

Chapter 3

THE HOUSING AND TELEPHONE FACILITIES (MEMBERS OF PARLIAMENT) RULES, 1956

S.R.O. 1973.—In exercise of the powers conferred by clause (f) of sub-section (3) of section 9 of the Salary and Allowances of Members of Parliament Act, 1954 (No. 30 of 1954), the Joint Committee constituted under sub-section (1) of that section hereby makes the following rules, the same having been approved and confirmed by the Chairman of the Council of States and the Speaker of the House of the People, as required by sub-section (4), of the said section, namely:—

THE HOUSING AND TELEPHONE FACILITIES (MEMBERS OF PARLIAMENT) RULES, 1956*

(As amended upto 12th December, 2006)

1. Short title and commencement.—(1) These Rules may be called the Housing and Telephone Facilities (Members of Parliament) Rules, 1956.

(2) These rules shall be deemed to have come into force on the 1st day of April, 1955.

2. ¹[Facilities of Housing etc. to Members.—(1) Each Member shall be entitled without payment of ^{1a}[licence fee] to housing accommodation in the form of a flat throughout his term of office:

^{1b}[Provided that where a member is allotted housing accommodation in the form of bungalow at his request, he shall pay full normal licence fee if he is entitled to such accommodation.]

^{1c}[Provided further that in case a member comes to Delhi immediately after he is declared elected by the returning officer, prior to the notification in the Official Gazette for such declaration under the provisions of the Representation of Peoples Act, 1951 (43 of 1951), he shall be provided transit accommodation from the date of his arrival at Delhi till he is allotted a Government accommodation in the form of flat or bungalow as the case may be.]

Explanation.—For the purposes of this sub-rule "Flat" includes hostel accommodation.

^{1d}[(2) Every Member shall in respect of any accommodation allotted to him under sub-rule (1) or in respect of any private accommodation in Delhi in which he is residing also be

* Published in the Gazette of India, Extraordinary, Part III, Section 3, dated the 8th May, 1956 (S.R.O. 1973).

¹ Substituted by G.S.R. 13(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 3rd January, 1986.

^{1a} Substituted by G.S.R. 1169(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 28th October, 1986.

^{1b} Substituted by G.S.R. 453(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 13th May, 2000.

^{1c} Inserted by G.S.R. 701(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub- Section

(i) dated the 26th October, 2004.

^{1d} Substituted by G.S.R. 508 (E), published in the Gazette of India, Extraordinary, Part-II, Section 3, sub-

entitled without payment of charges to the supply of water and electricity upto a maximum of ^{1e}{50,000} units of electricity per annum [^{1f}{25,000} units each of light/power meters or pooled together] and ^{1g}[4000 kilolitres of water per annum free of charge beginning first January of every year:

Provided that electricity may be supplied without payment of charge upto ^{1h}(50,000) units measured on light meter per annum, only to those Members of Parliament whose residence have no power meters installed].

^{1ha}“Provided further that the electricity in units and water in kilolitres as admissible under this sub-rule shall be calculated separately, if both husband and wife are members of either or the same House of Parliament and are residing in the same accommodation:

Provided also that where a member does not consume the units of electricity and water in kilolitres as admissible under this sub-rule in any year, the balance units of electricity and water in kilolitres shall be carried over to the subsequent years till his seat becomes vacant:

Provided also that where a member consumes more than his entitled units of electricity and water in kilolitres in a particular year, the excess units of electricity and water in kilolitres so consumed by him shall be adjusted from units of electricity and water in kilolitres available for the next year:

Provided also that in case the seat of a member becomes vacant due to resignation or completion of terms, he shall be entitled to consume the balance units of electricity and water in kilolitres as available for that year under this sub-rule within a maximum period of one month from the date on which his seat becomes vacant.

(3) Where in respect of any accommodation referred to in sub-rule (1) ¹ⁱ(licence fee) is payable on account of any improvement or addition made to it or any additional service

section (i), dated the 30th August, 1997.

^{1e} Substituted by G.S.R. 806 (E), published in the Gazette of India, Extraordinary, Part-II, Section 3,

sub-section (i), dated the 25th October, 2001.

^{1f} Substituted by G.S.R. 806 (E), published in the Gazette of India, Extraordinary, Part-II, Section 3,

sub-section (i), dated the 25th October, 2001.

^{1g} Substituted by G.S.R. 806 (E), published in the Gazette of India, Extraordinary, Part-II, Section 3,

sub-section (i), dated the 25th October, 2001.

^{1h} Substituted by G.S.R. 806 (E), published in the Gazette of India, Extraordinary, Part-II, Section 3,

sub-section (i), dated the 25th October, 2001.

^{1ha} Inserted by G.S.R. 744(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-

section (i) dated the 12th December, 2006.

¹ⁱ Substituted by G.S.R. 1169(E), published in the Gazette of India, Extraordinary, Part II, Section 3,

provided thereto, it shall be twenty-five per cent less than the normal rent payable in respect of such improvement, addition or additional service.

^{1j}[Provided that the furniture shall be made available free of charge to the Members within the existing monetary ceiling of Rs. ^{1ja}(60,000) in respect of durable furniture and Rs. ^{1jb}(15,000) for non-durable furniture respectively:

Provided further that where an additional provision such as tiles in bathroom and kitchen as demanded and the facility of washing of sofa covers and curtains after every three months the same shall be provided free of cost to the Members.]

^{1k}Provided that the rent for additional items of furniture shall be charged on the depreciated value of the furniture so made available at the residence of a member.

Explanation I.—For the purposes of this sub-rule "improvement or addition" means the provision of additional accommodation, furniture, table and pedestal fans, table lamps, floor standard lamps, boilers, refrigerators, desert coolers and air-conditioning units.

Explanation II.—"Furniture" means such items of furniture as are admissible to a member for a residence allotted to him and includes any additional items taken on rent by a member in his residence.

Explanation III.—"Additional service" means

- (a) the provisions of Sweepers, Jamadars and the staff attached to members residences with dusters and brooms;
- (b) the supply of electric bulbs at the residences of members;
- (c) the maintenance of flower beds;
- (d) the maintenance of any place (like an Enquiry Office) intended for the common benefit of members; and
- (e) any other service provided for the common benefit of members.

sub-section (i) dated the 28th October, 1986.

^{1j} Inserted by G.S.R. 508(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-

section (i) dated the 30th August, 1997.

^{1ja} Substituted by G.S.R. 744(E), published in the Gazette of India, Extraordinary, Part II, Section 3,

sub- section (i), dated the 12th December, 2006.

^{1jb} Substituted by G.S.R. 744(E), published in the Gazette of India, Extraordinary, Part II, Section 3,

sub- section (i), dated the 12th December, 2006.

^{1k} Inserted by G.S.R. 744(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-

section (i) dated the 12th December, 2006.

EXPLANATORY MEMORANDUM

AMENDMENT OF RULE 2 OF THE HOUSING AND TELEPHONE FACILITIES (MEMBERS OF PARLIAMENT) RULES, 1956

Some difficulties had been experienced in the assessment of rent of residences allotted to Members of Parliament as it was felt that Rule 2 of the Housing and Telephone Facilities (Members of Parliament) Rules, 1956 did not cover the residences constructed for Members of Parliament or added in the M.Ps. pool or resided after the 1st April, 1955. In practice, however, the concession admissible to Members of Parliament regarding rent of residences as envisaged in Rule 2 was also being allowed to Members who were allotted residences constructed or added to the M.Ps. pool after the 1st April, 1955. With a view to overcoming the difficulties experienced it was felt that the existing Rule 2 be suitably amended to cover residences added to the M.Ps. pool or constructed for the M.Ps. pool after the 1st April, 1955. The amendment as notified is designed to meet the requirement. As the amendment is to cover the residence for the purpose of allowing certain concessions to Members of Parliament, no Member of Parliament is likely to be adversely affected by the issue of the said amendment and giving it retrospective effect.

[No. F. 4/MSA/72-Vol. I]

²[**2.A. Retention of Government accommodation after the death of a Member.**—In the case of death of a member during the term of his office, the members of his family shall be entitled to retain the accommodation on the ^{2a}[same terms as were applicable to] the member immediately before his death for a maximum period of ^{2aa}[six months] after which the allotment shall be deemed to be cancelled.]

^{2b}[Provided that the family of a deceased member shall be entitled to consume the balance units of electricity and water in kilolitres available to such member for that particular year at the residence allotted to him during his term of office within a period of one month from the date of his death.”]

3. Remission in respect of transport charges. —The charges, if any, on account of the transport of any items of furniture to/or from the residence of a Member made at his request shall also be 25 per cent less than the actual charges otherwise payable in respect thereof under the rules for the time being in force.

² Inserted by G.S.R. 299(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 29th May, 1972.

^{2a} Substituted by G.S.R. 10(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 3rd January, 1986.

^{2aa} Substituted by G.S.R. 744 (E), published in the Gazette of India, Extraordinary, Part II, Section 3,

sub-section (i) dated the 12th December, 2006.

^{2b} Inserted by G.S.R. 744 (E), published in the Gazette of India, Extraordinary, Part II, Section 3,

sub-section (i) dated the 12th December, 2006.

4. Exemption in respect of telephone charges.—³[(1) No charges shall be payable by a Member in respect of the installation and rental of one telephone installed either at his residence or at his office in Delhi or New Delhi, and no Member shall be liable to make any payment in respect of the first ⁴[Fifty thousand] local calls made from the telephone during any year.].

⁵[(2) In addition to the exemption in respect of telephone charges admissible under the provisions of sub-rule (1), a Chairman of a Parliamentary Committee shall be exempted from payment of any charges for calls made from the telephone installed at his residence in Delhi or New Delhi.

Explanation.—In this sub-rule, a "Parliamentary Committee" does not include a Select or Joint Committee on a Bill or any other ad hoc Committee."]

⁶[(3) Without prejudice to the provisions contained in sub-rule (1), no charges shall be payable by a Member in respect of the installation and rental of one telephone installed either at his usual place of residence, or at a place selected by him, being a place—

- (i) situated within the State which he represents ⁷[or within the State in which he resides] in the case of a member of the Council of States, other than a member nominated to that House;
- (ii) situated within the State in which his Constituency is ^{7a}[or within the State in which he resides] in the case of a member of the House of the People, other than a member nominated to that House;
- (iii) approved by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be in the case of nominated members; and

no Member shall be liable to make any payment in respect of the first ⁸[fifty thousand] local calls made from that telephone during any year:

Provided that the place selected by the Member or approved by the Chairman or the Speaker, as the case may be, shall be within the area of operation of an existing telephone exchange.]

^{8a}[* * * * *]

³ Re-numbered as sub-rule (1) of rule 4 by G.S.R. 1526, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 23rd December, 1960

⁴ Substituted by G.S.R. 508(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 30th August, 1997.

⁵ Inserted by G.S.R. 1526, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 23rd December, 1960

⁶ Inserted by G.S.R. 1842, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 5th August, 1964.

⁷ Inserted by G.S.R. 830, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 8th May, 1970.

^{7a} Inserted by G.S.R. 830, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 8th May, 1970.

⁸ Substituted by G.S.R. 508(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 30th August, 1997.

^{8b}[(4) No charges shall be payable by a Member for an additional cord not exceeding ten metres in length or a plug and socket added to a telephone installed under sub-rule (i) or sub-rule (3).]

^{8c}[(5) In addition to the exemption in respect of telephone charges admissible under the provisions of sub-rule (1) and sub-rule (3), no charges shall be payable by a member in respect of the installation and rental of one telephone installed,—

- (a) at his office situated at his residence in Delhi or New Delhi; or
- (b) at his usual place of residence; or
- (c) at a place selected by him, within his constituency or State; or
- (d) within the State in which he resides for Internet connectivity purposes;

and no member shall be liable to make any payment in respect of the first fifty thousand local calls from the telephone during a year.]

^{8d}[(6) A member, on his request, is entitled to avail one mobile phone connection of Mahanagar Telephone Nigam Limited with national roaming facility and another mobile phone connection of Mahanagar Telephone Nigam Limited or Bharat Sanchar Nigam Limited with national roaming facility for utilisation in his constituency and no charges shall be payable by him in respect of the registration and rental of such mobile phone connections:

Provided that the calls made by a member from such mobile phone connections shall be adjusted from the total free local calls available to him under sub-rule (1), sub-rule (3) and sub-rule(5):

Provided further that where services of Mahanagar Telephone Nigam Limited or Bharat Sanchar Nigam Limited are not available for utilizing total free local calls available to him under sub-rule (1), sub-rule (3) and sub-rule (5), he may avail such facility from any other private mobile operator subject to the condition that the registration and rental charges for the private mobile phone connection shall be borne by the member himself.

(7) A member may avail broadband facility from Mahangar Telephone Nigam Limited or Bharat Sanchar Nigam Limited on any one telephone available to him under sub-rule (1), sub-rule (3) or sub-rule (5), and shall not be liable to make payment upto a maximum of one thousand five hundred rupees per mensem which shall be paid directly to Mahangar Telephone Nigam Limited or Bharat Sanchar Nigam Limited, as the case may be, towards charges for this facility.]

⁹**[4A. Other exemptions in respect of telephone charges.—** (1) Where metering facility in respect of the telephone installed under sub-rule (3) of rule 4 is available, local calls made from that telephone and local calls made from the telephone installed under sub-rule (1) and sub-rule (5) of rule 4 shall be pooled together and a member shall not be liable to make any

^{8a} Omitted by G.S.R. 744(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 12th December, 2006.

^{8b} Inserted by G.S.R. 1036, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 12th July, 1971.

^{8c} Inserted by G.S.R. 454 (E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) dated the 13th May, 2000.

^{8d} Substituted by GSR 744(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 12th December, 2006.

⁹ Substituted by G.S.R. 718(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 23rd October, 2002.

payment in respect of one lakh and fifty thousand calls made from the three telephones during any year.

(2) Where metering facility in respect of a telephone installed under sub-rule (3) of rule 4 is not available, no member shall be liable to make any payment in respect of the local calls made from that telephone and in respect of another fifty thousand local calls, in addition to the fifty thousand local calls made from each of the telephones installed under sub-rule (1) and sub-rule (5) of the rule 4 and the total number of such free local calls shall not exceed one lakh fifty thousand local calls during any year.

(3) Where a member has either not been provided with a telephone or does not desire to be provided with a telephone under sub-rule (3) of rule 4, he shall not be liable to make any payment in respect of the additional fifty thousand local calls made from each of the telephones installed under sub-rule (1) and sub-rule (5) of rule 4 and the total number of such free local calls shall not exceed one lakh fifty thousand local calls during any year.

^{9a}{(3A) A member is entitled to use any number of telephones for utilising total free local calls available to him under sub-rule (1), sub-rule (3) and sub-rule (5) of rule 4 subject to the condition that the telephone should be in his name at the places specified in that rule and installation and rental charges of telephones other than the three telephones provided to him under sub-rule (1), sub-rule (3) and sub-rule (5) of rule 4 shall be borne by the member himself.}

(4) The trunk calls bills of the members may be adjusted within the monetary equivalent of the ceiling of one lakh and fifty thousand local calls per annum as aforesaid.

^{9b}{(4A) Where a member does not utilise the free telephone calls available to him on the three telephones provided under sub-rule (1), sub-rule (3) and sub-rule (5) of rule 4, in any year beginning on or after the 1st day of April, 2002, the balance unutilised telephone calls shall be carried forward to the subsequent years till his seat becomes vacant.}

(5) Excess telephone calls made, over and above the pooled total of one lakh fifty thousand free local calls per annum in respect of the three telephones installed under sub-rule (1), sub-rule (3) and sub-rule (5) of rule 4, may be adjusted against the one lakh fifty thousand free local calls allowed on the three telephones for the next year.

^{9bb}[* * * * * * * * * * * * *]

^{9c}{(7) A member is liable to make payment in respect of charges of local calls made in excess of total local calls available to him under sub-rule (1), sub-rule (3) and sub-rule (5) of rule 4.}

4B. Retention of Telephone by Family in case of Death of Members.--Where a Member dies during the term of his office, his family shall, for a period not exceeding two months from the death of the Member, be entitled to retain the telephone and avail of such facilities

^{9a} Inserted by G.S.R. 701(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub- section (i) dated the 26th October 2004.

^{9b} Inserted by G.S.R. 701(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub- section (i) dated the 26th October 2004.

^{9bb} Omitted by G.S.R. No.744(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub- section (i) dated the 12th December 2006.

^{9c} Inserted by G.S.R. No.701(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub- section (i) dated the 26th October 2004.

as were available to the said Member immediately before his death under the provisions of rules 4 and 4-A.

5. Rules not to apply in certain cases.—Nothing contained in these Rules shall apply in the case of any accommodation allotted to a Member, whether temporarily or permanently, in excess of the accommodation to which he is entitled as a Member:

¹⁰[Provided that a Member shall, on being given a change of residence, be entitled to retain the residence to be vacated and the residence to be occupied by him, for a period not exceeding three days on payment, for the period during which both the residences are occupied by him of ^{10a}[licence fee] ^{10b}[for one of the residences] at the rate specified in rule 2.]

¹⁰ Substituted by G.S.R. No.1227, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 7th August, 1967.

^{10a} Substituted by G.S.R. No.1169(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 28th October, 1986.

^{10b} Substituted by G.S.R. No.13(E), published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 3rd January, 1986.