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The Salary and Allowances of Leaders of Opposition in Parliament Act, 1977

(ACT NO. 33 OF 1977)

[*As on the* 08*th September*, 2026]

LIST OF AMENDING ACTS

1. The Salary and Allowances of Leaders of Opposition in Parliament (Amendment) Act, 1985 (78 of 1985).
2. The Salary and Allowances of Loaders of Opposition in Parliament (Amendment) Act, 1991 (7 of 1991).
3. The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Amendment) Act, 2002 (29 of 2002).
4. The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002 (56 of 2002).
5. The Repealing and Amending Act, 1988 (Rep. in pt., by 19 of 1988).

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LIST OF ABBREVIATIONS USED

Cl., cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

THE SALARY AND ALLOWANCES OF LEADERS OF OPPOSITION IN PARLIAMENT ACT, 1977

ACT NO. 33 OF 1977

[18*th August,* 1977.]

An Act to provide for the salary and allowances of Leaders of Opposition in Parliament.

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

1. Short title and commencement.—(*1*) This Act may be called the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definition.—In this Act, "Leader of the Opposition", in relation to either House of Parliament, means that member of the Council of States or the House of the People, as the case may be, who is, for the time being, the Leader in that House of the party in opposition to the Government having the greatest numerical strength and recognised as such by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

Explanation.—Where there are two or more parties in opposition to the Government, in the Council of States or in the House of the People having the same numerical strength, the Chairman of the Council of States or the Speaker of the House of the People, as the case may be, shall, having regard to the status of the parties, recognise any one of the Leaders of such parties as the Leader of the Opposition for the purposes of this section and such recognition shall be final and conclusive.

[2][**3. Salary, and daily, constituency and sumptuary allowances.—**(*1*) Each Leader of the Opposition shall, so long as he continues as such Leader, be entitled to receive a salary per mensem and allowance for each day at the same rates as are specified in section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) with respect to members of Parliament.

(*2*) Each Leader of the Opposition shall also be entitled to receive a constituency allowance at the same rate as is for the time being specified under section 8 of the said Act with respect to members of Parliament.

(*3*) There shall be paid to each Leader of the Opposition a sumptuary allowance of one thousand rupees per mensem:]

[3][Provided that on and from the 17th day of September, 2001, the sumptuary allowance shall be paid to each Leader of the Opposition at the same rate at which the sumptuary allowance is payable, under section 5 of the Salaries and Allowances of Ministers Act, 1952 (58 of 1952), to every other Minister who is a member of the Cabinet.]

4. Residence for Leaders of Opposition.—(*1*) Each Leader of the Opposition shall, so long as he continues as such Leader and for a period of one month immediately thereafter, be entitled without payment of rent to the use of a furnished residence and no charge shall fall on the Leader of the Opposition personally in respect of the maintenance of such residence.

(*2*) In the event of the death of a Leader of the Opposition, his family shall be entitled to the use of the furnished residence occupied by him—

(*a*) for a period of one month immediately after his death, without payment of rent and no charge shall fall on his family in respect of the maintenance of such residence; and

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1. 1st November, 1977, *vide* notification No. G.S.R. 664 (*E*), dated 1st November, 1977, *see* Gazette of India, Extraordinary, Part II, sec. 3 (*i*).
2. Subs. by Act 78 of 1985, s. 2, for section 3 (w.e.f. 26-12-1985).
3. Ins. by Act 29 of 2002, s. 3 (w.e.f. 17-9-2001).

(*b*) for a further period of one month, on payment of rent at such rates as may be prescribed by rules made in this behalf by the Central Government and also charges in respect of electricity and water consumed in that residence during such further period.

Explanation.—For the purposes of this section, "residence" includes the staff quarters and other buildings appurtenant thereto, and the garden thereof, and "maintenance" in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water.

5. Travelling and daily allowances to Leaders of Opposition.— [1][(*1*)] Subject to any rules made in this behalf by the Central Government, a Leader of the Opposition shall be entitled to—

(*a*) travelling allowances for himself and the members of his family and for transport of his and his family's effects—

(*i*) in respect of the journey to Delhi from his usual place of residence outside Delhi for assuming office; and

(*ii*) in respect of the journey from Delhi to his usual place of residence outside Delhi on relinquishing office; and

(*b*) travelling and daily allowances in respect of tours undertaken by him in the discharge of his duties as Leader of the Opposition, whether by sea, land or air.

[2][(*2*) On and from the commencement of the Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002, a Leader of the Opposition and his family, whether travelling together or separately, shall be entitled to travelling allowance at the same rates and for the same number of return journeys as admissible to a Minister and his family under sub-section (*1A*) of section 6 of the Salaries and Allowances of Ministers Act, 1952 (58 of 1952).]

6. Medical treatment, etc., to Leaders of Opposition.—Subject to any rules made in this behalf by the Central Government, a Leader of the Opposition and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment.

7. Leaders of Opposition not to draw salary or allowances as Members of Parliament.—No Leader of the Opposition in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by Parliament by way of salary or allowance in respect of his membership of either House of Parliament.

8. Amenities to Leaders of Opposition.—(*1*) Subject to any rules made in this behalf by the Central Government, each Leader of the Opposition shall be entitled to telephone and secretarial facilities.

(*2*) Subject to any rules made in this behalf by the Central Government, each Leader of the Opposition shall be entitled to a conveyance allowance of [3][three thousand rupees] per month:

[4][Provided that where a Leader of the Opposition is provided with conveyance facility with a driver for the purposes of security or otherwise for any period, he shall not be entitled to the conveyance allowance for that period.]

[5][**8A. Advance to Leader of Opposition for purchase of motor car.—**There may be paid to a Leader of the Opposition, by way of a repayable advance, such sum of money as may be prescribed by rules made in this behalf by the Central Government for the purchase of a motor car in order that he may be able to discharge conveniently and efficiently the duties of his office.]

1. S. 5 renumbered as section (*1*) thereof by Act 78 of 1985, s. 3 (w.e.f. 26-12-1985).
2. Subs. by Act 56 of 2002, s. 3, for sub-section (*2*) (w.e.f. 17-9-2001).
3. Subs. by Act 7 of 1991, s. 2, for "three hundred rupees" (w.e.f. 1-10-1990).
4. Proviso ins. by s. 2, *ibid*. (w.e.f. 1-10-1990).
5. Ins. by s. 3, *ibid*. (w.e.f. 1-10-1990).

9. Notification respecting the date on which persons became or ceased to be Leaders of Opposition to be conclusive evidence thereof.—The date on which any person became or ceased to be a Leader of the Opposition shall be published in the Official Gazette, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, a Leader of the Opposition on that date for all the purposes of this Act.

[1][**9A. Exemption from liability to pay income-tax on certain perquisites received by a Leader of the Opposition.—**Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961), the value of rent free furnished residence (including maintenance thereof) provided to a Leader of the Opposition under sub-section (*1*) of section 4 shall not be included in the computation of his income chargeable under the heading "Salaries" under section 15 of the Income-tax Act, 1961.]

10. Power to make rule.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the rates at which rent shall be payable by the family of a deceased Leader of the Opposition to the use of the furnished residence occupied by him under clause (*b*) of sub-section (*2*) of section 4;

(*b*) the travelling and daily allowances admissible to a Leader of the Opposition under section 5;

(*c*) the medical treatment admissible to a Leader of the Opposition and the members of his family under section 6;

(*d*) the telephone and secretarial facilities admissible to a Leader of the Opposition and the conditions subject to which he shall be entitled to conveyance allowance under section 8;

[2][(*e*) the advance payable to a Leader of the Opposition under section 8A.]

(*3*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree 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.

11. [***Amendment of Act* 33 *of* 1977**].—*Rep. by the Repealing and Amending Act,* 1988 *(*19 *of* 1988*) s.* 2 *and Sch.* I (*w.e.f.* 31-3-1988).

12. [***Amendment of Act* 33 *of* 1977**].—*Rep. by s. 2 and Sch.* I*, ibid.* (*w.e.f.* 31-3-1988).

1. Ins. by Act 78 of 1985, s. 4 (w.e.f. 26-12-1985).
2. Ins. by Act 7 of 1991, s. 4 (w.e.f. 1-10-1990).

STATEMENT OF OBJECTS AND REASONS

In a Parliamentary democracy, the leader of the opposition has an important role to play. In the United Kingdom, Australia and Canada, the leader of the opposition has been accorded statutory recognition. In India, a number of States have started giving facilities and amenities to the leaders of the opposition in the State Legislative Assemblies. Having regard to the important role of the leader of the opposition in a Parliamentary democracy, it is considered that the Leaders of Opposition in the House of the People and the Council of States should be accorded statutory recognition and given salary and certain other facilities and amenities to enable them to discharge their functions in Parliament. The Bill mainly seeks to achieve the above objects.

2. Certain consequential amendments to the Salary, Allowances and Pension of Members of Parliament Act, 1954 and the Parliament (Prevention of Disqualification) Act, 1959 are also being proposed in the Bill.

NEW DELHI; RAVINDRA VARMA.

The 4*th August,* 1977.

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