

THE SALARIES AND ALLOWANCES OF MINISTERS ACT, 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 Ministers Act, 1952.

2. DEFINITION: In this Act, 'Minister' means a member of the Council of Ministers by whatever name called, and include a Deputy Minister.

¹** 3(1) Each Minister shall be entitled to receive a salary per mensem, and an 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*** 3(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(1) Residence of Ministers: 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 ³*(one month) immediately thereafter, and no charge shall fall on the Minister personally in respect of the maintenance of such residence.

⁴\$[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 purpose of this Section 'residence' includes the staff quarters and other buildings apartment thereto, and the gardens thereof, and 'maintenance' in relation to a residence includes the payment of local rates taxes and to provision of electricity and water.

¹ ** Substituted by Act 76 of 1985.

² *** Substituted by Act 76 of 1985.

³ *() Substituted for 'fifteen days' by Act 47 of 1969.

⁴ \$[] Inserted by Act 47 of 1969.

^{5*} 5. There shall be paid a sumptuary allowance to each Minister at the following rates, namely:-

- (a) The Prime Minister - Rupees three thousand per mensem;
- (b) every other Minister - Rupees two thousand per mensem;
who is a Member of
the Cabinet
- (c) a Minister of State - Rupees one thousand per mensem;
- (d) a Deputy Minister - Rupees six hundred per mensem.

6. Travelling and daily allowance to Ministers:

(1) Subject to any rules made in this behalf by the Central Government, a Minister shall be entitled to:-

- (a) travelling allowance for himself and the members of his family and for the transport of his and his family's effects -
 - (i) in respect of 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 allowance in respect of tours undertaken by him in the discharge of his official duties, whether by sea, land or air.

^{6**}(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.

(2) Any travelling allowance under this Section may be paid in cash or free official transport provided in lieu thereof.

⁵ * Substituted by Act 44 of 2001 and made effective from 17-9-2001 vide MHA Notification No.10/33/98-M&G dated 17-9-2001.

⁶ ** Substituted by Act 2 of 2010 and made effective from 5-2-2010 vide MHA Notification No.10/27/2006-M&G dated 5-2-2010.

7. Medical treatment etc. to Minister – 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. Advance to Ministers for purchase of motor car – 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. Minister 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 allowances in respect of his membership of either House of Parliament.

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 purposes of this Act.

⁷%10A. Notwithstanding anything contained in the 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 the computation of his income chargeable under the head 'Salaries' under section 15 of the Income Tax Act, 1961.

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 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 modification, by each House of Parliament and published by the Central Government in the Official Gazette.

(3) Notwithstanding anything contained in section 11 of the Principal Act, as it stood immediately before the commencement of this Act, no rule made, or purporting to have been made by the Central Government under that Section with retrospective effect and no action taken or things done in accordance with the rule so made, at any time before the commencement of this Act, shall be deemed to be invalid or ever to have been invalid by reason only of the fact that the Central Government had no power to make such rule retrospectively under that section.

⁷ % Inserted by Act 76 of 1985.

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 Minister of Cabinet rank (but not Member 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 LIII of 1947 – The Salaries of Ministers Act, 1947 is hereby repealed.

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EXTRACTS FROM THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT ACT, 1954.

3. Salaries and Daily Allowances: A member shall be entitled to receive a salary at the rate of fifty thousand rupees per mensem (w.e.f. 18.5.2009) during the whole of his term of office and subject to any rules made under this Act and an allowances at the rate of two thousand rupees (w.e.f. 1.10.2010) for each day during any period of residence on duty.

8. A member shall be entitled to such constituency allowance and to such housing, telephone, water, electricity facilities or such amount in cash in lieu of all or any of such facilities as may be prescribed by rules under Section 9.

EXTRACTS FROM THE MEMBERS OF PARLIAMENT (CONSTITUENCY ALLOWANCE) RULES, 1986.

2. Amount of Constituency Allowance: A member shall be entitled to receive the Constituency Allowance under section 8 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) at the rate of rupees forty five thousand per mensem (w.e.f. 01-10-2010).

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