

Bill No. 66 of 2008

THE PRESIDENT'S EMOLUMENTS AND PENSION
(AMENDMENT) BILL, 2008

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BILL

further to amend the President's Emoluments and Pension Act, 1951.

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

1. (1) This Act may be called the President's Emoluments and Pension (Amendment) Act, 2008. Short title and commencement.

(2) The provisions of section 2 and clause (i) of section 3 shall be deemed to have come into force on the 1st day of January, 2006 and remaining provisions of this Act shall come into force at once.

30 of 1951.

2. In section 1A of the President's Emoluments and Pension Act, 1951 (hereinafter referred to as the principal Act), for the words "fifty thousand rupees", the words "one lakh fifty thousand rupees" shall be substituted. Amendment of section 1A.

3. In section 2 of the principal Act,—

(i) in sub-section (1), for the words "of three lakh rupees per annum", the words "at the rate of fifty per cent. of the emoluments of the President per month" shall be substituted; Amendment of section 2.

(ii) in sub-section (2), for clauses (a) and (b), the following clauses shall be substituted, namely:—

"(a) to the use of a furnished residence (including its maintenance), without payment of rent, two telephones (one for internet and broadband connectivity), one mobile phone with national roaming facility and a motor-car, free of charge or to such car allowance as may be specified in the rules;

(b) to secretarial staff consisting of a Private Secretary, one Additional Private Secretary, one Personal Assistant, two Peons and office expenses up to sixty thousand rupees per annum."

Amendment
of section 3A.

4. In section 3A of the principal Act, for clause (b), the following clause shall be substituted, namely:—

"(b) after ceasing to hold office as President, either on the expiration of his term of office or by resignation of his office, shall be entitled,—

(i) to the use of furnished residence (including its maintenance) without payment of licence fee;

(ii) to secretarial staff consisting of a Private Secretary and a Peon and office expenses as per actuals, the total expenditure on which shall not exceed twelve thousand rupees per annum;

(iii) to a telephone and a motor-car, free of charge or such car allowance for the remainder of his life, as may be specified in the rules;

(iv) to travel anywhere in India, in a calendar year to twelve single journeys, by the highest class, by air, rail or steamer, accompanied by a companion or a relative."

Insertion of
new section 6.
Power to
remove
difficulties.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

"6. (1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the President's Emoluments and Pension (Amendment) Act, 2008, the Central Government may, by order, do anything not inconsistent with such provisions for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the date on which this Act comes into force.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament."

STATEMENT OF OBJECTS AND REASONS

Section 1A of the President's Emoluments and Pension Act, 1951 provides that there shall be paid to President, by way of emoluments, fifty thousand rupees per mensem. Sub-section (1) of section 2 of the said Act provides for pension of three lakh rupees per annum to the retired Presidents. In order to maintain parity in the emoluments of various constitutional functionaries, it is proposed to enhance the emoluments of the President from rupees fifty thousand per mensem to rupees one lakh and fifty thousand per mensem. It is also proposed to entitle a retired President to a pension at the rate of fifty per cent. of the emoluments of the President per mensem with effect from 1st January, 2006.

2. The former presidents are entitled to the use of a telephone at the residence, free of charge. In the light of changes in modern technology and for the ease of communication, it is proposed to provide an additional telephone facility including Internet and broadband connectivity and a mobile phone with national roaming facility free of charge to former Presidents.

3. The former Presidents are also entitled to one Private Secretary, one Personal Assistant, one Peon and rupees twelve thousand per annum as office expenses. In order to maintain parity with other dignitaries, it is proposed that the strength of the personal staff of a former President be increased by providing an Additional Private Secretary and an extra Peon. Further, keeping in view the inflation over the years, the office expenses are proposed to be increased from rupees twelve thousand per annum to rupees sixty thousand per annum.

4. The spouse of a deceased President is entitled to a rent-free unfurnished accommodation. To mitigate their hardships, it is proposed to make the spouse of a deceased President entitled to a furnished residence including its maintenance; secretarial staff consisting of one Private Secretary and one Peon with office expenses as per actuals, but not exceeding rupees twelve thousand per annum; a telephone and a motor-car, free of charge; travel facilities anywhere in India along with a companion or relative by the highest class by air, rail or steamer restricted to twelve single journeys in a calendar year.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 15th October, 2008.

SHIVRAJ V. PATIL.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF
INDIA

[Copy of letter No. 10/19/96-M&G dated the 21st October, 2008 from Shri Shivraj V. Patil, Minister of Home Affairs to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the President's Emoluments and Pension (Amendment) Bill, 2008, recommends the introduction of the Bill in Lok Sabha under article 117(1) of the Constitution as also the consideration of the Bill by Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for increase in the emoluments of the President.

2. Clause 3 of the Bill provides for increase in the pension of the former President of India and facilities of one additional telephone with Internet and broadband connectivity and one mobile phone with national roaming facility. Also there is a provision for additional secretarial staff consisting of an Additional Private Secretary and a Peon and increased office expenses of rupees sixty thousand per annum.

3. Clause 4 of the Bill provides that in the event of death of a person who holds or has held office as President, the surviving spouse of such person shall be entitled, for the remainder of his or her life, to the use of furnished residence (including its maintenance) without payment of licence fee; secretarial staff consisting of a Private Secretary and a Peon, office expenses to a maximum of rupees twelve thousand per annum; a telephone and a motor-car, free of charge; travel anywhere in India, in a calendar year to twelve single journeys, by the highest class, by air, rail or steamer, accompanied by a companion or a relative.

4. The implementation of aforesaid provisions would involve certain expenditure from the Consolidated Fund of India. It is estimated that the additional expenditure on salary under clause 2 and on pension under clause 3 of the Bill will be of the order of rupees thirty lakh per annum. Also an additional non-recurring expenditure of rupees seventy-nine lakh twenty-five thousand towards arrears in salary and pension will be there. The expenditure on provision of additional secretarial staff and increased office expenses under clause 3 of the Bill will be of rupees fifteen lakh seventeen thousand one hundred and eighty-four per annum approximately at the present rates. The expenditure on providing secretarial staff, office expenses and a motor-car to the spouses of deceased former Presidents will be of rupees nineteen lakh eighteen thousand eight hundred and twenty-four per annum approximately. It is not feasible to assess the expenditure under clause 3 of the Bill on providing additional telephone facility to former Presidents and expenditure under clause 4 of the Bill for provision of facilities like telephone and facility to travel anywhere in India to the spouses of former Presidents as the actual expenditure has to be reimbursed in these cases.

5. This Bill, if enacted, will not incur any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Item (a) of sub-clause (ii) of clause 3 of the Bill seeks to substitute clause (a) of sub-section (2) of section 2 of the Act so as to make the former President entitled to the use of furnished residence (including its maintenance), without payment of rent, two telephones (one for internet and broadband connectivity), one mobile phone with national roaming facility and a motor-car, free of charge or to such car allowances as may be specified in the rules.

Clause 4 of the Bill seeks to substitute clause (b) of section 3A to make the spouse of a deceased President entitled to the use of furnished residence (including its maintenance) without payment of licence fee; secretarial staff consisting of a Private Secretary and a Peon and office expenses as per actuals, the total expenditure on which shall not exceed twelve thousand rupees per annum; a telephone and motor-car free of charge or such car allowance for the remainder of his life, as may be specified in the rules; travel anywhere in India in a calendar year to twelve single journeys by the highest class by air, rail or steamer, accompanied by a companion or a relative.

All matters in respect of which rules may be made are matters of procedure and administrative detail, and it is not practicable to provide for them in the Bill itself. As such, the proposed delegation of legislative powers is of a normal character.

ANNEXURE

EXTRACTS FROM THE PRESIDENT'S EMOLUMENTS AND PENSION ACT, 1951

(30 OF 1951)

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Emoluments of the President. **1A.** There shall be paid to the President by way of emoluments of fifty thousand rupees.

Pension to retiring Presidents. **2.** (1) There shall be paid to every person who ceases to hold office as President, either by the expiration of his term of office or by resignation of his office, a pension of three lakh rupees per annum for the remainder of his life.

(2) Subject to any rules that may be made in this behalf, every such person shall, for the remainder of his life, be entitled—

(a) to the use of a furnished residence (including its maintenance) without payment of rent, a telephone and a motor-car, free of charge or to such car allowance as may be specified in the rule;

(b) to secretarial staff consisting of a Private Secretary, a Personal Assistant and a Peon, and office expenses the total expenditure on which shall not exceed twelve thousand rupees per annum.

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Free accommodation to spouse of President. **3A.** Subject to any rules that may be made in this behalf, the spouse of a person who dies—

(a) while holding the office of President, or

(b) after ceasing to hold office as President either by the expiration of his term of office or by resignation of his office,

shall be entitled to the use of unfurnished residence without payment of licence fee, for the remainder of her life.

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further to amend the President's Emoluments and Pension Act, 1951.

(Shri Shivraj V. Patil, Minister of Home Affairs)