

The Haryana Salaries and Allowances of Ministers Act, 1970

HARYANA

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Act 3 of 1970

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The Haryana Salaries and Allowances of Ministers Act, 1970 (Haryana Act No. 3 of 1970) Statements of Objects and Reasons - Haryana Act 1 of 1993. - The present rates of salary for the Chief Minister, Ministers/Ministers of State and Deputy Ministers were fixed in the year 1987. In view of the manifold rise in prices, an upward revision is called for. It is proposed to enhance the salary of the Chief Minister, Ministers of State and Deputy Ministers by rupees one thousand per mensem. Accordingly it is considered necessary to make the proposed amendment in the Haryana Salaries and Allowances of Ministers Act, 1970. Statement of Objects and Reasons - Haryana Act 15 of 1997. - Under sub-section (1) of Section 3 of the Haryana Salaries and Allowances of Ministers Act, 1970, the Chief Minister is paid a salary of four thousand one hundred rupees per mensem, each Minister other than the Chief Minister and a Deputy Minister a salary of four thousand rupees per mensem and each Deputy Minister is paid a salary of three thousand five hundred rupees per mensem. Under sub-section (2) of Section 3 of the Act, the Chief Minister is paid a sumptuary allowance of one thousand rupees per mensem and each Minister other than Chief Minister is paid a sumptuary allowance of rupees five hundred per mensem. 2. Under Section 4 of the Act in lieu of free furnished residence a Deputy Minister is entitled to be paid such allowance not exceeding one hundred and fifty rupees per mensem and each Minister is entitled to be paid such allowance not exceeding three hundred rupees per mensem. Under Section 5, in lieu of State car, every Minister is entitled to be paid a conveyance allowance at the rate of three hundred rupees per mensem. 3. Keeping in view the rise in the cost of living, it is proposed to enhance the salary of Minister as under :- Chief Minister Rupees eight thousand per mensem Ministers (including Deputy Minister) Rupees eight thousand per mensem. 4. It has been felt that whenever any proposal regarding amendment of salaries and allowances etc. of the Ministers is to be considered then amendment in the relevant Act is to be made. This entails a lengthy procedure and takes a lot of time. In order to expedite the process, it is proposed to regulate the sumptuary allowance, allowance in lieu of Government residence and conveyance allowance in lieu of State car, by rules framed by the State Government under Section 8 of the Act. Statement of Objects and Reasons - Haryana Act 14 of 1998. - Under sub-section (1) of Section 3 of the Haryana Salaries and Allowances of Ministers Act, 1970, each

Minister is paid a salary of eight thousand rupees per mensem.² Keeping in view the rise in the cost of living, it is proposed to enhance the salary of each Minister from eight thousand rupees per mensem to eleven thousand rupees per mensem. Statement of Objects and Reasons. - Under sub-section (1) of Section 3 of the Haryana Salaries and Allowances of Ministers Act, 1970, each Minister is paid a salary of eight thousand rupees per mensem.² Keeping in view the rise in the cost of living, it is proposed to enhance the salary of each Minister from eight thousand rupees per mensem to eleven thousand rupees per mensem.³ It is also proposed that each Minister be paid an allowance at the rate of one thousand rupees per mensem on account of expenses to maintain office in his Constituency/District. Statement of Objects and Reasons - Haryana Act 8 of 2002. - Under the provision of Section 7 of the Haryana Salaries and Allowances of Ministers Act, 1970, a Minister cannot draw benefits other than mentioned in the said Act, as Member of the legislative Assembly whereas for some facilities as per the Haryana Legislative Assembly (Allowances and Pension of Members) Act, 1975, the expression of Member includes the Chief Minister, a Minister, a Minister of State, a Deputy Minister, the Speaker, the Deputy Speaker, the Chief Parliamentary Secretary and Parliamentary Secretary. To resolve the contrary provisions, there is a need to amend Section 7 of the Haryana Salaries and Allowances of Ministers Act, 1970. Keeping in view the rise in the cost of living, it is proposed that rate of Daily Allowance may be enhanced from Rs. 400/- to Rs. 500/- per day for which there is need to amend Section 8 of the Haryana Salaries and Allowances of Ministers Act, 1970. Hence this bill. Received the assent of the Government of Haryana on the 20th March, 1970, and was first published in the Haryana Government Gazette (Extra-ordinary), of the 24th March, 1970. An Act to provide for the Salaries and Allowances of Ministers in the State of Haryana.

1. Short title.

- This Act may be called the Haryana Salaries and Allowances of Ministers Act, 1970.

2. Definitions.

- In this Act, "Minister" means a member of the Council of Ministers, by whatever name called, and includes a Deputy Minister.

3. Salaries and Sumptuary allowance.

- There shall be paid to Minister a salary of [sixty thousand rupees] [Substituted by Haryana Act No. 21 of 2017, dated 31.5.2017] per mensem.⁽²⁾ [There shall be paid a sumptuary allowance to the Minister as may be prescribed.] [Substituted by Haryana Act No. 14 of 1998.]

4. Residence.

- Each Minister shall be entitled without payment of rent to the use of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and no charge shall fall on the Minister personally in respect of the maintenance of such residence, or in lieu of such residence shall be entitled to be paid, -(a) in the case of a Deputy Minister, [such allowance as

may be prescribed] [Substituted for 'such allowance not exceeding one hundred and fifty rupees per mensem' by Haryana Act No. 15 of 1997.]; and(b)in the case of any other Minister, [such allowance as may be prescribed] [Substituted for 'such allowance not exceeding three hundred rupees per mensem' by Haryana Act No. 15 of 1997.];as the State Government may in each case determine.Explanation. - For the purpose 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. Conveyance.

- Each Minister shall be paid a [conveyance allowance at the rate as may be prescribed] [Substituted by Haryana Act No. 15 of 1977.] or, in lieu thereof, a State car, the expenses on the maintenance and propulsion of which shall be borne by the State Government.[*] [Proviso omitted by Haryana Act No. 15 of 1977.]

5A. [Expense to maintain office in constituency/District. [Added by Haryana Government Act No. 14 of 1998.]

- Each Minister shall be paid an allowance at the rate of [twenty thousand rupees] per mensem or as may be prescribed on account of expenses on the maintenance of office in his constituency/District.]

6. Liability to pay income-tax.

- The Minister's salary and allowances referred to in this Act shall be exclusive of the tax payable in respect thereof under any law relating to income-tax for the time being in force, and such tax shall be borne by the State Government.Explanation. - For the purposes of this section, the [salary and allowance received by the Minister and the allowances received by him as a member of the Haryana Legislative Assembly] [See Haryana Act No. 21 of 1988.] during any financial year shall be deemed to be his only income for that year.

7. Ministers not to draw salaries or allowances as members of State Legislature.

- No person in receipt of any salary or allowance under this Act shall be entitled to receive any sum out of the funds provided by the [State Legislature except as specifically provided in the Haryana Legislative Assembly (Allowances and Pension of Members) Act, 1975.] [Substituted for State Legislature' by Haryana Act No. 8 of 2002.] by way of salary or allowance in respect of his membership of the House of the State Legislature.[8. Travelling and daily allowances to Ministers. - (1) The travelling allowance of Ministers shall be regulated in accordance with such rules as may be framed by the State Government from time to time :Provided that no mileage or travelling allowance shall be chargeable in respect of journeys performed in a State car.(2)A daily allowance at the rate of rupees [six hundred] [Substituted by Haryana Act No. 8 of 2002.] per day or at such rate as may be prescribed shall be paid to a Minister while on tour.]

9. Power to make rules.

(1)The State Government may, by notification, make rules for carrying out the purposes of this Act :Provided that any rules relating to any matter to which this Act relates and which were in force immediately before the commencement of this Act, shall, in so far as they are not inconsistent with the provisions of this Act, and until rules are framed under this Act in respect of such matter, be deemed to be made under this Act.(2)Every rule made under this section shall be laid as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of the ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive session aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rules 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.

10. Repeal and savings.

(1)The East Punjab Ministers' Salaries Act, 1947 (East Punjab Act No. 6 of 1947), and the Salaries and Allowances of Deputy Ministers, Punjab Act, 1956 (Punjab Act No. 22 of 1956), in their application to the State of Haryana and the Haryana Salaries and Allowances of Ministers Ordinance, 1970 (Haryana Ordinance No. 3 of 1970), are hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Haryana Salaries and Allowances of Ministers Ordinance, 1970, shall be deemed to have been done or taken under this Act as if this Act had commenced on the 23rd January, 1970.