and the members of his family shall be entitled to free medical treatment in any Government institution and to free medical attendance by any medical practitioner or other person in the service of the Government.

(2) Subject to any rules made in this behalf, every person who holds the office of a Minister or the Speaker or the Deputy Speaker or the Leader of

the Opposition or the Chief Whip and the members of his family shall, after the commencement of the Payment of Salaries and Allowances (Amendment) Act, 1977 be entitled at the expense of the Government.—

(a) to medical treatment in any institution other than a Government institution.

(b) to medical attendance by any medical practitioner other than a medical practitioner in the service of the Government or by any other person not in the service of the Government

and accordingly, every Minister, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip, shall be entitled to all charges incurred by them in connection with such medical treatment and medical attendance.

Explanation: For the purposes of this section, members of family means the wife or husband, children including adopted children and step children and parents wholly dependent upon the Minister or the Speaker or the Deputy Speaker or the Leader of the Opposition or the Chief Whip as the case may be.

5B. *Accident Insurance of Ministers, Speaker, Deputy Speaker, Leader of the Opposition and Chief Whip.*—Subject to any rules made in this behalf under section 10, the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip shall be entitled to be insured at the expense of the Government against accidents during journey by air performed on public business.

5C. *Accident Insurance to Members of Legislative Assembly.*—(1) Subject to such rules as may be made by the Government in this behalf, every member of the Legislative Assembly including the Ministers, the Speaker, the Deputy Speaker, Leader of the Opposition and the Chief Whip shall be entitled to be insured for an amount not exceeding twenty lakh rupees at the expense of the Government against accidents or other infirmities as may be specified in this behalf caused to him during his tenure as member of the Legislative Assembly, the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip, as the case may be.

(2) In the case of Ministers, the Speaker, the Deputy Speaker, Leader of the Opposition and the Chief Whip, the insurance provided in sub-section (1) shall be in addition to the accident insurance provided in section 5B.

5D. *Air Journey for Members of Legislative Assembly.*—Every member of the Legislative Assembly shall be entitled to be reimbursed with the charges incurred towards air journey inside and outside the State, for attending the meetings of the Legislative Assembly or of any Committee thereof subject to a maximum of rupees fifty thousand per annum.

6. *Conveyance for the Ministers, Speaker, Deputy Speaker, Leader of the Opposition and Chief Whip.*—(1) The Government shall from time to time provide suitable conveyances for the use of the Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip throughout their terms of office and for a period of fifteen days immediately thereafter subject to such rules as regards their maintenance and repair as may be made by the Government.

(2) The Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip shall be paid a sum of seventeen thousand rupees per mensem *in lieu* of the cost of petrol and oil for the conveyances for journeys performed within the City of Trivandrum and a radius of eight kilometres thereof.

(3) Every Minister, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip shall be entitled, for journeys on public business in places beyond a radius of eight kilometres of the City of Trivandrum, to use a Government conveyance in addition to the conveyance provided under sub-section (1).

6A. *Free use of boats belonging to Government by Ministers, Speaker, Deputy Speaker, Leader of the Opposition and Chief Whip.*—The Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip shall, while touring on public business, be entitled, without payment of charges to the exclusive use of boats belonging to the Government.

7. (1) *Travelling Allowances of Ministers, etc.*—Each Minister shall be entitled, in respect of his journey to Trivandrum from his usual place of residence for assuming office as Minister and in respect of his journey from Trivandrum to his usual place of residence outside Trivandrum on relinquishing office and in respect of tours undertaken by him on public business, to travelling allowances, incidental expenses and daily allowances at the rates specified in the Schedule and upon such conditions as may be specified by rules made by the Government:

Provided that where a Minister, while on tour, is allowed free board and lodging at the expenses of the Government of India or the Government of any State, he shall be entitled, for the days on which he is allowed such free board and lodging, to draw only one half of the daily allowance admissible to him at the station concerned:

Provided further that a Minister shall not be entitled to any travelling allowance for journeys performed in any Government conveyance other than that provided under sub-section (1) of section 6.

(2) *Travelling allowances of the Speaker and the Deputy Speaker.*—The Speaker and the Deputy Speaker shall be entitled to travelling allowances, incidental expenses and daily allowances at the rates specified in the Schedule and upon such conditions as may be specified by rules made by the Government:

Provided that where the Speaker or the Deputy Speaker while on tour is allowed free board and lodging at the expense of the Government of India or the Government of any State, he shall be entitled, for the days on which he is allowed such free board and lodging to draw only one-half of the daily allowance admissible to him at the station concerned:

Provided further that the Speaker or the Deputy Speaker shall not be entitled to any travelling allowance for journeys performed in any Government conveyance other than that provided under sub-section (1) of section 6.

(3) *Travelling allowance of the Leader of the Opposition and the Chief Whip.*—The Leader of the Opposition and the Chief Whip shall be entitled in respect of tours undertaken by them on public business, to travelling allowances, incidental expenses and daily allowances at the rates specified in the Schedule upon such conditions as may be specified by rules made by the Government :

Provided that the Leader of the Opposition or the Chief Whip shall not be entitled to any travelling allowance for journeys performed in any Government conveyance other than that provided under sub-section (1) of section 6.

(4) The Ministers, the Speaker, the Deputy Speaker, the Leader of the Opposition and the Chief Whip shall not be entitled to any travelling allowances, incidental expenses and daily allowances for journeys performed

within the City of Trivandrum and a radius of eight kilometres thereof.

7B. *Medical Facilities to members of the Legislative Assembly.*—Subject to such rules as may be made in this behalf, every member of the Legislative Assembly who does not hold any of the offices referred to in section 5A and the members of his family shall be entitled to medical treatment and medical attendance and to all other benefits in connection therewith to the same extent as a person holding any of the offices referred to in the said section and the members of his family are respectively entitled to under that section.

Explanation: For the purposes of this section, members of family means the wife or husband, children, including adopted children and step children and parents wholly dependent upon the member of the Legislative Assembly.

8. *Allowances of the members of the Legislative Assembly.*—(1) Every member of the Legislative Assembly who does not hold any of the offices referred to in section 3 and 4 shall subject to the other provisions of this Act be entitled to receive,—

(a) a fixed allowance of two thousand rupees per mensem.

(aa) a constituency allowance of rupees twenty five thousand per mensem for meeting his expenditure for the performance of his duties as such member in his Assembly constituency ;

(b) travelling and daily allowances, at the rates specified in the Schedule and upon such conditions as may be specified by rules made by the Government for attending meetings of the Legislative Assembly or of any Committee thereof and travelling allowance for his return journey to his usual place of residence on ceasing to be a member :

Provided that the travelling allowance which a member is entitled to receive under this clause for journey inside the State of Kerala shall not be less than twenty thousand rupees per mensem.

(2) The fixed allowance referred to in clause (a) of sub-section (1) shall accrue to a member from the date on which he is declared duly elected, or in the case of a member nominated by the Governor of Kerala to fill a seat in the Legislative Assembly from the date on which he is nominated, or if such declaration or nomination is made before the vacancy occurs, from the date of occurrence of the vacancy :

Provided that the fixed allowance shall not be paid until the Member has made and subscribed the oath or affirmation prescribed by Article 188 read with Article 238 of the Constitution of India.

(3) The consolidated sum referred to in clause (aa) of sub-section (1) shall accrue to a Member from the date on which he makes and subscribes the oath or affirmation prescribed by Article 188 of the Constitution of India :

Provided that in the case of a person who is a Member of the Legislative Assembly at the commencement of the Payment of Salaries and Allowances (Amendment) Act, 1972, such sum shall accrue from the date of such commencement.

(4) Every member of the Legislative Assembly other than the Speaker, the Deputy Speaker, the Leader of the Opposition, the Chief Whip and the Ministers shall be entitled to receive travelling and daily allowances for attending meetings of any Committee or Board constituted by the Government at the rates applicable to the members of that Committee or Board, as the case may be.

8A. *Amenities.*—(1) Every member of the Legislative Assembly (other than the Speaker, the Deputy Speaker, the Leader of the Opposition, the Chief Whip and the Ministers) shall be entitled to such concessions in the matter of occupation of rest houses and tourist bungalows belonging to the Government as may be allowed by rules made under section 10.

(2) All concessions in the matter of occupation of rest houses and tourist bungalows belonging to the Government, allowed to members of the Legislative Assembly, other than the Speaker and the Ministers enjoyed by them at the commencement of the Payment of Salaries and Allowances (Amendment) Act, 1972, shall until rules in this behalf are made, be deemed to have been allowed in accordance with the provisions of sub-section (1).

(3) Every member of the Legislative Assembly, other than the Speaker, the Deputy Speaker, the Leader of the Opposition, the Chief Whip and the Ministers shall be provided with one telephone at his usual place of residence (which may be specified by the member) for the term of his office and for a period of fifteen days immediately thereafter :

Provided that the place specified by the member shall be within the area of operation of an existing telephone exchange.

(4) Subject to such rules as may be made in this behalf charges in respect of the installation and rental of the telephone provided in pursuance of sub-section (3) shall be paid by the Government.

(5) Every member referred to in sub-section (3) shall be entitled to a telephone allowance of eleven thousand rupees per mensem for meeting the charges in respect of such telephone other than the charges referred to in sub-section (4) :

Provided that after the commencement of the Payment of Salaries and Allowances (Amendment) Act, 1994, it shall be lawful for the Government to enhance, by order, from time to time, the aforesaid allowance proportionate to the periodical increase in charges in respect of telephone made by the Central Government.

(5A) Every member referred to in sub-section (3) shall be entitled to an information allowance of four thousand rupees per mensem and a sumptuary allowance of rupees eight thousand per mensem.

(5B) Subject to such rules as may be made in this behalf, an amount of rupees twenty thousand per mensem shall be paid directly by the Legislature Secretariat to each of the two staff of every member referred to in sub-section (3) as staff allowance.

(6) Subject to such rules as may be made in this behalf every member referred to in sub-section (1) shall be entitled to the services of an Officer of his choice below the rank equivalent to an Under Secretary to the Government and who is in the service of the Government or a local authority or any Corporation owned or controlled by the Government or any other authority specified by the Government in this behalf to assist him in the performance of his duties as such member :

Provided that such an officer may be allowed to continue in the service of the member even after his promotion to the rank equivalent to an Under Secretary to Government and above.

8B. *Vehicle Advance and House Building Advance.*—Subject to such rules as may be made in this behalf, every member of the Legislative Assembly including the Speaker, the Deputy Speaker, the Leader of Opposition, the Chief Whip and the Ministers shall be entitled to avail interest free vehicle advance upto rupees ten lakhs and house building advance upto rupees twenty lakhs at a reduced rate of interest.

8C. *Reimbursement of amount incurred in connection with purchase of books.*—Subject to such rules as may be made in this behalf, every member of the Legislative Assembly including the Speaker, the Deputy Speaker, the Leader of Opposition, the Chief Whip and the Ministers shall be entitled to get the expenditure incurred in connection with purchase of books reimbursed subject to a maximum of rupees fifteen thousand every financial year.

9. *Free transit by public conveyances of State Road Transport Corporation.*—(1) Every member of the Legislative Assembly other than the Speaker, the Deputy Speaker, the Leader of the Opposition, the Chief Whip and the Ministers shall be provided with one free non-transferable pass which shall entitle him to travel at any time by road in any public conveyance belonging to the Kerala State Road Transport Corporation, but nothing contained in this section shall affect the payment of any Travelling Allowance or daily allowance payable to a member of the Legislative Assembly under any other provisions of this Act.

(2) A free 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 to the Legislative Assembly.

9A. *Free Transit Coupons for Members of the Legislative Assembly.*—(1) Subject to such rules as may be made in this behalf, every member of the Legislative Assembly, other than the Speaker, the Deputy Speaker, the Leader of Opposition, the Chief Whip and the Ministers shall, at the option of such member, be provided with all or any of the following free transit coupons of aggregate value of two lakhs rupees* for a period of twelve calendar months, namely:—

(i) rail travel coupons for travel by such member by rail ; and

(ii) fuel coupons for the purchase of fuel for the travel of such member in a private vehicle :

Provided that it shall be lawful for the Government to enhance, by order, from time to time, the aforesaid amount of free transit coupons considering the periodical increase in rail charges or hike in the price of petrol/diesel.

(2) Subject to such rules as may be made in this behalf every member shall be entitled to utilise such rail travel coupons or the travel by such member and his or her spouse and one companion by any class by any railway in India.

9B. *Deduction of Government dues, from allowances payable to members of Legislative Assembly.*—Any amount payable to the Government by any member of the Legislative Assembly who does not hold any of the offices referred to in section 3 and 4, in his capacity as such member may, if such amount is not paid within the time or on or before the date fixed for its payment, be deducted from the fixed allowance or the travelling and daily allowances which he is entitled to receive under section 8, in accordance with such rules as may be made by the Government in this behalf.

* Enhanced to ₹ 3,00,000 (Rupees Three Lakh only) as per S.R.O. No. 60/2017 dated 4th February, 2017.
790/2018.

9C. *Rights of Leader of Opposition and Chief Whip to opt for allowances etc. of Members of Legislative Assembly.*—Notwithstanding anything contained in this Act, the Leader of the Opposition or the Chief Whip may, by letter addressed to the Speaker opt to receive the facilities, allowances, amenities and other benefits to which a Member of the Legislative Assembly is entitled under sections 7B, 8, 8A, 9 and 9A and the rules made under this Act, instead of the salary, allowances, amenities, facilities and other benefits to which he is entitled under this Act and the rules made thereunder as Leader of Opposition or the Chief Whip as the case may be, and thereupon, he shall be entitled to the facilities, allowances, amenities and other benefits to which a Member of the Legislative Assembly is entitled under the said sections and the rules made under this Act.

9D. *Additional amenities to the Leader of Opposition and the Chief Whip who opt for the allowances etc., of Members of Legislative Assembly.*—Where the Leader of the Opposition or the Chief Whip who opts under section 9C, to receive the allowances, amenities and other benefits to which a Member of the Legislative Assembly is entitled under this Act, desires any additional amenities by letter addressed to the Speaker, he shall be entitled to such additional amenities as may be specified in his letter, not exceeding the amenities which he would have been entitled as the Leader of Opposition or the Chief Whip, as the case may be.

10. *Power of Government to make rules.*—(1) The Government may by notification in the Gazette make rules either prospectively or retrospectively for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly agrees that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SCHEDULE

I. *Ministers, the Speaker, the Deputy Speaker, the Leader of Opposition and the Chief Whip.*—The Ministers, the Speaker, the Deputy Speaker, the Leader of Opposition and the Chief Whip shall be given travelling allowances, incidental expenses and daily allowances at the following rates for journeys performed by them:

(1) Inside the State of Kerala,—

- (a) for journeys by road irrespective of the distance travelled at the rate of rupees fifteen per kilometre for journeys undertaken in Government vehicles, hired vehicles or own vehicle;
- (b) for journeys by road, irrespective of the distance travelled, at the rate of rupees two per kilometre, towards incidental expenses if undertaken, in Guest House vehicle/Department vehicle;
- (c) a daily allowance of rupees one thousand for halts ;
- (d) for journeys by train-actual fare (first class or air-conditioned) plus one rupee per kilometre towards incidental expenses;
- (e) for journeys by air-actual fare plus one fifth the fare for incidental expenses; subject to a maximum of rupees five hundred for each journey.

(2) Outside the State of Kerala,—

- (a) for journeys by road irrespective of the distance travelled at the rate of rupees fifteen per kilometre for journeys undertaken in Government vehicles, hired vehicles or own vehicle;
- (b) for journeys by road, irrespective of the distance travelled, at the rate of rupees two per kilometre, towards incidental expenses if undertaken, in Guest House vehicle/Department vehicle;
- (c) a daily allowance of one thousand and five hundred rupees;
- (d) for journeys by train or by air-the rates will be the same as those admissible for journeys performed by train or by air, as the case may be, inside the State of Kerala.

II. *Members of the Legislative Assembly.*—The Members of the Legislative Assembly shall be given travelling allowances and daily allowances at the following rates :—

- (1) Inside the State of Kerala,—
 - (a) for journeys by road irrespective of the distance travelled at the rate of rupees ten per kilometre;
 - (b) a daily allowance of one thousand rupees;
 - (c) for journeys by air actual fare plus one-fifth the fare for incidental expenses, subject to a maximum of rupees five hundred for each journey.
 - (2) Outside the State of Kerala,—
 - (a) for journeys by train-cost of one first class/second class air-conditioned railway fare plus one rupee per kilometre;
 - (b) for journeys by road irrespective of the distance travelled-at the rate of rupees ten per kilometre;
 - (c) daily allowance of one thousand and two hundred rupees;
 - (d) for journeys by air the rates will be the same as that admissible for journeys performed by air inside the State of Kerala.
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