

The Rajasthan Ministers Salaries and other Facilities Act, 1956

RAJASTHAN

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Act 43 of 1956

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The Rajasthan Ministers Salaries and other Facilities Act, 1956 Act No. 43 of 1956 Last Updated 24th May, 2019 Statement of Objects and Reasons. - For last some time the former Chief Ministers of Rajasthan are being provided, by executive orders of the State Government, certain facilities in addition to the pension and facilities available to them as a former member of the Rajasthan Legislative Assembly. These facilities are intended to be as a part of the pension benefits for their past services as a Chief Minister. It is deemed proper to give the aforesaid executive orders of the State Government statutory backing. Provision is also proposed to regularize the payments made or to be made under the executive orders of the State Government, until the coming into force of the proposed amendment. It is proposed that a former Chief Minister who has served as such for an uninterrupted term of five years shall, for remainder of his or her life, be provided the facilities enumerated in the proposed clauses (a) to (d) of sub-section (1) of section 7-BB. These facilities shall be available to him only to the extent to which such facilities are not available to him or her from any of the sources enumerated in the proposed sub-section (1) of section 7-BB. It is also proposed that a former Chief Minister who was receiving any facility under any rule or order of the State Government immediately before coming into force of the amendment proposed in this Bill shall continue to avail such facilities for the remainder of his life even if he has not served as the Chief Minister of Rajasthan for an uninterrupted term of five years as required by the proposed section 7-BB. Opportunity is also availed to amend the title and long title of the principal Act to extend the scope of the Act so as to cover therein the facilities other than the salaries provided in the Act. The Bill seeks to achieve the aforesaid objects. Hence the Bill. Statement of Objects and Reasons (Act No. 20 of 2012). - Looking to the present level of price, the existing salary and sumptuary allowance payable to the Chief Minister, Ministers, Ministers of State, Deputy Minister and Parliamentary Secretaries appeared to be inadequate. Under these circumstances, it has been considered expedient to increase the salary and sumptuary allowance payable to Chief Ministers, Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries, and therefore, necessary amendment in sections 3, 4 and 7-B of the Rajasthan Ministers' Salaries Act 1956 (Act No. 43 of 1956) have been respectively proposed vide clauses 2, 3 and 4 to the Bill. The Bill seeks to achieve the aforesaid

objectives. Hence the Bill. Statement of Objects and Reasons (Act No. 9 of 2006). - Looking to the present level of prices, the existing sumptuary allowance payable to the Chief Minister, Ministers, Ministers of State appeared to be inadequate. Under these circumstances, it has been considered expedient to increase the sumptuary allowance payable to Chief Minister, Ministers, Ministers of State and, therefore, necessary amendment in Sections 4 of the Rajasthan Minister's Salaries Act, 1956 (Act No. 43 of 1956) have been respectively proposed vide clause 2 of the Bill. This Bill seeks to achieve the aforesaid objective. Hence the Bill. Statement of Objects and Reasons (Act No. 11 of 2005). - The Parliamentary Secretaries have been given the status of a State Minister. In order to give the Parliamentary Secretaries salary and sumptuary allowance equivalent to those of the State Ministers, Section 7-B of the Rajasthan Ministers Salaries Act, 1956 needs to be amended accordingly. Therefore sub-Sections (1) & (3) of the said section are proposed to be substituted. The Bill seeks to achieve the aforesaid objective. Published in the Rajasthan Gazette, Extraordinary, Part III-A, dated 17.2.2005 at page 33(3). [Received the assent of the Governor on the 28th of December, 1956; Assent first published in Published in Rajasthan Government Gazette, Part 4-A (Extraordinary), dated 31-12-1956] An Act to provide for the salaries [and other Facilities] [Inserted by Act No. 30 of 2017, dated 17.5.2017.] of the Ministers of the State of Rajasthan. Whereas it is expedient to provide for the salaries of the Ministers of the State of Rajasthan and for other matters connected therewith: Be it enacted by the Rajasthan State Legislature In the Seventh Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Rajasthan Ministers Salaries [and other Facilities] [Inserted by Act No. 30 of 2017, dated 17.5.2017.] Act, 1956.

2. Interpretation.

(1) In this Act, unless the subject or context otherwise requires, - (a) "appointed day" means the first day of November, 1956; (b) "Minister" means a minister of the State of Rajasthan and save as otherwise expressly provided, includes the Chief Minister [a Minister of State and] [Substituted by Act No. 3 of 1968 (28-2-1968).] a Deputy Minister of that State; (c) "State" means the new State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Central Act, 37 of 1956). (2) The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955), in force in the pre-reorganisation State of Rajasthan shall as far as may be, apply mutatis mutandis to this Act.

3. [Salaries of Ministers. [Substituted by Rajasthan 5 of 1981.]

- There will be paid with effect from the [1st April 2017] or with effect from the date on which he may thereafter enter upon his office whichever may be later - (a) a salary of [fifty five thousand rupees] [Substituted 'thirty five thousand rupees' by Act No. 25 of 2017, dated 17.5.2017.] per mensem to the Chief Minister. (b) a salary of [forty five thousand rupees] [Substituted 'thirty thousand rupees' by Act No. 25 of 2017, dated 17.5.2017.] per mensem to a Minister other than a Minister of State and a Deputy Minister: (bb) [a salary of ten thousand five hundred rupees per

mensem to a Deputy Chief Minister;] [Inserted by Rajasthan 4 of 1998 [30-3-1998]:](c)a salary of [forty two thousand rupees] [Substituted 'twenty seven thousand rupees' by Act No. 25 of 2017, dated 17.5.2017.] per mensem to Minister of State, and(d)a salary of [forty thousand rupees] [Substituted 'twenty four thousand rupees' by Act No. 25 of 2017, dated 17.5.2017.] per mensem to a Deputy Minister.]

4. Sumptuary allowance.

- [(1) In addition to the salary payable under section 3, there shall be paid to the Chief Minister with effect from the [1st April 2017] [Substituted by Rajasthan 4 of 1998 [30-3-1998].] or with effect from the date on which he may thereafter enter upon his office, a sumptuary allowance of [fifty five thousand rupees] [Substituted 'thirty five thousand rupees' by Act No. 25 of 2017, dated 17.5.2017.] per mensem.][(1 A) In addition to the salary payable under section 3, there shall be paid to a Deputy Chief Minister with effect from the date of commencement of the Rajasthan Ministers Salaries (Amendment) Act, 1998 (Act No.4 of 1998) or with effect from the date on which he may thereafter enter upon his office, a sumptuary allowance of six thousand rupees per mensem.] [Inserted by Rajasthan 4 of 1998 [30-3-1998]](2)[In addition to the salary payable under section 3. there shall be paid with effect from the [1st April 2017] [Substituted by Rajasthan 4 of 1998 [30-3-1998]] or with effect from the date on which he may thereafter enter upon his office, to every Minister, other than the Chief Minister, a Minister of State, and a Deputy Minister, a sumptuary allowance of [fifty thousand rupees] [Substituted 'thirty five thousand rupees' by Act No. 25 of 2017, dated 17.5.2017.] per mensem].(3)[In addition to the salary payable under section 3. there shall be paid, with effect from [1st April 2017] [Substituted by Rajasthan 4 of 1998 (30-3-1998).] or with effect from the date on which he may thereafter enter upon his office, to every Minister of State, a sumptuary allowance of [fifty thousand rupees] [Substituted 'thirty thousand rupees' by Act No. 25 of 2017, dated 17.5.2017.] per mensem].(4)[In addition to the salary payable under section 3. there shall be paid, with effect from the date of commencement of the Rajasthan Ministers Salaries (Amendment) Act, 1998 (Act No. 4 of 1998) or with effect from the date on which he may thereafter enter upon his office, to every Deputy Minister a sumptuary allowance of two thousand five hundred rupees per mensem.] [Substituted by Rajasthan 4 of 1998 (30-3-1998).]

5. Residence and conveyance.

(1)With effect from the date referred to in section 3, each Minister shall also be entitled [from the State Government] [Substituted by Rajasthan 9 of 1986 [13-2-1986].] without payment of rent or other charge, to the use. throughout his term of office, of-(a)[an official residence and furniture in Jaipur, and] [Substituted by Rajasthan Act 9 of 1986 [13-2-1986].](b)a State car.and no charge shall fall on the Minister personally in respect of the maintenance of [such residence, furniture or car:] [Substituted by Rajasthan Act 9 of 1986 [13-2-1986].][Provided that each Minister shall be entitled to [an official residence and furniture without payment of rent or other charge] [Inserted by Rajasthan 3 of 1968.] in Jaipur upto a period of two months from the date he ceases to be a Minister].[Explanation. - For the purpose of this section and section 5-A, the expression "official residence" means a residential building the staff quarters, out house and other building ground and garden appurtenant thereto set apart by the State Government for residence of a Minister and the

members of his family and his servant including all fixtures and fittings for electric and water supply and for sanitary purposes.] [Substituted by Rajasthan Act 9 of 1986. w.r.e.f. 2-4-1981.][x x x]
 [Proviso omitted by Rajasthan 26 of 1957][Provided further that each Minister shall immediately after the expiration of the period referred to in the foregoing proviso vacate such official residence, failing which, notwithstanding anything contained in the Rajasthan Public Premises (Eviction of Unauthorised Occupants) Act, 1964 (Rajasthan Act 2 of 1965) or any other law for the time being in force, an officer authorised by the State Government in this behalf may take possession of the official residence together with the furniture and may for the purpose use such force as may be necessary in the circumstances] [Inserted by Rajasthan 10 of 1990 [3-7-1990].] [and in case any delay in so taking possession is caused due to any resistance offered by the Minister or anybody on his behalf, whether on the strength of any order or otherwise, for so long as the residence continues, the Minister shall be liable to as damages for the use and occupation of the official residence, such amount not exceeding five thousand per month as may be notified by the Government from time to time.] [Inserted by Rajasthan 9 of 1991 [1-4-1991].][Explanation. - For the purpose 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.] [Inserted by Rajasthan 10 of 1990 [3-7-1990].](2)[The use and maintenance of the official residence, furniture and State car referred to in sub-section (1) shall be regulated by rules made in this behalf by the Governor.] [Substituted by Rajasthan 9 of 1986.](3)[A Minister shall be paid a monthly allowance of-(a)[two hundred in pees, if he avails himself of the use of official residence provided to him in Jaipur or lives in his own house or in the house owned by his spouse in Jaipur or lives in a rented house in Jaipur, but does not avail himself of the use of furniture to which he is entitled under sub-section (1)(b)three thousand rupees, if he does not avail himself of the use of an official residence provided to him in Jaipur but lives in his own house or in the house owned by his spouse in Jaipur or lives in a rented house in Jaipur and avail himself of the use of furniture to which he is entitled under sub-section (1), at such house:(c)ten thousand rupees, if the State Government fails to provide Government accommodation to him in Jaipur and he lives in his own house or in the house owned by his spouse in Jaipur or in a rented house in Jaipur and avails himself of the use of furniture to which he is entitled under sub-section (1). at such house: and](d)[five thousand rupees] [Substituted by Rajasthan 30 of 1995.], if he does not avail himself of the use of a State car.]

5A. [Concessions on account of electricity and water. [Inserted by Rajasthan 26 of 1957.]

- Every Minister shall, irrespective of whether or not he avails himself of the use of [an official residence] [Substituted by Rajasthan 9 of 1986. w.r.e.f. 2-4-1981.] in Jaipur to which he is entitled under-section 5, be further entitled to the concessions of payment by Government for him and on his behalf throughout his term of office [and upto a period of two months from the date, he ceases to be a minister] [Inserted by Rajasthan 3 of 1968.], [of all charges due from him on account of consumption of electricity and water at his residence: provided that such payment shall not exceed such limits as may be specified in the rules made in that behalf by the Governor] [Substituted by Rajasthan 10 of 1965.] .]

6. Travelling and daily allowances.

(1) Every Minister shall further be entitled to receive, in accordance with rules made by the Governor in that behalf, - (a) travelling allowances for himself and the members of his family for the transport of his and his family effects - (i) in respect of the journey to Jaipur from his usual place of residence outside Jaipur for assuming office; and (ii) in respect of the journey from Jaipur to his usual place of residence outside Jaipur on relinquishing office; and (b) Travelling and daily allowances in respect of journeys [including journeys outside India] [Inserted by Rajasthan 3 of 1968.] undertaken by him in the discharge of his official duties or in the public interest. (2) Any travelling allowance paid to a Minister under this section may consist either of a payment in cash or of free official transport.

7. Medical treatment, etc. to Ministers.

- [(1)] [Renumbered by Rajasthan 3 of 1968.] Subject to any rules, made in this behalf by the Governor, a Minister and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by Government and also to medical treatment. (2) [Subject to any rules, if any, made in this behalf, the Minister may be granted by the Governor in appropriate cases any concession or a special facility' including the re-imbursement thereof, outside the State for the following items - (i) medical treatment; (ii) medical attendance or travelling allowances for such journey Performed by him; and (iii) accommodation including diet for the purposes of such treatment.]

7A. [Advances to Ministers for purchase of motor cars. [Inserted by Rajasthan 10 of 1965.]

- There shall be paid to a Minister, by way of a repayable advance, such sum of money for the purchase of a motor car and on such terms as the Governor may, by rules, determine in order that he may be able to discharge conveniently and efficiently the duties of his office.] [Added by Rajasthan 3 of 1968.]

7B. [Salaries, allowances and amenities to Parliamentary Secretaries. [Added by Rajasthan 3 of 1968.]

- [(1) With effect from the date of commencement of the Rajasthan Ministers Salaries (Amendment) Act, 2005 (Act No. 11 of 2005) or the date on which he may thereafter enter upon his office there shall be paid to a Parliamentary Secretary a salary of twelve thousand rupees per mensem and such travelling and other allowances as may be prescribed. and] (2) A Parliamentary Secretary shall be entitled to such medical facilities for himself and for members of his family and to such housing, conveyance, telephone, postal and other facilities as may be prescribed. (3) [In addition to the salary and other allowances payable under sub-Section (1), there shall be paid to every Parliamentary Secretary, with effect from the date of commencement of the Rajasthan Ministers' Salaries (Amendment) Act, 2005 (Act No. 11 of 2005) or with effect from the date he may thereafter enter upon his office, a sumptuary allowance of seven thousand rupees per mensem.]

[Substituted by Rajasthan Act No. 12 of 2005, dated 7.5.2005.]

7BB. [Facilities to former Chief Ministers. [Inserted by Act No. 30 of 2017, dated 17.5.2017.]

(1) Subject to any rules that may be made in this behalf, a person who has served as the Chief Minister of Rajasthan for an uninterrupted term of five year shall, for remainder of his life, be entitled-(a) to a Government residence of the same type, and with same facilities and concessions, to which a Minister is entitled to under this Act, which may be provided at option of such person either at Jaipur or at any other District Headquarters in Rajasthan: Provided that if such Government residence is not available for allotment or if such person does not avail of the use of Government residence, he may be reimbursed a fixed monthly amount to be specified in the rules; (b) to a State car for his own use or for the use of members of his family for transport in respect of journey within or out side of the State, as may be specified in the rules; (c) to the use of telephone with all facilities of communication at his Government residence subject to such limit as may be specified in the rules; (d) to the following numbers and categories of secretarial and other staff at his Government residence to be provided by the State Government in consultation with such person on such terms and conditions as may be specified in the rules, namely:-(i) one Private Secretary; (ii) one Personal Assistant or Stenographer, and if this facility is not availed of, to a fixed monthly amount to be specified in the rules; (iii) one Clerk Grade I; (iv) two Informatics Assistant, and if this facility is not availed of, to a fixed monthly amount to be specified in the rules; (v) one driver, and if this facility is not availed of, to a fixed monthly amount to be specified in the rules; (vi) three Class IV employees, and if this facility is not availed of, to a fixed monthly amount to be specified in the rules: Provided that in special circumstances to be mentioned in the order, the State Government may, on the request of such person, provide additional staff of any of the above categories temporarily to meet the circumstances. (2) Where such person is also entitled to any of the facilities specified in clauses (a) to (d) of sub-section (1), for the time being as the President. Vice-President. Governor or Lieutenant Governor of any State or the Administrator of any Union Territory or as Member of Parliament or any State Legislature, or from the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any State Government or any local authority under any law or otherwise, he or she shall not be entitled to that facility to that extent under this section.]

7C. [Power to make rules with retrospective effect. [Inserted by Rajasthan Act 22 of 1975.]

- The rules under this Act may be made so as to have retrospective effect from such date, not earlier than the date of the commencement of this Act, as the Governor may, by notification in the Official Gazette, appoint.]

8. Repeal and savings.

(1)The Rajasthan Ministers' Salaries Ordinance 1956 (Rajasthan Ordinance 11 of 1956). is hereby repealed.(2)Such repeal shall affect the rules and orders made or deemed to be made under the Rajasthan Ministers' Salaries Act. 1951 (Rajasthan Act. XIX of 1951) in force in the pre-organisation State of Rajasthan and the said rules and orders as in force immediately before the appointed day shall, until varied or superseded by competent authority, be deemed to have been made under this Act and shall as such continue to be in force as from the appointed day throughout the State.

9. [Regulation of certain payments on account of concessions. [Inserted by Rajasthan 26 of 1957.]

- Notwithstanding anything contained in the Rajasthan Ministers' Salaries Act. 1951 (Rajasthan Act XIX of 1951) of the pre- organisation State of Rajasthan all sums of money paid or payable for and on behalf of a Minister whose salary and allowances were governed by the said Act on account of the consumption of electricity and water at his residence shall, subject to the limits specified and section 5-A, be deemed to have been properly and lawfully paid or payable no demand shall be made on the Minister for the refund of the whole or any portion of such payments.]

10. [Regulation of certain payments on account of concessions. [Added by Rajasthan 3 of 1968.]

- Notwithstanding anything contained in this Act. all sums of money paid or payable for and on behalf of a Minister, who ceased to be a Minister for a period of two months and whose salary and allowances were governed by the provisions of this Act on account of the consumption of electricity and water at his residence, shall, subject to the limits specified in section 5-A, be deemed to have been properly and lawfully paid or payable and no demand shall be made on the Minister for the refund of the whole or any portion of such amount.]

11. [Regulation of certain payments on account of facilities to former Chief Ministers. [Added by Act No. 30 of 2017, dated 17.5.2017.]

(1)Notwithstanding anything contained in this Act or any other law for the time being in force, all sums of money paid or payable, until the commencement of the Rajasthan Ministers' Salaries (Amendment) Act. 2017 (Act No. ... of 2017), on account of any facilities provided to a former Chief Minister under any rule or order of the State Government shall be deemed to have been properly and lawfully paid or payable and no demand shall be made on such Chief Minister for the refund of the whole or any portion of such payment.(2)Notwithstanding anything contained in section 7-BB, a former Chief Minister who was receiving any facility under any rule or order of the State Government immediately before the commencement of the Rajasthan Ministers Salaries (Amendment) Act, 2017 (Act No. ...of 2017) shall continue to avail such facilities for the remainder of his life even if he has not served as the Chief Minister of Rajasthan for an uninterrupted term of five year.][Notifications][Notification dated 10-7-1990, Published in Rajasthan Government Gazette

part 4-C (Extraordinary), dated 10-7-1990, page 407]. - In pursuance of sub-section (1) of section 5, the State Government has authorised Collector or an officer nominated by him, not below the rank of an Additional Collector, to remove unauthorised occupation of State residence by ex-ministers even after expiry of fixed period-Translation from Hindi].[Notification dated 27-5-1992, Published in Rajasthan Government Gazette part 4-C (Extraordinary), dated 28-5 1992, page 81]. - In pursuance of proviso to sub-section (1) of section 5, where ministers do not vacate State residence in the fixed period even after resigning from office, the amount of Rs.3,000/- per months is fixed to be recovered as damages - [Translation from Hindi].