



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, 9 of 2010, 22 of 2016, 19 of 2019, 13 of 2020

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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.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 05 मार्च, 2010
फाल्गुन 14, 1931 शक सम्वत्

उत्तर प्रदेश सरकार
विधायी अनुभाग-1

संख्या 397/79-वि-1-10-1(क)-10-2010
लखनऊ, 05 मार्च, 2010

अधिसूचना
विधि

"भारत का संविधान" के अनुच्छेद 200 के अर्धान राज्यपाल महोदय ने उत्तर प्रदेश राज्य विधान मण्डल सदस्य और अधिकारी तथा मंत्री सुख-सुविधा विधि (संशोधन) विधेयक, 2010 पर दिनांक 03 मार्च, 2010 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 9 सन् 2010 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है :-

उत्तर प्रदेश राज्य विधान मण्डल सदस्य और अधिकारी तथा मंत्री सुख-सुविधा विधि (संशोधन)
अधिनियम, 2010

(उत्तर प्रदेश अधिनियम संख्या 9 सन् 2010)

। जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ ।

उत्तर प्रदेश राज्य विधान मण्डल (सदस्यों की उपलब्धियाँ और पेंशन) अधिनियम, 1980 और उत्तर प्रदेश राज्य विधान मण्डल (अधिकारियों के वेतन तथा भत्ते) अधिनियम, 1952 तथा उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के इकसठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है

अध्याय-एक

प्रारम्भिक

1- यह अधिनियम उत्तर प्रदेश राज्य विधान मण्डल सदस्य और अधिकारी तथा मंत्री सुख-सुविधा विधि (संशोधन) अधिनियम, 2010 कहा जाएगा।

संक्षिप्त नाम

अध्याय-दो

उत्तर प्रदेश राज्य विधान मण्डल (सदस्यों की उपलब्धियाँ और पेंशन) अधिनियम, 1980 का संशोधन

उत्तर प्रदेश अधिनियम संख्या 23 सन् 1980 की धारा 3 का संशोधन

2-उत्तर प्रदेश राज्य विधान मण्डल (सदस्यों की उपलब्धियाँ और पेंशन) अधिनियम, 1980 की, जिसे इस अध्याय में आगे मूल अधिनियम कहा गया है, धारा 3 में, उपधारा (1) में शब्द "तीन हजार रुपये" के स्थान पर शब्द "आठ हजार रुपये" रख दिये जायेंगे।

धारा 4 का संशोधन

3-मूल अधिनियम की धारा 4 में शब्द "पन्द्रह हजार रुपये" के स्थान पर शब्द "बाइस हजार रुपये" रख दिये जायेंगे।

धारा 15-क का संशोधन

4-मूल अधिनियम की धारा 15-क में शब्द "छः हजार रुपये" के स्थान पर शब्द "दस हजार रुपये" रख दिये जायेंगे।

धारा 18-क का संशोधन

5-मूल अधिनियम की धारा 18-क में खण्ड (क) में शब्द "छः हजार रुपये" के स्थान पर शब्द "दस हजार रुपये" रख दिये जायेंगे।

धारा 24 का संशोधन

6-मूल अधिनियम की धारा 24 में उपधारा (1) में-

(क) शब्द "छः हजार रुपये" के स्थान पर शब्द "सात हजार रुपये" रख दिये जायेंगे।

(ख) प्रथम परन्तुक में आये शब्द "पाँच सौ रुपये" के स्थान पर शब्द "सात सौ रुपये" रख दिये जायेंगे।

धारा 26-क का संशोधन

7-मूल अधिनियम की धारा 26-क के स्थान पर निम्नलिखित धारा रख दी जाएगी:-

"26-क (1) यदि सदस्यता की अवधि के दौरान किसी आसीन सदस्य की पारिवारिक मृत्यु हो जाय तो मृत्यु के समय उनकी जो पेंशन अनुमन्य पेंशन होती हो, उसके 50% के बराबर पारिवारिक पेंशन का ऐसा पति/पत्नी आजीवन हकदार हो जाएगा।

(2) यदि भूतपूर्व सदस्य, जो धारा 24 की उपधारा (1) के अन्तर्गत पेंशन का हकदार हो, की मृत्यु हो जाय, तो मृत्यु के समय उनको मिलने वाली पेंशन के 50% के बराबर पारिवारिक पेंशन का ऐसा पति/पत्नी आजीवन हकदार हो जाएगा:

परन्तु यह कि यदि पति/पत्नी धारा 3 के अन्तर्गत वेतन अथवा धारा 24 की उपधारा (1) के अन्तर्गत किसी पेंशन का हकदार हो, तो वह उपधारा (1) या उपधारा (2) के अन्तर्गत पारिवारिक पेंशन का हकदार नहीं होगा।"

अध्याय-तीन

उत्तर प्रदेश राज्य विधान मण्डल (अधिकारियों के वेतन तथा भत्ते) अधिनियम, 1952 का संशोधन

उत्तर प्रदेश अधिनियम संख्या 11 सन् 1952 की धारा 2 का संशोधन

8-उत्तर प्रदेश राज्य विधान मण्डल (अधिकारियों के वेतन तथा भत्ते) अधिनियम, 1952 की, जिसे इस अध्याय में आगे मूल अधिनियम कहा गया है, धारा 2 में, उपधारा (1) में शब्द "पाँच हजार रुपये" के स्थान पर शब्द "बारह हजार रुपये" रख दिये जायेंगे।

धारा 4 का संशोधन

9-मूल अधिनियम की धारा 4 में, उपधारा (3) में शब्द "दस हजार रुपये" के स्थान पर शब्द "पन्द्रह हजार रुपये" रख दिये जायेंगे।

अध्याय-चार

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 का संशोधन

10-उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 की धारा 3 में- उत्तर प्रदेश अधिनियम संख्या 14 सन् 1981 की धारा 3 का संशोधन

(क) उपधारा (1) में शब्द "पाँच हजार रुपये" के स्थान पर शब्द "चार हजार रुपये" रख दिये जायेंगे।

(ख) उपधारा (2) में शब्द "चार हजार रुपये" के स्थान पर शब्द "दस हजार रुपये" रख दिये जायेंगे।

उद्देश्य और कारण

राज्य विधान मण्डल के सदस्यों एवं अधिकारियों तथा मंत्रीगण को अनुमन्य वेतन, भत्तों, पेंशन एवं अन्य सुख-सुविधाओं का बहुत समय से पुनरीक्षण नहीं किया गया है। कीमती में बढ़ोतरी एवं जीवन यापन के मूल्यों में वृद्धि को दृष्टिगत रखते हुए यह विनिश्चय किया गया है कि उत्तर प्रदेश राज्य विधान मण्डल (सदस्यों की उपलब्धियां और पेंशन) अधिनियम, 1980 उत्तर प्रदेश राज्य विधान मण्डल (अधिकारियों के वेतन तथा भत्ते) अधिनियम, 1952 तथा उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 का संशोधन करके राज्य विधान मण्डल के सदस्यों एवं अधिकारियों तथा मंत्रीगण के वेतन भत्ते, पेंशन एवं अन्य सुख-सुविधाओं को पुनरीक्षित किया जाय जिससे वे अपने निर्वाचन क्षेत्र की सेवा सार्थक रूप से कर सकें।

ऐसा अनुभव किया गया है कि राज्य विधान मण्डल के मृत सदस्यों और भूतपूर्व सदस्यों के पति/पत्नी को कठिन परिस्थितियों में जीवन निर्वाह करना पड़ता है। उनके द्वारा धृत पद की गरिमा को दृष्टिगत रखते हुए यह भी विनिश्चय किया गया है कि सन् 1980 के उपर्युक्त अधिनियम में राज्य विधान मण्डल के मृत सदस्यों और भूतपूर्व सदस्यों के पति/पत्नी के लिए पारिवारिक पेंशन का प्रावधान किया जाय।

तदनुसार उत्तर प्रदेश राज्य विधान मण्डल सदस्य और अधिकारी तथा मंत्री सुख-सुविधा विधे (संशोधन) विधेयक, 2010 पुरःस्थापित किया जाता है।

आज्ञा से,
प्रताप वीरेन्द्र कुशावाहा,
सचिव।

No. 397(2)/LXXIX-V-1-10-1(ka)-10-2010

Dated Lucknow, March 05, 2010

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajya Vidhan Mandal Sadasya Aur Adhikari tatha Mantri Sukh-Suvidha Vidhi (Sanshodhan) Adhiniyam, 2010 (Uttar Pradesh Adhiniyam Sankhya 9 of 2010) as passed by the Uttar Pradesh Legislature and assented to by the

THE UTTAR PRADESH STATE LEGISLATURE MEMBERS AND OFFICERS AND
MINISTERS AMENITIES LAWS (AMENDMENT) ACT, 2010

(U.P. ACT NO. 9 OF 2010)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

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

IT IS HEREBY enacted in the Sixty-first Year of Republic of India as follows :-

CHAPTER-I

Preliminary

Short title

1. This Act may be called the Uttar Pradesh State Legislature Members and Officers and Ministers Amenities Laws (Amendment) Act, 2010.

CHAPTER-II

Amendment of the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980

Amendment of section 3 of U.P. Act no. 23 of 1980

2. In section 3 of the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980, *hereinafter* referred to in this chapter as the principal Act, in sub-section (1) for the words "three thousand rupees" the words "eight thousand rupees" shall be substituted.

Amendment of section 4

3. In section 4 of the principal Act for the words "fifteen thousand rupees" the words "twenty two thousand rupees" shall be substituted.

Amendment of section 15-A

4. In section 15-A of the principal Act for the words "six thousand rupees" the words "ten thousand rupees" shall be substituted.

Amendment of section 18-A

5. In section 18-A of the principal Act in clause (a) for the words "six thousand rupees" the words "ten thousand rupees" shall be substituted.

Amendment of section 24

6. In section 24 of the principal Act, in sub-section (1),-

(a) for the words "six thousand rupees" the words "seven thousand rupees" shall be substituted;

(b) for the words "five hundred rupees" appearing in the first proviso, the words "seven thousand rupees" shall be substituted.

Amendment of section 26-A

7. For section 26-A of the principal Act, the following section shall be substituted:--

"26-A (1) If a sitting member, dies during the tenure of his or her Family office, the spouse of such member shall be entitled Pension to a family pension equal to 50% pension otherwise admissible to the deceased member at the time of death, for the life-time of such spouse.

(2) If an ex-member, who is entitled to a pension under sub-section (1) of section 24, dies, the spouse of such ex-member shall be entitled to a family pension equal to 50% of pension of such ex-member at the time of death, for the life-time of such spouse:

Provided that if the spouse is entitled to a salary under section 3 or a pension under sub-section (1) of section 24 she/he will not be entitled to receive family pension under sub-section (1) or sub-section (2).

CHAPTER-III

Amendment of the Uttar Pradesh State Legislature (Officers' Salaries and Allowances) Act, 1952

8. In section 2 of the Uttar Pradesh State Legislature (Officers Salaries and Allowances) Act, 1952, *hereinafter* referred to in this chapter as the principal Act, in sub-section (1) *for* the words "five thousand rupees" the words "twelve thousand rupees" shall be *substituted*. Amendment of section 2 of U.P. Act no. 11 of 1952

9. In section 4 of the principal Act, in sub-section (3) *for* the words "ten thousand rupees" the words "fifteen thousand rupees" shall be *substituted*. Amendment of section 4

CHAPTER-IV

Amendment of the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981

10. In section 3 of the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981,— Amendment of section 3 of U.P. Act no. 14 of 1981

(a) in sub-section (1) *for* the words "five thousand rupees" the words "twelve thousand rupees" shall be *substituted*;

(b) in sub-section (2) *for* the words "four thousand rupees" the words "ten thousand rupees" shall be *substituted*.

STATEMENT OF OBJECTS AND REASONS

The pay, allowances, pension and other amenities admissible to the members and officers of the State Legislature and to the ministers have not been revised for a quite some time. In view of the price rise and escalation in cost of living it has been decided to revise the same so that they may serve the cause of their constituency in a meaningful manner by amending the Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980, the Uttar Pradesh State Legislature (Officers Salaries and Allowances) Act, 1952 and the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981.

It has been experienced that the spouses of deceased members and *ex*-members of legislature have been facing hardship and have been living in penury. In difference to the dignity of office which they have held it has also been decided to provide for making, in the aforesaid Act of 1980, provision for family pension to the spouse of the deceased members and *ex*-members of the State Legislature.

The Uttar Pradesh State Legislature Members and Officers and Ministers Amenities Law (Amendment) Bill, 2010 is introduced accordingly:

By order,
P. V. KUSHWAHA
Sachiv:



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 16 सितम्बर, 2016

भाद्रपद 25, 1938 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 1401/79-वि-1-16-1(क)-22-2016

लखनऊ, 16 सितम्बर, 2016

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) विधेयक, 2016 पर दिनांक 14 सितम्बर, 2016 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 22 सन् 2016 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अधिनियम, 2016

(उत्तर प्रदेश अधिनियम संख्या 22 सन् 2016)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के सड़सठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-यह अधिनियम उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) संक्षिप्त नाम अधिनियम, 2016 कहा जायेगा।

धारा 2 का
संशोधन

2-उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 जिसे एतदपश्चात् मूल अधिनियम कहा गया है, की धारा 2 में,-

(क) खण्ड (क) के पश्चात् निम्नलिखित खण्ड बढ़ा दिया जायेगा, अर्थात् :-

“(क-1) ‘मुख्यमंत्री’ का तात्पर्य उत्तर प्रदेश के मुख्यमंत्री से है।”

(ख) खण्ड (ग) के स्थान पर निम्नलिखित खण्ड रख दिया जायेगा, अर्थात् :-

“(ग) ‘परिवार’ का तात्पर्य मुख्यमंत्री या किसी मंत्री के संबंध में उसके पति या उसकी पत्नी, पुत्र, पुत्री, पिता, माता, भाई या बहन से है जो ऐसे मुख्यमंत्री या मंत्री के साथ रहते हों और उन पर पूर्णतया आश्रित हों;”

(ग) खण्ड (ङ) के स्थान पर निम्नलिखित खण्ड रख दिया जायेगा, अर्थात् :-

“(ङ) ‘मंत्री’ का तात्पर्य उत्तर प्रदेश सरकार के मंत्रिपरिषद के किसी सदस्य से है और इसके अन्तर्गत राज्य मंत्री (स्वतंत्र प्रभार), राज्य मंत्री और उस राज्य के उप मंत्री भी हैं।”

धारा 3 का
संशोधन

3-मूल अधिनियम की धारा 3 में उपधारा (1) और (2) के स्थान पर निम्नलिखित उप धारायें रख दी जायेंगी, अर्थात् :-

(1) मुख्यमंत्री, प्रत्येक मंत्री, राज्य मंत्री (स्वतंत्र प्रभार) और राज्य मंत्री अपनी पदावधि में आद्योपान्त चालीस हजार रूपए प्रति मास के वेतन के हकदार होंगे।

(2) प्रत्येक उप मंत्री अपनी पदावधि में आद्योपान्त पैंतीस हजार रूपये प्रति मास के वेतन का हकदार होगा।

धारा 4 का
संशोधन

4-मूल अधिनियम की धारा 4 के स्थान पर निम्नलिखित धारा रख दी जायेगी, अर्थात् :-

“4-(1) मुख्यमंत्री और प्रत्येक मंत्री अपनी पदावधि में आद्योपान्त और उसके पश्चात् पन्द्रह दिन की अवधि के लिये लखनऊ में निवास-स्थान का, किराये का भुगतान किये बिना, उपयोग करने के हकदार होंगे, जिसे विहित मानदण्ड के अनुसार सरकारी व्यय पर सुसज्जित और अनुरक्षित किया जायगा।

(2) जहां मुख्यमंत्री या किसी मंत्री को उपधारा (1) के अनुसार निवास स्थान की व्यवस्था न की गयी हो, या वह उक्त उपधारा के लाभ का उपभोग न करे, वहां वह,-

(क) मुख्यमंत्री, मंत्री, राज्य मंत्री (स्वतंत्र प्रभार) और राज्य मंत्री की स्थिति में दस हजार रुपये प्रति मास; और

(ख) उप मंत्री की स्थिति में, आठ हजार रुपये प्रति मास; की दर पर प्रतिकर भत्ता पाने का हकदार होगा।

(3) उत्तर प्रदेश के किसी पूर्व मुख्यमंत्री को उनके अनुरोध पर जीवनपर्यन्त, कोई सरकारी आवास, राज्य सरकार के राज्य सम्पत्ति विभाग द्वारा समय-समय पर निर्धारित किये जाने वाले मासिक किराये के भुगतान पर आवंटित किया जायेगा।”

धारा 5 का
संशोधन

5-मूल अधिनियम की धारा 5 में, उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

“(1) मुख्यमंत्री और प्रत्येक मंत्री को अपनी पदावधि में आद्योपान्त एक मोटर गाड़ी और उसे चलाने के लिये शोफर की व्यवस्था की जायेगी जिसका क्रय और अनुरक्षण सरकारी व्यय पर इस निमित्त बनाये गये नियमों के अनुसार किया जायगा।”

6-मूल अधिनियम की धारा 6 में,-

(क) उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

“(1) मुख्यमंत्री और प्रत्येक मंत्री अपने पदीय कर्तव्यों के पालन के सम्बन्ध में (स्थल, समुद्र या वायु मार्ग द्वारा) की गयी यात्रा हेतु अपने लिये उस दर पर और उन शर्तों पर, जो विहित की जाय, यात्रा भत्ता और फुटकर खर्च के हकदार होंगे।

(ख) उपधारा (2) को निकाल दिया जायेगा।

(ग) उपधारा (3) और (4) के स्थान पर निम्नलिखित उपधारायें रख दी जायेंगी, अर्थात् :-

(3) मुख्यमंत्री और प्रत्येक मंत्री -

(क) पद ग्रहण करने के प्रयोजनार्थ लखनऊ से बाहर अपने सामान्य निवास स्थान से लखनऊ के लिये यात्रा करने के संबंध में; और

(ख) पद त्याग करने पर लखनऊ से लखनऊ के बाहर अपने सामान्य निवास स्थान तक यात्रा करने के संबंध में,

अपने लिये और अपने परिवार के सदस्यों के लिये और अपने तथा अपने परिवार के सामानों के परिवहन के लिये यात्रा-भत्ता के हकदार होंगे।

(4) उपधारा (1) से (3) में अन्तर्विष्ट किसी बात के होते हुए भी मुख्यमंत्री या किसी मंत्री को धारा 5 में निर्दिष्ट मोटर गाड़ी या राज्य सरकार की किसी अन्य गाड़ी से की गयी यात्रा के लिये कोई यात्रा भत्ता संदेय नहीं होगा।”

7-धारा 7, 8, 9, 10, 11 और 12 के स्थान पर निम्नलिखित धारायें रख दी जायेंगी, अर्थात् :-

“7- मुख्यमंत्री और प्रत्येक मंत्री अपने पदीय कर्तव्यों के पालन के संबंध में की गयी यात्राओं के दौरान किसी किराये या विद्युत प्रभार का भुगतान किये बिना राज्य सरकार द्वारा अनुरक्षित सर्किट हाउस, निरीक्षण गृह या अन्य विश्राम गृहों का प्रयोग करने के हकदार होंगे।

8-मुख्यमंत्री या प्रत्येक मंत्री और उसके परिवार के सदस्य राज्य सरकार द्वारा अनुरक्षित अस्पतालों में निःशुल्क आवास, उन सिद्धान्तों के अनुसार जो विहित किये जाय, चिकित्सा, परिचर्या और उपचार के हकदार होंगे।

9-जिस दिनांक से कोई व्यक्ति मुख्यमंत्री या मंत्री बनता है या नहीं रह जाता है, उसे गजट में अधिसूचित किया जायेगा और कोई ऐसी अधिसूचना इस तथ्य का निश्चायक साक्ष्य होगी कि वह उस दिनांक से मुख्यमंत्री या मंत्री बना या नहीं रह गया।

10- मुख्यमंत्री सहित मंत्री अपनी पदावधि के दौरान, जिसके लिये वह वेतन और भत्ता आहरित करता है, मुख्यमंत्री या मंत्री के रूप में अपने कर्तव्यों से भिन्न कोई वृत्ति या व्यापार या पारिश्रमिक के लिये नियोजन स्वीकार नहीं करेंगे।

11- मुख्यमंत्री या प्रत्येक मंत्री जो यथास्थिति सभा या परिषद् का सदस्य हो, उत्तर प्रदेश राज्य विधान मंडल (सदस्यों की उपलब्धियां और पेंशन) अधिनियम, 1980 की धारा 4,9,18 और अध्याय-आठ के अधीन उपलब्ध लाभों का उपभोग करता रहेगा।

12-मुख्यमंत्री या कोई मंत्री, किसी समय, ऐसे वेतन, भत्ता या अन्य सुविधाओं का, जिनका वह हकदार है, पूर्णतया या उसके किसी भाग का त्याग इस आशय की लिखित घोषणा द्वारा कर सकता है:

परन्तु ऐसा कोई त्याग उसी प्रकार किसी भी समय अग्रगामी प्रभाव से निरस्त किया जा सकता है।”

धारा 6 का संशोधन

धारा 7,8,9,10, 11 और 12 का संशोधन

उद्देश्य और कारण

मंत्रीगण को अनुमन्य वेतन एवं भत्तों का बहुत समय से पुनरीक्षण नहीं किया गया है। अतः कीमतों में बढ़ोत्तरी एवं जीवन यापन के मूल्यों में वृद्धि को दृष्टिगत रखते हुए यह विनिश्चय किया गया है कि उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 का संशोधन करके राज्य के मंत्रीगण के वेतन और शासकीय आवास उपलब्ध न कराये जाने की स्थिति में अनुमन्य प्रतिकर भत्ता को पुनरीक्षित किया जाय।

पूर्व मुख्य मंत्रियों की सुरक्षा की आवश्यकताओं के दृष्टिगत यह भी विनिश्चय किया गया है कि उनको शासकीय आवास आवंटित किये जाने के लिये उक्त अधिनियम में व्यवस्था की जाय।

तदनुसार उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) विधेयक, 2016 पुरःस्थापित किया जाता है।

आज्ञा से,
रंगनाथ पाण्डेय,
प्रमुख सचिव।

No. 1401 (2)/LXXIX-V-1-16-1 (ka)-22-2016

Dated Lucknow, September 16, 2016

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 Praesh Mantri (Vetan, Bhatta Aur Prakirna Upbandh) (Sanshodhan) Adhiniyam, 2016 (Uttar Pradesh Adhiniyam Sankhya 22 of 2016) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 14, 2016.

THE UTTAR PRADESH MINISTERS (SALARIES, ALLOWANCES AND MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT, 2016

[U.P. Act No. 22 of 2016]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981.

IT IS HEREBY enacted in the Sixty-seventh 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)(Amendment) Act, 2016.

Amendment of section 2

2. In section 2 of the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981, hereinafter referred to as the principal Act, in section 2,-

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

"(a-1) 'Chief Minister' means the Chief Minister of Uttar Pradesh;"

(b) *for* clause (c) the following clause shall be *substituted*, namely :-

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

(c) *for* clause (e) the following clause shall be *substituted*, namely :-

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

3. In section 3 of the principal Act, for sub-sections (1) and (2) the following sub-sections shall be *substituted*, namely :-

Amendment of section 3

"(1) The Chief Minister, every Minister, Minister of State (Independent Charge) and Minister of State shall be entitled, throughout the term of his office, to a salary of forty thousand rupees per month.

(2) Every Deputy Minister shall be entitled, throughout the term of his office, to a salary of thirty five thousand rupees per month."

4. For section 4 of the principal Act, the following sections shall be *substituted*, namely :-

Amendment of section 4

"4. (1) The Chief Minister and 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 the Chief Minister or 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) ten thousand rupees per month in the case of the Chief Minister, a Minister, a Minister of State (Independent Charge) and a Minister of State;

(b) eight thousand rupees per month in the case of a Deputy Minister.

(3) A Government residence shall be allotted to a former Chief Minister of Uttar Pradesh, at his/her request, for his/her life time, on payment of such rent as may be determined from time to time by the Estate Department of the State Government."

5. In section 5 of the principal Act, for sub-section (1) the following sub-section shall be *substituted*, namely :-

Amendment of section 5

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

6. In section 6 of the principal Act-

Amendment of section 6

(a) for sub-section (1) the following sub-section shall be *substituted*, namely :-

"(1) The Chief Minister and each Minister shall be entitled for journeys (whether by land, sea or air) performed with in connection with the discharge of his official duties to travelling allowance and out of pocket expenses for himself at such rate and upon such conditions as may be prescribed."

(b) sub-section (2) shall be *omitted*.

(c) for sub-sections (3) and (4) the following sub-sections shall be *substituted*, namely :-

"(3) The Chief Minister and 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 purpose 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 the Chief Minister or any Minister in respect of journeys performed in the Motor vehicle referred to in section 5 or any other vehicle belonging to the State Government."

Amendment of
sections 7, 8, 9,
10, 11 and 12

7. For sections 7, 8, 9, 10, 11 and 12 the following sections shall be *substituted*, namely :-

"7. The Chief Minister and every Minister shall 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 journey performed in connection with the discharge of his official duties.

8. The Chief Minister or every Minister and the members of the family thereof 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.

9. The date on which any person became or ceased to be the Chief Minister or a Minister shall be notified in the *Gazette* and any such notification shall be conclusive evidence of the fact that he became, or ceased to be the Chief Minister or a Minister, on that date.

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

11. The Chief Minister or 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.

12. The Chief Minister or 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 :

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

STATEMENT OF OBJECTS AND REASONS

The pay and allowances of Ministers have not been revised for a quite sometime. In view of the price rise and escalation in cost of living, it has been decided to revise the pay and compensatory allowance, in case of a residence not being made available, by amending the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981.

In view of the security requirements of the former Chief Ministers, it has also been decided to provide for allotment of official residence to them in the aforesaid Act.

The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Bill, 2016 is introduced accordingly.

By order,
RANG NATH PANDEY,
Pramukh Sachiv.

पी0एस0यू0पी0-ए0पी0 400 राजपत्र-(हिन्दी)-2016-(957)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

पी0एस0यू0पी0-ए0पी0 94 सा0 विधायी-19-09-2016-(958)-300 प्रतियां (कम्प्यूटर/टी/आफसेट)।



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 27 दिसम्बर, 2019

पौष 6, 1941 शक सम्वत्

उत्तर प्रदेश शासन
विधायी अनुभाग-1

संख्या 2243/79-वि-1-19-1(क)-16-19

लखनऊ, 27 दिसम्बर, 2019

अधिसूचना
विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) विधेयक, 2019 जिससे गोपन अनुभाग-1 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 26 दिसम्बर, 2019 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 19 सन् 2019 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अधिनियम, 2019

(उत्तर प्रदेश अधिनियम संख्या 19 सन् 2019)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 का अग्रतर संशोधन करने के लिये

अधिनियम

भारत गणराज्य के सत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अधिनियम, 2019 कहा जाएगा।

संक्षिप्त नाम और प्रारम्भ

(2) यह 6 नवम्बर, 2019 को प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश
अधिनियम संख्या
14 सन् 1981 की
धारा 3 का संशोधन

2-उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 की धारा 3 में, उपधारा (3) निकाल दी जायेगी।

निरसन और
व्यावृत्ति

3-(1) उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अध्यादेश, 2019, एतद्द्वारा निरसित किया जाता है।

उत्तर प्रदेश
अध्यादेश संख्या
5 सन् 2019

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबंधों के अधीन कृत कोई कार्य या की गयी कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्था उपबंधों के अधीन कृत या की गयी समझी जायेगी मानों इस अधिनियम के उपबंध सभी सारवान समयों में प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 (उत्तर प्रदेश अधिनियम संख्या 14 सन् 1981), उत्तर प्रदेश राज्य के मंत्रियों हेतु वेतन, भत्तों और अन्य सुविधाओं से संबंधित विधि को समेकित तथा संशोधित करने के लिए अधिनियमित किया गया है। उक्त अधिनियम की धारा 3 की उपधारा (3) में यह उपबन्ध है कि प्रत्येक मंत्री, राज्य मंत्री तथा उप मंत्री के वेतन, तत्समय प्रवृत्त आयकर से संबंधित किसी विधि के अधीन ऐसे वेतन पर संदेय कर में सम्मिलित होंगे और ऐसा कर, राज्य सरकार द्वारा वहन किया जायेगा। चूंकि आयकर का भुगतान, राज्य के, आयकर विधि की परिधि के अधीन आने वाले प्रत्येक नागरिक द्वारा किया जाता है, इसलिए उक्त मंत्रीगण भी आयकर का भुगतान करने के लिए उत्तरदायी होंगे। इसके अतिरिक्त, उक्त मंत्रीगण के आयकर का भुगतान पिछले 35 वर्षों से राज्य सरकार द्वारा किया जा रहा था। सम्यक् विचारोपरान्त यह विनिश्चय किया गया है कि धारा 3 की उपधारा (3) को हटाने के लिए उक्त अधिनियम में संशोधन किया जाय, जिससे कि उक्त मंत्रीगण आयकर का भुगतान करने का उत्तरदायित्व स्वयं ग्रहण कर सकें।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और उक्त विनिश्चय को लागू करने के लिए तत्काल विधायी कार्यवाही की जानी आवश्यक थी, अतएव राज्यपाल द्वारा उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अध्यादेश, 2019 (उत्तर प्रदेश अध्यादेश संख्या 5 सन् 2019) दिनांक 06 नवम्बर, 2019 को प्रख्यापित किया गया।

2-तदनुसार उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) विधेयक, 2019, पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,
जे० पी० सिंह-II,
प्रमुख सचिव।

No. 2243(2)/LXXIX-V-1-19-1(ka)-16-19

Dated Lucknow, December 27, 2019

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Mantri (Vetan, Bhatta Aur Prakirna Upbandh) (Sanshodhan) Adhiniyam, 2019 (Uttar Pradesh Adhiniyam Sankhya 19 of 2019) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 26, 2019. The Gopan Anubhag-1 is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH MINISTERS (SALARIES, ALLOWANCES AND
MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT, 2019

(U.P. Act no. 19 of 2019)

[As passed by the Uttar Pradesh Legislature Assembly]

AN

ACT

furth^r to amend the Uttar Pradesh Ministers (Salaries, Allowances and
Miscellaneous Provisions) Act, 1981.

IT IS HEREBY enacted in the Seventieth Year of the Republic of India as
follows :-

1. (1) This Act may be called the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Act, 2019. Short title and commencement

(2) It shall be deemed to have come into force on November 6, 2019.

2. In section 3 of the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981 sub-section (3) shall be *omitted*. Amendment of section 3 of U.P. Act no. 14 of 1981

U.P. Ordinance
no. 5 of 2019

3. (1) The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Ordinance, 2019 is hereby repealed. Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act 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 principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981 (U.P. Act no. 14 of 1981) has been enacted to consolidate and amend the law relating to the salaries, allowances and other facilities to the Ministers of the State of the Uttar Pradesh. Sub-section (3) of section 3 of the said Act provides that the salaries of every Minister, Minister of State and Deputy Minister shall be exclusive of tax payable of such salaries (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. Since the income tax is being paid by every citizen in the State who comes under the ambit of income tax law, the said Ministers shall also be responsible for the payment of income tax. Besides the payment of the income tax of the said Ministers was being paid by the State Government for the last 35 years. After due consideration it has been decided to amend the said Act to omit the said sub-section (3) of section 3, so as to make the said Ministers to take there responsibility of payment of income tax themselves.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the said decision, the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Ordinance, 2019 (U.P. Ordinance No. 5 of 2019) was promulgated by the Governor on November 6, 2019.

2. The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Bill, 2019 is introduced to replace the aforesaid Ordinance.

By order,
J.P. SINGH-II,
Pramukh Sachiv.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 31 अगस्त, 2020

भाद्रपद 9, 1942 शक सम्वत्

उत्तर प्रदेश शासन
विधायी अनुभाग-1

संख्या 1564/79-वि-1-20-1(क)-16-20

लखनऊ, 31 अगस्त, 2020

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध)(संशोधन) विधेयक, 2020 जिससे गोपन अनुभाग-1 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 28 अगस्त, 2020 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 13 सन् 2020 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन)

अधिनियम, 2020

(उत्तर प्रदेश अधिनियम संख्या 13 सन् 2020)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 का अग्रतर संशोधन करने के लिये

अधिनियम

भारत गणराज्य के इकहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अधिनियम, 2020 कहा जाएगा।

संक्षिप्त नाम और
प्रारम्भ

(2) इस अधिनियम की धारा 3 का उपबन्ध, गजट में प्रकाशित किये जाने के दिनांक से प्रवृत्त होगा और शेष उपबन्ध दिनांक 1 अप्रैल, 2020 से प्रवृत्त हुए समझे जायेंगे।

उत्तर प्रदेश
अधिनियम संख्या
14 सन् 1981 की
धारा 3 में संशोधन

2-उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 जिसे आगे मूल अधिनियम कहा जायेगा, की धारा 3 में, उपधारा (1) में निम्नलिखित परन्तुक बढ़ा दिया जायेगा, अर्थात् :-

“परन्तु यह कि मुख्यमंत्री, प्रत्येक मंत्री, राज्य मंत्री (स्वतंत्र प्रभार) और राज्य मंत्री, माह अप्रैल, 2020 से माह मार्च, 2021 तक प्रतिमाह संदेय वेतन, निर्वाचन क्षेत्र भत्ता तथा सचिवीय भत्ता का मात्र सत्तर प्रतिशत के लिए हकदार होंगे।”

धारा 4 का संशोधन

3-मूल अधिनियम की धारा 4 में उपधारा (3) निकाल दी जायेगी।

निरसन और
व्यावृत्ति

4-(1) उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अध्यादेश, 2020 एतद्द्वारा निरसित किया जाता है।

उत्तर प्रदेश
अध्यादेश संख्या
4 सन् 2020

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबंधों के अधीन कृत कोई कार्य या की गयी कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्थी उपबंधों के अधीन कृत या की गई समझी जायेगी मानों इस अधिनियम के उपबंध सभी सारवान समयों में प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 (उत्तर प्रदेश अधिनियम संख्या 14 सन् 1981), उत्तर प्रदेश राज्य के मंत्रियों हेतु वेतन, भत्तों और अन्य सुविधाओं से संबंधित विधि को समेकित तथा संशोधित करने के लिए अधिनियमित किया गया है। उक्त अधिनियम की धारा 3 की उपधारा (1) में यह उपबन्ध है कि मुख्य मंत्री, प्रत्येक मंत्री, राज्य मंत्री (स्वतंत्र प्रभार) और राज्य मंत्री अपनी पदावधि में आद्योपान्त चालीस हजार रूपए प्रति मास के वेतन के हकदार होंगे। उत्तर प्रदेश राज्य में कोविड-19 महामारी से उत्पन्न होने वाली विशेष परिस्थितियों को दृष्टिगत रखते हुए राज्य सरकार के पास पर्याप्त वित्तीय संसाधन उपलब्ध होना अत्यन्त आवश्यक है। सम्यक् विचारोपरान्त यह विनिश्चय किया गया कि धारा 3 की उपधारा (1) में संशोधन करके यह उपबन्ध किया जाय कि मुख्य मंत्री, प्रत्येक मंत्री, राज्य मंत्री (स्वतंत्र प्रभार) और राज्य मंत्री, माह अप्रैल, 2020 से माह मार्च, 2021 तक प्रतिमाह संदेय वेतन, निर्वाचन क्षेत्र भत्ता तथा सचिवीय भत्ता का मात्र सत्तर प्रतिशत के लिये हकदार होंगे।

चूँकि राज्य विधान मण्डल सत्र में नहीं था और उक्त विनिश्चय को लागू करने के लिए तुरन्त विधायी कार्यवाही की जानी आवश्यक थी, अतः राज्यपाल द्वारा दिनांक 11 अप्रैल, 2020 को उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अध्यादेश, 2020 (उत्तर प्रदेश अध्यादेश संख्या 4 सन् 2020) को प्रख्यापित किया गया।

2-अग्रतर यह कि उक्त अधिनियम की धारा 4 की उपधारा (3) में यह उपबन्ध है कि उत्तर प्रदेश के किसी पूर्व मुख्य मंत्री को उनके अनुरोध पर जीवनपर्यन्त, कोई सरकारी आवास, राज्य सरकार के राज्य सम्पत्ति

विभाग द्वारा समय-समय पर अवधारित किये जाने वाले मासिक किराये के भुगतान पर आवंटित किया जायेगा। किन्तु मा० उच्चतम न्यायालय ने रिट याचिका (सी) संख्या-864 सन् 2016 (महा सचिव, लोक प्रहरी बनाम उत्तर प्रदेश राज्य व अन्य) में उक्त अधिनियम की धारा 4 की उपधारा (3) को निरस्त कर दिया है। इसे दृष्टिगत रखते हुए उक्त अधिनियम की धारा 4 की उपधारा (3) को निकाला जाना प्रस्तावित है।

3-तदनुसार उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) विधेयक, 2020, पूर्वोक्त अध्यादेश को प्रतिस्थापित करने और उक्त अधिनियम में उपर्युक्त संशोधन को सम्मिलित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,
जे० पी० सिंह-II,
प्रमुख सचिव।

No. 1564(2)/LXXIX-V-1-20-1(ka)-16-20

Dated Lucknow, August 31, 2020

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Manri (Vetan, Bhatta Aur Prakirna Upbandh) (Sansodhan) Adhinyam, 2020 (Uttar Pradesh Adhinyam Sankhya 13 of 2020) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 28, 2020. The Gopan Anubhag-1, is administratively concerned with the said Adhinyam.

THE UTTAR PRADESH MINISTERS (SALARIES, ALLOWANCES AND MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT, 2020

(U.P. Act No. 13 OF 2020)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981.

IT IS HEREBY enacted in the Seventy First Year of the Republic of India as follows :-

1. (1) This Act may be called the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Act, 2020.

Short title and commencement

(2) The provision of section 3 of this Act shall come into force with effect from the date of its publication in the *Gazette* and remaining provisions shall be deemed to have come into force with effect from April 1, 2020.

2. In sub-section (1) of section 3 of the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981 hereinafter referred to as the principal Act, the following proviso shall be *inserted*, namely :-

Amendment in section 3 of U.P. Act no. 14 of 1981

"Provided that the Chief Minister, every Minister, Minister of State (Independent Charge) and Minister of State shall be, from April, 2020 to March, 2021, entitled to only Seventy percent of the salary, Constituency Allowance and Secretarial Allowance payable to them per month."

Amendment of
section 4
Repeal and saving

3. In section 4 of the principal Act, sub-section (3) shall be *omitted*.

4. (1) The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Ordinance, 2020 is hereby repealed.

U.P. Ordinance
no. 4 of 2020

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act 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 principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981 (U.P. Act no. 14 of 1981) has been enacted to consolidate and amend the law relating to the salaries, allowances and other facilities to the Ministers of the State of the Uttar Pradesh. Sub-section (1) of section 3 of the said Act provides that the Chief Minister, every Minister, Minister of State (Independent Charge) and Minister of State will be entitled, throughout the term of his office, to a salary of forty thousand rupees per month. In view of the special circumstances arising out of the Covid-19 pandemic in the State of Uttar Pradesh, it is very necessary to have sufficient financial resources available with the State Government. After due consideration, it had been decided to amend sub-section (1) of section 3 to provide that the Chief Minister, every Minister, Minister of State (Independent Charge) and Minister of State shall, from April, 2020 to March, 2021, be entitled to only seventy percent of the salary, Constituency allowance and Secretarial allowance payable to them per month.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the said decision, the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Ordinance, 2020 (U.P. Ordinance No. 4 of 2020) was promulgated by the Governor on April 11, 2020.

2. Further, sub-section (3) of section 4 of the said Act provides that a Government residence shall be allotted to a former Chief Minister of Uttar Pradesh at his/her request, for his/her life, on payment of such rent as may be determined from time to time, by the Estate Department of the State Government. But the Hon'ble Supreme Court, in Writ Petition (C) No. 864 of 2016 (Lok Parahari through its General Secretary *Versus* The State of Uttar Pradesh and others), has struck down the above sub-section 3 of section 4 of the said Act. In view of this, sub-section (3) of section 4 of the said Act is proposed to be removed.

3. Accordingly, the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Bill, 2020 is introduced to replace the aforesaid Ordinance and to incorporate the above amendment in the said Act.

By order,
J. P. SINGH-II,
Pramukh Sachiv.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 31 अगस्त, 2020

भाद्रपद 9, 1942 शक सम्वत्

उत्तर प्रदेश शासन
विधायी अनुभाग-1

संख्या 1564/79-वि-1-20-1(क)-16-20

लखनऊ, 31 अगस्त, 2020

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध)(संशोधन) विधेयक, 2020 जिससे गोपन अनुभाग-1 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 28 अगस्त, 2020 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 13 सन् 2020 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन)
अधिनियम, 2020

(उत्तर प्रदेश अधिनियम संख्या 13 सन् 2020)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 का अग्रतर संशोधन करने के लिये

अधिनियम

भारत गणराज्य के इकहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अधिनियम, 2020 कहा जाएगा।

संक्षिप्त नाम और
प्रारम्भ

(2) इस अधिनियम की धारा 3 का उपबन्ध, गजट में प्रकाशित किये जाने के दिनांक से प्रवृत्त होगा और शेष उपबन्ध दिनांक 1 अप्रैल, 2020 से प्रवृत्त हुए समझे जायेंगे।

उत्तर प्रदेश
अधिनियम संख्या
14 सन् 1981 की
धारा 3 में संशोधन

2-उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 जिसे आगे मूल अधिनियम कहा जायेगा, की धारा 3 में, उपधारा (1) में निम्नलिखित परन्तुक बढ़ा दिया जायेगा, अर्थात् :-

“परन्तु यह कि मुख्यमंत्री, प्रत्येक मंत्री, राज्य मंत्री (स्वतंत्र प्रभार) और राज्य मंत्री, माह अप्रैल, 2020 से माह मार्च, 2021 तक प्रतिमाह संदेय वेतन, निर्वाचन क्षेत्र भत्ता तथा सचिवीय भत्ता का मात्र सत्तर प्रतिशत के लिए हकदार होंगे।”

धारा 4 का संशोधन

3-मूल अधिनियम की धारा 4 में उपधारा (3) निकाल दी जायेगी।

निरसन और
व्यावृत्ति

4-(1) उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अध्यादेश, 2020 एतद्द्वारा निरसित किया जाता है।

उत्तर प्रदेश
अध्यादेश संख्या
4 सन् 2020

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबंधों के अधीन कृत कोई कार्य या की गयी कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्थी उपबंधों के अधीन कृत या की गई समझी जायेगी मानों इस अधिनियम के उपबंध सभी सारवान समयों में प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) अधिनियम, 1981 (उत्तर प्रदेश अधिनियम संख्या 14 सन् 1981), उत्तर प्रदेश राज्य के मंत्रियों हेतु वेतन, भत्तों और अन्य सुविधाओं से संबंधित विधि को समेकित तथा संशोधित करने के लिए अधिनियमित किया गया है। उक्त अधिनियम की धारा 3 की उपधारा (1) में यह उपबन्ध है कि मुख्य मंत्री, प्रत्येक मंत्री, राज्य मंत्री (स्वतंत्र प्रभार) और राज्य मंत्री अपनी पदावधि में आद्योपान्त चालीस हजार रूपए प्रति मास के वेतन के हकदार होंगे। उत्तर प्रदेश राज्य में कोविड-19 महामारी से उत्पन्न होने वाली विशेष परिस्थितियों को दृष्टिगत रखते हुए राज्य सरकार के पास पर्याप्त वित्तीय संसाधन उपलब्ध होना अत्यन्त आवश्यक है। सम्यक् विचारोपरान्त यह विनिश्चय किया गया कि धारा 3 की उपधारा (1) में संशोधन करके यह उपबन्ध किया जाय कि मुख्य मंत्री, प्रत्येक मंत्री, राज्य मंत्री (स्वतंत्र प्रभार) और राज्य मंत्री, माह अप्रैल, 2020 से माह मार्च, 2021 तक प्रतिमाह संदेय वेतन, निर्वाचन क्षेत्र भत्ता तथा सचिवीय भत्ता का मात्र सत्तर प्रतिशत के लिये हकदार होंगे।

चूँकि राज्य विधान मण्डल सत्र में नहीं था और उक्त विनिश्चय को लागू करने के लिए तुरन्त विधायी कार्यवाही की जानी आवश्यक थी, अतः राज्यपाल द्वारा दिनांक 11 अप्रैल, 2020 को उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) अध्यादेश, 2020 (उत्तर प्रदेश अध्यादेश संख्या 4 सन् 2020) को प्रख्यापित किया गया।

2-अग्रतर यह कि उक्त अधिनियम की धारा 4 की उपधारा (3) में यह उपबन्ध है कि उत्तर प्रदेश के किसी पूर्व मुख्य मंत्री को उनके अनुरोध पर जीवनपर्यन्त, कोई सरकारी आवास, राज्य सरकार के राज्य सम्पत्ति

विभाग द्वारा समय-समय पर अवधारित किये जाने वाले मासिक किराये के भुगतान पर आवंटित किया जायेगा। किन्तु मा० उच्चतम न्यायालय ने रिट याचिका (सी) संख्या-864 सन् 2016 (महा सचिव, लोक प्रहरी बनाम उत्तर प्रदेश राज्य व अन्य) में उक्त अधिनियम की धारा 4 की उपधारा (3) को निरस्त कर दिया है। इसे दृष्टिगत रखते हुए उक्त अधिनियम की धारा 4 की उपधारा (3) को निकाला जाना प्रस्तावित है।

3-तदनुसार उत्तर प्रदेश मंत्री (वेतन, भत्ता और प्रकीर्ण उपबन्ध) (संशोधन) विधेयक, 2020, पूर्वोक्त अध्यादेश को प्रतिस्थापित करने और उक्त अधिनियम में उपर्युक्त संशोधन को सम्मिलित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,
जे० पी० सिंह-II,
प्रमुख सचिव।

No. 1564(2)/LXXIX-V-1-20-1(ka)-16-20

Dated Lucknow, August 31, 2020

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Manri (Vetan, Bhatta Aur Prakirna Upbandh) (Sansodhan) Adhinyam, 2020 (Uttar Pradesh Adhinyam Sankhya 13 of 2020) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 28, 2020. The Gopan Anubhag-1, is administratively concerned with the said Adhinyam.

THE UTTAR PRADESH MINISTERS (SALARIES, ALLOWANCES AND MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT, 2020

(U.P. Act No. 13 OF 2020)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981.

IT IS HEREBY enacted in the Seventy First Year of the Republic of India as follows :-

1. (1) This Act may be called the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Act, 2020.

Short title and commencement

(2) The provision of section 3 of this Act shall come into force with effect from the date of its publication in the *Gazette* and remaining provisions shall be deemed to have come into force with effect from April 1, 2020.

2. In sub-section (1) of section 3 of the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981 hereinafter referred to as the principal Act, the following proviso shall be *inserted*, namely :-

Amendment in section 3 of U.P. Act no. 14 of 1981

"Provided that the Chief Minister, every Minister, Minister of State (Independent Charge) and Minister of State shall be, from April, 2020 to March, 2021, entitled to only Seventy percent of the salary, Constituency Allowance and Secretarial Allowance payable to them per month."

Amendment of
section 4
Repeal and saving

3. In section 4 of the principal Act, sub-section (3) shall be *omitted*.

4. (1) The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Ordinance, 2020 is hereby repealed.

U.P. Ordinance
no. 4 of 2020

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act 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 principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981 (U.P. Act no. 14 of 1981) has been enacted to consolidate and amend the law relating to the salaries, allowances and other facilities to the Ministers of the State of the Uttar Pradesh. Sub-section (1) of section 3 of the said Act provides that the Chief Minister, every Minister, Minister of State (Independent Charge) and Minister of State will be entitled, throughout the term of his office, to a salary of forty thousand rupees per month. In view of the special circumstances arising out of the Covid-19 pandemic in the State of Uttar Pradesh, it is very necessary to have sufficient financial resources available with the State Government. After due consideration, it had been decided to amend sub-section (1) of section 3 to provide that the Chief Minister, every Minister, Minister of State (Independent Charge) and Minister of State shall, from April, 2020 to March, 2021, be entitled to only seventy percent of the salary, Constituency allowance and Secretarial allowance payable to them per month.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the said decision, the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Ordinance, 2020 (U.P. Ordinance No. 4 of 2020) was promulgated by the Governor on April 11, 2020.

2. Further, sub-section (3) of section 4 of the said Act provides that a Government residence shall be allotted to a former Chief Minister of Uttar Pradesh at his/her request, for his/her life, on payment of such rent as may be determined from time to time, by the Estate Department of the State Government. But the Hon'ble Supreme Court, in Writ Petition (C) No. 864 of 2016 (Lok Parahari through its General Secretary *Versus* The State of Uttar Pradesh and others), has struck down the above sub-section 3 of section 4 of the said Act. In view of this, sub-section (3) of section 4 of the said Act is proposed to be removed.

3. Accordingly, the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) (Amendment) Bill, 2020 is introduced to replace the aforesaid Ordinance and to incorporate the above amendment in the said Act.

By order,
J. P. SINGH-II,
Pramukh Sachiv.