

## **Salaries And Allowances Of Ministers (Himachal Pradesh) Act, 2000**

**11 of 2000**

**[23 May 2000]**

### CONTENTS

1. Short Title
2. Definitions
3. Salaries And Allowances
4. Sumptuary Allowance
5. Residence
6. Conveyance Allowance
7. Free Transit By Railway Or By Air
8. Advance Of Loan For Purchase Of Motor Car
9. House Building Advance
10. Free Installation Of Telephone
11. Ministers Not To Draw Salary Or Allowances As Members Of The  
Legislative Assembly
12. Salary, Allowances And Perquisites To Be Exclusive Of Income  
Tax
13. Notification In Respect Of Appointment Etc. Of Ministers To Be  
Conclusive Evidence Thereof
14. Travelling Allowance
15. Power To Make Rules
16. Repeal And Savings

## **Salaries And Allowances Of Ministers (Himachal Pradesh) Act, 2000**

**11 of 2000**

**[23 May 2000]**

An Act to consolidate and replace the Acts relating to regulating the salaries and allowances of the Ministers and Deputy Ministers in the State of Himachal Pradesh BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-first Year of the Republic of India, as follows:- 1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 11.4.2000, p. 856 & 861.

## **1. Short Title :-**

This Act may be called the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000.

## **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context,-

- (a) "house" includes the staff quarters and other buildings appurtenant thereto and the gardens thereof;
- (b) "licence fee" means the sum of money payable monthly in accordance with the provisions of section 5 of this Act in respect of a furnished house allotted to a Minister;
- (c) "maintenance" in relation to a house shall include the payment of local rates and taxes, and charges for electricity and water ;
- (d) "Minister" means a Member of the Council of Ministers, by whatever name called; and
- (e) "salary" means the monthly salary paid to a Minister under section 3 of this Act.

## **3. Salaries And Allowances :-**

Each Minister shall be entitled to receive a salary at the rate of four thousand rupees 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 clause (ii) of sub-section (1) of section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971) with respect to Members of the State Legislative Assembly.

## **4. Sumptuary Allowance :-**

There shall be paid a sumptuary allowance to each Minister at the following rates, namely:-

- (a) the Chief Minister: Rupees five thousand per mensem ;
- (b) every other Minister who is a member of the Cabinet: Rupees three thousand and five hundred per mensem;
- (c) a Minister of State : Rupees three thousand per mensem; and
- (d) a Deputy Minister: Rupees two thousand and five hundred per mensem.

## **5. Residence :-**

(1) Each Minister shall be provided with a furnished house, the maintenance charges of which shall be borne by the State Government or in lieu of such house, shall be paid an allowance at the following rates, namely:-

(a) a Minister who is a member Rupees three thousand and of the Cabinet: five hundred per mensem;

(b) a Minister of State: Rupees three thousand per mensem; and

(c) a Deputy Minister: Rupees two thousand and five hundred per mensem.

(2) The State Government may allow a Minister to continue in occupation of the house provided to him for a period not exceeding fifteen days from the date of his ceasing to be a Minister.

(3) Each Minister shall be liable to pay licence fee @ 10% of his salary in respect of the furnished house allotted to him and the same shall be recoverable monthly from his salary.

Explanation.- The Minister shall not become personally liable for any payment in case the standard rent of the house allotted to him for residence exceeds the amount specified in sub-section (1).

## **6. Conveyance Allowance :-**

(1) Each Minister shall be entitled to the use of a car, the expenses on the maintenance and propulsion of which shall be borne by the State Government or in lieu thereof to a conveyance allowance at the following rates, namely:-

(a) a Minister: Rupees five hundred per mensem; and

(b) a Deputy Minister: Rupees three hundred per mensem:

Provided that the maintenance and propulsion expenses of the State car in use by the Minister shall not be subject to the limit of Rupees five hundred and three hundred per mensem respectively.

(2) A Minister may opt for the services of a chauffeur on Government expenses in lieu of conveyance allowance provided in sub-section (1), if he uses his own motor car.

## **7. Free Transit By Railway Or By Air :-**

Each Minister during the term of his office shall be provided with coupon books which shall entitle him and his spouse or any other person accompanying to look after and assist him, to travel by first class at any time by any railway in India as per current coaching tariff issued by the Government of India, Ministry of Railways (Railway Board):

Provided that the aggregate distance so travelled in any financial

year does not exceed eighty thousand kilometres:

Provided further that the Minister and his spouse or any other person accompanying him to look after and assist him may travel by air conditioned railway coach against the coupons to which he is so entitled:

Provided further that journey may also be performed within India by air by the Minister and his spouse or any other person accompanying him to look after and assist him, in that event an amount equivalent to the expenses incurred on such journey shall be reimbursed to the Minister and the amount so reimbursed shall be adjusted against his entitlement to travel by rail :

Provided further that the aggregate amount payable either against the coupons or journey performed by air in a financial year does not exceed the amount payable for eighty thousand kilometres by first class railway ticket.

Explanation.- For determining the aggregate distance under this section, the distance travelled in any financial year by railway or air under section 10-A of the Himachal Pradesh Legislative Assembly Speakers and Deputy Speakers Salaries Act, 1971 (4 of 1971), or under section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (8 of 1971), shall be taken into account.

### **8. Advance Of Loan For Purchase Of Motor Car :-**

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

### **9. House Building Advance :-**

There may be paid to a Minister by way of repayable advance such sum of money and subject to such conditions, as may be determined by rules made in this behalf, for the construction of a house, or for the purchase of a built-up house.

Explanation.- The expression "construction of a house" for the purpose of this section shall include addition to, alteration in, renovation of or repairs of a house.

### **10. Free Installation Of Telephone :-**

(1) Each Minister shall be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, as may be specified by him, and after the place of installation is so specified, the charges for first installation of, security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses such as those relating to, local and outside calls shall be paid by the Minister:

Provided that the expenditure on local and outside calls incurred by a Minister in any month shall be reimbursed by the Government subject to a maximum of four thousand rupees:

Provided further that a Minister may continue to avail himself of the facility of telephone provided to him for a period not exceeding 15 days from the date of his ceasing to be a Minister.

(2) All expenses which are payable by a Minister in relation to the telephone installed under sub-section (1) shall be paid by him directly in cash and if it is not so done, the same may be adjusted by the State Government against any amount due to him from the State Government.

### **11. Ministers Not To Draw Salary Or Allowances As Members Of The Legislative Assembly :-**

No Minister in receipt of a salary or allowances under this Act, shall be entitled to receive any sum out of funds provided by the Legislative Assembly of Himachal Pradesh by way of salary or allowances in respect of his membership of such Assembly.

### **12. Salary, Allowances And Perquisites To Be Exclusive Of Income Tax :-**

The salary and allowances payable to a Minister and furnished house and other perquisites admissible to him, under this Act, shall be exclusive of income tax which shall be payable by the State Government.

Explanation.- The amount of income tax payable by the State, would be the first slab of the income assessed for income tax, i.e., in assessing this amount, the other sources of income of the Minister concerned shall not be taken into consideration.

### **13. Notification In Respect Of 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 of the Himachal Pradesh Government 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.

#### **14. Travelling Allowance :-**

The travelling and daily allowances of the Ministers, shall be regulated in accordance with such rules as may be framed or adopted by the State Government from time to time:

Provided that no mileage or travelling allowance shall be chargeable in respect of journeys performed in a State car.

#### **15. Power To Make Rules :-**

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid before the Legislative Assembly as soon as may be after they are made.

#### **16. Repeal And Savings :-**

(1) The Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971 (3 of 1971) and The Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971 (5 of 1971) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any powers conferred by or under the said Acts shall be deemed to have been done or taken under this Act.