

The West Bengal Salaries And Allowances Act, 1952

WEST BENGAL

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Act 5 of 1952

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The West Bengal Salaries And Allowances Act, 1952 West Bengal Act 5 of 1952 [21th July, 1952] An Act to provide for the salaries and allowances of holders of certain offices and for other matters connected therewith. Whereas it is expedient to provide for the salaries and allowance of holders of certain offices and for others mothers connected therewith; It is hereby enacted as follows :-

1. Short title and commencement.

(1) This Act may be called the West Bengal Salaries and Allowances Act, 1952. (2) It shall be deemed to have come into force on the 13th day of June, 1952.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a) ["Chief Minister", "Deputy Chief Minister", "Minister",] [Words Substituted for the words 'Chief Minister', 'Minister', by W.B. Act 8 of 2000.] "Minister of State", "Deputy Minister" and "Parliamentary Secretary" mean respectively [the Chief Minister, the Deputy Chief Minister, a Minister,] [Words Substituted for the words 'the Chief Minister, a Minister,' by W.B. Act 8 of 2000.] a Minister of State, a Deputy Minister and a Parliamentary Secretary of the Government of West Bengal; (b) "Speaker" and "Deputy Speaker" mean respectively the Speaker and Deputy Speaker of the West Bengal Legislative Assembly [* * * * *] [Words 'and 'Chairman' and 'Deputy Chairman' mean respectively the Chairman and Deputy Chairman of the West Bengal Legislative Council' omitted by Order No. 1403-L, dated 31.3.70 published in Calcutta Gazette, Extraordinary, Part I of 1970, page 1908.] (c) "residence" includes any garden, lawn or compound and any quarters for staff and servants and other buildings appurtenant thereto; (d) "maintenance" in relation to a residence includes structural alterations and repairs and also provision of electricity, gas and water therefor and payment of rates and taxes in respect thereof.

3. Salaries and sumptuary allowances of Chief Minister, [Deputy Chief Minister,] [Words inserted by W.B. Act 8 of 2000.] Ministers, etc.

- [(1) There shall be paid to the Chief Minister a salary of [Rs. 15,001] [[Sub-Section (1) Substituted by W.B. Act 8 of 1997, which was earlier as under: '(1) There shall be paid to the Chief Minister a salary of Rs. 1,150 per month, to each Minister a salary of Rs. 900 per month, to each Minister of State a salary of Rs. 850 per month and to each Deputy Minister a salary of Rs. 750 per month.']] per month, [to the Deputy Chief Minister and] [Words in sub-Section (1) inserted by W.B. Act 8 of 2000.] the each Minister a salary of [Rs. 11,000] [Substituted 'Rs. 1,800' by West Bengal Act No. 17 of 2017, dated 1.4.2017.] per month, to each Minister of State a salary of [Rs. 10,900] [Substituted 'Rs. 1,700' by West Bengal Act No. 17 of 2017, dated 1.4.2017.] per month and to each Deputy Minister a salary of [Rs. 10,900] [Substituted 'Rs. 1,500' by West Bengal Act No. 17 of 2017, dated 1.4.2017.] per month.](2) There shall be paid to each Parliamentary Secretary a salary of [Rs. 1,000] [Letters and figure Substituted for the letters and figures 'Rs. 500' by W.B. Act 8 of 1997.] per month: Provided that a salary of [Rs. 10,900] [Substituted 'Rs. 1,500' by West Bengal Act No. 17 of 2017, dated 1.4.2017.] per month may be paid to not more than one Parliamentary Secretary whom the Chief Minister selects in this behalf. (3) [There shall be paid to the Chief Minister a sumptuary allowance of [Rs. 51,600 per year and [to the Deputy Chief Minister and] [[Sub-Section (3) first Substituted by W.B. Act 33 of 1983, then again Substituted by W.B. Act 8 of 1997. Previous sub-Section (3) was as under: - '(3) There shall also be paid to the Chief Minister a sumptuary allowance of Rs. 750 per month and to each Minister and each Minister of State a sumptuary allowance of Rs. 500 per month.']] to each Minister, each Minister of State and each Deputy Minister a sumptuary allowance of [Rs. 39,600] [Substituted 'Rs. 12,000' by West Bengal Act No. 17 of 2017, dated 1.4.2017.] per year:] Provided that the Chief Minister or [the Deputy Chief Minister or] [Words in proviso inserted by W.B. Act 8 of 2000.] a Minister, Minister of State or Deputy Minister may, at his option, draw the sumptuary allowance as aforesaid proportionately either monthly or bimonthly or quarterly. (4) [[Sub-Section (4) inserted by W.B. Act 24 of 1989.] There shall be paid to the Chief Minister [and the Deputy Chief Minister] [Words inserted by W.B. Act 8 of 2000.] and to each of the Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries a [constituency allowance of] [Words, letters and figures Substituted for the words, letters and figures 'constituency allowance of Rs. 500 per month' by W.B. Act 8 of 1997.] [(Rs. 48,000)] [Substituted '(Rs. 30,000)' by West Bengal Act No. 17 of 2017, dated 1.4.2017.] per year in their capacity as Member of the West Bengal Legislative Assembly. [Provided that the Chief Minister [or the Deputy Chief Minister] [Proviso inserted by W.B. Act 8 of 1997.] or a Minister, Minister of State, Deputy Minister or Parliamentary Secretary may, at his option draw the constituency allowance aforesaid proportionately either monthly or bimonthly or quarterly.](5) [There shall be paid to the Chief Minister and to each of the Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries a compensatory allowance of [Rs. 3,000] [Sub-Section (5) inserted by W.B. Act 10 of 1998.] per month.](6) [There shall be paid to every Minister of the Council of Ministers sitting allowance of [Rs. 2000/-] [Inserted by Act No. 19 of 2011, dated 22.2.2011.] per day for attending office: Provided that such sitting allowance or daily allowance shall not be paid to any Minister of the Council of Ministers while he is on leave: Provided further that such sitting allowance or daily allowance shall not be paid to any Minister of the Council of Ministers while he is on Election Campaign: Provided also that sitting allowance or daily allowance under this sub-section or

the daily allowance entitled as per section 7 of this Act, whichever is higher, shall be paid to the Minister of the Council of Ministers while he is on tour on public business.]

4. Residences of Chief Minister [, Deputy Chief Minister] [Words in marginal note inserted by W.B. Act 8 of 2000.] and Ministers.

(1)The Chief Minister [, the Deputy Chief Minister] [Words in sub-Section (1) inserted by W.B. Act 8 of 2000.] and each Minister shall be entitled, without payment of rent, to the use of a furnished residence in Calcutta throughout the term of his office and for a period of fifteen days immediately thereafter, or in lieu of such residence a house allowance at the rate of [Rs. 700] [Letters and figures Substituted for the letters and figures 'Rs. 350' by W.B. Act 8 of 1997.] per month or in the alternative such charges for accommodation in a hotel, boarding house or apartment as the State Government may by order determine.(2)All expenditure for furnishing any residence provided under this section and for the maintenance thereof shall be borne by the State Government and nothing shall be payable by the Chief Minister [or the Deputy Chief Minister] [Words inserted by W.B. Act 8 of 2000.] or any Minister in this connection:Provided that all expenditure for such furnishing of residence shall be on such scales as the State Government may by order determine.[Explanation. - For the purpose of this section the term Minister' shall include a Minister of State and a Deputy Minister by [Explanation inserted by W.B. Act 15 of 1972.] [***] [Omitted 'save however that a Minister of State and a Deputy Minister shall draw house allowance in lieu of residence at the rates of Rs. 600 and Rs. 500 per month respectively.' by West Bengal Act No. 17 of 2017, dated 1.4.2017.]

5. Conveyance allowances of Chief Minister [, Deputy Chief Minister] [Words inserted by W.B. Act 8 of 2000.] and Ministers.

- [The Chief Minister, [(the Deputy Chief Minister)] [Words Substituted for the words 'The Chief Minister and each Minister shall be entitled' by W.B. Act 9 of 1965.'], each Minister and each Minister of State shall be entitled] to a conveyance allowance [at the rate of Rs. 300 per month and a Deputy Minister shall be entitled to such allowance at the rate of Rs. 200 per month] [Words, letter and figures Substituted for the words letters and figures 'of Rs. 300 per month,' by W.B. Act 15 of 1972.] or in lieu thereof a motor car to be provided by the State Government upon such conditions as regards their maintenance, repairs and running expenses as the State Government may be order determine.

6.

[* * * * *] [[Section 6 omitted by W.B. Act 15 of 1972, which was earlier as under:'6. House allowance and conveyance allowances of Ministers of State and Deputy Ministers. - There shall be paid to each Minister of State a house allowance at the rate of Rs. 300 per month and to each Deputy Minister a house allowance at the rate of Rs. 250 per month and a conveyance allowance at the rate of Rs. 200 per month.]]

7. Travelling and daily allowances.

- The Chief Minister, [the Deputy Chief Minister,] [Words inserted by W.B. Act 8 of 2000.] the Ministers, the Minister of State, the Deputy Ministers and the Parliamentary Secretaries [shall, at such rates and upon such conditions as the State Government may by rules determine, be entitled to travelling and daily allowances while touring on public business and to reimbursement for medical expenses] [Words Substituted for the words 'shall be entitled to travelling and daily allowances while touring on public business at such rates and upon such conditions as the State Government may by rules determine' by W.B. Act 21 of 1969.].

8. [Provisions applicable to Speaker etc. [[Section 8 first Substituted by W.B. Act 15 of 1972, then again Substituted by W.B. Act 27 of 2005. Previous Section 8 was as under :-

8. 'Provisions applicable to Speaker, etc. - (1) The provisions of sub-section (1) of section 3 of this Act shall apply in relation to the Speaker as they apply in relation to the Chief Minister and the remaining provisions of this Act shall apply in relation to the Speaker as they apply in relation to a Minister.

(2)The provisions of this Act shall apply in relation to the Deputy Speaker as they apply in relation to a Minister of State.(3)The provisions of sub-section (4) of section 3 shall apply in relation to the Speaker as they apply in relation to the Chief Minister and shall also apply in relation to the Deputy Speaker as they apply in relation to a Minister of State.'](1)There shall be paid to the Speaker a salary of [Rs. 16,000] per month, and to the Deputy Speaker a salary of [Rs. 10,900] [Substituted 'Rs. 4,000' by West Bengal Act No. 17 of 2017, dated 1.4.2017.] per month.(2)Except the provision of sub-section (1) of section 3, all other provisions of this Act shall apply in relation to the Speaker as they apply in relation to a Minister.(3)Except the provision of sub-section (1) of section 3, all other provisions of this Act shall apply in relation to the Deputy Speaker as they apply in relation to a Minister of State.][8A. Discretionary drawing of reduced emoluments. - Any person to whom the provisions of this Act apply may, in his discretion, draw a lesser salary than that provided for his in this Act and may also draw any allowance to which he is entitled under this Act at a rate lesser than the rate provided for him under this Act.] [Section 8A inserted by W.B. Act 21 of 1969.][8B. Provisions applicable to the Leader of the Opposition. - There shall be paid to the member who is the Leader of the Opposition, a salary of [Rs. 11,000 (Rupees eleven thousand)] [Section 8B inserted by W.B. Act 27 of 2005.] per mensem and such other allowances as are admissible to a Minister and anything contrary to this effect contained in any other Act for the time being in force stands repealed.]

9. Deputy Speaker and Deputy Chairman not to draw any salaries and allowances as members.

- Notwithstanding anything contained in the Bengal legislative Chambers (Members' Emoluments) Act, 1937, the Deputy Speaker of the West Bengal Legislative Council shall not be entitled to draw any salaries or allowances [other than daily allowance,] [Words inserted by W.B. Act 22 of 2005] under the provisions of that Act.

10. Power to make rules.

- The State Government may make rule for carrying out the purposes of this Act. Explanation. - The power to make rules under this section shall be in addition to the power to make rules conferred by any of the foregoing sections of this Act.

11. Repeal.

- The West Bengal Ministers' Emoluments Act, 1948, is hereby repealed.