



The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981

Act 14 of 1981

Keyword(s):

Legislative Assembly, Legislative Council, Family, Maintenance, Minister

Amendments appended: 5 of 1990, 8 of 1997

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No. 2545(2)/XVII-V-1—103-81

Dated Lucknow, October 3, 1981

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Mantri (Vetan, Bhatta Aur Prakirna Upabandh) Adhiniyam, 1981 (Uttar Pradesh Adhiniyam Sankhya 14 of 1981) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 1, 1981 :

THE UTTAR PRADESH MINISTERS (SALARIES, ALLOWANCES AND MISCELLANEOUS PROVISIONS) ACT, 1981

[U. P. ACT NO. 14 OF 1981]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to consolidate and amend the law relating to the salaries, allowances and other facilities to Ministers of the State of Uttar Pradesh.

IT IS HEREBY enacted in the Thirty-second Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981.

Definitions.

2. In this Act,—

(a) 'Assembly' means the Uttar Pradesh Legislative Assembly;

(b) 'Council' means the Uttar Pradesh Legislative Council ;

(c) 'family' in relation to a Minister means his or her spouse, son, daughter, father, mother, brother or sister residing with and wholly dependent on such Minister ;

(d) 'maintenance' in relation to a residence includes the payment of local rates and taxes and the provision for water and electricity including electricity duty ;

(e) 'Minister' means a member of the Council of Ministers of the Government of Uttar Pradesh and includes the Chief Minister, a Minister of State and a Deputy Minister of that State.

Salary.

3. (1) Every Minister and Minister of State shall be entitled, throughout the term of his office, to a salary of one thousand rupees per month.

(2) Every Deputy Minister shall be entitled, throughout the term of his office, to a salary of six hundred and fifty rupees per month.

(3) The salary referred to in sub-sections (1) and (2) shall be exclusive of the tax payable in respect of such salary (including perquisites) under any law relating to income tax for the time being in force, and such tax shall be borne by the State Government.

Residence.

4. (1) Each Minister shall be entitled without payment of any rent to the use throughout the term of his office and for a period of fifteen days thereafter, of a residence at Lucknow which shall be furnished and maintained at public expense at the prescribed scale.

(2) Where a Minister has not been provided with a residence in accordance with sub-section (1), or does not avail of the benefit of the said sub-section, he shall be entitled to a compensatory allowance at the rate of—

(a) three hundred rupees per month in the case of Deputy Minister,

and

(b) five hundred rupees per month in any other case.

Conveyance.

5. (1) Each Minister shall, throughout the term of his office, be provided with a chauffeur driven motor vehicle which shall be purchased and maintained at public expense in accordance with the rules made in that behalf.

(2) The terms and conditions for the use of the motor vehicle referred to in sub-section (1) shall be such as may be prescribed.

(3) The motor vehicle provided to a Deputy Minister at any time before the commencement of this Act shall be deemed to have been validly provided.

6. (1) Each Minister other than a Deputy Minister shall be entitled for journeys (whether by land, sea or air) performed in connection with the discharge of his official duties to travelling allowance and out of pocket expenses for himself and the members of his family at such rates and upon such conditions as may be prescribed.

Travelling allowance etc.

(2) Each Deputy Minister shall be entitled for journeys (whether by land, sea or air) performed in connection with the discharge of his official duties to travelling and daily allowance at such rates and upon such conditions as may be prescribed.

(3) Each Minister shall be entitled to travelling allowance for himself and the members of his family and for the transport of his and his family's effects—

(a) in respect of the journey to Lucknow from his usual place of residence outside Lucknow for the purposes of assuming office ; and

(b) in respect of the journey from Lucknow to his usual place of residence outside Lucknow on relinquishing office.

(4) Notwithstanding anything contained in sub-sections (1) to (3), no travelling allowance shall be payable to a Minister in respect of journeys performed in the motor vehicle referred to in section 5 or any other vehicle belonging to the State Government.

7. Every Minister shall be entitled and be deemed always to be entitled to the use of the circuit house, inspection house or other rest houses maintained by the State Government without payment of any rent or electricity charges during the course of journeys performed in connection with the discharge of his official duties.

Use of circuit houses etc.

8. Every Minister and the members of his family shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment in accordance with such principles as may be prescribed.

Medical facility.

9. The date on which any person became or ceased to be a Minister shall be notified 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.

Notification of appointment and vacancy in the office of a Minister.

10. No Minister shall during the tenure of his office for which he draws his salary and allowance, practise any profession or engage in any trade or undertake for remuneration any employment other than his duties as Minister.

Prohibition against practising any profession etc.

11. Every Minister who is a member of the Assembly or Council, as the case may be, shall continue to enjoy the benefits available to him under sections 4, 9, 18 and Chapter VIII of the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980.

Facilities under U. P. Act 23 of 1980.

12. A Minister may, at any time, relinquish the whole or any part of the salary, allowance or other facilities to which he is entitled by making a written declaration to that effect :

Relinquishment of salary etc.

Provided that any such relinquishment may likewise be cancelled by him at any time with prospective effect.

13. (1) The State Government may, by notification, make rules to carry out the purposes of this Act.

Rules] making power.

(2) All rules made under the enactment repealed by section 14 and in force on the date immediately preceding the date of commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made under this Act and they shall continue to be valid and effective until they are repealed by new rules made under sub-section (1).

14. The Uttar Pradesh Ministers and Deputy Ministers (Salaries and Allowances) Act, 1952, is hereby repealed.

Repeal.

By order,
G. B. SINGH,
Sachiv.

THE UTTAR PRADESH MINISTERS, AND STATE LEGISLATURE,
OFFICERS AND MEMBERS AMENITIES LAWS (AMENDMENT)
ACT, 1990

(U.P. Act No. 5 of 1990)
(As passed by the U.P. Legislature)

AN
ACT,

Further to amend the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981, the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980 and the U. P. State Legislature (Officers' Salaries and Allowances) Act, 1952.

IT IS HEREBY enacted in the Fortieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Ministers, and State Legislature Officers and Members Amenities Laws (Amendment) Act, 1990.

Short title and commencement

(2) It shall be deemed to have come into force on December 31, 1989.

2. In section 4 of the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981, after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment of section 4 of U.P. Act no. 14 of 1981

“(1-A) Each Minister for whose use a residence at Lucknow has been provided under sub-section (1) shall immediately after the expiration of the period referred to in that sub-section, vacate such accommodation and an officer authorised by the State Government in this behalf may take possession of the accommodation and may for the purpose use such force as may be necessary in the circumstances.

Explanation—For the purposes of this sub-section ‘Minister’ includes a person who has ceased to be a Minister, and also includes a person who was given the status of a Minister.”

3. In section 16 of the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980, after sub-section (1), the following sub-section shall be inserted, namely

Amendment of section 16 of U.P. Act no. 23 of 1980

“(1-A) Every member for whose use accommodation at Lucknow has been provided under sub-section (1) shall immediately after the expiration of the period referred to in that sub-section vacate such accommodation and an officer authorised by the State Government in this behalf may take possession of the accommodation and may for the purpose use such force as may be necessary in the circumstances.

Explanation—For the purposes of this sub-section ‘Member’ includes a person who has ceased to be a member.”

4. In the State Legislature (Officers' Salaries and Allowances) Act, 1952, the existing section 4 shall be renumbered as sub-section (1) thereof and after sub-section (1), as so renumbered, the following sub-section shall be inserted, namely :—

Amendment of section 4 of U.P. Act no. 11 of 1952

“(2) Every person referred to in sub-section (1) for whose use accommodation has been provided under sub-section (1) shall immediately after the expiration of the period referred to in that sub-section vacate such accommodation and an officer authorised by the State Government in this behalf may take possession of the accommodation and may for the purpose use such force as may be necessary in the circumstances.”

U.P. Ordinance no. 25 of 1989 and 5. (1) The Uttar Pradesh Ministers and State Legislature Officers and Members Amenities Laws (Amendment) Ordinance, 1989, is hereby

Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in sections 2, 3 and 4 as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the said Acts as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
NARAYAN DAS,
Sachiv.

No. 1117 (2)/XVII-V-1-1(KA)-16-1997

Dated Lucknow, August 2, 1997

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Mantri Aur Rajya Vidhan Mandal Adhikari Aur Sadasya Sukh-Suvidha Vidhi (Sanshodhan) Adhiniyam, 1997 (Uttar Pradesh Adhiniyam Sankhya 8 of 1997) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 2, 1997 :

THE UTTAR PRADESH MINISTERS AND STATE LEGISLATURE OFFICERS AND MEMBERS AMENITIES LAWS (AMENDMENT) ACT, 1997

(U. P. ACT No. 8 OF 1997)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

furth^r to amend the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981, the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980 and the U. P. State Legislature (Officers' Salaries and Allowances) Act, 1952.

WHEREAS the Uttar Pradesh Ministers (Salaries, Allowances, and Miscellaneous Provisions) Act, 1981 *inter alia* provides that each Minister including Chief Minister and Deputy Minister shall be entitled without payment of any rent to the use throughout the term of his office and for a period of fifteen days thereafter of a residence at Lucknow which shall be furnished and maintained at public expence at the prescribed scale;

AND, WHEREAS, the Uttar Pradesh State Legislature (Member's Emoluments and Pension) Act, 1980 *inter alia* provides that every member including Parlimentry Secretary shall be entitled without payment of rent to the use of such accommodation at Lucknow as may be provided to him for the duration of his membership and such further period as may be prescribed ;

AND, WHEREAS, the Uttar Pradesh State Legislature (Officers Salaries and Allowances) Act, 1952 *inter alia* provides that the Speaker, the Chairman, the Deputy Speaker and the Deputy Chairman shall each be entitled to, throughout the term of his office a free furnished residence at Lucknow ;

AND, WHEREAS, it is the duty of the State Government to provide residences to Ministers, Legislators, Speaker and Deputy Speaker of the Legislative Assembly and Chairman and Deputy Chairman of the Uttar Pradesh Legislative Council;

AND, WHEREAS, to ensure timely availability of residence to Minister, Speaker, Deputy Speaker, Chairman, Deputy Chairman and Legislators it has been considered expedient to specify certain accommodations as Minister's residence, Speaker's residence, Chairman's residence, Deputy Speaker's residence, Deputy Chairman's residence and Legislator's residence;

IT IS HEREBY enacted in the Forty-eighth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Uttar Pradesh Ministers and State Legislature Officers and Members Amenities Laws (Amendment) Act, 1997.

Insertion of
New section 4-A
in Act No. 14 of
1981.

2. After section 4 of the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981, the following section shall be *inserted*, namely :—

“4-A (1) On and from the commencement of the Uttar Pradesh Ministers and State Legislature Officers and Members Amenities Laws (Amendment) Act, 1997, the State Government may, with a view to ensuring timely availability of residence to a Minister under sub-section (1) of section 4, by a notified order, specify any

type-VI accommodation or an accommodation in which a Minister

Special provisions regarding certain accommodations

was in occupation at any time, under the control and Management of the Estate Department of the State Government, as Ministers residence and an accommodation so specified shall be allotted to a Minister only and not to any other person.

(2) The State Government, or an officer authorised by it in this behalf may, if a person other than a Minister referred to in sub-section (1-A) of section 4 is in occupation of an accommodation specified as Minister's residence under sub-section (1) on the basis of any allotment order or otherwise, cancel the allotment order of such person, if any, and by notice in writing require such person to vacate the said accommodation within fifteen days from the date of service upon him of such notice, and if such person fails to vacate the said accommodation within the said period, an officer authorised by the State Government in this behalf may take possession of the accommodation and may for the purpose use such force as may be necessary in the circumstances".

3. After section 16 of the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980, the following section shall be inserted, namely:—

Insertion of
New section 16-A
in U. P. Act
No. 23 of 1980.

"16-A (1) On and from the commencement of the Uttar Pradesh Ministers, and State Legislatures, Officers, and Members Amenities Laws (Amendment) Act, 1997, the State Government may, with a view to ensuring timely availability of accommodation to a member under sub-section (1) of section 16 by a notified order, specify any accommodation in the colony or building named as Vidhayak Niwas No. 1, A-Block Darulshafa, Vidhayak Niwas No. 2, B-Block Darulshafa, Vidhayak Niwas No. 3, O. C. R., Vidhayak Niwas No. 4, Royal Hotel, Vidhayak Niwas No. 5, Mirabai Marg, Vidhayak Niwas No. 6, Park Road under the control and management of the Estate Department of the State Government, as Legislatures' residence and an accommodation so specified shall be allotted to a member only and not to any other person ;

(2) The State Government, or an officer authorised by it in this behalf may, if a person other than a member referred to in sub-section (1-A) of section 16 is in occupation of an accommodation specified as Members' residence under sub-section (1) on the basis of any allotment order or otherwise, cancel the allotment order of such person if any, and by notice in writing require such person to vacate the said accommodation within fifteen days from the date of service upon him of such notice, and if such person fails to vacate the said accommodation within the said period, an officer authorised by the State Government in this behalf may take possession of the said accommodation and may for the purpose use such force as may be necessary in the circumstances".

4. After section 4 of the U. P. State Legislature (Officers Salaries and Allowances) Act, 1952, the following section shall be inserted, namely ;—

Insertion of new
section 4-A, in
U. P. Act No. 11
of 1952.

"4-A—(1) On and from the commencement of the Uttar Pradesh Ministers and State Legislature Officers, and Members Amenities Laws (Amendment) Act, 1997, the State Government may, with a view to ensuring timely availability of residence to a person referred to in sub-section (1) of section 4, by a notified order specify any type-VI accommodation or an accommodation in which a Speaker or a Chairman or a Deputy Speaker or a Deputy Chairman was in occupation at any time under the control and Management of the Estate Department of the State Government as Speaker's residence, Chairman's residence, Deputy Speaker's residence or Deputy Chairman's residence and an accommodation so specified shall be allotted to a person as the case may be, referred to in sub-section (1) of section 4 only, and not to any other person.

(2) The State Government, or an officer authorised by it in this behalf, may, if a person other than a person referred to in sub-section (2) of section 4 is in occupation of an accommodation specified as Speaker's residence, Chairman's residence, Deputy Speaker's residence or Deputy Chairman's residence under sub-section (1) on the basis of any allotment order or otherwise, cancel the allotment order of such person, if any, and by notice in writing require such person to vacate the said accommodation within fifteen days from the date of service upon him of such notice, and if such person fails to vacate the said accommodation within the said period, an officer authorised by the State Government in this behalf may take possession of the said accommodation and may for the purpose use such force as may be necessary in the circumstances".

By order,
R. D. MATHUR,
Pramukh Sachiv.