



The Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000

Act 11 of 2000

Keyword(s):

House, Maintenance, Minister

Amendment appended: 11 of 2001

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**An Act further to amend the Salaries and Allowances of Ministers
(Himachal Pradesh) Act, 1971 (Act No. 3 of 1971).**

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fiftieth Year of the Republic of India as follows:-

1. Short title and commencement.-(1) This Act may be called the Salaries and Allowances of Ministers (Himachal Pradesh) Amendment Act, 1999.

(2) It shall be deemed to have come into force on the first day of November, 1999.

2. Amendment of section 2.-In section 2 of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971 (Act No. 3 of 1971) (hereinafter called the principal Act),-

(a) after clause (a), the following clause shall be added, namely:-

"(aa) "licence fee" means the sum of money payable monthly in accordance with the provisions of section 4 of this Act in respect of a furnished house allotted to a Minister ; " ; and

(b) after clause (c), the following clause shall be added, namely:-

"(d) "salary" means the monthly salary paid to a Minister under section 3 of this Act."

3. Amendment of section 4.- In section 4 of the principal Act,-

(a) the word "free", wherever it occurs, shall be deleted ; and

(b) after sub-section (2), the following sub-section shall be added, namely :-

"(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."

4. Amendment of section 9-A.-In section 9-A of the principal Act, the word "free" shall be deleted.

**THE SALARIES AND ALLOWANCES OF MINISTERS
(HIMACHAL PRADESH) ACT, 2000**

ARRANGEMENT OF SECTIONS

Sections:

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.

**THE SALARIES AND ALLOWANCES OF MINISTERS
(HIMACHAL PRADESH) ACT, 2000**

(Act No. 11 of 2000)¹

(Received the assent of the Governor on the 22nd May, 2000 and was published in Hindi and English in R.H.P. Extra, dated 23.5.2000, p. 1363-1370).

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. 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,-

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.

- (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:-

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| (a) a Minister who is a member of the Cabinet: | Rupees three thousand and of five hundred per mensem; |
| (b) a Minister of State: mensem; and | Rupees three thousand per |
| (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 Speaker's and Deputy Speaker's 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.

**THE SALARIES AND ALLOWANCES OF MINISTERS (HIMACHAL
PRADESH) AMENDMENT ACT, 2001**

(ACT NO. 11 OF 2001)¹

(Received the assent of the Governor on the 14th May, 2001 and was published in Hindi and English in R.H.P.Extra., dated 17.5.2001 at pages 445-448.)

An Act further to amend the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000 (Act No. 11 of 2000).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-second Year of the Republic of India, as follows:-

1. Short title.- This Act may be called the Salaries and Allowance of Minister (Himachal Pradesh) Amendment Act, 2001

2. Substitution of section 7.- For section 7 of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000 (11 of 2000), the following shall be substituted, namely:-

"7. Free transit by railway or by air.-(1) Each Minister during the term of his office shall be entitled to travel by second class air conditioned railway coach, at any time, by any railway in India as per current coaching tariff, issued by the Government of India, Ministry of Railways (Railway Board), alongwith his spouse or any person accompanying him to look after and assist him during travel ; and shall be entitled for the reimbursement of actual expenses so incurred on production of tickets of such journey performed :

Provided that the aggregate amount so incurred on such journey, in any financial year, shall not exceed the amount of railway tariff, payable for eighty thousand kilometres journey performed by second class air conditioned railway coach :

Provided further that the Minister and his spouse or any other person accompanying him to look after and assist him may travel by any air conditioned railway coach against this reimbursement :

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

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 12.4.2001, P. 83 &87.

Provided further that the aggregate amount payable for the journey performed by railway or by air in a financial year shall not exceed the amount payable for eighty thousand kilometres journey by second class air conditioned railway coach.

(2) Each Minister shall be entitled for an advance not exceeding rupees ten thousand on his request to undertake such journey and the advance so paid shall be adjusted before the closing of financial year, failing which the entire advance shall be recovered from his salary and allowances in lump-sum.

Explanation.- For determining the aggregate amount under this section, the amount so incurred in the same financial year on journey by railway or air under section 10-A of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971 or under section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 shall be taken into account."

RULES

Under

**THE SALARIES AND ALLOWANCES OF MINISTER (HIMACHAL
PRADESH) ACT, 2000**

**THE HIMACHAL PRADESH MINISTERS TRAVELLING
ALLOWANCE RULES, 2000**

AMENDMENT OF RULES

(Issued and published in Hindi in R.H.P.Extra., dated 10.8.2001, P. 1901-1902).

GENERAL ADMINISTRATION DEPARTMENT

(Parliamentary Affairs Department)

NOTIFICATION

Shimla-2, the 6th July, 2001.

No. GAD-C-(PA)4-(D)-21/88.- In exercise of the powers conferred by section 15 read with section 14 of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000 (Act No. 11 of 2000), the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Ministers Travelling Allowance Rules, 2000 notified vide this department notification of even No. dated 31.10.2001 and published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated 18.11.2000, namely:-

1. Short title and commencement.-(1) These rules may be called the Himachal Pradesh Ministers Travelling Allowance (Amendment) Rules, 2001.

(2) They shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Amendment of rule 4.- In rule 4 of the Himachal Pradesh Ministers Travelling Allowance Rules, 2000, in sub-rule (1), in clause (a) for the words "four and paise fifty", the word "five" shall be substituted.

(R.H.P.Extra., dated 10.8.2001, P. 1902)

NOTIFICATION

Under

THE HIMACHAL PRADESH SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1969

EXEMPTION FROM THE PROVISION OF THE ACT

(Issued and published in Hindi in R.H.P.Extra., dated 15.5.2001, P. 415).

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 26th April, 2001.

No. 1(A)3-9/91-Shram.- The Governor of Himachal Pradesh, in exercise of the powers vested in him under section 27 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 (Act No. 10 of 1970) is pleased to grant exemption to all the establishments of the Food Corporation of India located in the State of Himachal Pradesh from the operation of the provisions of section 7 of the said Act, with immediate effect for a period of one year in the public interest subject to the condition that the employees required to work in these establishments in excess of their normal working hours, shall be paid remuneration at twice the rates of their normal wages calculated by the hour as provided under sub-section (2-b) of section 7 of the Act, *ibid*.

(R.H.P. Extra., dated 15.5.2001, P. 416)