

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

**ARRANGEMENT OF SECTIONS**

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

**(Act No. 11 of 2000)<sup>1</sup>**

(Received the assent of the Governor on the 22<sup>nd</sup> May, 2000 and was published in Hindi and English in R.H.P. Extra, dated 23.5.2000, p. 1363-1370).

**An Act to consolidate and replace the Acts relating to regulating the salaries and allowances of the Ministers and Deputy Ministers in the State of Himachal Pradesh.**

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1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 11.4.2000, p. 856 & 861.

*Amended, Repealed or otherwise affected by,-*

1. H.P. Act No. 11 of 2001<sup>1</sup>, published in R.H.P. Extra., dated 16<sup>th</sup> May, 2001 at p. 445-446.
2. H.P. Act No. 11 of 2002<sup>2</sup>, published in R.H.P. Extra., dated 9th May, 2002 at p. 323-324.
3. H.P. Act No. 18 of 2003<sup>3</sup>, published in R.H.P. Extra., dated 22nd September, 2003 at p. 1803-1804.
4. H.P. Act No. 9 of 2006<sup>4</sup>, published in R.H.P. Extra., dated 11<sup>th</sup> May, 2006, at p. 949-950.

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

**1. Short title.-** This Act may be called the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000.

**2. Definitions.-** In this Act, unless there is anything repugnant in the subject or context,-

- (a) "house" includes the staff quarters and other buildings appurtenant thereto and the gardens thereof;
- (b) "licence fee" means the sum of money payable monthly in accordance with the provisions of section 5 of this Act in respect of a furnished house allotted to a Minister;
- (c) "maintenance" in relation to a house shall include the payment of local rates and taxes, and charges for electricity and water ;
- (d) "Minister" means a Member of the Council of Ministers, by whatever name called; and
- (e) "salary" means the monthly salary paid to a Minister under section 3 of this Act.

**<sup>5</sup>[3. Salaries and allowances.-** (1) Each Minister shall be entitled to receive a salary at the following rates, namely :-

- (a) Chief Minister                      Eighteen thousand rupees per mensem;

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1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 12.4.2001, p. 83 and 87.
  2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 28.3.2002, p. 4680 &4682.
  3. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 22.9.2003, p. 964 &968
  4. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 5.4.2006, p. 65 &69.
  5. Section 3 subs. vide Act No. 18 of 2003.

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|-----|-------------------|---|
| (b) | Cabinet Minister  | Fifteen thousand rupees per mensem;       |
| (c) | Minister of State | Eleven thousand rupees per mensem;<br>and |
| (d) | Deputy Minister   | Ten thousand rupees per<br>mensem.        |

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

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

<sup>1</sup>[XX]

**5. Residence.-** (1) Each Minister shall be provided with a furnished house, the maintenance charges of which shall be borne by the State Government or in lieu of such house, shall be paid an allowance at the following rates, namely:-

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|-----|---|---|
| (a) | a Minister who is a member<br>of the Cabinet: | Rupees three thousand and<br>five hundred per mensem; |
| (b) | a Minister of State:                          | Rupees three thousand per<br>mensem; and              |
| (c) | a Deputy Minister:                            | Rupees two thousand and five<br>hundred per mensem.   |

(2) The State Government may allow a Minister to continue in occupation of the house provided to him for a period not exceeding fifteen days from the date of his ceasing to be a Minister.

(3) Each Minister shall be liable to pay licence fee @ 10% of his salary in respect of the furnished house allotted to him and the same shall be recoverable monthly from his salary.

*Explanation.-* The Minister shall not become personally liable for any payment in case the standard rent of the house allotted to him for residence exceeds the amount specified in sub-section (1).

**6. Conveyance allowance.-** (1) Each Minister shall be entitled to the use of a car, the expenses on the maintenance and propulsion of which shall be borne by the State Government or in lieu thereof to a conveyance allowance at the following rates, namely:-

- |     |                    |                                     |
|-----|--------------------|-------------------------------------|
| (a) | a Minister:        | Rupees five hundred per mensem; and |
| (b) | a Deputy Minister: | Rupees three hundred per mensem:    |

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1. Section 4 omitted vide Act No. 18 of 2003 (Sec. 3).

Provided that the maintenance and propulsion expenses of the State car in use by the Minister shall not be subject to the limit of Rupees five hundred and three hundred per mensem respectively.

(2) A Minister may opt for the services of a chauffeur on Government expenses in lieu of conveyance allowance provided in sub-section (1), if he uses his own motor car.

<sup>1</sup>**[7. Free transit by railway or by air.-**(1) Each Minister during the term of their office shall be entitled to travel by second class air conditioned railway coach, at any time, by any railway in India as per current coaching tariff, issued by the Government of India, Ministry of Railways (Railway Board), alongwith his <sup>2</sup>[family ]or any person accompanying him to look after and assist him during travel ; and shall be entitled for the reimbursement of actual expenses so incurred on production of tickets of such journey performed :

Provided that the aggregate amount so incurred on such journey, in any financial year, shall not exceed the amount of railway tariff, payable for 3[one lac] kilometres journey performed by second class air conditioned railway coach:

Provided further that the Minister and his 4[family] or any other person accompanying him to look after and assist him may travel by any air conditioned railway coach against this reimbursement:

Provided further that journey may also be performed within India by air by the Minister and his 5[family] or any person accompanying him to look after and assist him during travel and in that event an amount equivalent to the expenses incurred on such journey shall be reimbursed to the Minister on production of tickets of such journey and the amount so reimbursed shall be adjusted against his entitlement to travel by rail:

Provided further that the aggregate amount payable for the journey performed by railway or by air in a financial year shall not exceed the amount payable for 6[one lac] kilometres by second class air conditioned railway coach.

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

(2) Each Minister shall be entitled for an advance not exceeding rupees ten thousand on his request to undertake such journey and the advance so paid

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1. Sec. 7 subs. vide Act No. 11 of 2001.

2 . Subs. for the words “spouse” vide Act No. 9 of 2006.

3 . Subs. for the words “eighty thousand” vide Act No. 9 of 2006.

4 . Subs. for the words “spouse” vide Act No. 9 of 2006.

5 . Subs. for the words “spouse” vide Act No. 9 of 2006.

6 . Subs. for the words “eighty thousand” vide Act No. 9 of 2006.

7 . Explanation ins. vide Act No. 9 of 2006.

shall be adjusted before the closing of financial year, failing which the entire advance shall be recovered from his salary and allowances in lump-sum.

*Explanation.-* For determining the aggregate amount under this section, the amount so incurred in the same financial year on journey by railway or air under section 10-A of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971 or under section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 shall be taken into account.]

**8. Advance of loan for purchase of motor car.-** There may be paid to each Minister by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the purchase of motor car, in order that he may be able to discharge conveniently and efficiently the duties of his office.

**9. House building advance.-** There may be paid to a Minister by way of repayable advance such sum of money and subject to such conditions, as may be determined by rules made in this behalf, for the construction of a house, or for the purchase of a built-up house.

*Explanation.-* The expression "construction of a house" for the purpose of this section shall include addition to, alteration in, renovation of or repairs of a house.

**10. Free installation of telephone.-** (1) Each Minister shall be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, as may be specified by him, and after the place of installation is so specified, the charges for first installation of, security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses such as those relating to, local and outside calls shall be paid by the Minister:

<sup>1</sup>[Provided that a Minister who installs a telephone under this sub-section shall be paid telephone allowance at the rate of seven thousand rupees per mensem.]

Provided further that a Minister may continue to avail himself of the facility of telephone provided to him for a period not exceeding 15 days from the date of his ceasing to be a Minister.

(2) All expenses which are payable by a Minister in relation to the telephone installed under sub-section (1) shall be paid by him directly in cash and if it is not so done, the same may be adjusted by the State Government against any amount due to him from the State Government.

**11. Ministers not to draw salary or allowances as members of the Legislative Assembly.-** No Minister in receipt of a salary or allowances under

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1. Proviso subs., vide Act No. 18 of 2003.

this Act, shall be entitled to receive any sum out of funds provided by the Legislative Assembly of Himachal Pradesh by way of salary or allowances in respect of his membership of such Assembly.

**12. Salary, allowances and perquisites to be exclusive of income tax.-**

The salary and allowances payable to a Minister and furnished house and other perquisites admissible to him, under this Act, shall be exclusive of income tax which shall be payable by the State Government.

*Explanation.-* The amount of income tax payable by the State, would be the first slab of the income assessed for income tax, i.e., in assessing this amount, the other sources of income of the Minister concerned shall not be taken into consideration.

**13. Notification in respect of appointment etc. of Ministers to be conclusive evidence thereof.-** The date on which any person became or ceased to be a Minister shall be published in the Official Gazette of the Himachal Pradesh Government and any such notification shall be conclusive evidence of the fact that he became, or ceased to be a Minister on that date for all the purposes of this Act.

**14. Travelling allowance.-** The travelling and daily allowances of the Ministers, shall be regulated in accordance with such rules as may be framed or adopted by the State Government from time to time:

Provided that no mileage or travelling allowance shall be chargeable in respect of journeys performed in a State car.

**15. Power to make rules.-** (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid before the Legislative Assembly as soon as may be after they are made.

**16. Repeal and savings.-** (1) The Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971 (3 of 1971) and The Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971 (5 of 1971) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any powers conferred by or under the said Acts shall be deemed to have been done or taken under this Act.

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**RULES**

Under

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

**THE HIMACHAL PRADESH MINISTERS TRAVELLING  
ALLOWANCE RULES, 2000.**

(Issued and published in Hindi in H. P. Extra., dated 18.11.2000, P. 4095-4099)

**GENERAL ADMINISTRATION DEPARTMENT**

**(Parliamentary Affairs Department)**

**NOTIFICATION**

Shimla-2, the 31<sup>st</sup> October, 2000.

**No. GAD-C(PA)4-(D)-21/88.**- In exercise of the powers conferred by section 15 read with section 14 of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000 (Act No.11 of 2000), the Governor of Himachal Pradesh is pleased to make the following rules to regulate travelling and daily allowance of the Ministers, namely:-

**1. Short title.**- These rules may be called the Himachal Pradesh Ministers Travelling Allowance Rules, 2000.

**2. Definitions.**- In these rules, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000;
- (b) "Audit Officer" means the Accountant General, Himachal Pradesh; and
- (c) "Government" means the Government of Himachal Pradesh; and
- (d) terms and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

**3. A Minister when travelling by rail on duty is entitled to,-**

- (a) a First Class coupe or if this be not available, a First Class Four berth compartment, or a coupe in the air conditioned coach or a single seat in a rail-car between Shimla and Kalka;
- (b) an allowance for incidental expenses at the rate of 35 paise per every 10 km. or part thereof if the part exceeds 5 km.;
- (c) railway fare actually paid for not more than six personal servants at the lowest class rates, whether they travel with him or proceed or follow him ;
- (d) conveyance of all personal effects including stores carried for consumption, whether taken in a luggage van of the train or sent by another train or by road ;
- (e) the whole cost of conveyance of a motor car, when it has been employed for journeys made in the public interest and four fifth's of the cost of carriage where it has served personal convenience to an appreciable extent ;

- (f) on the cancellation of a journey due to official reasons, the net deduction made by the railways when refunding the fare on account of cancellation of the ticket ; and
- (g) in addition to the concessions mentioned above, a Minister may for a journey by rail, draw full daily allowance for the day of departure from and arrival at headquarters.

*Notes.-* (i) If on any one day, two separate journeys are performed, one ending at and the other commencing from headquarters, only one daily allowance will be admissible for both journeys.

- (ii) Where, in these rules, First Class railway accommodation is referred to, it includes accommodation of the class next below First Class available on a particular route.

**4.** (1) When travelling by road or steamer, otherwise than by a conveyance provided at State expense, a Minister may charge his actual travelling expenses on his own certificate that the amount charged has been actually paid and does not include any charge for refreshments, hotel or staging bungalows. In the alternative, he may, if he so chooses draw for a journey by road,-

- (a) mileage allowance at the rate of rupees <sup>1</sup>[ten] per kilometre for hilly and plain areas ;
- (b) actual expenses of the transport,-
  - (i) his personal servants upto a maximum number of six; and
  - (ii) all luggage for which he vouches as his personal effects including stores taken for consumption on tour;
- (c) mileage allowance for carriage of empty cars by road, at the rate of seventy paise per kilometre for hilly areas and at the rate of fifty five paise per kilometre for plain areas.

*Note.-* "Actual expenses" include transport charges by rail and by road.

(2) A Minister may while travelling by road or steamer, draw full daily allowance for the days of departure from and arrival at the headquarters :

Provided that a Minister may while travelling by road by a conveyance provided at State expense, draw full daily allowance for the days of departure and arrival at headquarters.

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1. Subs. for the words "four and paise fifty" vide Not. No. GAD-C(PA)4-(D)-21/88, dated 6<sup>th</sup> July, 2001 published in R.H.P. Extra., dated 10.8.2001, p. 1902 further Subs. for the words "five" vide Not. No. GAD-C(PA)4-1/2003, dated 26<sup>th</sup> August, 2003 published in R.H.P. Extra., dated 26.8.2003, p. 1600, again Subs. for the words "ten" vide Not. No. GAD-C(PA)4-1/2003, dated 20<sup>th</sup> April, 2006 published in R.H.P. Extra., dated 26.4.2006, p. 754.

**5.** (1) A Minister may perform, on duty, journeys by air to any part of India in a Government machine or in the machine of Public Air Transport Company.

(2) When travelling by air, a Minister is entitled to draw the fare paid for the journeys by air and, if actually paid, the cost of transporting all personal effect by rail at passenger rates or by road and railway fares, actually paid, for not more than six personal servants at the lowest class rates.

He may, in the alternative draw travelling allowance, as is admissible to a Government servant of Grade-I, under the rules. If, at either end of the journey by air, a Minister has to perform a connected journey by rail or road, he may draw travelling allowance admissible for such journeys under rules 3 and 4 above. No allowance may, however, be drawn in respect of the surface transport which forms part of the air journeys and is included in the fare paid for the air journey.

**6.** A Minister is entitled to travel beyond the limits of the State of Himachal Pradesh on official business.

**7.** A Minister may while on tour, draw daily allowance at the rate of <sup>1</sup>[five hundred] rupees in addition to the above payments :

Provided that-

- (i) the daily allowance for the days of departure from and arrival at headquarters shall be such as provided under rules 3 (g) and 4 (2) ;
- (ii) in the case of a Minister, who is treated as a State Guest during an official visit outside the State of Himachal Pradesh, his daily allowance shall be limited to one-fourth, if he is provided free boarding and lodging officially, and one-half, if he is charged either for boarding or for lodging.

**8.** On proceeding to join office, a Minister may in respect of the journey from his home to the headquarters of Government, avail himself of all the travelling allowance facilities under these rules. Similar facilities, from the headquarters of Government to his home, shall be allowed to a Minister on demitting office.

**9.** (1) Subject to sub-rule (2) below, when a Minister for whom special railway accommodation is provided or who is entitled, under these rules, to reserve railway accommodation by requisition travels in such reserved accommodation on tour, the entire cost of haulage shall be borne by the Government.

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1. Subs. for the words "three hundred " vide Not. No. GAD-C(PA)4-(D)-21/88, dated 15<sup>th</sup> May, 2002 published in R.H.P. Extra., dated 15.5.2002, p. 460 effective w.e.f. 1<sup>st</sup> day of April, 2002 again Subs. for the words "four" vide Not. No. GAD-C(PA)4-1/2003, dated 26<sup>th</sup> August, 2003 published in R.H.P. Extra., dated 26.8.2003, p. 1600.

(2) Unless it be otherwise expressly provided in these rules, any person travelling with the Minister in the reserved accommodation must pay the usual fares to the railway by the purchase of the required number of first class tickets, and in every bill for travelling allowance in respect of journey performed in reserved accommodation, the Minister reserving the accommodation must specify the number of persons who travelled with him and certify that the necessary number of tickets were purchased by them.

*Notes.-* (1) The Minister reserving the accommodation shall be required before beginning the journeys to have the number and other details of the tickets purchased for the persons travelling with him in the reserved accommodation entered on the requisition form by the Station Master of the Station from which the journey is commenced. This is necessary in order to enable an adjustment to be made between the Civil and Railway Departments in respect of the fares realised by the Railways. When in the case of Minister who travels in reserved railway accommodation, no travelling allowance bills are received, by the Audit Officer but only debits are received on account of Railway Requisitions, the Audit Officer will call for a certificate from the Minister to the effect that the journey covered by the requisition was on public duty .

(2) If it is necessary in the public interest for a Private Secretary, a Stenographer or a Clerk to accompany a Minister in the reserved accommodation, then, he may do so, even when the number of persons travelling in the reserved accommodation already exceeds the number of fares charged by the Railway for reserving the accommodation :

Provided that he purchases a ticket for the class of accommodation in which he is entitled to travel. In such a case, the Minister shall certify in the bill for his travelling allowance that it was in the interest of the public service that the Private Secretary, Stenographer or Clerk travelled with him in the reserved accommodation and that he actually purchased a ticket of the class to which he was entitled. The cost of the ticket will not be deducted from the charge on account of haulage of reserved accommodation payable to the Railway.

**10.** (1) A Minister is entitled to a conveyance allowance of Rs. 500 per mensem. This is not subject to any reduction for any day for which ordinary travelling allowance is drawn. The State Government shall however, be competent to provide for a Minister a State car in lieu of the conveyance allowance and when a State car is so provided, the expenses for maintenance and propulsion shall be borne by the Government.

(2) While performing journey on tour in a State car, the Minister shall be entitled to daily allowance only. For private journey within a radius of sixteen kilometres from the place of halt while on tour or the headquarters nothing shall be charged from the Minister but in respect of such portions of

journeys as are beyond a radius of the aforesaid sixteen kilometres, the Minister shall provide petrol and mobile oil at his own expense :

Provided that if the place of halt is Delhi, 32 kilometres shall be substituted for sixteen in this sub-rule.

*Note.-* A Minister who uses a State car for a private journey beyond a radius of 16 or 32 kilometres, as the case may be, shall record a certificate in the following form on the T.A. Bill , -

Certified that the charges for the private journey (s) performed in the State car beyond a radius of 16/32 Kilometres of .....on ..... have actually been paid to Government account. vide Treasury Voucher Challan No.....dated.....

(3) The Minister shall be entitled to the use of a Government vehicle at State expenses for local use while happened to be outside State Headquarters for medical treatment and also attends to Government work but does not charge travelling and daily allowance.

(4) An Advance may be made to a Minister, proceeding on a long and expensive tour, of an amount sufficient to cover his personal travelling expenses, subject to adjustment. On completion of the tour or the 31st day of March, whichever is earlier, against the amount of travelling allowance admissible to him.

**11.** (1) When a Minister goes to a place outside his headquarters at his own expenses or at the expenses of an organisation other than Government, whether in connection with an election to the State Legislature or Parliament or any local body or for any other private work, he may be allowed air-conditioned 1st class railway fare or the fare of journey by air or for a single seat in a rail-car, as the case may be, if he is required in public interest to come back at the headquarters or at any other place in the State by interrupting the election or private work in connection with which he had gone :

Provided that if, in the absence of railway service or train connections the journey is performed by the Minister by bus or private car or by ferry in part or in whole he may be allowed his actual travelling expenses on furnishing of a certificate to the effect that the amount charged was actually paid and does not include any charges for refreshment, hotel or staging bungalow.

(2) The concession mentioned in sub-rule (1) will also be admissible to the Minister for his return journey to the place, from which he was required to come in public interest, provided such return journey is performed within twenty-four hours of his arrival at the headquarters or at any other place in the State, as the case may be.

**12.** For tours undertaken by a Minister outside India in the discharge of his official duties, he shall be entitled to such travelling and daily allowances as the Government may, in each case determine.

**13. Repeal and Savings.-** (1) The Himachal Pradesh Ministers Travelling Allowance Rules, 1971 and the Himachal Pradesh Deputy Ministers Travelling Allowance Rules, 1971 are hereby repealed.

(2) Notwithstanding such repeal, any thing done or any action taken under the rules so repealed under sub-rule (1) supra shall be deemed to have been done or taken under these rules.

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R.H.P.Extra. dated 31-10-2000 P-4100-4104)

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**THE HIMACHAL PRADESH MINISTERS ADVANCE FOR MOTOR CAR AND HOUSE BUILDING RULES, 2000.**

(Issued and published in Hindi in R.H.P.Extra., dated 18.11.2000, p. 4105-4118)

**GENERAL ADMINISTRATION DEPARTMENT  
(PARLIAMENTARY AFFAIRS DEPARTMENT)**

**NOTIFICATION**

Shimla-2, the 31st October, 2000.

**No. GAD-C-(PA)4-1/95-II.-** In exercise of the powers conferred by section 15 read with sections 8 and 9 of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000 (Act No. 11 of 2000), the Governor of Himachal Pradesh is pleased to make the following rules to regulate advance for motor car and house building of the Ministers, namely:-

**1. Short title and commencement.-** (1) These rules may be called the Himachal Pradesh Ministers Advance for Motor Car and House Building Rules, 2000.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

**2. Definition.-** In these rules, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 2000;
- (b) "Audit Officer" means the Accountant General, Himachal Pradesh;
- (c) "Form" means Form appended to these rules;
- (d) "Sanctioning Authority" means the Governor of Himachal Pradesh; and

- (e) Terms and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

**Motor Car advance :**

**3. Advance when admissible.**- A Minister may be paid an advance for the purchase of a motor car in order that he may be able to discharge conveniently and efficiently the duties of his office subject to the conditions hereinafter specified.

**4. Maximum amount of advance.**- The maximum amount which may be advanced to a Minister for the purchase of a motor car shall not exceed rupees <sup>1</sup>[fourteen lacs] or the actual price of the motor car which is intended to be purchased, whichever is less :

Provided that in case the Minister has taken the house building advance under rule 13 of these rules or under rule 4 of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's (Advance of Loan for House Building) Rules, 1981 or under rule 4 of the Himachal Pradesh Legislative Assembly Members (Advance of Loan for House Building) Rules, 1979, then the total amount of the motor car advance together with the house building advance already availed of by the Minister shall not exceed the limit of <sup>2</sup>[fourteen lacs rupees:

Provided further that where a Minister has taken the motor car advance in his capacity as the Speaker or the Deputy Speaker or the Member of Legislative Assembly, as the case may be, the total amount of motor car advance together with the motor car advance already given to him shall not exceed the limit of <sup>3</sup>[fourteen lacs] rupees:

<sup>4</sup>[Provided further that in case the Minister has taken the house building advance under rule 13 of these rules or rule 13 of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's (Advance for Motor Car and House Building) Rules, 2001 or under rule 13 of the Himachal Pradesh Legislative Assembly Member (Advance for Motor Car and House Building) Rules, 2001 and has refunded the whole amount with interest thereon then he shall be entitled to avail second advance not exceeding the maximum limit.]

**5. Recovery of advance.**- (1) Recovery of the advance granted under rule 4 of these rules together with interest thereon, shall be made in 180 equal monthly instalments. The Government may order recovery to be made in a smaller number of instalments keeping in view the remaining period of term of

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1. Subs. for the words "ten lacs" vide Not. No. GAD-C(PA)4-2/2003, dated 26<sup>th</sup> August, 2003 published in R.H.P. Extra., dated 26.8.2003, p. 1604.

2. Subs. for the words "ten lacs" vide Not. No. GAD-C(PA)4-2/2003, dated 26<sup>th</sup> August, 2003 published in R.H.P. Extra., dated 26.8.2003, p. 1604.

3. Subs. for the words "ten lacs" vide Not. No. GAD-C(PA)4-2/2003, dated 26<sup>th</sup> August, 2003 published in R.H.P. Extra., dated 26.8.2003, p. 1604.

4. Proviso added vide Not. No. GAD-C(PA)4-2/2003, dated 10<sup>th</sup> October, 2006 published in R.H.P. Extra., dated 30.10.2006, p. 5526.

office or if the Minister himself so desires. The deduction shall commence with the first issue of salary after the advance is drawn.

(2) Simple interest at the rate of [4% ]<sup>1</sup> per annum shall be charged in respect of the loans sanctioned on or after [1-4-2006]<sup>2</sup> :

Provided that the rate of interest fixed on the loans sanctioned prior to [1-4-2006]<sup>3</sup> shall hold good for the entire duration of the advance.

(3) If a Minister ceases to be a Minister for any reason before the advance is fully repaid, but continues to be the Member of Legislative Assembly the monthly instalments shall be recovered by the Vidhan Sabha Secretariat out of the various allowances admissible to him as a Member of the Legislative Assembly.

(4) If a Minister also ceases to be the Member of the Legislative Assembly, before the advance is fully repaid, but he is entitled to draw pension, the recovery shall be made by the Vidhan Sabha Secretariat out of the pension payable to him and the balance amount of the monthly instalments shall be deposited by him regularly in the Government Treasury and in token of proof of such payment, he shall submit a copy of the challan to the Government regularly.

(5) In case he ceases to be a Member of Legislative Assembly and is also not entitled to draw the pension, the monthly instalments, together with interest accrued thereon shall be deposited by him regularly in Government Treasury and he shall submit a copy of the Challan to the Government in token of having deposited the amount.

(6) In the event of death before the recovery of advance alongwith interest thereon, the legal heir/heirs of Minister or MLA, shall deposit the balance of the amount of the loan and interest accrued thereon in lump-sum in the Government treasury and submit a copy of the Challan to the Government in token of having deposited the whole amount.

(7) If the Minister or his legal representative(s), as the case may be, make(s) default in regular payment of instalments either of the principal or interest thereon, or if he (they) become(s) insolvent(s) or he (they) fail(s) to observe or perform the terms and conditions of the loan, then in such a case the whole of the principal amount of the loan or so much thereof as shall then remain due and unpaid, shall become payable forthwith in lump-sum to the Government with interest thereon at the rate specified in sub-rule (2). The Government shall be at liberty to recover the said outstanding amount as "Arrears of Land Revenue". The recovery to be effected by Vidhan Sabha

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1. Subs. for the figures and sign "5%" vide Not. No. GAD-C-(PA) 4-2/2003, dated 29<sup>th</sup> April, 2006, published in R.H.P.Extra., dated 2<sup>nd</sup> May, 2006, 856.

2. Subs. for the figures and sign "3.12..1993" vide Not. No. GAD-C-(PA) 4-2/2003, dated 29<sup>th</sup> April, 2006, published in R.H.P.Extra., dated 2<sup>nd</sup> May, 2006, 856

3. Subs. for the figures and sign "3.12..1993" vide Not. No. GAD-C-(PA) 4-2/2003, dated 29<sup>th</sup> April, 2006, published in R.H.P.Extra., dated 2<sup>nd</sup> May, 2006, 856

Secretariat, as envisaged in the above conditions, will be regulated under the Himachal Pradesh Legislative Members (Advance of Loan for purchase of Motor Car) Rules, 1979, as in force from time to time.

*Explanation.*- The amount of the advance to be recovered monthly shall be fixed in whole rupees except in the case of last instalment when the remaining balance including any fraction of a rupee shall be recovered.

**6. Sale of motor car.**- (1) Except when a Minister relinquishes his office, the office, the previous sanction of the Government shall be obtained for the sale by the Minister of the motor car purchased with the aid of an advance, if such advance together with the interest accrued thereon has not been fully repaid. If a Minister wishes to transfer the motor car and the liability attaching thereto to another Minister, he may be permitted to do so under the orders of the Government, subject to furnishing of a declaration that he is aware that the motor car transferred to him remains subject to mortgage to the Government and that he is bound by the terms and provisions of the Mortgage Bond, executed under rule 8 by the Minister who transferred the car.

(2) In all cases where a motor car is sold before the advance with interest thereon has been fully repaid, the sale proceeds must be applied, so far as may be necessary towards the repayment of such outstanding balance:

Provided that when the motor car is sold only in order that another motor car may be purchased, the Government may permit the Minister to apply the sale proceeds towards such purchase, subject to the following conditions, namely:-

- (a) the amount outstanding shall not be permitted to exceed the cost of the new car;
- (b) the amount outstanding shall continue to be repaid at the rate previously fixed; and
- (c) the new car shall be mortgaged to the Government and also insured.

**7. Period within which negotiations for purchase of car, may be completed.**- A Minister who draws an advance for the purchase of a motor car shall complete negotiations for the purchase and make final payment for the motor car within one month in which he draws the advance failing such completion and payment, the full amount of the advance drawn with interest thereon for one month shall be refunded to the Government. The period of one month for completion of the deal may, however be extended by the Government in individual cases. An advance will not be admissible when a motor car has already been purchased and paid for in full. In a case in which payment has been made in part, the amount of advance will be limited to the balance to be paid as certified by the Minister.

**8. Execution of agreement.**- At the time drawing the advance the Minister shall execute an agreement in Form-I and on completing the purchase, he shall further execute a mortgage bond in Form-II hypothecating the motor

car to the Government as security for the advance. The cost price of the motor car shall be entered in the Schedule of specifications attached to the mortgage bond.

*Note.*- The agreement forms shall be executed on plain paper and stamp duty/registration charges, if any, on the instrument, shall be borne by the State Government.

**9. Certificate to the Audit Officer.**- When an advance is drawn, the sanctioning authority shall furnish to the audit Officer a certificate that the agreement in Form II has been signed by the Minister drawing the advance and that it has been found to be in order. The sanctioning authority shall see that the motor car is purchased within one month from the date on which the advance is drawn or such period as may have been specifically allowed in individual cases by the Government for completion of the deal under rule 7 and shall submit every mortgage bond promptly to the Audit Officer for examination before final record.

**10. Safe custody and cancellation of mortgage bond.**- The mortgage bond shall be kept in the safe custody by the sanctioning authority. When the advance together with the interest thereon has been fully repaid the bond shall be returned to the Minister concerned duly cancelled after obtaining a certificate from the Audit Officer as to the complete repayment of the advance and interest.

**11. Insurance of the Motor Car.**- The motor car purchased with the advance shall be insured against full loss by fire, theft or accident with any Insurance Company/Corporation transacting General Insurance Business. The insurance policy shall contain a clause as in Form III by which the Corporation agrees to pay to Government instead of the owner any sums payable in respect of loss or damage to the motor car which is not made good by repair, re-instatement or replacement such insurance should be effected within one month of the date of the purchase.

**12. Advance when admissible.**- On an application made in Form IV, a Minister, may be paid a repayable advance, for the construction of his own house or for the purchase of a built up house with a view to have a reasonable standard of living.

**13. Maximum amount of advance.**- The maximum amount which may be advanced to a Minister for the construction of a house or for the purchase of a built up house shall not exceed <sup>1</sup>[fourteen lacs] rupees or the actual price or cost of the construction of house whichever is less:

Provided that in case the Minister has taken the motor car advance under rule 4 of these rules or under rule 4 of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's (Advance for Motor Car)Rules, 1971 or under rule 4 of the Himachal Pradesh Legislative Assembly Members

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<sup>1</sup> Subs. for the words "ten lacs" vide Not. No. GAD-C(PA)4-2/2003, dated 26<sup>th</sup> August, 2003 published in R.H.P. Extra., dated 26.8.2003, p. 1604.

(Advance of Loan for purchase of Motor Car) Rules, 1979, then the total amount of house building advance together with the motor car advance already availed of by the Minister, shall not exceed the limit of <sup>1</sup>[fourteen lacs] rupees:

Provided further also that where a Minister has taken the house building advance in his capacity as the Speaker or the Deputy Speaker or the Member of Legislative Assembly, as the case may be, the total amount of house building advance together with the house building advance already advanced to him shall not exceed the limit of <sup>2</sup>[fourteen lacs] rupees:

<sup>3</sup>[Provided further that in case the Minister has taken the Motor Car advance under rule 4 of these rules or rule 4 of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's (Advance for Motor Car and House Building) Rules, 2001 or under rule 4 of the Himachal Pradesh Legislative Assembly Member (Advance for Motor Car and House Building) Rules, 2001 and has refunded the whole amount with interest thereon then he shall be entitled to avail second advance not exceeding the maximum limit.]

**14. Mode of payment.**- The amount of advance admissible under these rules shall be paid in the following manner :-

(1) For the construction of his own house:-

- (a) first instalment equal to 50% of the advance sanctioned for starting the construction; and
- (b) second and final instalment of remaining 50% of the total advance, after the house has been completed upto the roof level.

2. For the purchase of the built-up house-in lump-sum.

*Note.*- A certificate which must be furnished by the Minister certifying that the amount drawn has been utilised by him for the purpose for which it was advanced to him will be sufficient proof of the amount having been actually utilised by him for the aforesaid purpose.

**15. Recovery of advance.**- (1) Recovery of the advance granted under rule 13 of these rules together with interest thereon, shall be made in 180 equal monthly instalments. The Government may order recovery to be made in a small number of instalments keeping in view the remaining period of term of office or if the Minister himself so desires. The deduction shall commence with the first issue of salary after the first instalment of or lump sum advance is drawn.

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1 Subs. for the words "ten lacs" vide Not. No. GAD-C(PA)4-2/2003, dated 26<sup>th</sup> August, 2003 published in R.H.P. Extra., dated 26.8.2003, p. 1604.

2 Subs. for the words "ten lacs" vide Not. No. GAD-C(PA)4-2/2003, dated 26<sup>th</sup> August, 2003 published in R.H.P. Extra., dated 26.8.2003, p. 1604.

3. Proviso added vide Not. No. GAD-C(PA)4-2/2003, dated 10<sup>th</sup> October, 2006 published in R.H.P. Extra., dated 30.10.2006, p. 5526.

(2) Simple interest at the rate of <sup>1</sup>[4% ]per annum shall be charged in respect of the loans sanctioned on or after <sup>2</sup>[1.4.2006]:

Provided that the rate of interest fixed on the loans sanctioned prior to <sup>3</sup>[1.4.2006] shall hold good for the entire duration of the advance.

(3) If a Minister ceases to be a Minister for any reason, before the advance is fully repaid, but continuous to be Member of Legislative Assembly, the monthly instalments shall be recovered by the Vidhan Sabha secretariat out of the various allowances admissible to him as Member of Legislative Assembly.

(4) If a Minister also ceases to be the Member of Legislative assembly before the advance is fully repaid, but he is entitled to draw pension, the recovery shall be made by the Vidhan Sabha Secretariat out of the pension payable to him and the balance amount of the monthly instalments shall be deposited by him regularly in the Government Treasury and in token of proof of such payment he shall submit a copy of the challan to the Government regularly.

(5) In case he ceases to be a Member of Legislative Assembly and is also not entitled to draw the pension, the monthly instalments, together with interest accrued thereon, shall be deposited by him regularly in Government Treasury and he shall submit a copy of the challan to the Government in token of having deposited the amount.

(6) In the event of death before the recovery of advance alongwith interest thereon, the legal heir/heirs of the Minister or M.L.A. shall regularly deposit the monthly instalments in the Government Treasury and submit the copy of the challan to the Government, every month in token of having deposited the amount.

(7) If the Minister or his legal representatives, as the case may be, makes default in the regular payment of instalments either of the principal or interest thereon or if he becomes insolvent or he fails to observe or perform the terms and conditions of the loan, then in such a case the whole of the principal amount of the loan or so much thereof as shall then remain due and unpaid shall become payable forthwith in a lump sum to the Government with interest thereon at the rate specified in sub-rule (2), The Government shall be at liberty to recover the said outstanding amount as "Arrears of Land Revenue".

*Explanation.-* The amount of the advance to be recovered monthly shall be fixed in whole rupees except in the case of last instalment when the remaining balance including any fraction of a rupees shall be recovered.

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1 Subs. for the figure and sign "5%" vide Not. No. GAD-C(PA)4-2/2003, dated 29<sup>th</sup> April, 2006 published in R.H.P. Extra., dated 2.5.2006, p. 856.

2 . Subs. for the figure "3.12.1993", vide Not. No. GAD-C(PA)4-2/2003, dated 29<sup>th</sup> April, 2006 published in R.H.P. Extra., dated 2.5.2006, p. 856.

3 . Subs. for the figure "3.12.1993", vide Not. No. GAD-C(PA)4-2/2003, dated 29<sup>th</sup> April, 2006 published in R.H.P. Extra., dated 2.5.2006, p. 856.

**16. Liability to execute mortgage deed securing the payment of the loan.-** In order to secure Government from loss consequent on the demise of a Minister or his ceasing to be a Minister, before full repayment of the advance and the interest accrued thereon the house so built-up or purchased, together with the land on which it stands upon, shall be mortgaged to the Himachal Pradesh Government in Form-V which shall be executed before the payment of the first instalment or of lump sum, as the case may be, as made, and on full payment of the amount which accrued to be due the mortgage shall be released after the execution of the re-conveyance deed in Form-VI . On the execution of the mortgage deed, the sanctioning authority shall satisfy itself as to correctness of the applicant's title to the land upon which the house stands or is proposed to be built.

**17. Liability to keep premises in good repairs and insure the premises against fire risks, etc.-** The Minister shall maintain the house in good repair at his own cost and shall also keep it free from all encumbrances. He shall also have it insured for a sum not less than the amount of advance sanctioned, against fire, flood etc., and furnish an annual certificate to this effect.

**18. Repeal and savings.-** (1) The Himachal Pradesh Ministers (Advance for Motor Car) Rules, 1971. The Himachal Pradesh Deputy Ministers (Advance for Motor Car) Rules, 1971. The Himachal Pradesh Minister (Advance of Loan for House Building) Rules, 1981 and the Himachal Pradesh Deputy Ministers (Advance of loan for House Building) Rules, 1982 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the rules so repealed under sub-rule(1) supra shall be deemed to have been taken or done under these rules.

**FORM-I**

**FORM OF AGREEMENT TO BE EXECUTED AT THE TIME OF DRAWING AN ADVANCE FOR THE PURCHASE OF MOTOR CAR**

( See rule 8)

An agreement made this.....day of.....  
.....between Shri.....Minister of Himachal Pradesh (hereinafter called the "Borrower"which expression shall include his heirs, administrators, executors, legal representatives and assigns) of the one part and the Governor of Himachal Pradesh (hereinafter called "the Government of Himachal Pradesh" which expression shall include his successors and assigns) of the other part.

Whereas the Borrower has under the Himachal Pradesh Ministers (Advance for Motor Car and House Building) Rules, 2000 applied to the Government for a loan of Rs.....(Rupees.....) for the purchase of a motor car and the Government has agreed to lend the said amount to the Borrower on the terms and conditions hereinafter contained.

Now it is hereby agreed between the parties hereto that in consideration of the sum of Rs..... (Rupees.....only) paid by the Government of Himachal Pradesh to the Borrower, the receipt of which the Borrower hereby acknowledges with the Government-

- (1) to pay the Government that said amount with interest calculated according to the said rules by 180 monthly deductions from his salary or allowances or pension payable as M.L.A. (as much as could be recovered and the rest to be deposited in cash by him in Government Treasury) as provided for by the said rules and hereby authorises the Government to make such deductions and in case the Borrower is not entitled to draw the pension, the monthly instalments together with interest accrued thereon, shall be deposited by him regularly in Government treasury and he shall submit a copy of the challan to the Government in token of having deposited the amount as provided for by the said rules ;
- (2) within one month from the date of these presents to expend the full amount of the said loan in the purchase of a motor car or if the actual price paid is less than the loan, to repay the difference to the Government forthwith ; and
- (3) to execute a document hypothecating the said motor car to the Government as security for the amount lent to the borrower as aforesaid and interest in the form provided by the said rules.

And it is hereby lastly agreed and declared that if the motor car is not purchased and hypothecated as aforesaid within one month from the date of these presents or within the extended period or if the Borrower within that period becomes insolvent or relinquishes his office or otherwise ceases to be Minister or dies, the whole amount of the loan and interest accrued thereon shall immediately become due and payable.

(The Government shall be at liberty to recover the said outstanding amount as "Arrears of Land Revenue").

In witness whereof the Borrower has hereunto set his hand the day and year first before written.

Signed by the said

Shri-----

In the presence of.....

Signed by (Name and designation).....

For and on behalf of the Governor of Himachal Pradesh in the presence of

(Signature and designation of the Officer).

1.....

(Signature of Witnesses).

2.....

Name and designation of the Borrower.

**FORM OF MORTGAGE BOND FOR MOTOR VEHICLE ADVANCE  
(See rule 8)**

This indenture made this.....day of.....  
.....between..... (hereinafter called  
"Borrower" which expression shall include his heirs, administrators, executors,  
assigns and legal representatives) of the one part and the Governor of Himachal  
Pradesh (hereinafter called the "Government of Himachal Pradesh" which  
expression shall include his successors and assigns) of the other part ;

Whereas the Borrower has applied for and has been granted an advance of  
Rs.....(Rupees.....) only to purchase a motor car  
in the terms of rules 3 and 4 of the Himachal Pradesh Ministers (Advance for  
Motor Car and House Building) Rules, 2000 made under the Salaries and  
Allowances of Ministers (Himachal Pradesh) Act, 2000 (hereinafter referred to  
as "the said rules") and whereas one of the condition upon which the said  
advance has been/was granted to the Borrower is/was that the Borrower  
will/would hypothecate the said motor car to the Government of Himachal  
Pradesh as security for the amount lent to the Borrower and whereas the  
borrower has purchased with whole or partly with the amount so advanced as  
aforesaid the motor car particulars whereof are set out in the Schedule  
hereunder written;

Now, this indenture witnesseth that in pursuance of the said agreement and  
for the consideration aforesaid the Borrower doth hereby covenant to pay to the  
Government of Himachal Pradesh the sum of Rs..... (Rupees.....)  
aforesaid or the balance thereof remaining unpaid at the date of these presents  
by equal payment of Rs..... (Rupees.....) each on the first day of every  
month and will pay interest on the sum for the time being remaining due and  
owing calculated according to the said rules and the Borrower doth agree that  
such payments may be recovered by.....monthly deductions from his salary  
(Allowances or pension payable as M.L.A. or otherwise) in the manner provided  
by the said rules, and in further pursuance of the said agreement the Borrower  
doth hereby assign and transfer unto the Government of Himachal Pradesh the  
motor car the particulars whereof are set out in the  
Schedule.....hereunder written by way of security written for the said  
advance and the interest thereon as required by the said rules;

And the Borrower doth hereby agree and declare that he has paid in full the  
purchase price of the said motor car and that the same is his absolute property  
and that he has not pledged and so long as any money remains payable to the  
Government of Himachal Pradesh in respect of the said advance, will not sell,  
pledge or part with the property in or possession of the said motor car:

Provided always and it is hereby agreed and declared that if any of the said  
instalments of principal or interest shall not be paid or recovered in the manner  
aforesaid within ten days after the same are due or if the Borrower shall die or if  
the Borrower shall sell or pledge or part with the property in or possession of  
the said motor car or become insolvent or make any composition or arrangement

with his creditors or if any person shall take proceedings in execution of any decree or judgement against the Borrower, the whole of the said principal sum which shall then be remaining due and unpaid together with interest thereon calculated as aforesaid shall forthwith become payable;

And it is hereby agreed and declared that the Government of Himachal Pradesh may on the happening of any of the events herein before mentioned seize and take possession of the said motor car and either remain in possession thereof without removing the same or else may remove and sell together said motor car either by public auction or private contract and may, out of the sale money retain the balance of the said advance then remaining unpaid and any interest due thereon calculated as aforesaid and all costs, charges, expenses and payments properly incurred or made in maintaining, defending or realising his rights there-under and shall pay over the surplus, if any, to the Borrower, his executors, administrators or personal representatives:

Provided further that the aforesaid power of taking possession or selling of the said motor car shall not prejudice the right of the Government of Himachal Pradesh, to sue the Borrower or his legal representatives for the said balance remaining due and interest or in the case of the motor car being sold the amount by which the net sale proceeds fall short of the amount owing;

And the Borrower hereby further agrees that so long as any money are remaining due and owing to the Government of Himachal Pradesh, he the Borrower will ensure and keep insured the said motor car against loss or damage by fire, theft or accident with any Insurance Company/ Corporation transacting any General Insurance Business and will produce evidence to the satisfaction of the Audit Officer that the Insurance Company/Corporation transacting any General Insurance Business with whom the said motor car is insured have received notice that the Government of Himachal Pradesh is interested in the policy;

And the Borrower hereby further agrees that he will not permit or suffer the said motor car to be destroyed or injured or to deteriorate in a greater degree than it would deteriorate by reasonable wear and tear thereof and further that in the event of any damage or accident happening to the said motor car the Borrower will forthwith have the same repaired and made good.

### **THE SCHEDULE**

Description of motor car  
 Maker's name  
 Description  
 Number of cylinders  
 Engine number  
 Chassis number  
 Cost price

In witness whereof the said.....(Borrower's name) and said Shri.....for and on behalf of the Governor of Himachal Pradesh have hereinto set their respective hands the day and year first above written.

Signed by the said in the presence of :

1. ....

2. ....

(Signature of witnesses)

(Signature and designation of the Borrower)

(Signed by name and designation)

.....

for and on behalf of the Governor of Himachal Pradesh in the presence of :-

1. ....

2. ....

(Signature of witnesses)

(Signature and designation of the Officer).

**FORM-III**

**FORM OF THE CLAUSE TO BE INSERTED IN INSURANCE POLICIES**

**(See rule 11)**

It is hereby declared and agreed that Shri.....(the owner of the motor car hereinafter referred to as the insured in the Schedule of this policy) has hypothecated the car to the Governor of Himachal Pradesh (hereinafter called the "Government") as security for advance for the purchase of motor car and it is further declared and agreed that the said Government is interested in moneys which but for this endorsement would be payable to the said Shri\_\_\_\_\_ (the insured under this policy in respect of the loss or damage to the said motor car (which loss or damage is not made good by repair, reinstatement or replacement) and such moneys shall be paid to the Government as long as they are the mortgages of the motor car and their receipt shall be full and final discharge to the company in respect of such loss or damage.

2. Save as by this endorsement expressly agreed nothing shall modify or effect the rights or liabilities of the insured or the company respectively under or in connection with this policy or any term, provision or condition thereof.

**FORM-IV**

**(See rule 12)**

**APPLICATION FORM FOR HOUSE BUILDING ADVANCE**

1. Name of the Minister in (in block letters).....

2. Amount of advance required indicating whether:-

(i) required for construction of a house or

(ii) for the purchase of a built-up house.

3. Place where the house is proposed to be constructed and if the loan is required for the purchase of built up house a certificate from the architect with regard to the reasonableness of the cost of the house be attached.

4. Number of instalments in which the advance is proposed to be drawn or in lump-sum.

5. Number of instalments in which the advance is proposed to be repaid.
6. whether the plot on which the Minister intends to construct the house is in his proprietorship and possession.
7. Authentic proof of his title to the plot/land on which the Minister intends to construct the house.
8. Time by which the Minister propose to undertake the construction of the house and completion.

Certified that the above information is correct to the best of my knowledge and that I undertake to mortgage the built-up house the plot on which the house is to be constructed and execute and register a mortgage deed.

Dated.....

(Signature of the Minister)

**FROM-V**

(See rule 16)

**FORM OF MORTGAGE FOR HOUSE BUILDING ADVANCE**

This INDENTURE is made the.....day of..... between..... Himachal Pradesh (hereinafter referred to as "the mortgagor" which term shall where the context so admits include his heirs, executors, administrators, assigns and legal representative (s) of the one part and the Governor of the Himachal Pradesh (hereinafter referred to as "the mortgagee" which term shall where the context so admits include his successors and assigns) of the other part;

WHEREAS the mortgagor is absolutely seized and possess of or otherwise well entitled to the land hereditament and premises hereinafter described and expressed to be hereby conveyed transferred and assured (hereinafter referred to as "the said hereditaments");

AND WHEREAS THE MORTGAGOR HAS APPLIED TO THE MORTGAGEE for an advance of the sum of Rs..... (Rupees.....) for the purpose of enabling him to construct his own house or purchase a new built-up house for his own personal use ;

AND WHEREAS under the provision contained in the Himachal Pradesh Ministers (Advance for Motor Car and House Building) Rules, 2000, (hereinafter referred to as "the said rules" which expression shall where the context so admits include any amendment thereof or addition thereto for the time being in force), the mortgagee has agreed to advance to the mortgagor the said sum of Rs. .... (Rupees.....) only, payable as follows :

- (a) Rs.....for starting construction.
- (b) Rs.....after the house has been completed .....upto roof level.
- (c) in lump sum;

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the sum of Rs..... (Rupees.....) paid on or before the execution of these presents to the mortgagor by the mortgagee (the receipt whereof the mortgagor doth hereby acknowledge for the purpose of

enabling the mortgagor to defray the hereinbefore receipt whereof expression the mortgagor hereby covenants with the mortgagee to repay to the mortgagee the said sum of Rs..... (Rupees.....) (and such further sum as shall hereafter be paid by him to the mortgagor pursuant to the hereinafter rected agreement in that behalf).

AND THIS INDENTURE ALSO WITNESSETH that for the consideration aforesaid the mortgagor doth hereby convey, transfer and assure unto the mortgagee all that piece of land situated in the..... district of.....registration District of.....sub-registration District of ..... containing.....more or less now in the occupation of the mortgagor and bounded on the East by.....on the North by.....on the South by..... and on the West by .....together with the dwelling house now erected or hereafter to be re-erected on the said piece of land together with all rights, easements and appurtenances to the said hereditaments and buildings hereafter erected and built on the said piece of land unto and to the use of the mortgagee absolutely subject to the proviso for redemption hereinafter contained:

PROVIDED ALWAYS if and as soon as the said advance of Rupees..... (and of such further sums as may have been paid as aforesaid) made upon the security of these presents shall have been repaid and interest thereon calculated according to the said rules as in the said rules mentioned or by any other means whatsoever then and in such case the mortgagee will upon the request and at the cost of the mortgagor reconvey, retransfer or reassure the said hereditaments until and to the use of the mortgagor or as he may direct and if is hereby agreed and declared that if there shall be any breach by the mortgagor of the covenants on his part herein contained or if he dies or ceases to be a Minister before the said sum of Rupees.....(and any further sum as may have been paid as aforesaid) and interest thereon calculated according to the said rules shall have been fully paid off then and in any of such cases it shall be lawful for the mortgagee to sell the said hereditaments or any part thereof either together or in partial and either by public auction or by private contract with power to nullify or rescind any contract for sale and to resell without being responsible for any loss which may be occasioned thereby;

AND to do and execute all such acts and assurances for effectuating any such sale as the mortgagee shall think fit and it is hereby declared that the receipt of the mortgagee for the purchase money of the premises sold or any part thereof shall effectually discharge the purchaser or purchasers therefrom;

AND it is hereby declared that the mortgagee shall hold the moneys to arise from any sale in pursuance of the aforesaid power UPON TRUST in the first place there out to pay all expenses incurred on such sale and in the next place to apply such moneys in or towards satisfactions of the moneys for the time being owing on the security of these presents and then to pay the surplus (if any) to the mortgagor AND it is hereby agreed and declared that the said rules shall be deemed and taken to be part of these presents.

The mortgagor hereby covenants with the mortgagee that he, the mortgagor, will during the continuance of his security observe and perform all the provisions and conditions of the said rules on his part to be observed and performed in respect of these presents and the said hereditaments.

IN WITNESS whereof the mortgagor, hath hereunto set his hand the day and year first above written.

Signed by the said (Mortgagor).

In the presence of:

1st witness :

2nd Witness:

Address :

Address :

Occupation:

Occupation :

**FORM-VI**

**(See rule 16)**

**RECONVEYANCE FOR HOUSE BUILDING ADVANCES**

THIS INDENTURE is made the.....day of.....BETWEEN THE GOVERNOR OF HIMACHAL PRADESH (hereinafter called the Government) of the one part and Shri.....a Minister.....of the Himachal Pradesh (hereinafter called "the mortgagor") of the other is supplemental to an indenture of mortgage, dated the .....day of .....and made BETWEEN THE MORTGAGOR OF THE one part and the Governor of the other part and registered at.....in Book..... Volume.....pages.....to.....and .....as No.....for.....hereinafter called the PRINCIPAL INDENTURE.

WHEREAS all moneys due and owing on the security of the PRINCIPAL INDENTURE have been fully paid and satisfied and the Governor has accordingly at the request of the mortgagor agreed to execute such reconveyance of the mortgaged premises in the within written INDENTURE comprised as is hereinafter contained.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises, the Governor doth hereby grant assign and reconvey upto the mortgagor, his heirs, executors, administrators and assigns ALL THAT piece of land situated in the containing.....more or less bounded on the North by.....on the South by.....on the East by.....on the West by.....to therewith the dwelling house and out offices, stables, cook-rooms and out buildings thereon AND ALL and singular other than premises in the PRINCIPAL INDENTURE comprised or expressed to be thereby assured or which now are by any means vested in the Governor subject to redemption under or by virtue of the PRINCIPAL INDENTURE with their rights, easements and appurtenances as in the PRINCIPAL INDENTURE expressed and all the estate, rights, title, interest property clean and demand whatsoever of the Governor into out of or upon the same premises by virtue of PRINCIPLE INDENTURE to have and to hold the

premises hereinbefore expressed to be hereby granted, assigned and reconveyed unto and to the use of the mortgagor, his heirs, executors, administrators and assigns forever freed and discharged from all moneys intended to be secured by the PRINCIPAL INDENTURE and from all actions, suits, accounts, claims and demands for, or in respect of the said moneys or any part thereof or PRINCIPAL INDENTURE of anything relating to the premises.

AND the Governor hereby covenants with the mortgagor, his heirs, executors, administrators and assigns that the Governor has not done or knowingly suffered or been party or privy to anything whereby the said premises or any part thereof, are, is or can be impeached, encumbered or affected in title, estate or otherwise however IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by for and on behalf of the Governor of Himachal Pradesh.

In the presence of :

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(R.H.P.Extra., dated 18-11-2000 P. 4119-4131)

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