

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

ARRANGEMENT OF SECTIONS

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**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 both 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.

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.

Amended, Repealed or otherwise affected by,-

1. H.P. Act No. 11 of 2001¹, published both in Hindi and English in R.H.P. Extra., dated 16th May, 2001 at p. 445-446.
2. H.P. Act No. 11 of 2002², published both in Hindi and English in R.H.P. Extra., dated 9th May, 2002 at p. 323-324.
3. H.P. Act No. 18 of 2003³, published both in Hindi and English in R.H.P. Extra., dated 22nd September, 2003 at p. 1803-1804.
4. H.P. Act No. 9 of 2006⁴, published both in Hindi and English in R.H.P. Extra., dated 11th May, 2006, at p. 949-950.
5. H.P. Act No.16 of 2009⁵ published both in Hindi and English in R.H.P. dated 23.9.2009, at p. 4093-4094.
6. H.P. Act No. 28 of 2012⁶, published both in Hindi and English in R.H.P. dated 9th May, 2012, at p. 1028-1029.
7. H.P. Act No. 42 of 2013⁷ published both in Hindi and English in R.H.P. dated 21st September, 2013 at pages 3764-3766.
8. H.P. Act No. 17 of 2015⁸ published both in Hindi and English in R.H.P. dated 30th May, 2015 at p. 1071-1072.
9. H.P. Act No. 5 of 2016⁹ the assented to by the Governor of Himachal Pradesh on the 7th May, 2016, published both in Hindi and English in R.H.P. dated the 16th May, 2016 at pages 851-854.

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

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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 and 87.
 2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extr a., dated 28.3.2002, p. 4680 &4682.
 3. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 22.9.2003, p. 964 &968
 4. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 5.4.2006, p. 65 &69.
 - 5 Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For the Statement of Objects and Reasons see R.H.P dated 15.9.2009, p. 3738 & 3739.
 6. Passed in Hindi by the Himachal Pradesh Vidhan Sabha . For Statement of Objects and Reasons see R.H.P. dated 7.4.2012, P. 276 &278.
 7. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. dated 30.8.2013, P. 3082 & 3084.
 - 8 Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. dated 21.4.2015, p. 409&411.
 - 9 . Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. dated 12.4.2016, p. 201 & 203.

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.

¹3. Salaries and allowances.- ²[(1) Each Minister shall be entitled to to receive a salary at the following rates, namely:—

- (a) Chief Minister Ninety five thousand rupees per mensem;
- (b) Cabinet Minister Eighty thousand rupees per mensem;
- (c) Minister of State Seventy eight thousand rupees per mensem; and
- (d) Deputy Minister Seventy five thousand rupees per mensem.]

(2) Each Minister shall be entitled to receive compensatory allowance at the rate of five thousand rupees per mensem.

(3) Each Minister shall be entitled to receive an allowance for each day during the whole of his term at the same rate as specified in clause (ii) of sub-section (1) of section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971.]

³4. Sumptuary Allowance.—Each Minister shall be entitled to receive sumptuary allowance at the rate of rupees 4[ninety thousand] 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

1. Section 3 substituted vide Act No. 18 of 2003.

2. Sub-section (1) of section amended vide Act No. 16 of 2009, 28 of 2012, 42 of 2013 and again substituted vide Act No. 6 of 2016.

3. Section 4 omitted vide Act No. 18 of 2003 and again inserted vide Act No. 42 of 2013.(Sec. 3).

4. Substituted for the words "thirty thousand" vide Act No. 5 of 2016.

Government or in lieu of such house, shall be paid an allowance at the following rates, namely:-

- (a) Minister who is a member of the Cabinet: Rupees three thousand and 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 1[one thousand five hundred] 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.

²[**7. Free transit by railway or by air.**- ³(1) Each Minister during the term of office shall be entitled to travel at any time by railway or by air by any class within or outside the country alongwith his family 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, subject to maximum of ⁴[two lac fifty thousand rupees] in each financial year:

Provided that the aggregate amount payable for the journey performed

1 . Substituted for the word, figures and signs "@ 10%" vide Act No. 5 of 2016.

2. Sec. 7 substituted vide Act No. 11 of 2001.

3 Sub-section 7(1) substituted vide Act No. 17 of 2015 which was earlier amended vide Act No. 9 of 2006

4 . Substituted for the words "two lac rupees" vide Act No. 5 of 2016.

by railway or by air in a financial year shall not exceed ¹[two lac fifty thousand rupees].

Explanation.—For the purpose of this sub-section, the expression “family” shall mean the spouse their unmarried son(s) and daughter(s) including unmarried adopted son and daughter.]

(2) Each Minister shall be entitled for an advance not exceeding rupees ²[twenty five 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.]

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:

³[Provided that a Minister who installs a telephone under this sub-section shall be paid telephone allowance at the rate of ⁴[twenty thousand rupees] per mensem.]

1 . Substituted for the words "two lac rupees" vide Act No. 5 of 2016.

2 . Substituted for the words "ten thousand" vide Act No. 5 of 2016.

3. Proviso substituted, vide Act No. 18 of 2003.

4. Substituted for the words “seven thousand rupees” vide Act No. 16 of 2009 again substituted for the words "ten " vide Act No. 42 of 2013.

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.
