

West Bengal Salaries And Allowances Act, 1952

05 of 1952

[21 July 1952]

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PREAMBLE

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 Allowances of holders of certain offices and for other matters connected therewith;

It is hereby enacted as follows:-

1 For Statement of Objects and Reasons, see the Calcutta Gazette, Extraordinary, dated the 17th June, 1952, Ft. IVA, page 1261; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of the West Bengal Legislative Assembly held on the 21st, 23rd, 25th, 26th and 27th June, 1952; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of the West Bengal Legislative Council

held on the 4th and 7th July, 1952.

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", "Minister", "Minister of State", "Deputy Minister" and "Parliamentary Secretary" mean respectively the Chief Minister, a Minister, 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 **1 * * * * ***

(c) "residence" includes 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.

1 The words and "Chairman" and "Deputy Chairman" mean respectively the Chairman and Deputy Chairman of the West Bengal Legislative Council; were omitted by order No. 1504-L, dated the 31.7.70, published in the Calcutta Gazette, Extraordinary of 1970, Part I, page 1708.

3. Salaries and sumptuary allowances of Chief Minister, Ministers, etc. :-

1(1) There shall be paid to the Chief Minister a salary of Rs. 2,300 per month, to each Minister a salary of Rs. 1,800 per month, to each Minister of State a salary of Rs. 1,700 per month and to each Deputy Minister a salary of Rs. 1,500 per month.

(2) There shall be paid to each Parliamentary Secretary a salary of **2**[Rs. 1,000] per month:

Provided that a salary of **3**[Rs. 1,500] per month may be paid to not more than one Parliamentary Secretary whom the Chief

Minister selects in this behalf.

⁴(3) There shall be paid to the Chief Minister a sumptuary allowance of Rs. 18,000 per year and to each Minister, each Minister of State and each Deputy Minister a sumptuary allowance of Rs. 12,000 per year:

Provided that the Chief Minister or 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.

⁵(4) There shall be paid to the Chief Minister and to each of the Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries a ⁶[constituency allowance of Rs. 12,000 per year] in their capacity as Member of the West Bengal Legislative Assembly:

⁷Provided that the Chief Minister or a Minister, Minister of State, Deputy Minister or Parliamentary Secretary may, at his option, draw the constituency allowance as aforesaid proportionately either monthly or bimonthly or quarterly.

1 Sub-section (1) was substituted for the original sub-section by section 2(1) of the West Bengal Salaries and Allowances (Amendment) Act, 1997 (West Ben. Act VIII of 1997). Prior to this substitution, there occurred following changes in the original sub-section (1), namely:-

(i) the words and figures "Rs. 1,150 per month" were substituted for the words and figures "Rs. 1,250 per month" by section 2(1) of the West Bengal Salaries and Allowances (Amendment) Act, 1965 (West Ben. Act IX of 1965, and

(ii) the words and figures "Rs. 900 per month" were substituted for the words and figures "Rs. 1,000 per month" by section 2(2), *ibid.*

2 The letters and figures within the square brackets were substituted for the letters and figures "Rs. 900" by section 2(2) (a) of the West Bengal Salaries and Allowances (Amendment) Act, 1997 (West Ben. Act VIII of 1997).

3 The letters and figures within the square brackets were substituted for the letters and figures "Rs. 750" by section 2(2)(b), *ibid.*

4 Sub-section (3) was first substituted by section 2 of the West Bengal Salaries and Allowances (Amendment) Act, 1983 (West Ben. Act XXXIII of 1983). Later, the same was resubstituted by section 2(3) of the West Bengal Salaries and Allowances (Amendment) Act, 1997 (West Ben. Act VIII of 1997).

5 Sub-section (4) was inserted by section 2 of the West Bengal Salaries and Allowances (Amendment) Act, 1989 (West Ben. Act

XXIV of 1989).

6 The words, letters and figures within the square brackets were substituted for the words, letters and figures "constituency allowance of Rs. 500 per month" by section 2(4)(a) of the West Bengal Salaries and Allowances (Amendment) Act, 1997 (West Ben. Act VIII of 1997).

7 The Proviso was added by section 2(4)(b), *ibid*.

4. Residences of Chief Minister and Ministers :-

(1) The Chief Minister 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 ¹[Rs. 700] 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 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.

²Explanation.-

For the purpose of this section the term Minister shall include a Minister of State and a Deputy Minister save however that a Minister of State and a Deputy Minister shall draw house allowance in lieu of residence ³[at the rates of Rs. 600 and Rs. 500] per month, respectively.

1 The letters and figures within the square brackets were substituted for the letters and figures "Rs. 350" by section 3(1) of the West Bengal Salaries and Allowances (Amendment) Act, 1997 (West Ben. Act VIII of 1997).

2 The Explanation was added by section 2 of the West Bengal Salaries and Allowances (Amendment) Act, 1972 (West Ben. Act XV of 1972).

3 The words, letters and figures within the square brackets "at the rates of Rs. 300 and Rs. 250" by section 3(2) of the West Bengal Salaries and Allowances (Amendment) Act, 1997 (West Ben. Act VIII of 1997).

5. Conveyance allowances of Chief Minister and Ministers :-

¹[The Chief Minister, each Minister and each Minister of State shall be entitled] to a conveyance allowance ²[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], 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 by ³order determine.

1 The words within the square brackets were substituted for the words "The Chief Minister and each Ministershall be entitled" by section 3 of the West Bengal Salaries and Allowances (Amendment) Act, 1965 (West Ben. Act IX of 1965).

2 The words, letters and figures within the square brackets were substituted for the words, figures and letters "of Rs. 300 per month" by section 3 of the West Bengal Salaries and Allowances (Amendment) Act, 1972 (West Ben. Act XV of 1972).

3 For Order determining the conditions as regards the maintenance, repairs and running expenses of motor cars provided by the State Government to the Chief Minister, the Ministers, the Speaker, and the Chairman in lieu of conveyance allowance, see Notification No. 7300-WT/T2M-22/59, dated 17.11.60, published in the Calcutta Gazette of 1960, Part I, page.3631.

6. House allowances and conveyance allowances of Ministers of State and Deputy Ministers :-

Omitted by section 4 of the West Bengal Salaries and Allowances (Amendment) Act, 1972 (West Ben. Act XV of 1972).]

7. Travelling and daily allowances :-

The Chief Minister, the Ministers, the Ministers of State, the Deputy Ministers and the Parliamentary Secretaries, ¹[shall, at such rates and upon such conditions as the State Government may by rules² determine, be entitled to travelling and daily allowances while touring on public business and to reimbursement for medical expenses.]

1. The words within the square brackets were 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 section 2 of the West Bengal Salaries and Allowances (Amendment) Art, 1969

(West Ben. Act XXI of 1969).

2. For notification publishing-

(a) the Travelling and Daily Allowances (West Bengal Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries) Rules, 1952, see Notification No.2510F72A/40/52, dated the 13th September, 1952, of the Finance Department, published in the Calcutta Gazette, dated the 25th September, 1952, Pt. I, page 3108.

(b) the West Bengal Legislature (Presiding Officers Traveling and Daily Allowances) Rules, 1956, see Notification No. 3921F./F2A/-181/57, dated 23.10.57, published in the Calcutta Gazette of 1957, Part I, pages 3923-3926.

8. Provisions applicable to Speaker, etc. :-

¹[(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.

²(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 Section 8 was substituted for original section by section 5 of the West Bengal Salaries and Allowances (Amendment) Act, 1972 (West Ben. Act XV of 1972). Prior to this substitution the words "a Minister of State" were substituted for the words "a Deputy Minister", in original section 8, by section 3 of the West Bengal Salaries and Allowances (Amendment) Act, 1969 (West Ben. Act XXI of 1969).

2 Sub-section (3) was inserted by section 3 of the West Bengal Salaries and Allowances (Amendment) Act, 1989 (West Ben. Act XXIV of 1989).

8A. Discretionary drawing of reduced emoluments :-

¹[Any person to whom the provisions of this Act apply may, in his discretion, draw a lesser salary than that provided for him 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.]

1 Section 8A was inserted by section 4 of the West Bengal Salaries

and Allowances (Amendment) Act, 1969 (West Ben. Act XXI of 1969).

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 Assembly and the Deputy Chairman of the West Bengal Legislative Council shall not be entitled to draw any salaries or allowances ¹[other than daily allowance,] under the provisions of that Act.

1. The words within the square brackets were inserted by section 2 of the West Bengal Salaries and Allowances (Amendment) Act, 1994 (West Ben. Act XXII of 1994).

10. Power to make rules :-

The State Government may make rules for carrying out the purposes of this Act ¹[which may include provisions for the supply of electricity to those of the members of the Council of Ministers who have not been provided with any furnished residence by the Government].

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.

1 The words within the square brackets were inserted by section 6 of the West Bengal Salaries and Allowances (Amendment) Act, 1972 (West Ben. Act XV of 1972).

11. Repeal :-

The West Bengal Ministers Emoluments Act, 1948 (West Ben. Act IX of 1948.), is hereby repealed.