

# Amenities and Facilities to Members of Parliament

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People don't like their politicians to be comfortable. They don't like you having expenses. They don't like you being paid. They'd rather you lived in a cave.<sup>1</sup>

Special powers demand special rights which could not be allowed in normal circumstances. Amenities provided to the Members of Parliament are dealt with cynicism, suspicion and, often a sense of outrage, and normally compared with the periodic scandals concerning misconduct over claims for expenses. Recent decades have seen an increasing public appetite for increased transparency, closer scrutiny and more effective oversight of how public money spent on politicians and Government.

Undoubtedly, There is the beauty in profession of a politician; this is one profession where there is no retirement age, No minimum service tenure is required to get pension and there is no age limit: one can serve in his 70s, 80s and even 90s, one can get pension if he is a Member of Parliament for just one year and even if he/she is 30 year old; they are eligible for pension.

A systemic examination of resources allocated to parliamentarians and parliamentary parties is therefore overdue. A better understanding of how legislative parties operate and how this is supported within the parliamentary system by the provision of these resources and what consequences this might have for representative democracy. The first examines the history of the provision of parliamentary resources in India. The second sets out the distinctions between 'tools of the trade' parliamentary party allowances (covering staffing, office space and so on) and others found within the Indian political system. This is then followed by analysis of how allowances are allocated and overseen in the Indian context and the role of discretion and bargaining in the process.

The Salary, Allowances and Pension of Members of Parliament are governed by Member of Parliament Act, 1954, which is enacted in pursuance to the constitutional provision. Article 106 of the Constitution of India provides that the members of either House of Parliament shall be entitled to receive salaries and allowances as may from time

<sup>1</sup> British Broadcasting Corporation (BBC) (2009) *The Thick of It*, [video recording], Series 3, Episode 1.

to time be determined by Parliament.<sup>2</sup> A Joint Committee of the two Houses, constituted from time to time, frame rules, after consultation with the Government of India, to provide for matters like telephone, medical, housing facilities, etc. and for regulating the payment of daily and travelling allowances under the said Act. The Act and the rules made there under have been amended from time to time, in keeping with the changing requirements.

Recent developments also shows that Parliamentary Members are concerned about it as the basic pay of the parliamentarians is also set to be doubled to Rs1 lakh, effective from 1 April. Finance Bill in March is followed by four Bills amending to affect a salary increase for President, Vice President, Governors and MPs, as announced by Finance Minister Arun Jaitley. Arun Jaitley announced that the monthly salary of the President has been increased to Rs 5 lakh, and that of the Vice President and Governors to Rs 4 lakh and 3.5 lakh, respectively, in rectification of an anomaly. In order to make the changes effective, Parliament will have to amend the President's Emoluments and Pension (Amendment) Act, 2008, the Vice President's Pension (Amendment) Act, 2008, and the Governor's (Emoluments, Allowances and Privileges) Act. For changing MPs' salary structure, both Houses will have to pass amendments to The Salary, Allowances and Pensions of Members of Parliament.

Once they are elected the members become entitled to salaries, allowances, Office Expense Allowance, travelling facilities, medical facilities, accommodation, Advance for purchase of conveyance, telephones, etc. Amenities and facilities mentioned above are provided to members with a view to enable them to function effectively as Members of Parliament.

Taxpayer-funded allowances has consistently escaped the gaze of reviews and has received little attention from scholars: the staffing, office space and Information and Communication Technology (ICT) equipment provided to qualifying parliamentary parties to facilitate them in organizing and supporting their members and working with government and other parties to coordinate parliamentary business. Existing scholarship has examined the provision of resources to individual parliamentarians and parties in terms of its effect on both intraparty and interparty dynamics and in facilitating the professionalization of politics.<sup>3</sup> This paper will talk about the amenities and facilities provided to the Member of Parliament (MP) and how they help them in carrying out their duties. Recent development in hike of their salaries makes it more dynamic to talk about. Despite the fact that these talks achieved consensus on the key issue, the need to move away from a system of self-regulation in respect of MPs'

<sup>2</sup> Constitution of India, Article 106.

<sup>3</sup> Nicole Bolleyer and Anika Gauja (2011) 'Parliamentary Salaries as a Party Resource: Party Organizational Power in Westminster Democracies', *Party Politics* 19(5): 778–97; Richard S. Katz and Peter Mair (1995) 'Changing Models of Party Organization and Party Democracy: The Emergence of the Cartel Party', *Party Politics* 1(1): 5–28; Kate Jones (2006) 'One Step at a Time: Australian Parliamentarians, Professionalism and the Need for Staff', *Parliamentary Affairs* 59(4): 638–53.

allowances, salaries and expenses, and instead create an independent body to draw up and administer a new system, to alter and amend the bill which administer the allowances, salaries and expenses of Parliamentary Members.

### **The MPs' allowances scheme**

Salaries and Allowances, Travelling Allowance (TA) and Travel Facilities (a) Travelling Allowance, A member is entitled to the following allowances for the journeys performed for attending a Parliament Session or meeting of a Parliamentary Committee or for the purpose of attending any other business connected with the duties as a member from the usual place of residence to the place of duty and for return journey from such place to the usual place of residence, By Rail: One free non-transferable First class AC or Executive class of any train pass and one First class and one Second class fare. By Air: One and one-fourth air fare of the airlines in which the member travels. By Road: Rs 16 per km.

And when it comes to Travel Facilities he/she entitled, Air Travel Facility where member has been given the facility to avail 34 single air journeys during a year with spouse or any number of companions or relatives. The spouse/companion can travel alone eight times in a year to meet the member. Any journey performed by the spouse, companions or relatives shall be added in computing the ceiling of 34 air journeys. The balance of unused air journeys for a year shall be carried over to the following year. A member performing more than 34 air journeys in a year is allowed to adjust not exceeding 8 tickets.

Accommodation for the Members is also arranged by the House as for every General Election for Lok Sabha, arrangements are made for stay of newly-elected members temporarily in State Governments' Guest Houses, Hotels, etc. in New Delhi. Such accommodation is treated as transit accommodation. During stay in transit accommodation, a member shall be provided single suite free of license fee till such time regular accommodation is made available. And for regular accommodations each member is entitled to a rent-free flat or hostel accommodation throughout the term of office. A member allotted housing accommodation in the form of a Bungalow. After the term ends or resignation/removal of a Members of Lok Sabha. The family of a deceased Member of Parliament may retain Government accommodation for a maximum period of six months from the date of death of such a member. The guests of members can avail accommodation at Western Court Hostel, Janpath.

Telephone Facilities are provided to the members. A member is entitled to have three telephones, out of which at least one telephone should be installed at residence or office in Delhi and one at usual place of residence or a place selected by the member in the constituency or the State in which the member resides; the third telephone can be installed at either of the aforesaid place. 50,000 local calls during a year are free on each of the three telephones. These 50,000 free local calls can be clubbed together which comes to 1,50,000 local calls in a year.<sup>4</sup>

<sup>4</sup> Handbook for the Members of Rajya Sabha, 2010, p. 124-134

Water and Electricity facilities are also available to them as in 4000 kilolitre of water and 50,000 units of electricity (25,000 units measured on light meter and 25,000 units measured on power meter or pooled together) per annum beginning from 1 January of every year is supplied free of cost at the residence allotted to a member in Delhi/New Delhi or to a member residing in private accommodation in Delhi. The unutilized units of electricity and water are carried over to the subsequent years and any excess consumption in a particular year is adjusted from the units available for the next year.

Medical Facilities for Member of Parliament are same as medical facilities as are available to the Class-I officers of Central Civil Services, under Central Government Health Scheme (CGHS).

For purchasing conveyance, advance of Up to Rs 4,00,000 is given to a member. Recovery of the said advance, together with interest thereon, as applicable on loan to Government servants, shall be made from the salary bill of the member in not more than 60 equal monthly installments which shall not extend beyond the tenure of membership. Tax Facilities For the purpose of income tax, the salary and allowances received by member are taxed under the head "income from other sources"<sup>5</sup> and consequently, no income-tax is deducted at source. The daily allowance and constituency allowance are exempt from income tax.

John Stuart Mill, for example, objected on the basis that it would encourage the emergence of a class of professional politician, interested only in money.<sup>6</sup> Above discussed amenities are some basic requirements which are provided to them. As they are the Members of Parliament from their respective places so their houses are open to all, so certain facilities should be provided to them, this is very basic answer which one hears but does that allow Parliamentarians to determine their salary and perks themselves. According to the Apex Court of India it is a "moral" and "ethical issue" and sought for data on how much amount was spent on pension and other facilities provided to former lawmakers. The apex court observed this while hearing a petition which has raised several questions including how MPs could themselves determine their salaries and perks. Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

Finance Bill 2018 contained provisions regarding salary and pension of MPs and also about revision of their allowances after every five years starting from 1 April 2023 on the basis of cost inflation index. This really agreed the masses as rather than controlling inflation they are inserting provisions with which their salaries and allowances would be revised regularly. Parliamentarians' arrogating themselves the authority to increase their own fiscal compensation is not in line with the morals of democracy. Regarding the court's query on setting up of an

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<sup>5</sup> Ibid, p. 124.

<sup>6</sup> Marian Sawer (2001) 'Pacemakers for the World?', in Marian Sawer (ed.) *Elections: Full, Free and Fair*, Sydney: The Federation Press, p. 14.

independent mechanism for determination of salaries and allowances of the MPs, the Attorney General said that elaborate procedure was already being followed for fixing the a

### **Amenities and its Requirement for MPs**

As noted in the Victorian debates, the alternative proposed by Mill was that representatives ought to be supported by contributions from their constituents. However, this approach had been tried, tested and rejected in the seventeenth and eighteenth centuries by Westminster and the US Congress, respectively, owing to the conflict of interest it created for members forced to decide between local and national interests. In 1909, the Osborne judgment in the United Kingdom rendered it illegal for trade unions to make payments to working-class MPs—a practice that could be seen as analogous to constituency contributions.<sup>7</sup>

Until 1987, MPs in India were not provided any allowance for their office expenses. The very first attempt to recognize the need for MPs to be provided with office amenities and infrastructure was in 1987, when the act was amended to include Rs 1,000 office allowance available to MPs as part of their salary and benefits. Currently, MPs were entitled to an office allowance of Rs 45,000 per month, which is recently raised to 70,000. Political parties, the leaders of the opposition and the ruling party are allocated office space inside Parliament. So it is useful to point out that currently, MPs do not have any office space. All other MPs have to entertain their visitors and hold meetings either in their living rooms or in their outhouses. Money required by MPs to run their office and pay their PAs is regulated under the Salaries, Allowances and Pension of Members of Parliament Act, 1954.

Last year a petition is filed by NGO, Lok Prahari, seeking its direction to government to do away with unnecessary allowances and perks given to former lawmakers which is being paid from tax payer's money. This petition is unique in itself because it raised certain questions which are important for a taxpayer and to understand that where his/her is being spend on first of all the

“Pension as it is given for the purpose of providing financial assistance to a retired person but most of the MPs are crorepati and they do not require pension. It is a largesse given to them and there is no guidelines and law to regulate facilities provided to them.”<sup>8</sup> Secondly, earlier former law makers were entitled for pension only after completing four years in the House but the law was amended and an ex-MP was made eligible to claim pension even if they had been member of the House even for a day.

Allahabad High Court dismisses the appeal filed by NGO 'Lok Prahari' alleging that pension and other perks being given to MPs even after demitting office are contrary to Article 14 (Right to Equality) of the Constitution. The

<sup>7</sup> Paul Seaward (2010) 'Sleaze, Old Corruption and Parliamentary Reform: An Historical Perspective on the Current Crisis', *Political Quarterly* 81(1): 39–48.

<sup>8</sup>Lok Prahari v/s Union Of India, Writ Petition (C) NO.784, 2015.

petition had challenged the constitutional validity of the law and sought its scrapping, “Parliament has no power to provide for pensioners benefits to lawmakers without making any law”<sup>9</sup>

“We are of the view that these questions are in the orbit of the wisdom of the Parliament in choosing/changing the Legislative policy whether the various benefits created under the impugned provisions”<sup>10</sup> said the Bench. This is despite the inherent ‘paradox’ presented by the fact that those who stand to benefit from parliamentary allowances are the ones who determine who gets what, when and how.<sup>11</sup>

However, Independents and minor party actors, who must negotiate to achieve modest increases in the resources available to them, must weigh up the benefits against the potentially negative publicity that can accompany such requests. Those placed in the position of having to raise their heads above the parapet to advocate for additional party resources do so at the risk of bearing the brunt of ‘public disquiet’ concerning political entitlements and state subvention of politics.<sup>12</sup>

## Conclusion

The current political environment is a challenging one. It is important the Government, independents, Minor Parties and Opposition are able to access advice and prepare for outcomes to serve the Parliament and the people in an effective and efficient way. More, there was overall consensus that MPs themselves determining the resources they should have access to be ridden with the possibility of conflicts of interest. Perhaps the time has come for an independent review of what institutional mechanisms and processes need to change for MPs to perform their role in Parliament more effectively

There is a strong case for arguing that the scale and extent of MPs’ impropriety called for something more than the establishment of another new independent body with a regulatory role. A more radical solution to the problem of allowances abuses would have been to dispense with the system altogether and instead pays MPs more substantially. Although this would have been a politically controversial course of action, since it would at least have avoided the possibility that allowances may once again come to be seen by MPs as an entitlement and must

<sup>9</sup> Ibid.p. 52.

<sup>10</sup> Ibid.p.54.

<sup>11</sup> Ekaterina Rashkova and Ingrid van Biezen (2014) ‘The Legal Regulation of Political Parties: Contesting or Promoting Legitimacy?’, *International Political Science Review* 35(3): 265–74.

<sup>12</sup> Timothy John Abey (Chair), Nicole Mary Wells and Barbara Deegan (2014) *Report of the Parliamentary Salaries and Allowances Tribunal Inquiring into Basic Salary, Allowances and Benefits Provided to Members of the Tasmanian Parliament*, Hobart: Parliament of Tasmania, p. 2.

be claimed to the maximum extent, it would have had the appearance of rewarding rather than punishing MPs for their past abuses, it as a supplement to their salaries.

It is important to note that each MP is required to represent the interests of approximately 15 lakh constituents in Parliament, formulate legislation on important national matters, review matters of government, financial decisions and play an essential oversight function to hold the government accountable for the implementation of legislative and policy initiatives. It is well known that weeks before every Parliament session, bureaucrats in North and South Block are focused on gathering information to prepare ministers to respond to every plausible question posed to them on the floor of the House, while ministers are serviced by bureaucracy, contradictory MPs are particularly disadvantaged at making impactful interventions in Parliament due to lack of access to high-quality information and analysis on the government's performance. Due to such communication voids the research and information requirements for MPs cannot be effectively serviced without the office allowance.

Facilities and allowances given to them must not arbitrary but reasonable instead. This would first require a change in our mindset with which we view an increase in the salaries and allowances of MPs. One should not target without looking at the big picture, as our MPs to do their job effectively, they need a fully functioning office, serviced by a staff of high-quality researchers who can help them with individualized research so that they can contribute to technical and policy issues being debated in Parliament. This would first require a change in mindset with which we view an increase in the salaries and allowances of MPs. Placing the power to determine salaries and allowances in the hands of parliament itself is therefore sensible in many respects.

Party also plays a vital role in as larger parties are automatically allocated relatively large levels of resources. Disquiet of this nature can reach fever pitch at times of financial hardship or when scandals emerge concerning the misuse of parliamentary allowances, and this can create a reluctance to press the issue.

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