



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

and

**THE RULES FRAMED THEREUNDER**  
*(As corrected upto 01-10-2007)*

**PART I AND II**

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Government of Tamil Nadu  
2007

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**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,<sup>1</sup> Leader 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,<sup>1</sup> Leader 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 <sup>2</sup>Tamil Nadu Payment of Salaries Act, 1951. Short title  
Definitions

2. In this Act—

(1)<sup>3</sup> Omitted.

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

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1992 (Tamil Nadu Act No. 33 of 1992).

<sup>2</sup> Substituted by the Tamil Nadu Adaptation of Laws Order, 1969.

<sup>3</sup> *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (with effect from 1st November 1986).

Salaries and  
Allowances of  
Ministers

3. <sup>3</sup>(1) There shall be paid to the Chief Minister and to each of the other Ministers who are members of the Governor's Council of Ministers, a salary of <sup>2</sup>eight thousand rupees per mensem <sup>1</sup>and, 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 <sup>4</sup>Chennai; but the house rent shall not be paid to any Minister if he occupies a house provided by the State Government free of rent.

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

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

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

(b) a constituency allowance of <sup>4</sup>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 <sup>2</sup>eight thousand rupees per mensem <sup>1</sup>and, subject

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries ( Second Amendment) Act, 1986 (Tamil Nadu Act No.69 of 1986) ( with effect from 4th June 1986)

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 2008 (Tamil Nadu Act No.47 of 2008) ( with effect from 1st April, 2008)

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1997 (Tamil Nadu Act No.52 of 1997) ( with effect from 1st April 1997)

<sup>4</sup> *Vide* Tamil Nadu Act No.28 of 1996.

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 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.

<sup>1</sup>(2) There shall be paid to the Deputy Speaker a salary of <sup>2</sup>eight thousand rupees per mensem <sup>3</sup>and, 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.

<sup>4</sup>(3) There shall be paid to the Speaker and Deputy Speaker, a compensatory allowance of <sup>5</sup>ten thousand rupees per mensem.

<sup>2</sup>(4)(a) There shall be paid to the Speaker,—

(i) a contingency allowance of <sup>2</sup>four thousand rupees per mensem; and

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1979 (Tamil Nadu Act No. 24 of 1979) (with effect from 1st April 1978)

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 2008 (Tamil Nadu Act No.47 of 2008)(with effect from 1st April 2008)

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No. 69 of 1986) (with effect from 4th June 1986)

<sup>4</sup> *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 <sup>6</sup> five thousand rupees per mensem.

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

(i) a contingency allowance of <sup>6</sup> three thousand and five hundred rupees per mensem; and

(ii) a constituency allowance of <sup>6</sup> five thousand rupees per mensem.

5. Omitted.<sup>5</sup>

Salaries,  
allowances of  
Parliamentary  
Secretary.

<sup>1</sup>6(i) There shall be paid to each of the Parliamentary Secretaries a salary of <sup>2</sup> two thousand and seven hundred rupees per mensem.

<sup>3</sup>(1-A) There shall be paid to each of the Parliamentary Secretaries <sup>4</sup> 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 Parliamentary Secretary occupies in the City of Chennai; but the house rent shall not be paid <sup>1</sup> if he occupies a house provided by the State Government free of rent.

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1989 (Tamil Nadu Act No. 11 of 1989) (with effect from 1st April 1986)

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Third Amendment) Act, 1995 (Tamil Nadu Act No. 40 of 1995) (with effect from 1st April 1995)

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

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No. 69 of 1986) (with effect from 4th June 1986).

<sup>5</sup> *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (with effect from 1st November 1986)

<sup>6</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 2008 (Tamil Nadu Act No.47 of 2008) (with effect from 1st April 2008)

<sup>1</sup>(2) Deleted.

<sup>2</sup>6-A. (1) There shall be paid to the Leader of the Opposition in the Legislative Assembly a salary of <sup>3</sup>eight thousand rupees per mensem <sup>4</sup>and 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 <sup>5</sup>if he occupies a house provided by the State Government free of rent;

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 <sup>3</sup>eight thousand rupees per mensem <sup>4</sup>and, 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

<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1989 (Tamil Nadu Act No. 11 of 1989) (with effect from 1st April 1986)

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1979 (Tamil Nadu Act No. 24 of 1979) (with effect from 1st April 1978).

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2005 (Tamil Nadu Act No. 5 of 2005) (with effect from 15th September, 2001).

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No. 69 of 1986) (with effect from 4th June 1986).

<sup>5</sup> *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (with effect from 1st November 1986.)

House rent shall not be paid to the Chief Government Whip in the Legislative Assembly<sup>1</sup> if he occupies a house provided by the State Government free of rent.

<sup>2</sup> 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.

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

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

(i) a contingency allowance of <sup>4</sup> three thousand and five hundred rupees per mensem; and

(ii) a constituency allowance of <sup>4</sup> four thousand rupees per mensem.

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

6-B. (1) Where a Minister, <sup>5</sup> the Speaker, the Deputy Speaker, a Parliamentary Secretary, the Leader of the Opposition in the Legislative Assembly<sup>1</sup> or 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.

<sup>1</sup> *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (with effect from 1st November 1986)

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1995 (Tamil Nadu Act No.40 of 1995) (with effect from 1st April 1995).

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1997 (Tamil Nadu Act No. 52 of 1997) (with effect from 1st April 1997)

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 2008 (Tamil Nadu Act No. 47 of 2008) (with effect from 1st April 2008).

<sup>5</sup> *Vide* Tamil Nadu Payment of salaries (Amendment) Act, 1979 (Tamil Nadu Act No. 24 of 1979) (with effect from 1st April 1978).

*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<sup>1</sup> or the Chief Government Whip in the Legislative Assembly<sup>1</sup> is paid a house rent under sections<sup>1</sup> 3,4,6 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<sup>2</sup> furnished 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,<sup>3</sup> the Parliamentary Secretary, the Leader of Opposition in the Legislative Assembly<sup>1</sup> and the Chief Government Whip in the Legislative Assembly subject to the provisions of sub-section (2) and<sup>4</sup> to such rules regarding their maintenance and repairs 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.

<sup>1</sup> *Vide* Tamil Nadu Adaptation of Laws Order, 1987 (with effect from 1st November 1986)

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1981 (Tamil Nadu Act No. 38 of 1981) (with effect from 9th June 1980).

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1989 (Tamil Nadu Act No. 11 of 1989) with effect from 11th February 1989).

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1973 (Tamil Nadu Act No. 40 of 1973) (with effect from 19th December 1973).

<sup>1</sup>(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 <sup>2</sup>a 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, <sup>2</sup>or 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

<sup>3</sup>(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 such rules are made at such

<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1970 (Tamil Nadu Act No. 23 of 1970) (with effect from 1st June 1970).

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

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1989 (Tamil Nadu Act No. 11 of 1989) (with effect from 11th February 1989).

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 <sup>1</sup>3,4, 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.

<sup>2</sup>(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 preformed 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

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

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

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1984 (Tamil Nadu Act No. 11 of 1984) (with effect from 19th January 1984).

shall, during the 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 conditions as the Speaker is paid or entitled to under sections 4,<sup>1</sup> 6-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.

<sup>2</sup>9-B. Omitted.

Ministers,  
Speaker or  
Deputy  
Speaker and  
his family be  
entitled to free  
accommodation  
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. <sup>3</sup> Omitted.

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries ( Amendment) Act, 1970 (Tamil Nadu Act No.23 of 1970) (with effect from 3rd October, 1970).

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

<sup>3</sup> *Vide* Tamil Nadu Legislature (Prevention and Disqualification) Act, 1967.

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 <sup>1</sup>three 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.

<sup>2</sup>(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 <sup>5</sup>seven thousand rupees per mensem.

<sup>4</sup>(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 <sup>5</sup>five thousand rupees per mensem and a postal allowance of <sup>3</sup>two thousand and five hundred rupees per mensem.

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

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

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

(2) The salary referred to in clause (a) of sub-section (1) and the <sup>1</sup>compensatory allowance referred to in sub-section(1-A), <sup>2</sup>the constituency allowance <sup>3</sup>and 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 in the case of a Member nominated by the Governor to fill a seat in the Legislative Assembly from the date on which he is so nominated or if such declaration or nomination is made before the vacancy occurs, from the date of occurrence of the vacancy:

Provided that the salary, the <sup>1</sup>compensatory allowance, <sup>2</sup>the constituency allowance, <sup>3</sup>the 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.

<sup>4</sup>(2-A) Where on or after the 1st January 1967 any Member of the Legislative Assembly dies before the expiry of the term of his office, his family

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1975 (Tamil Nadu Act No.35 of 1975) (with effect from 1st April, 1975).

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

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries ( Second Amendment) Act, 1994 (Tamil Nadu Act No.35 of 1994) (with effect from 1st April, 1993).

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries ( Second Amendment ) Act, 1970 (Tamil Nadu Act No.23 of 1970) (with effect from 3rd October, 1970).

shall be paid an allowance of <sup>5</sup> one thousand rupees per mensem for the unexpired portion of the term of office of the said deceased Member.

<sup>2</sup>(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 <sup>4</sup> one lakh rupees.

(2-B) The allowance payable under sub-section <sup>1</sup>(2-A) and the lump-sum allowance payable under sub-section <sup>2</sup>(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.

(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 hostel accommodation:

Provided that the charge for such accommodation shall in no case exceed three rupees per day.

<sup>3</sup>(3-a) Every member referred to in sub-section (1) shall, subject to such conditions as may

<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1970 (Tamil Nadu Act No. 23 of 1970) with effect from 3rd October, 1970).

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1990 (Tamil Nadu Act No. 4 of 1990) (with effect from 27th January, 1989).

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2000 (Tamil Nadu Act No. 36 of 2000).

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1998 (Tamil Nadu Act No. 40 of 1998) (with effect from 1st June, 1998).

<sup>5</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment), Act, 2005 (Tamil Nadu Act No. 5 of 2005) (with effect from 15th September, 2001).

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:

Provided that when such member avails the Apartment accommodation, he shall not be entitled for hostel accommodation;

<sup>1</sup>(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.

(4) Every Member referred to in sub-section (1) shall for himself and the members of his family subject to such conditions and during such period as may be determined by rules made by the State Government be entitled free of charge to

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

accommodation in hospitals maintained by the State Government and also to medical treatment:

<sup>1</sup> Provided that every person who had been a Member of the Legislative Assembly or of the Legislative Council or of both, but had ceased to be such Member at any time, shall subject to such conditions and during such period as may be determined by rules made by the State Government, be entitled free of charge to accommodation in the hospitals maintained by the State Government and also to medical treatment and the benefits, conferred by this proviso shall not be available to the members of the family of the person referred to in this proviso.

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

(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

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

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

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

the term of his office and on the expiration of such term, the pass shall be surrendered to the Secretary, Legislative Assembly Secretariat:<sup>3</sup>

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.

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

<sup>5</sup>(4-C) Every Member of the Legislative Assembly who does not hold any of the offices referred to in <sup>2</sup>sections 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.

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

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

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

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2008 (Tamil Nadu Act No.47 of 2008) (With effect from 1st April 2008.)

<sup>5</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1980 (Tamil Nadu Act No. 10 of 1980) (With effect from 29th April, 1979).

<sup>1</sup>(4-D) 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 consolidated allowance of rupees two thousand and five hundred per mensem towards the payment by such member to an attendant who renders assistance to him.

<sup>6</sup>(4-E) 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 vehicle allowance of rupees five thousand per mensem.

(5) The salary referred to in clause (a) of sub-section (1) <sup>2</sup> the compensatory allowance <sup>4</sup> referred to in sub-section (1-A) <sup>3</sup> the constituency allowance and <sup>1</sup> the 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) <sup>6</sup> 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.

<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2000 (Tamil Nadu Act No. 36 of 2000) (With effect from 1st June, 2000).

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

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

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1994 (Tamil Nadu Act No. 35 of 1994) (With effect from 1st April, 1993).

<sup>5</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2005 (Tamil Nadu Act No. 5 of 2005) (With effect from 15th September, 2001).

<sup>6</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2007 (Tamil Nadu Act No.31 of 2007) (With effect from 1st April, 2007).

Transit by  
Railway  
Allowance.

<sup>1</sup>12-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 <sup>2</sup>Twenty 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.

<sup>3</sup>Provided 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.

12-B *Pension*.— (1) There shall be paid a pension of <sup>5</sup>eight thousand rupees per mensem to every person who after the <sup>4</sup>15th day of August 1947, had been or is a Member of the Legislative Assembly or of the Legislative Council or of both, for one term.-

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No. 69 of 1986) (with effect from 1st April, 1987).

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2007 (Tamil Nadu Act No. 31 of 2007) (with effect from 1st April, 2007).

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1995 (Tamil Nadu Act No. 11 of 1995).

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1982 (Tamil Nadu Act No. 10 of 1982) (with effect from 9th March, 1982).

<sup>5</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 2008 (Tamil Nadu Act No.47 of 2008) (with effect from 1st April, 2008).

<sup>1</sup>*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;

<sup>2</sup>Proviso - <sup>3</sup>Omitted

<sup>4</sup>Provided further that where any person has served either as a Member of the Legislative Assembly or as a Member of the Legislative Council or of both for a period less than one year, there shall be paid to him a pension of <sup>3</sup>four thousand rupees per mensem:

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1982 (Tamil Nadu Act No. 10 of 1982) (with effect from 9th March, 1982).

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1980 (Tamil Nadu Act No. 10 of 1980) (with effect from 13th March, 1980).

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 2007 (Tamil Nadu Act No. 31 of 2007) (with effect from 1st April, 2007).

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1998 (Tamil Nadu Act No.40 of 1998) (with effect from 1st June, 1998).

Provided also that <sup>1</sup> no 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.

<sup>2</sup>(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.

<sup>3</sup>(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.

<sup>4</sup>(2) (i) If any person who has been <sup>4</sup>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.

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1982 (Tamil Nadu Act No. 10 of 1982) (with effect from 13th March, 1980).

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Amendment) Act, 1989 (Tamil Nadu Act No. 11 of 1989) (with effect from 11th February, 1989).

<sup>3</sup> *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.

<sup>4</sup> *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 term 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.

<sup>1</sup>(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-B) (i)<sup>3</sup> where any person entitled to pension under this section dies, the family of such person shall be entitled to receive fifty percent of such pension subject to such conditions as may be prescribed.

(ii)<sup>3</sup> 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;

(ii) son who has not attained the age of twenty

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

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

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

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;

<sup>1</sup>(2-BB) Where any person entitled to pension under sub-section (1) died before the 1st day of April 1999, the family of such member shall be entitled to receive a family pension of rupees three thousand per mensem.

*Explanation :* <sup>1</sup>For the purposes of this sub-section, the word 'family' shall have the same meaning assigned to it in sub-section (2-B).

<sup>1</sup>(2-C) Where, on or after the 15th day of November 1996, any Member of the Legislative Assembly dies before the expiry of the term of his office, the family of such member shall be entitled to receive a family pension of rupees <sup>1</sup>four thousand per mensem.

<sup>4</sup>(2-CC) (i) Where, before the 15th day of November 1996, any member of the Legislative Assembly died before the expiry of term of his office.

(ii) Where, on or before the 31st day of October 1986, any member of the Legislative Council died before the expiry of the term of his office; the family of such member shall be entitled to receive a family pension of rupees <sup>4</sup>four thousand per mensem.

*Explanation.*—For the purposes of this sub-section, the word 'family' shall have the same meaning assigned to it in sub-section (2-B).

<sup>2</sup>(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:

<sup>1</sup>Provided further that—

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

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1980 (Tamil Nadu Act No. 10 of 1980) (With effect from 13th March, 1980).

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

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries(Second Amendment) Act, 2008 (Tamil Nadu Act No.47 of 2008) (With effect from 1st April, 2008).

(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 <sup>2</sup> any 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.

<sup>3</sup> *Explanation I.*—For purposes of sub-section (1) the expression “one term” shall mean a period of not less than one year <sup>4</sup> of membership in the Legislative Assembly or in the Legislative Council or in both, whether continuous or not.

*Explanation II.*—<sup>4</sup> Omitted.

*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.

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

<sup>2</sup> *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&Legislature), Dated:3rd November, 1995..

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

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

the Council of State of 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.

<sup>1</sup>12-C Free bus pass to former Members:

(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 pass<sup>2</sup> 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.

(2)The bus pass referred to in sub-section (1) shall be issued by such authority and in such manner as may be prescribed vide Act No.57 of 1994.

Relinquish-  
ment of  
Salaries and  
Allowances  
and  
cancellation  
thereof.

<sup>3</sup>13. (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.

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

(3) Every relinquishment or cancellation

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries ( Third Amendment) Act, 1994 (Tamil Nadu Act No.57 of 1994) (with effect from 1st April, 1994).

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries ( Amendment) Act, 1997 (Tamil Nadu Act No.9 of 1997) (with effect from 28th August, 1996).

<sup>3</sup> *Vide* Tamil Nadu Payment of Salaries ( Amendment) Act, 1979 (Tamil Nadu Act No.24 of 1979) (with effect from 5th May, 1979).

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

<sup>1</sup>13-A <sup>2</sup>Repealed.

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

Power of State Government to make rules.

(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 <sup>3</sup>the Legislative Assembly and if, before the expiry of the session in which it is so placed on the next session of the Legislative Assembly agrees in making any modification in any such rule or <sup>3</sup>the 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.

<sup>4</sup>(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.

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries ( Amendment) Act, 1994 (Tamil Nadu Act No.31 of 1994)

<sup>2</sup> *Vide* Tamil Nadu Payment of Salaries ( Amendment) Act, 1997 (Tamil Nadu Act No.23 of 1997) (With effect from 4th May, 1997).

<sup>3</sup> *Vide* Tamil Nadu Adapataion of Laws Order, 1987 (With effect from 1st November 1986).

<sup>4</sup> *Vide* Tamil Nadu Payment of Salaries ( Amendment) Act, 1970 (Tamil Nadu Act No.23 of 1970) (With effect from 3rd October, 1970).

<sup>1</sup>(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.

Regularisation of certain charges and payments. 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.

(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.

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

<sup>2</sup>(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

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<sup>1</sup> *Vide* Tamil Nadu Payment of Salaries (Second Amendment) Act, 1986 (Tamil Nadu Act No.69 of 1986)

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

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.

<sup>1</sup>(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.

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