

**Madras Payment Of Salaries And Removal Of
Disqualifications Act, 1951**

20 of 1951

[11 September 1951]

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PREAMBLE

An Act to provide for the salaries and allowances of Ministers, the Speaker and the Deputy Speaker, the Chairman and the Deputy Chairman, Parliamentary Secretaries and Members of the Legislative Assembly and of the Legislative Council, and for the

removal of certain disqualifications.

Whereas it is expedient to provide by an Act of the Legislature for the salaries and allowances of Ministers, the Speaker and the Deputy Speaker, the Chairman and the Deputy Chairman, Parliamentary Secretaries and members of the Legislative Assembly and of the Legislative Council;

And whereas it is necessary to remove the disqualification imposed on Parliamentary Secretaries for being chosen as, and for being, members of the Legislative Assembly or Legislative Council;

It is hereby enacted as follows :--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 25th August 1951, Part IV-A, pages 145-147.

1. Short title :-

This Act may be called the Madras Payment of Salaries and Removal of Disqualifications Act, 1951.

2. Definitions :-

In this Act--

(1) Chairman and Deputy Chairman mean the Chairman and Deputy Chairman respectively of the Legislative Council;

(2) Speaker and Deputy Speaker mean the Speaker and Deputy Speaker respectively of the Legislative Assembly.

3. Salaries and allowances of Ministers :-

There shall be paid to the Chief Minister and to each of the other Ministers who are members of the Governors Council of Ministers a salary of one thousand rupees per mensem, a house rent allowance of two hundred and fifty rupees per mensem and a conveyance allowance of two hundred and fifty rupees per mensem; but the house rent allowance shall not be paid to any Minister if he occupies a house provided by the State Government free of rent.

4. Salaries and allowances of the Speaker and Deputy Speaker :-

(1) There shall be paid to the Speaker a salary of one thousand rupees per mensem, a house rent allowance of two hundred and fifty rupees per mensem, and a conveyance allowance of two hundred and fifty rupees per mensem; but the house rent

allowance shall not be paid to the Speaker if he occupies a house provided by the State Government free of rent.

¹[(2) There shall be paid to the Deputy Speaker a salary of five hundred rupees per mensem and also a consolidated house rent and conveyance allowance of two hundred and fifty rupees per mensem.]

1. This sub-section was substituted for the original sub-section (2) by section 2 of the Madras Payment of Salaries and Removal of Disqualifications (Second Amendment) Act, 1957 (Madras Act XVII of 1957).

5. Salaries and allowances of the Chairman and Deputy Chairman :-

(1) There shall be paid to the Chairman a salary of one thousand rupees per mensem, a house rent allowance of two hundred and fifty rupees per mensem and a conveyance allowance of two hundred and fifty rupees per mensem; but the house rent allowance shall not be paid to the Chairman if he occupies a house provided by the State Government free of rent.

¹[(2) There shall be paid to the Deputy Chairman a salary of five hundred rupees per mensem and also a consolidated house rent and conveyance allowance of two hundred and fifty rupees per mensem.]

1. This sub-section was substituted for the original sub-section (2) by section 3, *ibid*.

6. Salaries and allowances of Parliamentary Secretaries :-

There shall be paid to the Chief Parliamentary Secretary, if there is one, a salary of six hundred rupees per mensem and to each of the other Parliamentary Secretaries, if any, a salary of five hundred rupees per mensem.

There shall also be paid to each of the Parliamentary Secretaries, including the Chief Parliamentary Secretary, a consolidated house rent and conveyance allowance of two hundred and fifty rupees per mensem.

7. Conveyances to be provided for Ministers, the Speaker and the Chairman :-

The State Government may from time to time provide suitable conveyances for the use of the Ministers, the Speaker and the Chairman, subject to such rules regarding their maintenance and repair as may be made by the State Government.

8. Travelling allowances of Ministers, etc., on assuming and relinquishing office :-

A Minister, the Speaker, the Chairman or a Parliamentary Secretary shall--

(a) in respect of the journey for assuming office, to the City of Madras, from his usual place of residence in the State, if it is outside the City, and

(b) in respect of the journey on relinquishing office, from the City of Madras to his usual place of residence in the State before he assumed office, if such place is outside the City, be entitled to travelling allowances for himself and the members of his family and for the transport of his personal effects, at such rates and upon such conditions as may be determined by rules made by the State Government; and until such rules are made, at such rates and upon such conditions as were applicable to them immediately before the commencement of this Act.

9. Travelling and daily allowances of Ministers, etc :-

The holders of the offices referred to in sections 3 to 6 shall in respect of their tours, be entitled to travelling and daily allowances at such rates and upon such conditions as may be determined by rules made by the State Government; and until such rules are made, at such rates and upon such conditions as were applicable to them immediately before the commencement of this Act.

10. Ministers and their families to be entitled to free accommodation in State hospitals and to free medical treatment :-

Subject to such conditions as may be determined by rules made by the State Government, a Minister and the members of his family shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government, and also to medical treatment.

11. Removal of disqualification of Parliamentary Secretaries :-

No person shall be disqualified for being chosen as, or for being, a member of the Legislative Assembly or of the Legislative Council, by reason only of the fact that he holds the office of Parliamentary Secretary ¹[or that he has been enrolled in the National Cadet Corps constituted under the National Cadet Corps Act, 1948 (Central Act XXXI of 1948), or in the Territorial Army under the provisions of the Territorial Army Act, 1948 (Central Act LVI of 1948), ²[or in the Air Defence Reserve or the Auxiliary Air Force raised and maintained under the Reserve and Auxiliary Air Forces Act, 1952 (Central Act LXII of 1952)] and receives emoluments consequent thereon.]

1. These words, figures and brackets were substituted for the words "and receives the emoluments in respect thereof" by section 2 of the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Act, 1954 (Madras Act XIII of 1954).

2. These words, figures and brackets were inserted by section 2 of the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Act, 1957 (Madras Act VII of 1957).

12. Salaries and allowances of members of the Legislative Assembly and Legislative Council :-

(1) Every member of the Legislative Assembly or of the Legislative Council who does not hold any of the offices referred to in sections 3 to 6 shall be entitled to receive--

(a) a salary of one hundred and fifty rupees per mensem, and

(b) travelling and daily allowances at such rates and upon such conditions as may be determined by rules made by the State Government; and until such rules are made, at such rates and upon such conditions as were applicable to the members of the Legislative Assembly or of the Legislative Council, as the case may be, immediately before the commencement of this Act.

(2) The salary referred to in clause (a) of sub-section (1) shall accrue to a member from the date on which he is declared duly elected, or in the case of a member nominated by the Governor to fill a seat in ¹[the Legislative Assembly or] the Legislative Council, from the date on which he is so nominated, or, if such declaration or nomination is made before the vacancy occurs, from the date of occurrence of the vacancy:

Provided that the salary shall not be paid until the member has made and subscribed the oath or affirmation referred to in Article 188 of the Constitution.

1. These words were inserted by section 2 of the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Act, 1952 (Madras Act VIII of 1952), deemed to have come into force on the 21st April 1952.

13. Relinquishment of salaries and allowances and cancellation thereof :-

(1) Any person entitled to any salary or allowance under this Act may relinquish the whole or any portion thereof--

(a) in the case of a Minister or Parliamentary Secretary, within one month from the date on which he enters upon office as such;

(b) in the case of the Speaker, Deputy Speaker, Chairman or Deputy Chairman, within one month from the date on which he is chosen for the office;

(c) in the case of a member of the Legislative Assembly or of the Legislative Council, within one month from the date on which he makes and subscribes the oath or affirmation referred to in Article 188 of the Constitution.

(2) Any relinquishment made by any of the persons referred to in sub-section (1) in respect of any allowance may be cancelled by him, if and only if the rules relating to that allowance are so revised as to alter the amount of the allowance to which he would have been entitled but for the relinquishment.

(3) Any relinquishment made by any of the persons referred to in sub-section (1), in respect of the whole or any portion of the salary or allowance payable to him under the Madras Payment of Salaries and Removal of Disqualifications Act, 1937 (Madras Act IX of 1937), and in force at the commencement of this Act, shall be deemed to be a relinquishment made by him under sub-section (1), in relation to the whole or portion of the salary or allowance, as the case may be, payable to him under this Act:

Provided that if, and in so far as, any relinquishment deemed to have been so made by any such person relates to the whole or any portion of the salary, it may be cancelled by him within one month from the commencement of this Act.

(4) Every relinquishment or cancellation made in pursuance of sub-section (1), (2) or (3) shall be made in writing and shall take effect at such time and subject to such conditions as may be determined

by rules made by the State Government.

14. Power of State Government to make rules :-

(1) The State Government may make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall have effect as if enacted in this Act.

15. Saving :-

Nothing in this Act shall prevent a retired Government servant from drawing his pension in addition to any salary or allowance to which he may be entitled under this Act.

16. Regularization of certain charges and payments :-

(1) All charges incurred up to the commencement of this Act (whether before or after the commencement of the Constitution) in respect of the accommodation provided in any hospital maintained by the State Government for, or on the medical treatment of, any Minister or any member of his family shall be deemed to have been properly incurred.

(2) All payments made on or after the 26th day of January 1950 and up to the commencement of this Act by way of travelling or daily allowance to the Speaker and the Chairman shall be deemed to have been properly made.

17. Repeal of Madras Act IX of 1937 :-

The Madras Payment of Salaries and Removal of Disqualifications Act, 1937 (Madras Act IX of 1937), is hereby repealed.