

The Salaries And Allowances Of Minister Act, 1952

UNION OF INDIA

India

The Salaries And Allowances Of Minister Act, 1952

Act 58 of 1952

- Published on 12 August 1952
- Commenced on 12 August 1952
- [This is the version of this document from 21 January 2010.]
- [Note: The original publication document is not available and this content could not be verified.]

1. [Amended by The Salaries And Allowances Of Ministers (Amendment) Act, 2001 (Act 44 of 2001) on 1 January 2001]
2. [Amended by THE SALARIES AND ALLOWANCES OF MINISTERS (AMENDMENT) ACT, 2009 (Act 02 of 2010) on 21 January 2010]

The Salaries And Allowances Of Minister Act, 1952 ACT NO. 58 OF 1952

27.

/1387Ministers of Government have subjected themselves since November, 1949 to a voluntary cut in their salary fixed by the Salaries of Ministers Act, 1947, as amended by the Salaries of Ministers (Amendment) Act, 1950. It has been decided that the salaries should not be statutorily reduced. In addition to their salaries Ministers have, by the issue of executive instructions, been given certain privileges, such as free medical attendance and advances for the purchase of motor cars. It is considered necessary that such privileges should be formally laid down by Statute instead of being regulated by Executive Orders. The Bill seeks to achieve these purposes." - Gazette of India. 2-8-1952. Pt. II-S. 2. p. 332.Amending Act 37 of 1977.- The salaries and allowances of the Union Ministers are governed by the Salaries and Allowances of Ministers Act, 1952 (58 of 1952) and the rules made thereunder. Sub-section (1) of section 11 of the Act empowers the Central Government to make rules for carrying out purposes of this Act.2. In exercise of the powers so conferred, the Central Government had been making rules from time to time and respect of certain rules amending the Ministers' (Allowances, Medical Treatment and other Privileges) Rules, 1957, retrospective effect was given, though the Act does not provide for such retrospective effect.3. On the recommendations of the Committee on Subordinate Legislation which examined these rules, it is now proposed to amend section 11 of the Act so as to provide that every rule made under that section shall be laid before each House of Parliament and so such rules shall come into force until it has been approved, with or without modifications, by each House of Parliament and published by the Central Government in the Official Gazette. It is also proposed to validate the rules which have been given

retrospective effect.⁴ The Bill seeks to achieve the above objects.- Gazette of India, 1-8-1977, Pt. II-S. 2. Ext., p. 529.[12th August, 1952]An Act to provide for the salaries and allowances of Ministers. Be it enacted by Parliament as follows:-

1. Short title.

This Act may be called the Salaries and Allowances of Short title. Ministers Act, 1952.

2. Definition.

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

3. [(1) Salaries, and daily and constituency allowances. [Substituted by Act 76 of 1985, s.2 (w.e.f. 26.12.1985)]

Each Minister shall be entitled to receive a salary per mensem, and allowance for each day during the whole of his term as such Minister at the same rates as are specified in section 3 of the Salaries, Allowances and Pension of Members of Parliament Act, 1954 with respect to members of Parliament, (2) Each Minister shall be entitled to receive a constituency allowance at the same rate as is specified under section 8 of the said Act with respect to members of Parliament.]

4.

Residence of Ministers.[(1)] [Section 4 re-numbered as sub-section (1) of that section by Act 47 of 1969, Section 2 (w.e.f. 1-11-1966).] Each Minister shall be entitled without payment of rent to the use of a furnished residence throughout his term of office and for period of [one month] [Substituted by Act 47 of 1969 s. 2, , for "fifteen days" (w.e.f. 1-11-1966)] immediately thereafter, and no charge shall fall on the Minister personally in respect of the maintenance of such residence.(2)[In the event of the death of the Minister, his family shall be entitled to the use of the furnished residence occupied by the Minister-(a)for a period of one month immediately after his death, without payment of rent and no charge shall fall on the family of the Minister in respect of the maintenance of such residence, and(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. [Sumptuary allowance to Ministers. [Substituted by Act 76 of 1985, s.3(w.e.f. 26.12.1985)]

There shall be paid a sumptuary(a)the Prime Minister Rupees one thousand five hundred per mensem;(b)every other Minister Rupees one thousand who is a member of per mensem; the Cabinet(c)a Minister of State Rupees five hundred per mensem;(d)a Deputy Minister Rupees three hundred per mensem.]

6.

(1)Travelling and daily allownaces to Ministers.Subject to any rules made in this behalf by the Central Government, a Minister shall be entitled to-(a)travelling allowances for himself and the members of his family and for the 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 official duties, whether by sea, land or air.(1A)[A Minister shall be entitled to an amount equal to the fare for a single journey performed by him, during each year, within India, either alone or along with spouse or legitimate or step children, residing with and wholly dependent on him, or any number of companions or relatives, at the same rates at which travelling allowance is payable to such Minister under clause (b) of sub-section (1) in respect of tours referred to in that clause, subject to a maximum of forty-eight such fares per year:] [Substitute for Sub-section (1A) by Act 2 of 2010][Inserted by Act 47 of 1969 s. 2. (w.e.f. 1-11-1966)]

(1A) A Minister shall be entitled to an amount equal to the fare for a single journey performed by him, during each year, within India, either alone or along with spouse or legitimate or step children, residing with and wholly dependent on him, or any number of companions or relatives, at the same rates at which travelling allowance is payable to such Minister under clause (b) of sub-section (1) in respect of tours referred to in that clause, subject to a maximum of forty-eight such fares per year Provided that the spouse or legitimate or step children residing with and wholly dependent on the Minister, as the case may be, may undertake such journey alone.Explanation- For purpose of this subsection "return journey" menas journey from one place to another place and return jounery from such other place to to the first mentioned place](2)Any travelling allowance under this section may be paid in cash or free official transport provided in lieu thereof.

7. Medical treatment, etc., to Ministers.

Subject to any rules made in this behalf by the Central Government, a Minister 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.

8. Advances to Ministers for purchase of motorcars.

There may be paid to any Minister by way of a repayable advance such sum of money as may be determined by rules made in this behalf for the purchase of a motor-car in order that he may be able to discharge conveniently and efficiently the duties of his office.

9. Ministers not to draw salary or allowances as Members of Parliament.

No person 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 Or either House of Parliament. Note.- The salaries and allowances of Members of Parliament Act 1954 does not apply to Ministers "Member" of Parliament does not include a Minister; see section 2(b)(i) of the Salaries and Allowances of Members of Parliament Act, 1954.

10. Notification respecting appointment, etc., of Ministers to be conclusive evidence thereof.

The date on which any person became or ceased to be a Minister 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 Minister on that date for all the purposes of this Act.

10A. [Exemption from liability to pay income tax on certain perquisites received by a Minister. [Inserted by Act 76 of 1985, s.5 (w.e.f. 26.12.1985)]

Notwithstanding anything contained in Income-tax Act, 1961, the value of rent free furnished residence (including maintenance thereof) provided to a Minister under sub-section (1) of section 4 shall not be included in computation of his income chargeable under the head "salaries" under section 15 of the Income-Tax Act.]

11. [Power to make rules. [Substituted by Act 37 of 1977, s 2, for s. 11.]

(1) The Central Government may make rules to carry out the purposes of this Act. (2) Every rule made under this Act after the commencement of the Salaries and Allowances of Ministers (Amendment) Act, 1977 (37 of 1977) shall be laid before each House of Parliament and no such rule shall come into force until it has been approved, whether with or without modifications, by each House of Parliament and published by the Central Government in the Official Gazette.]

Additional Information

For ministers (Allowances, Medical Treatment and other Privileges) Rules, 1957, - See S.R.O., 1154 published in Gazette of India, 1957, Pt. II, Section 3, Ext., p. 694; (Amended by G.S.Rs. 592 of 1959; 1367 of 1960; 1085 of 1961; 775 of 1972; 431 of 1963; 885 of 1963; 39, 847, 1001 and 1601 of 1964, 1395 of 1965; 460, 752, 1225 and 1912 of 1966, 576 of 1967; 894 of 1968); for Ministers' Residences Rules, 1962 see Gazette of India, 1962, Pt. II, Section 3(i), p. 567 (Amended by G.S.Rs. 1345 of 1964; 1446 of 1965; 314 of 1966; 2017 of 1966; 1801 of 1967).

12. Regularisation of certain payments.

All salaries paid or payable for the period commencing on the 14th day of May, 1952, and ending with the commencement of this Act to Ministers described as Ministers of Cabinet rank (but not

Members of the Cabinet), all charges incurred before the commencement of this Act in respect of the accommodation provided in any hospital maintained by the Central Government for or on the medical treatment of any Minister or any member of his family and all payments made before such commencement by way of travelling or daily allowances to any Deputy Minister, shall be deemed to have been properly paid, payable or incurred or made.

13. [Repeal of Act 53 of 1947.]

[Rep. by the Repealing and Amending Act, 1957 (36 of 1957), s. 2 and Schedule 1]