

The Gujarat Ministers' Salaries and Allowances Act, 1960

GUJARAT

India

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Act 6 of 1960

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1. [Amended by Gujarat Ministers' Salaries and Allowances (Amendment) Act, 1973 (Act 20 of 1973) on 3 November 1973]

The Gujarat Ministers' Salaries and Allowances Act, 1960 Gujarat Act No. 6 of 1960 [Dated 22nd September, 1960] For Statement of Objects and Reasons, See Gujarat Government Gazette, Extraordinary, Part V, dated the 25th July, 1960, p. 24. An Act to provide for the salaries and allowances of the Minister of the Government of Gujarat and certain other matters. Whereas it is expedient to provide for the determination of the salaries and allowances of the Ministers of the Government of Gujarat and other matters hereinafter appearing; It is hereby enacted in the Eleventh Year of Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Gujarat Ministers' Salaries and Allowances Act, 1960. (2) It shall be deemed to have come into force on the 1st day of May 1960.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context:- (a) "Maintenance" in relation to a residence includes the payment of rates and taxes due to Government or any local authority and the provisions of electricity, gas and water; (b) "Minister" and "Deputy Minister" mean respectively a Minister and a Deputy Minister of the Government of Gujarat and ["Minister" includes- [This portion was substituted for the words 'Minister' includes the 'Chief Minister' by Gujarat 20 of 1973, Section 2.](i) The Chief Minister, (ii) The Deputy Chief Minister, and (iii) Minister of State;] (c) "Residence" includes the staff quarters and other buildings appurtenant thereto and the gardens thereof; (d) "Rules" and "orders" means rules or orders respectively made under this Act.

3. Salaries of Ministers [and Ministers of State] [These words were added by Gujarat 20 of 1973, Section 3(2).].

- There shall be paid to each Minister a salary of Rs. [10,000] [Substituted for the figures '4,500' by Gujarat 23 of 2005, dated 23rd March 2005 (w.e.f. 01-04-2005).] per month [and to each Minister of State a salary of Rs. [10,000] [These words, letters and figures were added by Gujarat 20 of 1973, Section 3 (1).] per month:][Provided that where the salary of the Members of the Assembly increases by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (Gujarat II of 1960), the salary to be paid to the Minister shall be increased in proportion to the increase in the salary of the Member of the Assembly.] [Proviso added by Gujarat 23 of 2005, dated 23rd March 2005 (w.e.f. 01-04-2005).]

3A. [Consolidated Allowance to Ministers. [Section 3A was inserted by Gujarat 6 of 1992, Section 2, Schedule, Sr. No. 3.]

- There shall be paid to each Minister during the whole of his terms of office per month a sum of Rs. [7,000] as a consolidated allowance for all matters not specifically provided for by or under the provisions of this Act.]

3B. [Dearness allowance to Ministers. [Section 3B inserted by Gujarat 23 of 2005, dated 23rd March 2005 (w.e.f. 01-04-2005).]

- There shall be paid to each Minister during the whole of his term of office per month the dearness allowance on the aggregate amount of the salary, consolidated allowance and the conveyance allowance referred to in sections 3, 3A and sub-section (2) of section 5 respectively, at the rate of dearness allowance applicable to the employees of the State Government. Explanation. - For the purpose of this section, 'dearness allowance' means the dearness allowance as may be increased by the State Government from time to time after the 1st April, 2005 but does not include dearness allowance already declared prior to the said date.]

4. Residence of Ministers.

(1) Each Minister shall be entitled without payment of rent to the use of a furnished residence [in Gandhinagar] [These words were substituted for the words 'in Ahmedabad' by Gujarat 3 of 1972, Section 2 (w.e.f. 17-03-1972).] throughout his term of office and for a period of fifteen days immediately thereafter or in lieu of such residence a house allowance at the rate of Rs. 250/- per month. (2) No charge shall fall on the Minister personally in respect of the maintenance of any residence provided under this section. (3) The expenditure on furnishing the residence provided under this section shall be on such scale as may be determined by rules or orders.

5. Conveyance for Ministers.

(1)The State Government may from time to time for the use of the Ministers purchase and provide motor cars and other suitable conveyances upto such conditions as regards their maintenance and repairs as may be determined by rules or orders.[(1-A) Where, under sub-section (1) the State Government has provided for the use of the Minister motor cars or other conveyances it shall also provide to them free of charge the service of a driver for each such car or conveyance.] [Sub-section (1A) was inserted, by Gujarat 3 of 1972, Section 3 (1) (w.e.f. 17-03-1972).](2)There shall also be paid to each Minister a conveyance allowance at the rate of Rs. [4,000] [Substituted for the figures '3,000' by Gujarat 23 of 2005, dated 23' March 2005 (w.e.f. 01-04-2005).] per month.

6. Salaries of Deputy Ministers.

- There shall be paid to each Deputy Minister a salary of Rs. [10,000] [Substituted for the figures '4,500' by Gujarat 23 of 2005, dated 23rd March 2005 (w.e.f. 01-04-2005).] per month.[Provided that where the salary of the Members of the Assembly increases by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (Gujarat II of 1960), the salary to be paid to the Deputy Minister shall be increased in proportion to the increase in the salary of the Member of the Assembly.] [Proviso added by Gujarat 23 of 2005, dated 23rd March 2005 (w.e.f. 01-04-2005).]

6A. [Consolidated Allowance to Deputy Ministers. [Section 6A was inserted, Schedule, Sr. No. 3.]

- There shall be paid to each Deputy Minister during the whole of his term of office per month a sum of Rs. [7,000] as a consolidated allowance for all matters not specifically provided for by or under the provisions of this Act.]

6B. [Dearness allowance to Deputy Ministers. [Section 6B inserted by Gujarat 23 of 2005, dated 23rd March 2005 (w.e.f. 01-04-2005).]

- There shall be paid to each Deputy Minister during the whole of his term of office per month the dearness allowance on the aggregate amount of the salary, consolidated allowance and the conveyance allowance referred to in sections 6, 6A and sub-section (2) of section 8 respectively, at the rate of dearness allowance applicable to the employees of the State Government.Explanation. - For the purpose of this section, 'dearness allowance' means the dearness allowance as may be increased by the State Government from time to time after the 1st April, 2005 but does not include dearness allowance already declared prior to the said date.]

7. Residences of Deputy Ministers.

(1)Each Deputy Minister shall be entitled without payment of rent to the use of a furnished residence [in Gandhinagar] [These words were substituted for the words 'in Ahmedabad' by Gujarat

3 of 1972, Section 4 (w.e.f. 17-03-1972).] throughout his term of office and for a period of fifteen days immediately thereafter or in lieu of such residence a house allowance at the rate of Rs. 150/- per month.(2)No charge shall fall on the Deputy Minister personally in respect of the maintenance of any residence provided under this section.(3)The expenditure on furnishing the residence provided under this section shall be on such scale as may be determined by rules or orders.

8. Conveyances for Deputy Ministers.

(1)The State Government may, from time to time for the use of the Deputy Ministers purchase and provide motor cars and other suitable conveyances, upon such conditions as regards their maintenance and repairs as may be determined by rules or orders.[(1-A) Where under sub-section (1) the State Government has provided for the use of the Deputy Ministers motor cars or other conveyances it shall also provide to them free of charge, the services of a driver for each such car or conveyance.] [Sub-section (1A) was inserted, by Gujarat 3 of 1972, Section 5 (1) (w.e.f. 17-03-1972).].(2)There shall also be paid to each Deputy Minister a conveyance allowance at the rate of Rs. [3,000] [Substituted for the figures '1500' by Gujarat 20 of 1998, dated 31st July 1998 (w.e.f. 01-08-1998).] per month.

9. Travelling and daily allowances and residential accommodation at places other than headquarters.

- The Ministers and Deputy Ministers shall be entitled to travelling and daily allowances while touring on public business and suitable residential accommodation at places visited by them on such business at such rates and upon such conditions as may be determined by the rules or orders.

9A. [Travelling Allowances on assumption of office by Ministers and on ceasing to be Ministers. [Sections 9A and 9B were inserted by Gujarat 18 of 1982, Section 4.]

- Subject to any rules or orders made in this behalf by the State Government,-(a)a Minister and a Deputy 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 in respect of the journey to Gandhinagar from his usual place of residence outside Gandhinagar for assuming office;(b)a Minister or Deputy Minister and members of his family shall be entitled to travelling allowance for himself or themselves and for the transport of effects of the Minister, Deputy Minister or as the case may be his family in respect of the journey from Gandhinagar to his usual place of residence outside Gandhinagar on the Minister or the Deputy Minister ceasing to hold his office.Explanation. - For the purposes of this section the expression "a member of the family" shall have the same meaning as assigned to it in section 10 and the "family" shall be construed accordingly.

9AA. [Free transit by railway. [Sub-sections 9AA and 9AB inserted by Gujarat 20 of 1998, dated 31s' July 1998 (w.e.f 01-08-1998).]

- Every Minister and Deputy Minister shall be provided with facilities which shall entitle them at any time to travel by first class or by second class air conditioned by railway in any part of India in such manner and subject to such conditions as may by rules or orders be prescribed in that behalf: Provided that such travel by railway in any part of India outside the State of Gujarat may be availed of by a Minister or, as the case may be, a Deputy Minister singly or jointly with his spouse and two other members of his family residing with and dependent on him, so however, that the total distance so travelled by the Minister or, as the case may be, the Deputy Minister singly in any year does not exceed 10,000 kilometres and the total distance so travelled jointly by the Minister or, as the case may be, the Deputy Minister and his spouse and two other members of his family residing with and dependent on him in any year does not exceed 20,000 kilometres. Explanation. - For the purpose of calculating the number of kilometres travelled by a Minister or, as the case may be, a Deputy Minister jointly with his spouse and two other members of his family residing with and dependent on him, outside the State of Gujarat, the number of kilometres travelled by him and by his spouse and two other members of his family residing with and dependent on him shall be counted separately.

9AB. Free transit by air.

- Every Minister and the Deputy Minister may undertake or perform journey alongwith co-traveller by air from the nearest airport from his residence to and fro in any part of India on three occasions in each year: Provided that difference between the fare for journey by air and the fare for journey by railway by first class or by second class air conditioned, whichever is higher, shall be borne by the Minister or, as the case may be, the Deputy Minister.]

9B. Telephone facilities to Ministers.

(1) Every Minister and Deputy Minister shall during the term of his office be entitled to have [telephone facilities] [Substituted for 'a telephone installed' by Gujarat 20 of 1998, dated 31st July 1998 (w.e.f 01-08-1998).] at Government cost at the place of residence at Gandhinagar. (2) No charge shall fall on the Minister and the Deputy Minister personally in respect of installation of initial deposit for rental charges for maintenance of and calls made from the [telephone facilities provided] [Substituted for 'a telephone installed' by Gujarat 20 of 1998, dated 31s' July 1998 (w.e.f 01-08-1998).] under sub-section (1).]

10. Medical attendance.

- Subject to rules or orders a Minister and Deputy Minister and the members of the family of the Minister or the Deputy Minister as the case may be who are residing with and dependent on him shall be entitled free of charge to accommodation in hospitals maintained by the State Government and to medical attendance and treatment. Explanation. - For the purposes of this section "a member

of the family" means the husband, wife, son, daughter, father, mother, brother or sister.

11. Sumptuary allowance to Chief Minister.

- There shall be placed at the disposal of the Chief Minister a sum of Rs. [1,50,000] [Substituted for the figures '75,000' by Gujarat 20 of 1998, dated 31st July 1998 (w.e.f 01-08-1998).] per year as sumptuary allowance.

12. Ministers and Deputy Ministers not entitled to salaries and allowances as members of State Legislature.

- Notwithstanding anything contained in any law for the time being in force determining the salaries and allowances of members of the State Legislature a Minister or a Deputy Minister shall not be entitled to receive any salary or allowances under such law although he is a member of the Gujarat Legislative Assembly.

13. [Ministers of State and Deputy Ministers] [These words were substituted for the words 'Deputy Ministers' by Gujarat 20 of 1973, Section 4(2).] not disqualified.

- For the avoidance of doubt it is hereby declared that a person shall not be disqualified for being chosen as or for being a member of the Gujarat Legislative Assembly merely by reason of the fact that he holds the [office of a Minister of State or of a Deputy Minister] [These words were substituted for the words 'Office of a Deputy Minister' by Gujarat 20 of 1973, Section 4 (1).].

14. Power of State Government to make rules and orders.

- [(1) The State Government may, by notification in the Official Gazette make rules or orders for carrying out the purpose of this Act.] [This sub-section was substituted by Gujarat 21 of 1980, Section 2.](2)Any rule or order made under this section may be made so as to be retrospective to any date not earlier than the 1st May 1960.(3)Rules or orders made under this section shall have effect as if enacted in this Act.(4)[All rules and orders made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.(5)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.] [Sub-sections (4) and (5) were added by Gujarat 3 of 1972, Section 6 (w.e.f. 17-03-1972).]

15. Repeal of Gujarat Ordinance No. VI of 1960.

- The Gujarat Ministers' Salaries and Allowances Ordinance, 1960 (Repeal of Gujarat Ordinance No. VI of 1960) is hereby repealed and the provisions of Sections 7 and 25 of the Bombay General

Clauses Act, 1904 (Bombay 1 of 1904) shall apply to such repeal as if that Ordinance were an enactment.