

THE FINANCE COMMISSION (MISCELLANEOUS
PROVISIONS) ACT, 1951

No. XXXIII OF 1951



An Act to determine the qualifications requisite for appointment as members of the Finance Commission and the manner in which they shall be selected, and to prescribe their powers.

[18th May, 1951]

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Finance Commission (Miscellaneous Provisions) Act, 1951.

2. Definition.—In this Act, "the Commission" means the Finance Commission constituted by the President pursuant to clause (1) of article 280 of the Constitution.

3. Qualifications for appointment as, and the manner of selection of, members of the Commission.—The Chairman of the Commission shall be selected from among persons who have had experience in public affairs, and the four other members shall be selected from among persons who—

(a) are, or have been, or are qualified to be appointed as Judges of a High Court; or

(b) have special knowledge of the finances and accounts of Government; or

(c) have had wide experience in financial matters and in administration; or

(d) have special knowledge of economics.

4. Personal interest to disqualify members.—Before appointing a person to be a member of the Commission, the President shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission; and the President shall also satisfy himself from time to time with respect to every member of the Commission that he has no such interest and any person who is, or whom the President proposes to appoint to be, a member of the Commission shall, whenever required by the President so to do, furnish to him such information as the President considers necessary for the performance by him of his duties under this section.

2 *Finance Commission (Miscellaneous Provisions)* [ACT XXXIII OF 1951]

5. **Disqualifications for being a member of the Commission.**—A person shall be disqualified for being appointed as, or for being, a member of the Commission,—

- (a) if he is of unsound mind;
- (b) if he is an undischarged insolvent;
- (c) if he has been convicted of an offence involving moral turpitude;
- (d) if he has such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission.

6. **Term of office of members and eligibility for reappointment.**—Every member of the Commission shall hold office for such period as may be specified in the order of the President appointing him, but shall be eligible for reappointment:

Provided that he may, by letter addressed to the President, resign his office.

7. **Conditions of service and salaries and allowances of members.**—The members of the Commission shall render whole-time or part-time service to the Commission as the President may in each case specify, and there shall be paid to the members of the Commission such fees or salaries and such allowances as the Central Government may, by rules made in this behalf, determine.

8. **Procedure and powers of the Commission.**—(1) The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), while trying a suit in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the production of any document;
- (c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of India.

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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वित्त एवं कंपनी कार्य मंत्रालय

(आर्थिक कार्य विभाग)

अधिसूचना

नई दिल्ली, 24 मार्च, 2003

का.आ. 310(अ).—वित्त आयोग (प्रकीर्ण उपबंध) अधिनियम, 1951 (1951 का XXXIII) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार वित्त आयोग (वेतन तथा भत्ते) नियम, 1951 में और संशोधन करने हेतु एतद्वारा निम्नलिखित नियम बनाती है, अर्थात् :—

1. **संक्षिप्त नाम तथा प्रारंभ** :—(1) इन नियमों को वित्त आयोग (वेतन तथा भत्ते) नियम, 2003 कहा जाएगा।

(2) ये सरकारी राजपत्र में प्रकाशन की तारीख से प्रभावी होंगे।

2. वित्त आयोग (वेतन तथा भत्ते) नियम, 1951 के नियम 3 में उप-नियम (ख) के बाद निम्नलिखित उप-नियम जोड़ा जाएगा, अर्थात् :—

“(7) यदि किसी सदस्य को राज्य मंत्री का दर्जा दिया जाता है तो वह निम्नलिखित में किसी भी विकल्प का प्रयोग कर सकता है,

(क) भारत सरकार के सचिव का वेतन, (सेवानिवृत्त अधिकारियों के मामले में न्यून पेंशन) महंगाई भत्ता तथा परिलब्धियों का आहरण तथा राज्य मंत्री की प्रास्थिति प्राप्त करेगा, अथवा

(ख) राज्य मंत्री के संबंध में लागू वेतन, दैनिक भत्ता, परिलब्धियों का आहरण तथा प्रास्थिति (तथा सेवानिवृत्त अधिकारियों के मामले में बिना महंगाई राहत के पेंशन) का उपयोग करेगा।”

[फा. सं.10(14)-बी (एस)/2002]

धीरेन्द्र स्वरूप, अपर सचिव (बजट)

MINISTRY OF FINANCE AND COMPANY AFFAIRS**(Department of Economic Affairs)****NOTIFICATION**

New Delhi, the 24th March, 2003

S.O. 310(E).—In exercise of the powers conferred by section 7 of the Finance Commission (Miscellaneous Provisions) Act, 1951, (XXXIII of 1951), the Central Government hereby makes the following rules further to amend the Finance Commission (Salaries and Allowances) Rules, 1951, namely :—

1. **Short title and commencement**—(1) These rules may be called the Finance Commission (Salaries and Allowances) Amendment Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Finance Commission (Salaries and Allowances) Rules, 1951, in rule 3, after sub-rule(b), the following sub-rule shall be inserted, namely :—

“(7) If a Member is given the rank of a Minister of State, he may exercise the following options, either :—

- (a) to draw pay (less pension in case of retired officials), dearness allowance and perquisites of a Secretary to the Government of India and status of Minister of State; or
- (b) to draw pay, daily allowance, perquisites and status applicable to a Minister of State (plus pension without dearness relief in case of retired officials)”.

[F. No. 10(14)-B(S)/2002]

D. SWARUP, Addl. Secy. (Budget)