



Register L.No.1176

THE GAZETTE OF AZAD JAMMU & KASHMIR

EXTRAORDINARY GAZETTE
PUBLISHED BY AUTHORITY

VOL.LXIX	Muzaffarabad Dated 01 st March, 2023	No.128
----------	---	--------

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Right Department

'Muzaffarabad'
Dated: 28.02.2023

No. LD/Legis.-Act/27-39/2023. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 22nd day of February, 2023 and received the assent of the President on the 27th day of February, 2023, is hereby published for general information.

[Act III of 2023]

An

Act

to amend the Azad Jammu and Kashmir Legislative Assembly Privileges Act, 1974

Whereas, it is expedient to amend the Azad Jammu and Kashmir Legislative Assembly Privileges Act, 1974 (Act X of 1974), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Legislative Assembly Privileges (Amendment) Act, 2023.
(2) It shall come into force at once.
2. **Amendment of Section 2, Act X of 1974.**- In the Azad Jammu and Kashmir Legislative Assembly Privileges Act, 1974 (Act X of 1974), in Section 2,-
 - (i) in sub-section (1), after clause (b), the following new clause (b-a) shall be added:-

- “(b-a) “Chamber” means the place where the Assembly meets to transact its business and notified by the Speaker as Chamber;”
- (ii) in sub-section (1), for clause (c), the following shall be substituted:-
- “(c) “Committee” means a Standing Committee, a Special Committee, a Select Committee or any other Committee set up by under this Act or under the authority of the Assembly in connection with the business of the Assembly;”
- (iii) in sub-section (1), after clause (c), a following new clause (c-a) shall be added:-
-
- “(c-a) “Constitution” means the Azad Jammu and Kashmir Interim Constitution, 1974;”
- (iv) in sub-section (1), after clause (e), the following new clause (e-a) shall be added:-
- “(e-a) “Officer of the Assembly” means and includes any person who may, from time to time, be appointed to the staff of the Legislative Assembly Secretariat, whether permanently or temporarily, and includes any Police Officer on duty within the precincts of the Assembly;”
-
- (v) in sub-section (1), after clause (f), the following new clause (f-a) shall be added:-
- “(f-a) “Judicial Committee” means the Judicial Committee as constituted under Section 11-B;”
- (vi) in sub-section (1), after clause (h), the following new clause (h-a) shall be added:-
- “(h-a) “Schedule” means the Schedule appended to this Act;” and
- (vii) in sub-section (2), for the words “the Azad Jammu and Kashmir Government Act, 1970” the words “the Azad Jammu and Kashmir Interim Constitution, 1974 and the Rules of the Procedure of the Legislative Assembly of Azad Jammu and Kashmir, 1975” shall be substituted.

3. **Amendment of Section 3, Act X of 1974.-** In the said Act, in Section 3, for the words “the Azad Jammu and Kashmir

Government Act, 1970" the words "the Azad Jammu and Kashmir Interim Constitution, 1974" shall be substituted.

4. **Substitution of Section 5, Act X of 1974.-** In the said Act, Section 5 shall be substituted as under:-

"5. Power to preside a meeting.- (1) Any meeting convened by the Government or Semi-Government Institution or Autonomous body, in which a Member is supposed to participate shall be presided over by the Member:

Provided that where the President or a Minister is present, the Member shall not preside over the meeting.

(2) In case where more than one Member is to participate in the meeting, the presiding Member shall be,-

- (i) through consensus among members; or
- (ii) through voting among members."

5. **Addition of new Section 10-A, Act X of 1974-** In the said Act, after Section 10, the following new Section (10-A) shall be added:-

"10-A. Power to Arrest.- The Sergeant-at-Arms or any other Officer authorized by the Speaker in this regard may, if satisfied that with a view to preventing any person from acting in any manner prejudicial to breach of any of the privileges specified in the Schedule, it is necessary to do so, may by an order in writing, direct the arrest and detention in such custody as may be prescribed under the rules."

6. **Substitution of Section 11, Act X of 1974.-** In the said Act, Section 11 shall be substituted as under:-

"11. Breach of privilege.- Each of the acts and omissions specified in column 2 of the Schedule shall constitute a breach of privilege of the Assembly, its Members and Committees thereof.

7. **Addition of new Sections 11-A, 11-B, 11-C, 11-D, 11-E and 11-F, Act X of 1974.-** In the said Act, after Section 11 as substituted above, new Sections 11-A, 11-B, 11-C, 11-D, 11-E and 11-F, shall be substituted as under:-

"11-A. Breach of privilege to be an offence.- (1) A breach of privilege shall be an offence punishable in accordance with the provisions of this Act as provided in column No. 3 of the Schedule.

(2) The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force or the Rules of Procedure of Legislative Assembly of Azad Jammu & Kashmir, 1975 for the time being in force.

11-B. Cognizance of Offence.- (1) Subject to the provisions of this Act, if the Committee on Privilege of the Assembly is satisfied that a person has breached the privilege of the House or a Committee thereof or of a Member within the meaning of Section 11 of this Act, and punishment is to be inflicted upon him under Section 11-B of this Act, a reference shall be made to the Judicial Committee.

(2) On receipt of the reference, the Judicial Committee shall initiate proceedings against the accused in accordance with this Act and rules framed thereunder.

11-C. Jurisdiction.- (1) The Assembly, or a Committee of the Assembly, notified by the Speaker for this purpose, as the case may be, shall have exclusive jurisdiction to try offences and award punishments for the offences punishable under this Act.

(2) The Committee constituted under sub-section (1) shall be known as Judicial Committee.

(3) Notwithstanding anything contained to the contrary in any other law for the time being in force, the sentence awarded by the Assembly or the Committee shall be executed by the District Magistrate or a Magistrate of 1st Class authorized by him/her for the purposes if the same were a sentence awarded by him/her.

11-D. Appeal, etc.- Notwithstanding anything contained in any other law for the time being in force, an appeal against any order passed under this Act shall lie to the Speaker, within thirty days, whose decision shall be final.

11-E. Cases under ordinary laws.- Notwithstanding anything contained in this Act, when an offence under this Act is also an offence under any other law for the time being in force, it shall be tried under that law:

Provided that no person shall be prosecuted under any other law for having committed such offence except on a complaint made by any officer of the Assembly or an aggrieved person authorized by the Speaker in that behalf.

11-F. Power to arrest. (1) For the purpose of securing the attendance of any person before the Assembly or the Committee or of removing from the precincts of the Assembly any person whose removal has been ordered under this Act or the Procedure and Conduct of Business Rules, it shall be lawful for the Sergeant-at-Arms or any other Officer of the Assembly or Police Officer, if ordered to do so by the Presiding Officer, to arrest such person without warrant at any place within the Precincts of the Assembly and to use such reasonable force as may be necessary.

(2) Notwithstanding any law for the time being in force, on the receipt of summons or warrants issued by the Assembly or the Committee, as the case may be, the District Magistrate shall be bound to procure the attendance of the person or persons, so required as if the summons or warrants were issued by him."

8. **Substitution of Section 14, Act X of 1974.** In the said Act, for Section 14, the following shall be substituted:-

"14. **Power to try summarily.** The proceedings before the Judicial Committee shall be summary proceedings."

9. **Amendment of Section 15, Act X of 1974.** In the said Act, in Section 15, the following new clause 15-A shall be inserted,-

"15-A. **Official plate for vehicle.** (1) A Member shall be entitled to display on his vehicle, for distinctive appellation, an official plate issued by the Assembly Secretariat alongwith jacket at Government expense.

(2) The official plate shall be used only on a specific vehicle, the registration number of which shall be intimated to the Assembly Secretariat.

(3) The official plate shall be exhibited only when the member himself is presented in the vehicle, and in all other cases it shall be covered by the jacket provided along with the plate.

(4) In case of violation of sub-section (2) and (3) by a member, the Speaker may restrict the use of official plate by such member and direct him to surrender the official plate to the Assembly Secretariat.

(5) On ceasing to hold office for any reason whatsoever, the member shall surrender the official plate to the Assembly Secretariat within three days."

10. **Insertion of new clause in Section 18, Act X of 1974.-** In the said Act, in section 18, the following new clause 18-A shall be inserted,-

"18-A. Any information, query or concern ask by a member from any government servant/office/Department in writing shall be responded by the concerned within a reasonable time but not beyond ten days."

11. **Insertion of new Sections 20, 21 and 22, Act X of 1974.-** In the said Act, after Section 19 the following new Sections 20, 21 and 22 shall be inserted:-

"20. **Power to make rules.-** The Speaker, in consultation with the Committee on Privileges of the Assembly, may make rules for carrying out the purposes of this Act.

21. **Power to amend the Schedule.-** The Speaker may amend the Schedule through a Notification to be published in the Official Gazette.

22. **Overriding effect.-** The provisions of the Act shall have effect notwithstanding anything contained in any other law for the time being in force."

12. **Insertion of Schedule in Act X of 1974.-** In the said Act, the following Schedule shall be inserted at the end:-

SCHEDULE
[See Section 25]

S.No	Breach of Privilege	Maximum Punishment
1	2	3
1.	Using criminal force, or obstructing assaulting, threatening or insulting any Member or Officer of the Assembly. (i) While such Member or Officer is on his way to attend a meeting of the Assembly or a Committee or is returning from the House after attending such meeting; or (ii) on account of any vote, given, speech made, or other action taken or not taken by such Member; or (iii) with a view to influencing the conduct of such Member or Officer in respect of any matter pending in, or expected to be brought before the Assembly or any Committee.	Imprisonment of either description for six months, or fine of ten thousand rupees, or both.
2.	Assaulting or resisting or willfully obstructing any Member in the Chamber or in a Committee or in the precincts of the Assembly.	Imprisonment of either description for six months, or fine of ten thousand rupees, or both.
3.	Assaulting or resisting or willfully interfering with an Officer of the Assembly in the Chamber or in a Committee or in the precincts of the Assembly.	Imprisonment of either description for six months, or fine of ten thousand rupees, or both.

S.No	Breach of Privilege	Maximum Punishment
1	2	3
4.	Contravention of the provisions of the Procedure and Conduct of Business Rules for the time being in force.	Fine of ten thousand rupees
5.	Breach of any of the privileges as provided in Act.	Imprisonment of either description for six months, or fine of ten thousand rupees, or both.
6.	Contravention of any provisions of the Procedure and Conduct of Business Rules by a stranger admitted to the Chamber.	Imprisonment of either description for one month, or fine of five thousand rupees, or both.
7.	Tampering with, deterring, threatening, or any way unduly influencing any witness in regard to evidence to be given by him before the Assembly or any Committee.	Imprisonment of either description for one month, or fine of five thousand rupees, or both.
8.	Presenting to the Assembly or a Committee any false, untrue, fabricated or falsified document with intent to deceive the Assembly or, as the case may be, the Committee.	Imprisonment of either description for one months, or fine of five thousand rupees, or both.
9.	Destroying or materially damaging any document knowing or having reasons to believe that it has been requisitioned by the Assembly or any Committee.	Imprisonment of either description for one months, or fine of five thousand rupees, or both.
10.	Giving of false evidence before the Assembly or a Committee.	Imprisonment of either description for three months, or fine of five thousand rupees, or both.

S.No	Breach of Privilege	Maximum Punishment
1	2	3
11.	Refusing to be examined before or to answer a lawful and relevant question put by the Assembly or any Committee, unless such refusal be excused as provided in sub-section (9) of Section 10.	Imprisonment of either description for three months, or fine of five thousand rupees, or both.
12.	Mis-conduct as witness before the Assembly or in a Committee.	Imprisonment of either description for six months, or fine of five thousand rupees, or both.
13.	Willfully publishing any false or perverted report of any debate or proceedings of the Assembly or any Committee or willfully mis-representing any speech made by Member before the Assembly or any Committee.	Imprisonment of either description for three months, or fine of five thousand rupees, or both.
14.	Willfully publishing any report of any debate or proceedings of the Assembly or a Committee the publication of which has been prohibited by the Presiding Officer.	Imprisonment of either description for three months, or fine of five thousand rupees, or both.
15.	Publication of any defamatory or derogatory statement reflecting on the proceedings or the character of the Assembly.	Imprisonment of either description for three months, or fine of five thousand rupees, or both.
16.	Casting or publishing any reflection upon the character or conduct of the Presiding Officer or any imputation of partiality against him, in the discharge of his duties.	Imprisonment of either description for six months, or fine of five thousand rupees, or both.

S.No	Breach of Privilege	Maximum Punishment
1	2	3
17.	Making or publishing any maliciously false, scandalous, defamatory or derogatory statement concerning any Member in respect of his conduct as a Member or an Officer or the Assembly.	Imprisonment of either description for three months, or fine of five thousand rupees, or both.
18.	Printing of a copy of any Act or Ordinance or of any report, paper, minutes or notes of proceedings of the Assembly or any Committee, which purports to have been printed by or under the authority of the Assembly or any Committee but which in fact has not been so printed or the tendering in evidence of any such copy as aforesaid.	Imprisonment of either description for three months, or fine of five thousand rupees, or both.
19.	Publication of any proceedings or report of a Committee before they are reported to the Assembly published in the official Gazette.	Imprisonment of either description for three months, or fine of five thousand rupees, or both.
20.	Publication of any question unless it is answered in a House or before it is so answered.	Imprisonment of either description for one month, or fine of two hundred rupees, or both.
21.	Publication of any resolution or motion before it is submitted by Presiding Officer.	Imprisonment of either description for one month, or fine of two hundred rupees, or both.
22.	Publication of any adjournment motion before it is taken up in the Assembly.	Imprisonment of either description for one month, or fine of two hundred rupees, or both.

S.No	Breach of Privilege	Maximum Punishment
1	2	3
23.	Willful failure or refusal to obey any order of the Assembly under this Act, or any order of the Presiding Officer or any Member or Officer of the Assembly which is duly made under this Act.	Imprisonment of either description for one month, or fine of five hundred rupees, or both.
24.	Entry of a stranger in the Chamber without due permission.	Imprisonment of either description for one month, or fine of five hundred rupees, or both.
25.	Attending any sitting of House as representative of any newspaper after a general permission granted under the authority of the Presiding Officer to the representative or representatives of that newspaper has been revoked.	Imprisonment of either description for one month, or fine of five hundred rupees, or both.
26.	Interference, resistance or obstruction by a stranger in the execution of duties by an Officer of the Assembly.	Imprisonment of either description for three months, or fine of five hundred rupees, or both.
27.	Sitting or voting in the Assembly without being a Member.	Imprisonment of either description for three months, or fine of five hundred rupees, or both.
28.	Disrespectful Conduct.	Imprisonment of either description for one month, or fine of five hundred rupees, or both.

S.No	Breach of Privilege	Maximum Punishment
1	2	3
29.	Offering to, or acceptance by, any Member or Officer of the Assembly of a bribe to influence him in his conduct as such Member or Officer, or the offering to, or acceptance by, any Member or Officer of the Assembly of any fee, compensation, gift or reward for or in respect of the promotion of or things brought before the Assembly or its any Committee.	Imprisonment of either description for six months, or fine of five hundred rupees, or both.
30.	Creating or joining in any disturbance in the Chamber or in a Committee or in the vicinity or precincts of the Assembly while the House or the Committee is sitting, knowing or having reason to believe that the proceedings of the Assembly or Committee are likely to be interrupted.	Imprisonment of either description for three months, or fine of five hundred rupees, or both.
31.	Abetment of any act or omission specified above.	Same as for the act or omission.

-sd-
(Kh. Hashim Shaheen)
Section Officer (Legislation)

No.12701-12800/P&S/2023

Dated: 01-03-2023

Printed and Published by Controller Printing Press,
Azad Government of the State of Jammu & Kashmir,
Muzaffarabad.

12/12