

---

**SALARIES AND ALLOWANCES OF MINISTERS ACT, 1952**

**58 of 1952**

**[12th August, 1952]**

CONTENTS

1. Short title
2. Definition
3. Salaries and daily and constituency allowances
4. Residence of Ministers
5. Sumptuary allowance to Ministers.
6. Travelling and daily allowances to Ministers
7. Medical treatment, etc. to Ministers
8. Advances to Ministers for purchase of motor-cars
9. Ministers not to draw salary or allowances as Members of Parliament
10. Notification respecting appointment, etc. of Ministers to be conclusive evidence thereof
- 10A. Exemption from liability to pay income-tax on certain perquisites received by a Minister.
11. Power to make rules
12. Regularisation of certain payments
13. Repeal of Act LIII of 1947

**SALARIES AND ALLOWANCES OF MINISTERS ACT, 1952**

**58 of 1952**

**[12th August, 1952]**

"Ministers of Government have subjected themselves since November, 1949 to a voluntary cut in their salary fixed by the Salaries of Ministers Act, 1947, as amended by the Salaries of Ministers (Amendment) Act, 1950. It has been decided that the salaries should not be statutorily reduced. In addition to their salaries Ministers have, by the issue of executive instructions, been given certain privileges, such as free medical attendance and advances for the purchase of motor cars. It is considered necessary that such privileges should be formally laid down by Statute instead of being regulated by Executive Orders. The Bill seeks to achieve these purposes." - Gaz. of India, 2-8-1952, Pt. II-S. 2, p. 332. Amending Act 37 of 1977.-The salaries and allowances of the Union

Ministers are governed by the Salaries and Allowances of Ministers Act, 1952 (58 of 1952) and the rules made thereunder. Sub-section (1) of section 11 of the Act empowers the Central Government to make rules for carrying out purposes of this Act. 2. In exercise of the powers so conferred, the Central Government had been making rules from time to time and respect of certain rules amending the Ministers' (Allowances, Medical Treatment and other Privileges) Rules, 1957. retrospective effect was given, though the Act does not provide for such retrospective effect. 3. On the recommendations of the Committee on Subordinate Legislation which examined these rules, it is now proposed to amend section 11 of the Act so as to provide that every rule made under that section shall be laid before each House of Parliament and so such rules shall come into force until it has been approved, with or without modification, by each House of Parliament and published by the Central Government in the Official Gazette. It is also proposed to validate the rules which have been given retrospective effect. 4. The Bill seeks to achieve the above objects.- Gaz. of India, 1-8-1977, Pt. II-S. 2, Ext., p. 529.

**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.

**3. Salaries and daily and 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 S.3 of the Salaries, Allowances and Pension of Members of Parliament Act, 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 :-**

**1**[(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 <sup>2</sup>[one month] immediately thereafter, and no charge shall fall on the Minister personally in respect of the maintenance of such residence.

**3** [(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.]

1. Original section renumbered as sub-section (1) thereof by the Salaries and Allowances of Ministers (Amendment) Act, 1969 (47 of 1969), section 2 (w.r.e.f. 1-11-1966).

2. Substituted for 'fifteen days'the Salaries and Allowances of Ministers (Amendment) Act, 1969 (47 of 1969), section 2 (w.r.e.f. 1-11-1966).

3. Inserted, the Salaries and Allowances of Ministers (Amendment) Act, 1969 (47 of 1969), section 2 (w.r.e.f. 1-11-1966).

#### **5. Sumptuary allowance to Ministers. :-**

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

#### **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-A) A Minister shall be entitled to travelling allowance in respect of not more than twelve return journeys performed, during each year, within India, for himself and his family, whether travelling together or separately 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 the overall entitlement of forty-eight single journeys in each year.".]

(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.

**10A. Exemption from liability to pay income-tax on certain perquisites received by a Minister. :-**

Notwithstanding anything contained in the INCOME TAX ACT, 1961, the value of rent free furnished residence (including maintenance thereof) provided to a Minister under sub-section (1) of section 44 shall not be included in the computation of his income chargeable under the head "Salaries" under Section 15 of the

Income tax Act, 1961 .

**11. Power to make rules :-**

(1) The Central Government may make rules<sup>1</sup> to carry out the purposes of this Act.

(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.]

1. For Ministers' (Allowances, Medical Treatment and other Privileges) Rules, 1957, - See S. R. O., 1154 published in Gaz. of India, 1957, Pt. II-S. 3, Ext., p. 694; (Amended by G. S. Rs. 592 of 1959; 1367 of 1960; 1085 of 1961; 775 of 1972; 431 of 1963; 885 of 1963; 39, 847, 1001 and 1601 of 1964, 1395 of 1965; 460, 752, 1225 and 1912 of 1966, 576 of 1967; 894 of 1968); for Ministers' Residences Rules, 1962 see Gaz. of India, 19162. Pt. II, S.3(i), p. 567 (Amended by G. S. Rs. 1345 of 1964; 1446 of 1965; 314 of 1966; 2017 of 1966; 1801 of 1967).

**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 LIII of 1947 :-**

Repealed by the Repealing and Amending Act, 1957 (36 of 1957), section 2 and Schedule 1 (7-9-1957).]