

THE SALARIES AND ALLOWANCES OF MINISTERS ACT, 1952

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SECTIONS

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THE SALARIES AND ALLOWANCES OF MINISTERS ACT, 1952

ACT NO. 58 OF 1952

[12th August, 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 includes a Deputy Minister.

¹**3. Salaries and daily constituency allowances.**—(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 (30 of 1954) with respect to members of Parliament.

(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. Residence of Ministers.—²[(1)] 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 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 purposes of this section, “residence” includes the staff quarters and other buildings appurtenant thereto, and the garden thereof, and “maintenance” in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water.

⁵**5. Sumptuary allowance to Ministers.**—There shall be paid a sumptuary allowance to each Minister at the following rates, namely:—

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

1. Subs. by Act 76 of 1985, s. 2, for section 3 (w.e.f. 26-12-1985).

2. Section 4 renumbered as sub-section (1) of that section by Act 47 of 1969, s. 2 (w.e.f. 1-11-1966).

3. Subs. by s. 2, *ibid.*, for “fifteen days” (w.e.f. 1-11-1966).

4. Ins. by s. 2, *ibid.* (w.e.f. 1-11-1966).

5. Subs. by Act 44 of 2000, s. 2, for section 5 (w.e.f. 17-9-2001).

6. Travelling and daily allowances to Ministers.—(1) Subject to any rules made in this behalf by the Central Government, a Minister shall be entitled to—

(a) travelling allowances for himself and the members of his family and for the transport of his and his family's effects—

(i) in respect of the 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 allowances in respect of tours undertaken by him in the discharge of his official duties, whether by sea, land or air.

¹[(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.

7. Medical treatment, etc., to Ministers.—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. Advances to Ministers for purchase of motor-cars.—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. Ministers 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 allowance 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 the purposes of this Act.

³[**10A. Exemption from liability to pay income-tax on certain perquisites received by a Minister.**—Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 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 (43 of 1961).]

⁴[**11. Power to make rules.**—(1) The Central Government may make rules to carry out the purposes of this Act.

1. Ins. by Act 76 of 1985, s. 4 (w.e.f. 26-12-1985).

2. Subs. by Act 2 of 2010, s. 2, for sub-section (1A) (w.e.f. 5-2-2010).

3. Ins. by Act 76 of 1985, s. 5 (w.e.f. 26-12-1985).

4. Subs. by Act 37 of 1977, s. 2, for section 11 (w.e.f. 9-12-1977).

(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 modifications, by each House of Parliament and published by the Central Government in the Official Gazette.]

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 Ministers of Cabinet rank (but not Members 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 53 of 1947.*] *Rep. by the Repealing and Amending Act, 1957 (36 of 1957), s. 2 and the First Schedule (w.e.f. 7-9-1957).*