

Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981

UTTAR PRADESH

India

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Act 14 of 1981

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Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981(U.P. Act No. 14 of 1981)Last Updated 9th March, 2020Statement of Objects and Reasons (U.P. Act No. 19 of 2019). - The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981 (U.P. At 14 of 1981) has been enacted to consolidate and amend the law relating to the salaries, allowances and other facilities to the Ministers of the State of the Uttar Pradesh. Sub-section (3) of Section 3 of the said Act provides that the salaries of every Minister, Minister of State and Deputy Minister shall be exclusive of tax payable of such salaries (including perquisites) under any law relating to income tax for the time being in force, and such tax shall be borne by the State Government. Since the income tax is being paid by every citizen in the State who comes under the ambit of income tax law, the said Ministers shall also be responsible for the payment of income tax, Besides the payment of the income tax of the said Ministers was being paid by the State Government for the last 35 years. After due consideration it has been decided to amend the said Act to omit the said sub-section (3) of Section 3, so as to make the said Ministers to take there responsibility of payment of income tax themselves.Since the State Legislature was not in session and immediate legislative action was necessary to implement the said decision, the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Ordinance, 2019 (U.P. Ordinance 5 of 2019) was promulgated by the Governor on November 6, 2019.2. The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Bill, 2019 is introduced to replace the aforesaid Ordinance.[Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 18, 1981 and by the Uttar Pradesh Legislative Council on September 22, 1981.Received the assent of the Governor on October 1, 1981 under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated October 3, 1981.]An Act to consolidate and amend the law relating to the salaries, allowances and other facilities to Ministers of the State of Uttar Pradesh.It is hereby enacted in the Thirty-second Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981.

2. Definitions.

- In this Act, -(a)"Assembly" 'means' the Uttar Pradesh Legislative Assembly;(b)"Council" means the Uttar Pradesh Legislative Council ;(c)"family" in relation to a Minister means his or her spouse, son, daughter, father, mother, brother or sister residing with and wholly dependent on such Minister;(d)"maintenance" in relation to a residence includes the payment of local rates and taxes and the provision for water and electricity including electricity duty;(e)"Minister" means a member of the Council of Ministers of the Government of Uttar Pradesh and includes the Chief Minister, a Minister of State and a Deputy Minister of that State.

3. Salary.

(1)Every Minister and Minister of State shall be entitled throughout the term of his office, to a salary of [five thousand rupees] [Substituted by section 12 (a) of Uttarakhand Act No. 13 of 2005.] per month.(2)Every Deputy Minister shall be entitled, throughout the term of his office, to a salary of [four thousand rupees] [Substituted by section 12 (b) of Uttarakhand Act No. 13 of 2005.] per month.(3)[***] [Omitted by U.P. Act 19 of 2019.].

4. Residence.

(1)Each Minister shall be entitled without payment of any rent to the use throughout the term of his office and for period of fifteen days thereafter, of a residence at Lucknow which shall be furnished and maintained at public expense at the prescribed scale.[(1-A) Each Minister for whose use a residence at Lucknow has been provided under sub-section (1) shall immediately after the expiration of the period referred to in that sub-section, vacate such accommodation and an officer authorized by the State Government in this behalf may take possession of the accommodation and may for the purpose use such force as may be necessary in the circumstances.Explanation. - For the purposes of this sub-section 'Minister' includes a person who has ceased to be a Minister and also includes a person who was given the status of a Minister.] [Added by section 2 of U.P. Act No. 05 of 1990.](2)Where a Minister has not been provided with a residence in accordance with sub-section (1), or does not avail of the benefit of the said sub-section, he shall be entitled to a compensatory allowance at the rate of-(a)three hundred rupees per month in the case of Deputy Minister, and(b)five hundred rupees per month in any other case.

4A. [Special provisions regarding certain accommodations. [Added by section 2 of U.P. Act No. 8 of 1997.]

(1) On and from the commencement of the Uttar Pradesh Ministers and State Legislatures, Officers and Members Amenities Laws (Amendment) Act, 1997, the State Government may, with a view to ensuring timely availability of residence to a minister under sub-section (1) of section 4 by a notified order, specify any type- VI accommodation or an accommodation in which a Minister was in occupation at any time, under the control and management of the Estate Department of the State Government, as Ministers residence and an accommodation so specified shall be allotted to a Minister only and not to any other person. (2) The State Government, or an officer authorized by it in this behalf may, if a person other than a Minister referred to in sub-section (1-A) of section 4 is in occupation of an accommodation specified as Ministers' residence under subsection (1) on the basis of any allotment order or otherwise, cancel the allotment order of such person if any, and by notice in writing require such person to vacate the said accommodation within fifteen days from the date of service upon him of such notice, and if such person fails to vacate the said accommodation within the said period, an officer authorized by the State Government in this behalf may take possession of the said accommodation and may for the purpose use such force as may be necessary in the circumstances.]

5. Conveyances.

(1) Each Minister shall, throughout the term of his office, be provided with a chauffeur driven motor vehicle which shall be purchased and maintained at public expense in accordance with the rules made in that behalf. (2) The terms and conditions for the use of the motor vehicle referred to in subsection (1) shall be such as may be prescribed. (3) The motor vehicle provided to a Deputy Minister at any time before the commencement of this Act shall be deemed to have been validly provided.

6. Travelling allowance etc.

- [(1) Each Minister other than a Deputy Minister shall be entitled for journeys (whether by land, sea or air) performed in connection with the discharge of his official duties to travelling allowance and out of pocket expenses for himself and the members of his family at such rates and upon such conditions as may be prescribed.] [Substituted by section 2 of Uttarakhand Act No. 26 of 2005.] (2) Each Deputy Minister shall be entitled for journeys (whether by land, sea or air) performed in connection with the discharge of his official duties to [travelling allowance and out-of-pocket expense from such date, at such rates and upon such conditions as may be prescribed.] [Substituted by section 10 of U.P. Act No. 18 of 1989.] (3) Each Minister shall be entitled to travelling allowance for himself and the members of his family and for the transport of his and his family's effects -(a) in respect of the journey to Lucknow from his usual place of residence outside Lucknow for the purposes of assuming office; and (b) in respect of the journey from Lucknow to his usual place of residence outside Lucknow on relinquishing office. (4) Notwithstanding anything contained in sub-sections (1) to (3), no travelling allowance shall be payable to a Minister in respect of journeys performed in the motor vehicle referred to in section 5 or any other vehicle belonging to the State Government.

7. Use of Circuit house etc.

- Every Minister shall be entitled and be deemed always to be entitled to the use of the circuit house, inspection house or other rest houses maintained by the State Government without payment of any rent or electricity charges during the course of journeys performed in connection with the discharge of his official duties.

8. Medical facility.

- Every Minister and the members of his family shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment in accordance with such principles as may be prescribed.

9. Notification of appointment and vacancy in the office of a Minister.

- The date on which any person became or ceased to be a Minister shall be notified in the official Gazette and any such notification shall be conclusive evidence of the fact that he became, or ceased to be a Minister, on that date.

10. Prohibition against practising and profession etc.

- No Minister shall during the tenure of his office for which he draws his salary and allowance, practise any profession or engage in any trade or undertake of remuneration any employment other than his duties as Minister.

11. Facilities under U.P. Act 23 of 1980.

- Every Minister who is a member of the Assembly or council, as the case may be, shall continue to enjoy the benefits available to him under section 4,9,18 and Chapter VIII of the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980.

12. Relinquishment of salary etc.

- A Minister may, at any time, relinquish the whole or any part of the salary, allowance or other facilities to which he is entitled by making a written declaration to that effect: Provided that any such relinquishment may likewise be cancelled by him at any time with prospective effect.

13. Rules making power.

(1) The State Government may, by notification, make rules to carry out the purposes of this Act. (2) All rules made under the enactment repealed by section 14 and in force on the date immediately preceding the date of commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made under this Act and they

shall continue to be valid and effective until they are repealed by new rules made under sub-section (1).

14. Repeal.

- The Uttar Pradesh Ministers and Deputy Ministers (Salaries and Allowances) Act, 1952, is hereby repealed.