

THE TAMIL NADU PAYMENT OF SALARIES ACT, 1951 (TAMIL NADU ACT XX OF 1951)

(Received the assent of the Governor on the 10th September 1951, First published in the *Fort St. George Gazette* Extraordinary on 11th September 1951).

An Act to provide for the salaries and allowances of Ministers, the Speaker and the Deputy Speaker, Parliamentary Secretaries, ¹Leader of the Opposition, Chief Government Whip and Members of the Legislative Assembly.

WHEREAS it is expedient to provide by an Act of the Legislature for the salaries and allowances of Ministers, the Speaker and the Deputy Speaker, Parliamentary Secretaries, ¹Leader of the Opposition, Chief Government Whip and Members of the Legislative Assembly.

It is hereby enacted as follows:—

1. This Act may be called the ²Tamil Nadu Payment of Salaries Act, 1951. Short title

2. In this Act— Definitions
(1)³ Omitted.

(2) “Speaker” and “Deputy Speaker” means the Speaker and Deputy Speaker respectively of the Legislative Assembly.

^{1.} *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1992 (Tamil Nadu Act No. 33 of 1992)

^{2.} Substituted by the Tamil Nadu Adaptation of Laws Order, 1969

^{3.} *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (with effect from 1st November, 1986)

Salaries
and
Allowances
of Ministers

3. ³(1) There shall be paid to the Chief Minister, ⁵Deputy Chief Minister and to each of the other Ministers who are members of the Governor's Council of Ministers, a salary of ²Thirty thousand rupees per mensem ¹and, subject to such maximum limit, as may be prescribed, a house rent of such sum per mensem as the Public Works Department of the State Government may, from time to time, fix with reference to the prevailing rate of rent for the house the Minister occupies in the City of ⁴Chennai; but the house rent shall not be paid to any Minister if he occupies a house provided by the State Government free of rent.

³(2) There shall be paid to the Chief Minister, ⁵Deputy Chief Minister and to each of the other ministers who are members of the Governor's Council of Ministers, a compensatory allowance of ²Fifteen thousand rupees per mensem.

(3) There shall be paid to the Chief Minister, ⁵Deputy Chief Minister and to each of the other Ministers who are Members of the Governor's Council of Ministers.-

(a) a contingency allowance of ²Ten thousand rupees per mensem; and

(b) a constituency allowance of ²Twenty five thousand rupees per mensem.

Salaries and
Allowances
of Speaker
and Deputy
Speaker

4. (1) There shall be paid to the Speaker a salary of ²Thirty thousand rupees per mensem ¹and, subject to such maximum limit, as may be prescribed, a house rent of such sum per mensem as the Public Works

1. *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No.69 of 1986) (With effect from 4th June 1986)

2. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2018 (Tamil Nadu Act No.1 of 2018) (With effect from 1st July, 2017)

3. *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1997 (Tamil Nadu Act No.52 of 1997) (With effect from 1st April, 1997)

4. *Vide* Tamil Nadu Payment of Salaries (second Amendment) Act 2006, (TN Act No. 31 of 2006) (w.e.f. 1st September 2006)

5. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2009 (Tamil Nadu Act No.13 of 2009) (With effect from 29th May, 2009)

Department of the State Government may, from time to time, fix with reference to the prevailing rate of rent for the house the Speaker occupies in the City of Chennai; but the house rent shall not be paid to the Speaker if he occupies a house provided by the State Government free of rent.

¹(2) There shall be paid to the Deputy Speaker a salary of ²Thirty thousand rupees per mensem ³and, subject to such maximum limit as may be prescribed, a house rent of such sum per mensem as the Public Works Department of the State Government may, from time to time, fix with reference to the prevailing rate of rent for the house the Deputy Speaker occupies in the City of Chennai; but the house rent shall not be paid to the Deputy Speaker if he occupies a house provided by the State Government free of rent.

⁴(3) There shall be paid to the Speaker and Deputy Speaker, a compensatory allowance of ²Fifteen thousand rupees per mensem.

²(4)(a) There shall be paid to the Speaker,—

(i) a contingency allowance of ²Ten thousand rupees per mensem; and

¹. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1979 (Tamil Nadu Act No. 24 of 1979) (With effect from 1st April 1978)

². *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2018 (Tamil Nadu Act No.1 of 2018) (With effect from 1st July, 2017)

³. *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No.69 of 1986) (With effect from 4th June 1986).

⁴. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1997 (Tamil Nadu Act No.52 of 1997) (With effect from 1st April, 1997).

(ii) a constituency allowance of ⁶Twenty five thousand rupees per mensem.

(b) There shall be paid to the Deputy Speaker:—

(i) a contingency allowance of ⁶Seven thousand and five hundred rupees per mensem; and

(ii) a constituency allowance of ⁶Twenty five thousand rupees per mensem.

5. Omitted.⁵

Salaries,
allowances
of Parlia-
mentary
Secretary.

¹⁶ (i) There shall be paid to each of the Parliamentary Secretaries a salary of ²two thousand and seven hundred rupees per mensem.

³(1-A) There shall be paid to each of the Parliamentary Secretaries ⁴subject to such maximum limit, as may be prescribed, a house rent of such sum per mensem as the Public Works Department of the State Government may, from time to time, fix with reference to the prevailing rate of rent for the house the Parliamentary Secretary occupies in the City of Chennai; but the house rent shall not be paid ¹if he occupies a house provided by the State Government free of rent.

1. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1989 (Tamil Nadu Act No.11 of 1989) (With effect from 1st April 1986)

2. *Vide* Tamil Nadu Payment of Salaries (Third Amendment) Act, 1995 (Tamil Nadu Act No. 40 of 1995) (With effect from 1st April 1995)

3. *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1981 Tamil Nadu Act No.38 of 1981) (With effect from 9th June 1980).

4. *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No.69 of 1986) (With effect from 4th June, 1986).

5. *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (With effect from 1st November, 1986).

6. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2018 (Tamil Nadu Act No.1 of 2018) (With effect from 1st July 2017)

¹(2) Deleted.

²6-A. (1) There shall be paid to the Leader of the Opposition in the Legislative Assembly a salary of ³Thirty thousand rupees per mensem ⁴and subject to such maximum limit, as may be prescribed, a house rent of such sum per mensem as the Public Works Department of the State Government may, from time to time, fix with reference to the prevailing rate of rent for the house the Leader of Opposition in the Legislative Assembly occupies in the City of Chennai; but the house rent shall not be paid to the Leader of the Opposition in the Legislative Assembly ⁵if he occupies a house provided by the State Government free of rent.

Salaries and allowances of Leader of the Opposition and Chief Government Whip.

Provided that clause (a) of sub-section (1) of Section 12 shall not apply to the holder of the office mentioned in this sub-section.

(2) There shall be paid to the Chief Government Whip in the Legislative Assembly a salary of ³Thirty thousand rupees per mensem ⁴and, subject to such maximum limit, as may be prescribed, a house rent of such sum per mensem as the Public Works Department of the State Government may, from time to time, fix with reference to the prevailing rate of rent for the house the Chief Government Whip in the Legislative Assembly occupies in the city of Chennai; but the House rent shall not be paid to the

-
1. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1989 (Tamil Nadu Act No.11 of 1989) (With effect from 1st April 1986)
 2. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1979 (Tamil Nadu Act No.24 of 1979) (With effect from 1st April 1978)
 3. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2018 (Tamil Nadu Act No.1 of 2018) (With effect from 1st July 2017)
 4. *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No. 69 of 1986) (With effect from 4th June 1986)
 5. *Vide* Tamil Nadu Adaptation Laws Order, 1987 (With effect from 1st November 1986)

Chief Government Whip in the Legislative Assembly¹ if he occupies a house provided by the State Government free of rent.

²Provided that clause (a) of sub-section (1) of Section 12 shall not apply to the holder of the office mentioned in this sub-section.

³(3) There shall be paid to the Leader of the Opposition and Chief Government Whip in the Legislative Assembly, a compensatory allowance of ⁴Fifteen thousand rupees per mensem.

⁶(4) There shall be paid to the Leader of the Opposition and Chief Government Whip in the Legislative Assembly:—

(i) a contingency allowance of ⁴Seven thousand and five hundred rupees per mensem; and

(ii) a constituency allowance of ⁴Twenty five thousand rupees per mensem.

Houses to
be furnished
and
maintained
at the
cost of
Government
in certain
cases

6-B. (1) Where a Minister, ⁵the Speaker, the Deputy Speaker, a Parliamentary Secretary, the Leader of the Opposition in the Legislative Assembly ¹or the Chief Government Whip in the Legislative Assembly occupies any house provided by the State Government free of rent, such house shall, at the cost of the State Government, be furnished and maintained and be provided with such amenities as may be prescribed.

^{1.} *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (with effect from 1st November, 1986)

^{2.} *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1995 (Tamil Nadu Act No.40 of 1995) (With effect from 1st April 1995)

^{3.} *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1997 (Tamil Nadu Act No.52 of 1997) (With effect from 1st April 1997)

^{4.} *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2018 (Tamil Nadu Act No.1 of 2018) (With effect from 1st July 2017).

^{5.} *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1979 (Tamil Nadu Act No. 24 of 1979) (With effect from 1st April 1978)

^{6.} *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2005 (Tamil Nadu Act No. 5 of 2005) (With effect from 1st April 2005)

Explanation.—For the purpose of this sub-section “maintained” in relation to a house includes paying local rates and taxes and providing electricity and water.

(2) Where a Minister, the Speaker, the Deputy Speaker, a Parliamentary Secretary, the Leader of Opposition in the Legislative Assembly ¹or the Chief Government Whip in the Legislative Assembly ¹is paid a house rent under Sections ¹3,4,6 or 6-A, as the case may be, the house which he occupies in the City of Chennai shall, at the cost of State Government be ²furnished and maintained and be provided with such ‘amenities’ as may be prescribed.

Explanation.—For the purpose of this sub-section “maintained” in relation to a house does not include paying local rates and taxes but includes providing electricity and water:

Provided that such cost shall not exceed such limits as may be prescribed.

7. (1) The State Government may from time to time, provide suitable conveyances for the use of the Ministers, the Speaker, the Deputy Speaker, ³the Parliamentary Secretary, the Leader of Opposition in the Legislative Assembly ¹and the Chief Government Whip in the Legislative Assembly subject to the provisions of sub-section (2) and ⁴to such rules as may be made by the State Government regarding the maintenance and repair of and the supply of petrol, for such conveyances.

Conveyance to be provided for Ministers the Speaker, the Deputy Speaker, etc.

^{1.} *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (with effect from 1st November, 1986)

^{2.} *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1981 (Tamil Nadu Act No.38 of 1981) (With effect from 9th June, 1980).

^{3.} *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1989 (Tamil Nadu Act No.11 of 1989) (With effect from 11th February, 1989).

^{4.} *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1973 (Tamil Nadu Act No.40 of 1973) (With effect from 19th December, 1973).

¹(2) The State Government shall meet-

(i) any liability arising with effect on and from the 3rd December 1953 out of the use of any conveyance provided under sub-section (1) incurred to third parties by ²a Minister or the Speaker as the case may be or any person in his employment;

(ii) any liability arising with effect on and from the 1st June 1970 out of the use of any conveyance provided under sub-section (1) incurred to third parties by the Deputy Speaker, ²or Leader of the Opposition in the Legislative Assembly or the Chief Government Whip in the Legislative Assembly as the case may be or any person in his employment; and

³(iii) any liability arising with effect on and from the 11th day of February 1989 out of the use of any conveyance provided under sub-section (1) incurred to third parties by the Parliamentary Secretary or any person in his employment.

Travelling
Allowance
of Ministers
etc., for
assuming
and
relinquishing
office.

8. A Minister, the Speaker or a Parliamentary Secretary shall-

(a) in respect of the journey for assuming office to the City of Chennai from his usual place of residence in the State, if it is outside the City; and

(b) in respect of the journey on relinquishing office from the City of Chennai to his usual place of residence in the State before he assumed office, if such place is outside the City, be entitled to travelling allowances for himself and the members of his family and for the transport of his personal effects, at such rates and upon such conditions as may be determined by rules made by the State Government; and until

1. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1970 (Tamil Nadu Act No. 23 of 1970) (With effect from 1st June 1970).

2. *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (with effect from 1st November, 1986)

3. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1989 (Tamil Nadu Act No.11 of 1989) (With effect from 11th February, 1989).

such rules are made at such rates, and upon such conditions as were applicable to them immediately before the commencement of this Act.

9. (1) The holders of the offices referred to in section ¹3, 4, and 6 shall, in respect of their tours, be entitled to travelling and daily allowances at such rates and upon such conditions as may be determined by rules made by the State Government; and until such rules are made at such rates and upon such conditions as were applicable to them immediately before the commencement of this Act.

Travelling
and Daily
Allowance
of Ministers,
etc.

²(2) The holders of the office referred to in Section 6-A shall be entitled to travelling and daily allowances for attending the functions organised by the State Government or by any officer of any department of that Government in the performance of his functions as an officer of such department, at such rates and upon such conditions as may be determined by rules made by the State Government.

(3) Without prejudice to the provisions contained in section 14, the State Government may make rules under sub-section (2) so as to have retrospective effect on and from a date not earlier than the 19th January 1984.

9-A. Notwithstanding anything contained in this Act, while the office of the Speaker is vacant and the duties of the office are performed by the Deputy Speaker or a Member of the Legislative Assembly as provided in clause (1) of Article 180 of the Constitution, the Deputy Speaker or the Member shall, during the

Salaries and
Allowances
of Deputy
Speaker or
Member of
Legislative
Assembly
while
performing
duties of
Speaker.

1. *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (with effect from 1st November, 1986)

2. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1984 (Tamil Nadu Act No.11 of 1984) (With effect from 19th January, 1984).

period he so performs such duties, be paid salary and allowances and be entitled to the use of a house free of rent and a suitable conveyance and to free accommodation in hospitals and free medical treatment in the same manner, to the same extent and subject to the same conditions as the Speaker is paid or entitled to under sections 4, 16-B, 7, 8, 9 and 10 and the rules made under section-9.

Provided that, during the period aforesaid, the Deputy Speaker or the Member shall not be entitled to the salary and allowances including free accommodation in hospitals and medical treatment attached to the Office of Deputy Speaker or Member of the Legislative Assembly, as the case may be.

²9-B Omitted.

Ministers,
Speaker
or Deputy
Speaker
and his
family be
entitled
to free
accommo-
dation
in State
hospitals
and to free
medical
treatment.

10. Subject to such conditions as may be determined by rules made by the State Government, a Minister, the Speaker, the Deputy Speaker or the Parliamentary Secretary shall for himself and the members of his family be entitled free of charge to accommodation in hospitals maintained by the State Government and also to medical treatment.

11. ³ Omitted.

-
1. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1970 (Tamil Nadu Act No. 23 of 1970) (With effect from 3rd October, 1970).
 2. *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (With effect from 1st November, 1986).
 3. *Vide* Tamil Nadu Legislature (Prevention of Disqualification) Act, 1967. (Tamil Nadu Act No.3 of 1967) (With effect from 1st April, 1964).

12. (1) Every Member of the Legislative Assembly who does not hold any of the offices referred to in sections 3, 4, 6 and 6-A shall be entitled to receive—

Salaries and allowances of Members of Legislative Assembly.

(a) a salary of ⁴Thirty thousand rupees per mensem.

(b) travelling and daily allowances at such rates and upon such conditions as may be determined by rules made by the State Government, and until such rules are made at such rates and upon such conditions as were applicable to the Members of the Legislative Assembly immediately before the commencement of this Act.

²(1-A) Every Member of the Legislative Assembly who does not hold any of the offices referred to in sections 3, 4, 6 and 6-A shall be entitled to receive Compensatory allowance of ⁴Ten thousand rupees per mensem.

³(1-AA) Every Member of the Legislative Assembly who does not hold any of the offices referred to in sections 3, 4, 6 and 6-A shall be entitled to receive a Constituency allowance of ⁴Twenty five thousand rupees per mensem and a postal allowance of ¹Two thousand and five hundred rupees per mensem.

¹. *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 2008 (Tamil Nadu Act No.47 of 2008) (With effect from 1st April, 2008).

². *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1971 (Tamil Nadu Act No.45 of 1971) (With effect from 1st October, 1971).

³. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1992 (Tamil Nadu Act No.33 of 1992)

⁴. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2018 (Tamil Nadu Act No.1 of 2018) (With effect from 1st July, 2017).

⁵(2) The salary referred to in clause (a) of sub-section (1) the ¹compensatory allowance referred to in sub-section(1-A), ²the constituency allowance ³and the postal allowance referred to in sub-section (1-AA) and the telephone allowance referred to in sub-section (4-B) shall accrue to a Member from the date on which he is declared duly elected, or if such declaration is made before the vacancy occurs, from the date of occurrence of the vacancy;

Provided that the salary, the ¹compensatory allowance ²the constituency allowance, ³the postal allowance and the telephone allowance shall not be paid until the Member has made and subscribed the oath or affirmation referred to in Article 188 of the Constitution.

(2-A) ⁴Omitted

¹ *Vide* Tamil Nadu Payment of Salaries (Amendment) Act,1975 (Tamil Nadu Act No.35 of 1975) (With effect from 1st April, 1975).

² *Vide* Tamil Nadu Payment of Salaries (Amendment) Act,1992 (Tamil Nadu Act No.33 of 1992)

³. *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1994 (Tamil Nadu Act No.35 of1994) (With effect from 1st April, 1993).

⁴. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2021 (Tamil Ndu Act No.19 of 2021) (with effect from 27th September, 2021).

⁵. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2022 (Tamil Ndu Act No.32 of 2022) (with effect from 13th June, 2022).

¹(2-AA) Where any Member of the Legislative Assembly dies before the expiry of the term of his office, his family shall be paid a lump-sum allowance of ³Five lakh rupees.

(2-B) ³The lump-sum allowance payable under sub-section (2-AA) shall be paid to the members of the family in equal shares.

*Explanation:—*The expression, “family” means the wife or husband of the deceased Member and his or her minor sons, unmarried daughters and parents.

²(3) Every Member referred to in sub-section (1), shall subject to such conditions as may be determined by rules made by the State Government, be entitled to allotment of an Apartment on payment of rent of Rupees two hundred and fifty per mensem.

¹ *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1990 (Tamil Nadu Act No.4 of 1990) (With effect from 27th January 1989).

² *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2020 (Tamil Nadu Act No.36 of 2020) (With effect from 27th May 2018).

³ *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2021 (Tamil Nadu Act No.19 of 2021) (With effect from 1st April 2020).

¹(3-A) Every Member of the Legislative Assembly including any such Member who holds any of the offices referred to in sections 3, 4, 6 and 6-A, who on prior intimation to the State Government, undergoes surgery relating to—

(a) heart;

(b) kidney; or

(c) any other part of the body

which the State Government may consider to be a major surgery; in any hospital maintained by the Central Government, any State Government or any Union Territory Administration, or in any private hospital situated in the territory of India, shall be entitled to financial assistance subject to such conditions as may be prescribed.

¹ *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1990 (Tamil Nadu Act No.37 of 1990) (With effect from 1st May 1990).

(4) ⁴ Subject to such conditions and during such period as may be determined by rules made by the State Government:—

(a) every Member referred to in sub-section (1) and members of his family;

(b) every person who had been a Member of the Legislative Assembly or of the Legislative council or of both, but ceased to be such Member at any time and members of his family; and

(c) the members of the family of the deceased Member of the Legislative Assembly or of the Legislative Council or of both;

shall be entitled free of charge to accommodation in the hospitals maintained by the State Government and also to medical treatment.

Proviso - Omitted.⁴

³(4-A) (a) Every Member referred to in sub-section (1) shall be provided with one free non-transferable pass which shall entitle him to travel ²either singly or with his ¹or her spouse or with any other companion at any time in any part of the State of Tamil Nadu ²by any bus run and operated ²by any Transport Corporation owned by the State Government.

⁵ Provided that in case of air conditioned sleeper buses, the spouse or companion of such member shall be provided seating facility only.

1. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1980 (Tamil Nadu Act No.10 of 1980) (with effect from 5th March, 1980)

2. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1979 (Tamil Nadu Act No.24 of 1979) (with effect from 1st October, 1978)

3. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1979 (Tamil Nadu Act No.28 of 1979) (with effect from 1st June, 1978)

4. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2010 (Tamil Nadu Act No.1 of 2010) (with effect from 1st April, 2009)

5. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2021 (Tamil Nadu Act No.19 of 2021) (with effect from 27th September 2021).

(b) The pass referred to in clause (a) shall be issued by such authority and in such manner as may be prescribed and shall be valid for the term of his office and on the expiration of such term, the pass shall be surrendered to the Secretary, Legislative Assembly Secretariat.³

Provided that where any such pass is issued to a new Member before he takes his seat in the Legislative Assembly, he shall be entitled to use the pass for attending a session of that House for taking his seat therein.

(c) Nothing in this sub-section shall be construed as disentitling a Member of the Legislative Assembly to any travelling allowance to which he is otherwise entitled under the provisions of this Act.

¹(4-B) Every Member of the Legislative Assembly who does not hold any of the offices referred to in ²sections 3,4,6 and 6A shall be entitled to receive telephone allowance of ⁴Seven thousand and five hundred rupees per mensem irrespective of the fact whether he has any telephone or not.

⁵(4-C) Every Member of the Legislative Assembly who does not hold any of the offices referred to in ²sections 3,4,6 and 6A shall be entitled to have a telephone at his residence, the installation expenses of which shall be met with by the State Government.

¹ *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1982 (Tamil Nadu Act No.24 of 1982) (With effect from 1st April 1982)

² *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (With effect from 1st November 1986)

³ *Vide* Tamil Nadu Payment of Salaries Amendment) Act, 1985 (Tamil Nadu Act No.4 of 1985) (With effect from 16th February 1984)

⁴ *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2018 (Tamil Nadu Act No.1 of 2018) (With effect from 1st July 2017)

⁵ *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1980 (Tamil Nadu Act No.10 of 1980) (With effect from 1st April 1979)

¹(4-D) Every Member of the Legislative Assembly who does not hold any of the offices referred to in section 3, 4, 6 and 6-A shall be entitled to receive a consolidated allowance of ⁵Five thousand rupees per mensem towards the payment by such Member to an attendant who renders assistance to him.

⁶(4-E) Every Member of the Legislative Assembly who does not hold any of the offices referred to in ²sections 3,4,6 and 6A shall be entitled to receive a vehicle allowance of ⁵Twenty five thousand rupees per mensem.

(5) The salary referred to in clause (a) of sub-section (1), ⁴the compensatory allowance referred to in sub-section (1-A), ⁵the constituency allowance ⁶and ³the postal allowance referred to in sub-section (1-AA) and telephone allowance referred to in sub-section (4-B) and the consolidated allowance referred to in sub-section (4-D), and the vehicle allowance referred to in sub-section (4-E), shall not be taken into account for the purpose of calculating the total income of a member under any rule or order relating to medical treatment in hospitals maintained by the State Government or to the grant of educational concession of scholarship or to such other matters as may be prescribed.

(6) *Removal of doubts.*—For the removal of doubts it is hereby declared that no Member of the Legislative Assembly or of the Legislative Council referred to in section 12 of the principal Act, shall be entitled to claim a salary of two hundred and fifty rupees per mensem under the principal Act as amended by this Act for any period prior to the 1st day of April 1964.

-
1. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2000 (Tamil Nadu Act No.36 of 2000)(With effect from 1st June 2000)
 2. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1975 (Tamil Nadu Act No.35 of 1975) (With effect from 1st April 1975)
 3. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1992 (Tamil Nadu Act No.33 of 1992)
 4. *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1994 (Tamil Nadu Act No.35 of 1994) (With effect from 1st April 1993)
 5. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2018 (Tamil Nadu Act No.1 of 2018) (With effect from 1st July, 2017)
 6. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2010 (Tamil Nadu Act No.15 of 2010) (With effect from 1st April, 2010)

Transit by
Railway
Allowance

¹12-A (1) Every Member of the Legislative Assembly including any such Member who holds any of the offices referred to in sections 3,4, and 6 shall, for every financial year, be entitled to receive in such manner and subject to such conditions, as may be prescribed, a sum of ²twenty thousand rupees in two equal instalments payable in the month of April and October for the purpose of travelling either singly or with his or her spouse or any other relative in one or more journeys by any class by any railway in India.

³Provided that transit by railway allowance under this sub-section shall not be paid to any member who is in receipt of free railway pass issued by the Central Government or by any other authority for having been a Member of Parliament.

(2) Nothing in this section shall be construed as disentitling a Member of the Legislative Assembly to any travelling allowance to which he is otherwise entitled under the provisions of this Act.

⁶12-B *Pension.*—⁷(1) There shall be paid a pension of ⁵Twenty five thousand rupees per mensem to every person who after the ⁴15th day of August 1947, had been or is a Member of the Legislative Assembly or of the Legislative Council or of both.

-
- ¹. Vide Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No.69 of 1986) (With effect from 1st April, 1987).
 - ². Vide Tamil Nadu Payment of Salaries (Amendment) Act, 2007 (Tamil Nadu Act No.31 of 2007) (With effect from 1st April,2007).
 - ³. Vide Tamil Nadu Payment of Salaries (Amendment) Act, 1995 (Tamil Nadu Act No.11 of 1995)
 - ⁴. Vide Tamil Nadu Payment of Salaries (Amendment) Act, 1982 (Tamil Nadu Act No.10 of 1982) (With effect from 9th March, 1982).
 - ⁵. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2021 (Tamil Ndu Act No.19 of 2021) (With effect from 1st April 2020).
 - ⁶. Vide Tamil Nadu Payment of Salaries (Second Amendment) Act, 1975 (Tamil Nadu Act No.52 of 1975) (With effect from 9th December, 1975).
 - ⁷. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1980 (Tamil Ndu Act No.10 of 1980) (With effect from 13th March, 1980)

¹*Explanation.*—For the purpose of this sub-section,

(a) a Member of the Legislative Assembly shall include a Member of the Legislative Assembly of the former State of Travancore - Cochin, representing any territory which after the 1st day of November 1956 forms part of the State of Tamil Nadu;

(b) a Member of the Legislative Assembly or of the Legislative Council shall include a Member of the Legislative Assembly or of the Legislative Council of the State of Andhra Pradesh, representing any territory which after the 1st day of April 1960 forms part of the State of Tamil Nadu;

²Proviso - ³Omitted

⁴Proviso - ⁵Omitted

-
1. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1982 (Tamil Nadu Act No.10 of 1982) (With effect from 9th March, 1982).
 2. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1980 (Tamil Nadu Act No.10 of 1980) (With effect from 13th March,1980).
 3. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2007 (Tamil Nadu Act No.31 of 2007) (With effect from 1st April, 2007).
 4. *Vide* Tamil Nadu Payment of Salareis (Amendment) Act, 1998 (Tamil Nadu Act No.40 of 1998) (With effect from 1st June, 1998)
 5. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2010 (Tamil Nadu Act No.1 of 2010) (With effect from 1st April, 2009).

Provided also that ¹no pension under this sub-section shall be paid to any person,—

(a) who is in receipt of pension from any other State for having been a Member of the Legislative Assembly or of the Legislative Council of such State;

(b) who was a Member of the Legislative Assembly or of the Legislative Council of the former State of Madras representing any territory which ceased to form part of the State of Tamil Nadu.

²(c) who ceases to be a citizen of India or who has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State.

³(1-A) Where any person entitled to pension under sub-section (1) is also entitled to pension for having been a Member of Parliament, such person shall be entitled to receive the pension under sub-section (1) in addition to such pension to which he is entitled for having been a Member of Parliament.

⁴(2) (i) If any person who has been paid any pension under this Act as in force before the date of publication of the Tamil Nadu Payment of Salaries (Amendment) Act, 1980 in the Tamil Nadu Government Gazette, becomes entitled to increase in the amount of pension so paid by virtue of the said Amendment Act, the increase shall be given effect only on and from the date of such publication and he shall not be entitled to any arrears of such increase.

1. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1982 (Tamil Nadu Act No.10 of 1982) (With effect from 13th March, 1980).

2. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1989 (Tamil Nadu Act No.11 of 1989) (With effect from 11th February, 1989).

3. *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1995 (Tamil Nadu Act No.22 of 1995) (With effect from 7th July, 1995) *Vide* G.O.Ms.No.1031, Public (Estt.I and Legislature), Dated 3.11.1995.

4. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1980 (Tamil Nadu Act No.10 of 1980) (With effect from 13th March, 1980).

(ii) If any person becomes entitled to pension for the first time by virtue of this section, he shall be paid such pension only with effect on and from the date of publication of the Tamil Nadu Payment of Salaries (Amendment) Act, 1980 in the Tamil Nadu Government Gazette and he shall not be entitled to any arrears of such pension.

¹(2-A) If any person becomes entitled to pension for the first time or to any increase in pension by virtue of this section, as amended by the Tamil Nadu Payment of Salaries (Amendment) Act, 1982 he shall be paid such pension or such increase in pension, as the case may be, only with effect on and from the date of publication of the said Act in the Tamil Nadu Government Gazette and he shall not be entitled to any arrears of such pension.

²(2-B) (i)² where any person entitled to pension under this section dies or disappears leaving his family,⁴ the family of such person shall be entitled to receive fifty percent of such pension subject to such conditions as may be prescribed.

(ii)³ If there is any increase in pension by virtue of this section, the family referred to in clause (i) shall also be entitled to receive fifty percent of such increase in pension with effect from the date from which such increase in pension under this section is given effect to.

Explanation:— For the purposes of this sub-section, in the case of person who is entitled to pension under this sub-section ‘family’ means-

(i) wife in the case of a male person or husband in the case of a female person;

1. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1980 (Tamil Nadu Act No.10 of 1982) (With effect from 9th March, 1982).

2. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1999 (Tamil Nadu Act No.41 of 1999) (With effect from 1st April,1999).

3. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2007 (Tamil Nadu Act No.31 of 2007) (With effect from 1st April,2007).

4. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2011 (Tamil Nadu Act No. 21 of 2011) (With effect from 25th April 2012)

(ii) son who has not attained the age of twenty one years and unmarried daughter who has not attained the age of twenty four years including such son and daughter adopted legally;

(iii) father and mother in the case of unmarried person;

¹ (2-BB) - ² Omitted

Explanation - ² Omitted

¹(2-C) - ² Omitted

³ (2-CC) (i) & (ii) ² Omitted

Explanation - ² Omitted

(3) The State Government may make rules providing for the conditions and restrictions subject to which such pension may be granted:

Provided that no such pension shall be paid to any person for the period during which such person was or is in receipt of any salary or any emoluments other than Travelling allowance either from any State or the Central Government or from any Company or statutory body owned or controlled by any State or the Central Government and if any such income was or is received the payment of pension shall be suspended for that period:

¹ *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2007 (Tamil Nadu Act No.31 of 2007) (With effect from 1st April, 2007).

² *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2010 (Tamil Nadu Act No.1 of 2010) (With effect from 1st April, 2009)

³ *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2008 (Tamil Nadu Act No.6 of 2008) (With effect from 1st October, 2007)

⁴ *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1980 (Tamil Nadu Act No.10 of 1980) (With effect from 13th March, 1980)

¹Provided further that—

(a) no such pension shall be paid to any person for the period during which such person was or is in receipt of pension for having been a Member of ²any other State Legislature, or honorarium either from any State or the Central Government or from any company or statutory body owned or controlled by any State or the Central Government and if the amount of such pension, or honorarium is equal to, or in excess of, the pension to which he is entitled under sub-section(1);

(b) where the amount of such pension or honorarium is less than the pension to which he is entitled under sub-section (1), such person shall be entitled to receive only the difference as pension under that sub-section.

³*Explanation I.*—⁵Omitted.

Explanation II.—⁴Omitted.

Explanation III.—For purpose of this section, salary includes salary received under this Act and salary received as—

(i) a Member of the Parliament or any other State Legislature.

(ii) a Minister or Deputy Minister of the Government of India or any other State.

¹ *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1982 (Tamil Nadu Act No.24 of 1982) (With effect from 9th March, 1982)

² *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1985 (Tamil Nadu Act No. 22 of 1995) (With effect from 7th July, 1985) *Vide* G.O.Ms.No.1031, Public (Estt. I & Legislature), Dated: 3rd November, 1995.

³ *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act,1980 (Tamil Nadu Act No.10 of 1980) (With effect from 13th March, 1980).

⁴ *Vide* Tamil Nadu Payment of Salaries (Amendment) Act,1999 (Tamil Nadu Act No.41 of 1999) (With effect from 1st April, 1999).

⁵ *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2010 (Tamil Nadu Act No.1 of 2010) (With effect from 1st April, 2009).

(iii) The Chairman or Deputy Chairman of the Council of State or the Legislative Council of any other State.

(iv) The Speaker or Deputy Speaker of the House of the People or of the Legislative Assembly of any other State.

Free
bus pass
to former
Members

¹12-C (1) Every person, who had been a Member of the Legislative Assembly or the Legislative Council or both, but had ceased to be such Member shall be provided with one free non-transferable bus pass² which shall entitle him to travel either singly or with his or her spouse or with any other companion at any time within any part of the State of Tamil Nadu by any bus run and operated by any Transport Corporation owned by the State Government.

⁴ Provided that in case of air conditioned sleeper buses, the spouse or companion of such member shall be provided seating facility only.

(2) The bus pass referred to in sub-section (1) shall be issued by such authority and in such manner as may be prescribed.

Railway
fare for
former
Members

³12-D Every person, who had been a Member of the Legislative Assembly or the Legislative Council, shall be eligible for railway fare for his journey in two-tier air-conditioned class from his usual place of residence to Chennai for participating in the Independence day and Republic day Celebrations and for his return journey, subject to such conditions as may be prescribed:

-
1. *Vide* Tamil Nadu Payment of Salaries (Third Amendment) Act, 1994 (Tamil Nadu Act No. 57 of 1994) (With effect from 1st April, 1994).
 2. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1997 (Tamil Nadu Act No. 9 of 1997) (With effect from 28th August, 1996).
 3. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2019 (Tamil Nadu Act No. 1 of 2019) (With effect from 13th August, 2018).
 4. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2021 (Tamil Nadu Act No. 19 of 2021) (with effect from 27th September 2021).

Provided that railway fare under this section shall not be paid to any former Member of the Legislative Assembly or the Legislative Council, who is in receipt of free railway pass issued by the Central Government or by any other authority for having been a Member of Parliament.

⁴12-E Every person, who had been a Member of the Legislative Assembly or the Legislative Council shall , subject to such conditions as may be determined by the rules made by the State Government, be entitled to accommodation in the Tamil Nadu Ex-Legislators' Hostel, on payment of rent at such rates as may be prescribed in the rules:

Hostel accommodation to former Members.

Provided that for attending Independence day and Republic day celebrations in Chennai, the accommodation shall be free of cost.

¹13. (1) Any person entitled to any salary or allowance under this Act, may at any time during the term of his respective office, relinquish the whole or any portion of such salary or allowance payable to him.

Relinquishment of salaries and Allowances and cancellation thereof.

(2) Any relinquishment made by any person under sub-section (1) may be cancelled by him.

(3) Every relinquishment or cancellation made under sub-section (1) or sub-section (2) shall be made in writing and shall take effect on the date specified therein.

²13-A ³Repealed.

14.(1) The State Government may make rules for carrying out the purposes of the Act.

Power of State Government to make rules.

-
1. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1979 (Tamil Nadu Act No. 24 of 1979) (With effect from 5th May, 1979).
 2. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1994 (Tamil Nadu Act No. 31 of 1994)
 3. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1997 (Tamil Nadu Act No. 23 of 1997) (With effect from 4th May, 1997).
 4. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2020 (Tamil Nadu Act No. 36 of 2020) (With effect from 27th May, 2018).

(2) All rules made under this Act, shall be published, in the *Tamil Nadu Government Gazettee* and unless they are expressed to come into force on a particular date shall come into force on the day on which they are so published.

(3) Every rule made under this Act, shall, as soon as possible after it is made, be placed on the Table of ¹the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session of the Legislative Assembly agrees in making any modification in any such rule or ³the Legislative Assembly agrees that the rule should not be made, 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.

²(4) A rule may be made under sub-section (1) so as to have retrospective effect on and from a date not earlier than 1st November 1967.

³(5) Notwithstanding anything contained in sub-section (4) the State Government may make rules in respect of payment of house rent under Sections 3,4,6 and 6-A, so as to have retrospective effect on and from the date not earlier than the 4th July 1986.

Saving

15. Nothing in this Act shall prevent a retired Government servant from drawing his pension in addition to any salary or allowance to which he may be entitled under this Act.

¹. *Vide* Tamil Nadu Adapatation of Laws Order, 1987 (With effect from 1st November, 1986).

². *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1970 (Tamil Nadu Act No. 23 of 1970) (With effect from 3rd October, 1970).

³ *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No. 69 of 1986)

16.(1) All charges incurred up to the commencement of this Act (whether before or after the commencement of the Constitution) in respect of the accommodation provided in any hospital maintained by the State Government for, or on the medical treatment of, any Minister or any member of his family shall be deemed to have been properly incurred.

Regularisa-
tion of
certain
charges and
payments.

(2) All payments made on or after the 26th day of January 1950 and up to the commencement of this Act by way of Travelling or daily allowance to the Speaker and the Chairman shall be deemed to have been properly made.

17. The Tamil Nadu Payment of Salaries and Removal of Disqualifications Act, 1937 is hereby repealed.

Repeal of
Tamil Nadu
Act IX
of 1937,
Special
provisions.

¹(1) Notwithstanding anything contained in the principal Act amended by the Tamil Nadu Payment of Salaries (Amendment) Act, 1971, the compensatory allowance to a Member of Legislative Assembly or of the Legislative Council, who does not hold any of the offices referred to in Sections 3 to 6 and in sub-section (1) of Section 6-A of the principal Act on the date of the commencement of the Tamil Nadu Payment of Salaries (Amendment) Act, 1971 shall be paid on and from 1st October 1971.

²(2) Notwithstanding anything contained in the principal Act as amended by the Tamil Nadu Payment of Salaries (Amendment) Act, 1975, the telephone allowance shall be paid on and from the 1st April 1975 to a Member of the Legislative Assembly or of the Legislative Council, who does not hold any of the offices referred to in Sections 3 to 6-A on the date of the commencement of the Tamil Nadu Payment of Salaries (Amendment) Act, 1975.

¹. *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1971 (Tamil Nadu Act No. 45 of 1971) (With effect from 1st October, 1971).

². *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1975 (Tamil Nadu Act No.35 of 1975) (With effect from 1st April, 1975).