

**THE AZAD JAMMU AND KASHMIR
LEGISLATIVE ASSEMBLY
PRIVILEGES ACT, 1974.**

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THE AZAD JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY PRIVILEGES ACT, 1974.

=====

An

Act

to provide for privileges of the Azad Jammu and Kashmir Legislative Assembly, its Members and Committees.

WHEREAS, it is expedient to provide for the privileges of the Azad Jammu and Kashmir Legislative Assembly, its Members and Committees, and of the persons entitled to speak and otherwise take part in the proceedings of the Assembly, and to provide for matters incidental and supplemental thereto;

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 Act, 1974.

(2) It shall come into force at once.

2. Definitions: - (1) In this Act, unless there is anything repugnant in the subject or context: -

(a) “Assembly” means the Azad Jammu and Kashmir Legislative Assembly;

(b) “Assembly Secretariat” means the Secretariat of the Assembly;

¹[(b-a) “Chamber” means the place where the Assembly meets to transact its business and notified by the Speaker as Chamber;”]

¹ Added by Act III of 2023.

¹[(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;”]

²[c-a] “Constitution” means the Azad Jammu and Kashmir Interim Constitution, 1974;”

(d) “President” means the President of the Azad Government of the State of Jammu and Kashmir;

(e) “Precincts of the Assembly” means the Assembly Chamber’s building, courtyard and gardens appurtenant thereto, and includes the hall, member’s lobbies, galleries, rooms of the Speaker, Deputy Speaker, Minister and other officers of the Government located in the Assembly building, committee rooms and the offices of the Assembly Secretariat;

³ [(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;”

(f) “Rules of Procedure” means the rules regulating the procedure of the Assembly for the time being in force;

¹ Substituted by Act III of 2023.

² Added by Act III of 2023.

³ Ibid

¹[(f-a)“Judicial Committee” means the Judicial Committee as constituted under Section 11-B;”]

(g) “Speaker” means the Speaker of the Assembly; and

(h) “Deputy Speaker” means the Deputy Speaker of the Assembly;

²[(h-a) “Schedule” means the Schedule appended to this Act;” and]

(2) Save as otherwise provided in this Act or where the context otherwise requires, all expressions used in this Act shall bear the same meanings as they bear in ³ [the Azad Jammu and Kashmir Interim Constitution, 1974 and the Rules of Procedure of the Legislative Assembly of Azad Jammu and Kashmir, 1975.]

3. Members not liable to civil or criminal action: - Subject to the provisions of ⁴[the Azad Jammu and Kashmir Interim Constitution, 1974] and the rules of procedure no civil or criminal proceedings shall lie against any Member by reason of any matter or thing which he may have brought up or given notice of his intention to bring up before the Assembly or any committee thereof by bill, resolution, motion, question or otherwise, and notwithstanding such resolution, motion, bill, question or other thing being disallowed or not having been admitted by the Speaker.

4. Freedom from detention: - (1) No Member shall be detained under any law relating to preventive detention or be required to appear in person in any civil or Revenue Court, or before any

¹ Ibid

² Added by Act III of 2023.

³ Substituted by Act III of 2023.

⁴ Ibid.

commission or Election Tribunal during a session of the Assembly and for a period of fourteen days before and fourteen days after the session of the Assembly, and no members of a committee shall be so detained or required to appear before such Court Commission or Tribunal during a sitting of the Committee and for a period of three days before and three days after the meeting of the committee.

(2) Nothing in sub-section (1) shall be construed as: -

- (a) applying to any Member detained under and such law as is referred to therein immediately before the commencement of this Act, or at any time during the period commencing on the fifteenth day next after the conclusion of a session of the Assembly and ending on the fifteenth day before the commencement of the next session; or
- (b) precluding a Member from being detained under any such law during anytime that the Assembly is not in session and for a period of fifteen days before and fifteen days after the session for any act against such law committed by him during the period that the Assembly is in session or during the period of fifteen days before and fifteen days after the session.

5. ¹[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:

¹ Substituted by Act III of 2023.

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.”]

6. Attendance of a Member detained or arrested on a bail-able

charge: - If a Member is arrested or detained on any criminal charge and the Court before which any case relating to such charge is pending against such member, is duly informed by the Member that he has been summoned to attend any session of the Assembly or a meeting of any committee thereof, such Court shall, if the charge against such Member relates to a bail able offence, release such Member on his personal recognizance in sufficient time to enable him to attend the session of the Assembly or a meeting of any Committee thereof, as the case may be:

Provided that the provisions of this section shall not be construed as exempting any such Member from attending such Court on the day or days which the Court may in usual course fix for the trial of the case against such Member.

7. No process to be served in the Assembly: - No process, civil or criminal, shall be served upon a Member within the precincts of the Assembly, building except with the leave of the Speaker.

8. No attachment of salaries and allowances: - Salaries and Allowances paid or payable to the Members under any law for

the time being in force shall not be liable to attachment in execution of a decree under the provisions of the Code of Civil Procedure, 1908.

9. **Non-liability for removing persons infringing rules:** - No action, civil or criminal, shall lie against any person for removing or excluding by order or authority of the Speaker of the Assembly, any person infringing the rules of procedure or otherwise behaving in a disorderly manner within the precincts of the Assembly.
10. **Summoning of witnesses:** - (1) Subject to the provisions contained in sub-section (7), the Assembly or any Committee thereof may direct any person to appear before the Assembly of the Committee, as the case may be, and to produce or cause to be produced any paper, book, record or document in the possession or under the control of such person.
- (2) Any order made under sub-section (1) shall be notified to person required to attend or to produce any paper, book, record or document, under the hand of the Secretary, by order of the Speaker or the Chairman of a Committee, as the case may be, and in every such order there shall be stated the date, the time and the place where the person summoned is required to attend or produce the paper or other document.
- (3) Such order shall be served by the delivery thereof to, or leaving at the usual or the last known place or residence of the person concerned, through the District Magistrate within whose jurisdiction the said residence, lies, who shall get it served by any person authorized by him in this behalf.

(4) Any person so summoned shall be entitled to receive from the Secretary, such traveling and daily allowances as may be admissible under rules framed by Government in this behalf.

(5) The Assembly or any Committee thereof may require any witness appearing before it to make an oath, and it shall be lawful thereupon for the Secretary or any person authorized by the Speaker or the Chairman of the Committee, as the case may be to administer oath to such witness.

(6) Subject to the provisions contained in sub-section (7), if any person summoned to appear refuses or fails, without a reasonable cause, to appear or to produce or cause to be produced on requisition any paper, book, record or document, as the case may be, in his possession or power or under his control, he shall be punished with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees.

(7) When Government is of opinion that in the interest of security of the State or the maintenance of Public Order or generally in the Public interest or on account of any other sufficient reason, any particular record summoned from any office of or authority under Government or set up or established by Government, should not be furnished to the Assembly or any committee thereof, or a person in the service of the State should not be summoned or compelled to give evidence, the Government may claim privilege for that record or exemption for the public servant, as the case may be:

Provided that in such case the Assembly or the committee thereof, as the case may be, may obtain orders of the President whether the privilege or exemption, as the case may be, is properly claimed and the orders of the President in this behalf shall be final and conclusive on such point, and shall not be questioned in any Court.

¹**[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.”]

²**[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.]

³ **[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.

¹ Substituted by Act III of 2023.

² Ibid.

³ Added by Act III of 2023.

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.]

12. No Prosecution except on complaint under order of the Speaker. - No prosecution shall lie under the provisions of this Act save on the complaint in writing of the Secretary, made under the orders of the Speaker and with the concurrence of the Minister for Parliamentary Affairs.

13. Withdrawal of proceedings. - Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, the Speaker may, in pursuance of a resolution of the Assembly, request the Court in which any proceedings are pending in respect of a complaint made under section 12, to drop further proceedings, and on receipt of such request, the Court shall drop all further proceedings in regard to the complaint, and the complaint shall be deemed to have been withdrawn.

¹**[14. Power to try summarily.** - The proceedings before the Judicial Committee shall be summary proceedings.”]

15. Members to be V.I. Ps: - The Members shall be V.I.Ps.

²**[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.

¹ Substituted by Act III of 2023.

² Inserted by Act III of 2023.

(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.”]

16. Accommodation in rest houses etc: - A Member shall, on previous intimation to the authority concerned and subject to the availability of accommodation, be entitled to accommodation, in every rest house and dak bungalow maintained by the Government or any local body under the control of Government on payment of such amount as is charged from touring officer, while on duty for accommodation in such rest house or dak bungalow, as the case may be.

17. Visit to Hospitals etc by Members: - (1) A Member shall be entitled to visit Hospitals, dispensaries, Health Centers, social welfare offices, educational institutions for boys, police stations, Forest check posts and buses, trucks of Azad Kashmir running either within the area of Azad Kashmir or in Pakistan.

(2) After such visit the Member may submit his report to Minister in charge.

- 18. Inspection of Jails by Members:** - Every Member of the Azad Jammu and Kashmir Legislative Assembly shall be authorized to inspect the Jails within office hours.
- ¹**[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.”]
- 19. Indemnity:** - No Suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done under this Act.
- ²**[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.”]

¹ Inserted by Act III of 2023.

² Inserted by Act III of 2023.

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 month, or fine of five thousand rupees, or both.

S.No	Breach of Privilege	Maximum Punishment
1	2	3
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.
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.

S.No	Breach of Privilege	Maximum Punishment
1	2	3
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.
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.

S.No	Breach of Privilege	Maximum Punishment
1	2	3
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.
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.

S.No	Breach of Privilege	Maximum Punishment
1	2	3
28.	Disrespectful Conduct.	Imprisonment of either description for one month, or fine of five hundred rupees, or both.
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.

**THE AZAD JAMMU AND KASHMIR
LEGISLATIVE SPEAKER (SALARY,
ALLOWANCES AND PRIVILEGES) ACT, 1975.**

NUMBER REMOVE

**THE AZAD JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SPEAKER (SALARY, ALLOWANCES & PRIVILEGES) ACT, 1975.**

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**THE AZAD JAMMU AND KASHMIR LEGISLATIVE
ASSEMBLY SPEAKER (SALARY, ALLOWANCES AND
PRIVILEGES) ACT, 1975.**

AN

ACT

to provide for the salary, allowances and privileges of the Speaker of the Legislative Assembly of Azad Jammu and Kashmir.

WHEREAS, it is expedient to provide for the salary, allowances and privileges of the Speaker of the Legislative Assembly of the Azad Jammu and Kashmir 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 Speaker (Salary, Allowances and Privileges) Act, 1975.
(2) It shall come into force at once.
- 2. Definitions:** - (1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say: -
 - (a) "Constitution" means the Azad Jammu and Kashmir Interim Constitution, 1974;
 - (b) "family" means the wife, children residing with and wholly dependent upon the Speaker;
 - (c) "Government" means the Azad Government of the State of Jammu and Kashmir;
 - (d) "maintenance" in relation to a residence includes the payment of local rates, taxes and the provision of electricity, water and gas;

- (e) “official residence” means the house reserved from time to time for residence by Speaker and includes out-houses and gardens appurtenant thereto;
- (f) “prescribed” means prescribed by rules framed under this Act; and
- (g) “Speaker” means the Speaker of the Legislative Assembly of Azad Jammu and Kashmir.

(2) Words and expressions used but not defined in this Act shall have the same meanings as are assigned to them in the Constitution.

3. **Salary:** - (1) The salary of the Speaker shall be ¹[one lac fifty thousand] rupees per mensem.

²[(2) The salary mentioned in sub-section (1) shall stand increased automatically at par with and equal to the increase in the salary of the civil servants as and when such increase is made by the Government.]

4. **Equipment Allowance:** - The Speaker may draw a sum of ³[thirty thousand] rupees as equipment allowance on his appointment as such:

Provided that no such allowance was received by him during the life time of the Assembly as Speaker, Prime Minister or a Minister.]

5. **Allowance on taking up and laying down the office:** - (1) The Speaker shall be entitled to claim actual expenses to the extent

¹ Substituted vide Act XXX of 2017.

² Inserted vide Act VIII of 2007.

³ Substituted vide Act XXX of 2017.

mentioned below from his ordinary place of residence to the seat of Government and from the seat of Government to his ordinary place of residence on taking up or laying down office, as the case may be: -

- (a) Actual traveling expenses for himself and his family;
- (b) Cost of transporting personal servants, not exceeding two, by the lowest class of accommodation; and
- (c) Cost of transporting household effects, not exceeding one hundred and twenty maunds, by goods train, steamer, or other craft, excluding aircraft, and of his personal car, if any.

(2) No claim shall lie for any travel or transportation not preformed within six months of the date of taking up or laying down office, as the case may be.

6. Sumptuary Allowance: The Speaker shall be entitled to receive sumptuary allowance at the rate of ¹[fifty thousand] rupees per mensem.

²**7. Transport:** - The Speaker shall be entitled to the use of two official ³[vehicles] maintained at the Government expense ⁴[both for official and family purpose] throughout his term and for a period of fifteen days immediately thereafter.]

8. Official Residence: - ⁵[(1) The Speaker shall be entitled, without payment of rent, to the use of an official residence

¹ Substituted vide Act XXX of 2017.

² Substituted vide Act III of 2003.

³ Substituted vide Act IV of 2014.

⁴ Inserted vide Act XIII of 2003.

⁵ Substituted vide Act IX of 1986.

including accommodation on tour throughout his term of office, and for a period of fifteen days immediately thereafter, and the charges for its maintenance including electricity and gas charges shall be borne by Government. The residence shall be furnished by Government at a cost not exceeding rupees one lac in case of a building reserved for this purpose at the first term and rupees ¹[one lac] for any subsequent term.]

(2) If, at the time of entering upon office, an official residence is not available, the Speaker shall, until such residence is provided by Government, be paid the actual expenditure incurred by him or furnished accommodation for himself and his family, subject to a maximum of ²[fifty-five thousand] rupees per mensem.

(3) Where a speaker chooses to reside, -

- i) in his own house; or
- ii) in a rented house,³ [] he may be paid a monthly sum of Rs. ⁴[fifty-five thousand] in lieu of the official furnished accommodation and to cover all expenses on its maintenance. The charges for consumption of electricity and gas in respect of the said house shall be borne by Government.

9. Traveling Allowance for touring in Azad Kashmir or Pakistan: - (1) Subject to the provisions made hereafter, the Speaker traveling on official duty shall be treated as a First-Grade Officer.

¹ Substituted vide Act III of 1990.

² Substituted vide Act IV of 2014.

³ Omitted vide Act IV of 2014.

⁴ Substituted vide Act IV of 2014.

(2) The Speaker may, if the public interest so demands, travel by air, in which case he shall be entitled to: -

- (a) ¹[business class] air fare paid for himself;
- (b) cost of transporting personal luggage up to one hundred pounds, inclusive of the free allowance given by the air company;
- (c) requisition, at the cost of Government, if he considers it necessary in the public interest, a Pakistan Air Force aeroplane or an aeroplane belonging to Government subject to availability, and in accordance with the rules made by the Federal Government or the Provincial Government of Pakistan, as the case may be;
- (d) take with himself his wife whether traveling by a commercial aeroplane or by a requisitioned aeroplane:

Provided that no non-official shall be allowed to travel in a Pakistan Air Force aeroplane without the authority of the ministry of Defence;

- (e) cost of transporting upto two personal servants by the lowest class of accommodation by rail or steamer;
- (f) carriage of personal luggage by rail or steamer, subject to a maximum of three maunds; and
- (g) claim the actual premium paid for insuring himself for the air journey for an amount not exceeding one lac rupees.

(3) Wherever possible, the Speaker shall purchase return air ticket.

¹ Substituted vide Act VII of 1995.

(4) The Speaker, when traveling on duty by rail in Pakistan shall be entitled to: -

(a) requisition at the cost of Government: -

¹[(i) an ordinary first-cum-second class carriage or a 'B' class tourist car, or an 'A' class tourist car, if a 'B' class tourist car is not available; or and]

(ii) if the vehicles specified at (i) above are not available, or are not desired, an ordinary four berthed first-class compartment or a two berthed air conditioned (coupe) compartment;

(b) take with himself in the reserved accommodation without payment of any fare, his family members not exceeding four when traveling in a requisitioned railway compartment or saloon;

(c) take with himself upto two personal servants by the lowest class of accommodation available; and

(d) the carriage of personal luggage upto three maunds when traveling by a railway compartment or upto six maunds when traveling by a requisitioned railway saloon.

(5) The Speaker reserving accommodation in the railway shall be required, before beginning the journey, to have the number and other details of the tickets purchased for the persons traveling with him in the reserved accommodation entered on the requisition form by the Station Master of the Station from which the Journey is to commence.

¹ Substituted vide Act VII of 1995.

(6) The Speaker, when traveling on duty in Pakistan by steamer or a launch, shall be entitled to: -

- (a) draw the actual fare paid for himself;
- (b) take with him upto two personal servants by the lowest class of accommodation available; and
- (c) the carriage of personal luggage upto three maunds.

(7) When the Speaker travels on duty, in the public interest, by road between places connected by Railway and chooses to forego the privileges granted under sub-sections (4) and (6) he may, where the journey is performed in a vehicle not owned or maintained by Government, draw: -

- (a) traveling allowance at the rate of ¹[five rupees per kilometer] for his own journey by road; and
- (b) actual expenses of the transport of: -
 - (i) two private servants; and
 - (ii) all his personal luggage, including stores carried for consumption on tour.

10. ²[Compensation in case of Accident: -]

11. Daily Allowance during halt: - The Speaker, while on tour shall be entitled to draw an allowance ³[four thousand] for the duration of his halts on tour:

Provided that in case of halt for less than eight hours one-half daily allowance shall be admissible:

Provided further that for such continuous halt on tour exceeding ten days daily allowance admissible for:-

- (i) the first ten days shall be at the full rate;

¹ Substituted vide Act VIII of 2007.

² Omitted vide Act III of 1994.

³ Substituted vide Act XXX of 2017.

- (ii) the next twenty days or part, thereof at three- fourth of the full rate; and
- (iii) the remaining period, at one-half of the full rate.
- ¹[(iv) while on tour, if accommodation is not available in the rest house and the Speaker stays in the hotel, he shall be paid the actual room rent on production of proper receipt.]

Explanation: -

For the purposes of this section: -

- (i) time spent on journey shall be included in the halt; and
- (ii) a halt or tour shall be treated as continuous unless terminated by an absence at a distance from the halting place exceeding five miles, for a period not less than seven nights.

²**11-A. Dearness Allowance:** - The Speaker shall be entitled to receive Dearness Allowance at the rate of fifteen thousand rupees per mensem.”]

12. Controlling Officer: - The Speaker shall be his own controlling officer for purposes of traveling allowance including the journey undertaken outside his jurisdiction in the discharge of his official duties.

13. Traveling Allowance for tour abroad: - The Speaker traveling on official business, outside Pakistan shall be entitled to ³[first class air fare and] such allowance as may be specified by Government.

¹ Inserted vide Act IV of 2014.

² Added vide Act XXX of 2017.

³ Inserted vide Act VII of 1995.

14. Medical Facilities: - The Speaker ¹[or Ex-Speaker] residing in Azad Jammu and Kashmir shall be entitled for himself and his family free indoor as well as outdoor medical facilities inside the country and abroad of the standard admissible to a Class 1 officer of the Government. However he and his family shall be entitled to medical attendance at his residence.

(2) The Speaker ²[or Ex-Speaker] residing permanently or temporarily outside Azad Jammu and Kashmir shall be entitled to receive,-

a) in case of hospitalization in government hospital, the actual expenditures incurred by him;
or

b) in case the facility under clause (a) is not available or in emergency, the actual expenditures incurred by him in a private hospital, duly verified by the Speaker ³[or Ex-Speaker.”]

15. Leave: - (1) The ⁴[President] may, grant to the Speaker during his term of office, at any one time or from time to time, leave of absence for urgent reasons of health or private affairs, for a period not exceeding three months in the aggregate.

(2) The leave allowance of the Speaker shall be ⁵[one complete pay].

¹ Inserted vide Act XXX of 2017.

² Ibid

³ Inserted vide Act XXX of 2017.

⁴ Substituted vide Act VII of 1995.

⁵ Substituted vide Act XXX of 2017.

16. Provident Fund: - (1) The Speaker may, at his option, become a subscriber to the General Provident Fund, and if he so opts he shall subscribe to the fund as a compulsory subscriber in accordance with the General Provident Fund Rules applicable to Azad Kashmir Government Servants.

(2) A temporary advance may be granted to the Speaker from the amount standing to his credit in the General Provident Fund at the discretion of Government for the purpose of which such advance may be granted to a subscriber under the said rules.

(3) The grant of a temporary advance under sub-section (2), shall, unless the Government otherwise directs, be subject to the condition to which an advance granted to a subscriber under the said rules is subject.

17. Charge Report: - The Speaker shall not be required to sign a charge report on taking up office as Speaker or on laying down that office.

18. General: - (1) All reasonable precautions shall be taken to see that the official residence, transport and furniture provided to the Speaker by Government are used with the same care with which a person's own property is taken care of.

(2) All furniture and furnishings provided in the official residence shall be marked by the Buildings Department, Azad Kashmir, for the purposes of identification.

(3) When the Speaker occupies an official residence, it shall be the duty of the officer concerned of the Said Department to hand over charge of the furniture and furnishings in that residence to the Speaker or to a person authorized by him in

writing according to an inventory to be drawn up and signed by such officer.

(4) When the Speaker is about to vacate the official residence he shall inform the officer concerned of the Said Department and shall arrange that the furniture and furnishings of the official residence are handed over to that officer according to an inventory to be drawn up and signed.

(5) The officer concerned of the Said Department may, from time to time, inspect an official residence, its furniture and furnishings with the prior approval of the Speaker.

19. Holidaying abroad: - (1) The Speaker may, while holidaying abroad, draw his full pay in foreign currency for the period of holiday spent abroad.

(2) When the Speaker is holidaying abroad and draws his pay in foreign currency, he shall not be liable to pay income-tax, provident fund subscription etc., in foreign currency, if he makes arrangements to pay such amount in rupees in Azad Kashmir.

(3) The expenditure in foreign exchange involved under this Act shall be adjusted against the foreign exchange allocation placed at the disposal of the Government for each relevant shipping period.

(4) Where the pay is drawn in foreign currency by the Speaker he shall not be eligible to receive foreign exchange allocation from the State Bank of Pakistan in any other capacity.

20. Telephone: - The Speaker shall be entitled at Government expense, to the use of two telephones at his office and two telephones at his residence both for official or private use throughout the term of his office and for a period of fifteen days immediately thereafter, he will also be entitled to free telephone facility while on tour where such facility is available:

¹[**Provided** that the liability of Government in respect of the two telephones installed at the residence shall not exceed the amount equal to ten thousand local calls collectively for both the telephones.]

21. Discretionary grant: - A sum of Rs. ²[ten] lac per annum shall be placed at the disposal of the Speaker for making discretionary grants in such manner as may be prescribed.

22. Power to make rules: - The Government may make rules to carry out the purposes of this Act.

23. Repeal: - The Azad Jammu and Kashmir Legislative Assembly Speaker (Salary, Allowances and Privileges) Act, 1971 (Act IV of 1971) and the Azad Jammu and Kashmir Legislative Assembly Speaker (Salary, Allowances and Privileges) Ordinance, 1975 (Ordinance XXIX of 1975) are hereby repealed.

¹ Inserted vide Act III of 2003.

² Substituted vide Act XXX of 2017.

**THE AZAD JAMMU AND KASHMIR
LEGISLATIVE DEPUTY SPEAKER
(SALARY, ALLOWANCES AND
PRIVILEGES) ACT, 1975.**

NUMBER REMOVE

**THE AZAD JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
DEPUTY SPEAKER (SALARY, ALLOWANCES &
PRIVILEGES) ACT, 1986.**

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THE AZAD JAMMU AND KASHMIR DEPUTY SPEAKER (SALARY, ALLOWANCES AND PRIVILEGES) ACT, 1986.

AN

ACT

to provide for the salary, allowances and privileges of the Deputy Speaker of the Azad Jammu and Kashmir Legislative Assembly.

WHEREAS, it is expedient to provide for the salary, allowances and privileges of the Deputy Speaker of the Azad Jammu and Kashmir Legislative Assembly;

It is hereby enacted as follows: -

1. Short title and commencement: - (1) This Act may be called the Azad Jammu and Kashmir Legislative Assembly Deputy Speaker (Salary, allowances and privileges) Act, 1986.

(2) It shall come into force at once and shall be deemed to have taken effect on and from the 15th day of June 1985.

2. Definitions: - (1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say. -

(a) “Constitution” means the Azad Jammu and Kashmir Interim Constitution, 1974;

(b) “Deputy Speaker” means the Deputy Speaker of the Azad Jammu and Kashmir Legislative Assembly;

(c) “family” means the wife and children residing with and wholly dependent upon the Deputy Speaker;

(d) “Government” means the Azad Government of the State of Jammu and Kashmir;

(e) “maintenance” in relation to a residence includes the payment of local rates, taxes and the provision of electricity and water; and

(f) “official residence” means the house reserved from time to time for residence of the Deputy Speaker and includes out-houses and gardens appurtenant thereto. -

(2) Words and expressions used but not defined in this Act shall have the same meanings as are assigned to them in the Constitution.

3. Salary: - (1) The salary of the Deputy Speaker shall be ¹[one lac] rupees per mensem.

²[(2) The salary mentioned in sub-section (1) shall stand increased automatically at par with and equal to the increase in the salary of the civil servants as and when such increase is made by the Government.]

³**3.A. Equipment Allowance:** - The Deputy Speaker may draw a sum of ⁴[twenty-five thousand] rupees as equipment allowance on his appointment as such:

Provided that no such allowance was received by him during the life time of the Assembly on appointment as a speaker or a Minister.]

4. Allowance on taking up and laying down the office: - (1) The Deputy Speaker shall be entitled to claim actual expenses to the extent mentioned below from his ordinary place of residence to the seat of Government on taking up office and from the seat of

¹ Substituted vide Act XXXI of 2017.

² Inserted vide Act XXXI of 2017.

³ Added vide Act VI of 1995.

⁴ Substituted vide Act XXXI of 2017.

Government to his ordinary place of residence on laying down office: -

(a) Actual traveling expenses for himself and his family;

¹[(b) Cost of transporting personal servants not exceeding two by the lowest class of accommodation; and

(c) Cost of transporting household effects not exceeding one hundred and twenty maunds by goods train, steamer or other craft excluding aircraft and his personal car, if any.]

(2) No claim shall lie for any travel or transportation not preformed within six months of the date of taking up or laying down office, as the case may be.

5. Sumptuary Allowance: The Deputy Speaker shall be entitled to receive sumptuary allowance at the rate of ²[twenty] thousand rupees per mensem.

6. Transport: - The Deputy Speaker shall be entitled, to the use of ³[two official cars] maintained at Government expense ⁴[both for official and family purpose] throughout his term of office.

⁵**7. Official Residence:-** (1) The Deputy Speaker shall be entitled, without payment of rent, to the use of an official residence, including accommodation on tour throughout his term of office, and for a period of fifteen days immediately thereafter, and the charges for its maintenance including electricity and gas charges shall be borne by Government. The residence shall be furnished

¹ Substituted vide Act IX of 2007.

² Substituted vide Act XXXI of 2017.

³ Substituted vide Act IX of 2007.

⁴ Inserted vide Act XV of 2003.

⁵ Substituted vide Act VI of 1995.

by Government at a cost not exceeding one hundred thousand rupees.

(2) If, at the time of entering upon office, an official residence is not available, the Deputy Speaker shall, until such residence is provided by Government, be paid the actual expenditure incurred by him on furnished accommodation for himself and his family, subject to a maximum of ¹[twenty-five thousand] rupees per month.

(3) Where the Deputy Speaker chooses to reside, -

(i) in his own house; or

(ii) in a rented house,²[] he may be paid a monthly sum of ³[fifty-five thousand] rupees in lieu of the official furnished accommodation and to cover all expenses on its maintenance. The charges for consumption of electricity and gas in respect of the said house shall be borne by Government.

8. Traveling Allowance for touring: - (1) Subject to the provisions made hereinafter, the Deputy Speaker traveling on official duty shall be treated as a First-Grade Officer.

(2) The Deputy Speaker may, if the public interest so demands, travel by air, in which case he shall be entitled to:

(a) Business class air fare paid for himself;

¹ Substituted vide Act IX of 2007.

² Deleted vide Act IX of 2007.

³ Substituted vide Act V of 2014.

- (b) cost of transporting personal luggage upto one hundred pounds, inclusive of the free allowance given by the air company;
 - (c) take with himself his wife whether traveling by a commercial aeroplane or by a requisitioned aeroplane;
 - (d) cost of transporting upto two personal servants by the lowest class of accommodation by rail or steamer;
 - (e) carriage of personal luggage by rail or steamer, subject to a maximum of three maunds; and
 - (f) claim the actual premium paid for insuring himself for the air journey for an amount not exceeding one hundred thousand rupees.
- (3) Wherever possible, the Deputy Speaker shall purchase return air ticket.
- (4) The Deputy Speaker, when traveling on duty by rail in Pakistan, shall be entitled to: -
- (a) requisition at the cost of Government: -
 - (i) An ordinary first-cum-second class carriage or a 'B' class tourist car or an 'A' class tourist car, if a 'B' class tourist car is not available; or
 - (ii) If the vehicles specified at (i) above are not available, or are not desired, an ordinary four berthed first-class compartment or a two berthed air-conditioned (coupe) compartment;
 - (b) take with himself in the reserved accommodation without payment of any fare, his family members not exceeding

- four when traveling in a requisitioned railway compartment;
- (c) take with himself upto two personal servants, by the lowest class of accommodation available; and
 - (d) the carriage of personal luggage upto three maunds when traveling by a railway compartment or upto six maunds when traveling by a requisitioned railway saloon.
- (5) The Deputy Speaker reserving accommodation in the railway shall be required, before beginning the journey, to have the number and other details of the tickets purchased for the persons traveling with him in the reserved accommodation entered on the requisition form by the Station Master of the Station from which the Journey is to commence.
- (6) The Deputy Speaker, when traveling on duty in Pakistan by steamer, or a launch, shall be entitled to: -
- (a) draw the actual fare paid for himself;
 - (b) taken with him upto two personal servants by the lowest class of accommodation available; and
 - (c) the carriage of personal luggage upto three maunds.
- (7) When the Deputy Speaker travels on duty in the public interest, by road between places connected by Railway and chooses to forego the privileges granted under sub-sections (4) and (6), he may, where the journey is performed in a vehicle not owned or maintained by Government, draw: -

- (a) traveling allowance at the rate of ¹[five rupees] per kilometer for his own journey by road; and
 - (b) actual expenses of the transport of -
 - (i) two private servants; and
 - (ii) all his personal luggage, including stores carried for consumption on tour.
9. **Charge Report:** - The Deputy Speaker shall not be required to sign a charge report on taking up office as Deputy Speaker or on laying down that office.]
10. **²[Daily Allowance during halt:** - The Deputy Speaker, while on tour shall be entitled to draw an allowance of three thousand rupees per day for the duration of his halts on tour:
- Provided** that in case of halt for less than eight hours one-half daily allowance shall be admissible:
- Provided** further that for such continuous halt on tour exceeding ten days, daily allowance admissible for. -
- (j) the first ten days shall be at the full rate;
 - (ii) the next twenty days or part thereof at three-fourth of the full rate;
 - (iii) the remaining period, at one-half of the full rate; and
 - (iv) while on tour, if accommodation is not available in the rest house and the Deputy Speaker stays in a hotel, he shall be paid the actual room rent on production of proper receipt.

¹ Substituted vide Act IX of 2007.

² Substituted vide Act XXXI of 2017.

Explanation: -

For the purpose of this section. -

- (a) time spent on journey shall be included in the halt; and
- (b) a halt on tour shall be treated as continuous unless terminated by an absence at a distance from the halting place exceeding five miles, for a period not less than seven nights.”]

¹[**10-A. Dearness Allowance.** - The Deputy Speaker shall be entitled to receive Dearness Allowance at the rate of ten thousand rupees per mensem.]

11. ²[Controlling Officer: - A Deputy Speaker shall be his own controlling officer for purposes of travelling allowance including the journey, undertaken outside his jurisdiction in the discharge of official business.”]

³[**12. Medical Facilities:** - (1) The Deputy Speaker ⁴[or Ex- Deputy Speaker] residing in Azad Jammu and Kashmir shall be entitled for himself and his family free indoor as well as outdoor medical facilities inside the country and abroad of the standard admissible to a Class 1 officer of the Government. However, he and his family shall be entitled to medical attendance at his residence.

(2) The Deputy Speaker or Ex- Deputy Speaker residing permanently or temporarily outside Azad Jammu and Kashmir shall be entitled to receive, -

¹ Added vide Act XXXI of 2017.

² Ibid

³ Substituted vide Act III of 2017.

⁴ Inserted vide Act XXXI of 2017.

- (a) in case of hospitalization in a government hospital, the actual expenditure incurred by him; or
- (b) in case the facility under clause (a) is not available or in emergency, the actual expenditure incurred by him in a private hospital, duly verified by the Deputy Speaker or Ex-Deputy Speaker:]

13. Leave: - (1) The Prime Minister may grant to the Deputy Speaker during his term of office, at any one time, or from time to time, leave of absence for urgent reasons of health or private affairs for a period not exceeding three months in the aggregate.

(2) The leave allowance of the Deputy Speaker shall be ¹[one complete pay.]

14. General: - (1) All reasonable precautions shall be taken to see that the official residence and furniture provided to the Deputy Speaker by Government are used with the same care with which a person's own property is taken care of.

(2) All furniture and furnishings provided in an official residence shall be marked by the Public Works Department for the purposes of identification.

(3) When the Deputy Speaker occupies an official residence, it shall be the duty of the officer concerned of the Said Department to hand over charge of the furniture and furnishings in that residence to the Deputy Speaker or to a person authorized by him in writing according to an inventory to be drawn up and signed by such officer.

¹ Substituted vide Act XXXI of 2017.

(4) When the Deputy Speaker is about to vacate the official residence, he shall inform the officer concerned of the Said Department and shall arrange that the furniture and furnishings of the official residence are handed over to that officer according to an inventory to be drawn up and signed.

(5) The officer concerned of the Said Department may, from time to time inspect an official residence, its furniture and furnishings with the prior approval of the Deputy Speaker.

¹**15. Discretionary grant:** - An amount of rupees ²[five hundred thousand] shall be placed at the disposal of the Deputy Speaker per annum for making discretionary grants in such manner as may be prescribed.

16. Telephone: - The Deputy Speaker shall be entitled at Government expense to the use of ³[two telephones] at his office and two telephones at his residence both for official or private use throughout the term of his office and for a period of fifteen days immediately thereafter. He will also be entitled to free telephonic facility while on tour where such facility is available:

⁴**[Provided]** that the liability of Government in respect of the two telephones installed at the residence shall not exceed the amount equal to ten thousand local calls collectively for both the telephones.]

¹ Added vide Act IV of 1990.

² Substituted vide Act XXXI of 2017.

³ Substituted vide Act VI of 1995.

⁴ Substituted vide Act VII of 2003.

¹**17. Tour abroad:** - The Deputy Speaker traveling on official business outside Pakistan shall be entitled to First class air fare and such allowance as may be specified by Government.

18. Holidaying abroad: - (1) The Deputy Speaker may, while holidaying abroad, draw his full pay in foreign currency for the period of holiday spent abroad.

(2) The Deputy Speaker who draws his pay in foreign currency while holidaying abroad, shall not be liable to pay income-tax, provident fund subscription etc., in foreign currency if he makes arrangement to pay such amount in rupees in Pakistan.

(3) The expenditure in foreign exchange involved under this Act shall be adjusted against the foreign exchange allocation placed at the disposal of the Government for each relevant shipping period.

(4) Where the pay is drawn in foreign currency by the Deputy Speaker, he shall not be eligible to receive foreign exchange allocation from the State Bank of Pakistan in any other capacity.

19. Rules: - The Government may make rules to carry out the purposes of this Act.

¹ Added vide Act VI of 1995.

**THE AZAD JAMMU AND KASHMIR
LEGISLATIVE MINISTERS (SALARIES,
ALLOWANCES AND PRIVILEGES) ACT, 1975.**

REMOVE NUMBER

**AZAD JAMMU AND KASHMIR MINISTERS (SALARIES,
ALLOWANCES & PRIVILEGES) ACT, 1975.**

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THE AZAD JAMMU AND KASHMIR MINISTERS (SALARIES, ALLOWANCES & PRIVILEGES) ACT, 1975.

AN

ACT

to provide for the salaries, allowances and privileges of the Ministers of the Azad Jammu and Kashmir;

WHEREAS, it is expedient to provide for the salaries, allowances and privileges of the Ministers of the Azad Jammu and Kashmir, in the manner hereinafter appearing;

It is hereby enacted as follows: -

1. **Short title and commencement**: - (1) This Act may be called the Azad Jammu and Kashmir Ministers (Salaries, Allowances and Privileges) Act, 1975.
(2) It shall come into force at once.
2. **Definitions**: - (1) In this Act, unless the Context otherwise requires: -
 - (a) "Constitution" means the Azad Jammu and Kashmir Interim Constitution, 1974;
 - (b) "family" means the wife and children residing with and wholly dependent upon a Minister;
 - (c) "Government" means the Azad Government of the State of Jammu and Kashmir;
 - (d) "maintenance" in relation to a residence includes the payment of local rates, taxes, the provision of electricity, water and gas;

(e) “Minister” means a minister appointed under the constitution and includes the ¹[Prime Minister, Advisors and Special Assistants] to President or Prime Minister;]

(f) “Official residence” means the house reserved from time to time for residence by a Minister and includes out-houses and gardens appurtenant thereto; and

(g) “prescribed” means prescribed by rules framed under this Act.

(h) ²[“Ex-Minister” means and includes the person who has been Prime Minister, Minister, Advisor and Special Assistants to President or Prime Minister.]

(2) Words and expressions used but not defined in this Act shall have the same meanings as are assigned to them in the Constitution.

³ [3. **Salary:** - (1) The salary of the Prime Minister and that of a Minister shall respectively be ⁴[two hundred thousand and one hundred thousand] rupees per mensem.

⁵[(2) The salary mentioned in sub-section (1) shall stand increased automatically at par with and equal to the increase in the salary of the civil servants ⁶[of the highest grade] as and when such increase is made by the Government.]

⁷[4. **Equipment Allowance:** - The Prime Minister and a Minister may draw a sum of ¹[forty thousand] rupees and ²[twenty thousand]

¹Inserted vide Act X of 2007.

² Ibid

³ Substituted vide Act X of 1986.

⁴ Substituted vide Act XXXII of 2017.

⁵ Inserted vide Act X of 2007.

⁶ Inserted vide Act XXXII of 2017.

⁷ Substituted vide Act X of 1986.

rupees respectively as equipment allowance on their appointment as such:

Provided that no such allowance was received by him during the life-time of the Assembly on appointment as a President, Speaker, Prime Minister or a Minister:

³**[Provided** that no such allowance was received by him during the life-time of the Assembly on appointment to a diplomatic post, or as a President, Speaker, Prime Minister or a Minister:]

5. **Allowance on taking up and laying down the office:** - (1) A Minister shall be entitled to claim actual expenses to the extent mentioned below from his ordinary place of residence to the seat of Government and from the seat of Government to his ordinary place of residence on taking up or laying down office, as the case may be,-

- (a) Actual traveling expenses for himself and his family;
- (b) Cost of transporting personal servants not exceeding two, by the lowest class of accommodation; and
- (c) Cost of transporting household effects, not exceeding one hundred and twenty maunds, by goods train, steamer or other craft, excluding aircraft, and of his personal car, if any.

¹ Substituted vide Act XXXII of 2017.

²Ibid

³Ibid

(2) No claim shall lie for any travel or transportation not preformed within six months of the date of taking up or laying down office, as the case may be.

6. Sumptuary Allowance: - (1) The Prime Minister shall be entitled to receive sumptuary allowance at the rate of ¹[fifty thousand] rupees per mensem.

(2) A Minister shall be entitled to receive Sumptuary Allowance at the rate of ²[twenty-five thousand] rupees per mensem.

³**[6-A. Dearness Allowance,** - The Prime Minister and the Minister shall be entitled to receive dearness allowance at the rate of rupees fifteen thousand and ten thousand per month respectively.]

7. Transport: - A Minister shall be entitled to the use of official cars maintained at Government expenses ⁴[both for official and family purpose] throughout his term of office and for a period of fifteen days immediately thereafter, provided that the Prime Minister may withhold this facility to a Minister who is removed from his office on the ground of misconduct or misbehavior.

⁵**[7-A.** Any person who has been the elected Prime Minister of Azad Jammu and Kashmir under AJ&K Interim Constitution, 1974, shall be entitled to use ⁶[an official jeep upto 3000 cc, services of an Assistant (B-16), one driver and police guard consisting of one upper sub-ordinate and four constables] and fuel consumption of 400 liters per mensem at Government expense.]

¹ Substituted vide Act XXXII of 2017.

² Ibid

³ Added vide Act XXXII of 2017.

⁴ Inserted vide Act XIX of 2003.

⁵ Added vide Act III of 2004.

⁶ Substituted vide Act VII of 2023.

8. **Official Residence:** - ¹[(1) The Minister shall be entitled, without payment of rent, to the use of an official residence including accommodation on tour throughout his term of office, and for a period of fifteen days immediately thereafter, and the charges for its maintenance including the electricity and gas charges shall be borne by the Government. The residence shall be furnished by the Government at a cost not exceeding two hundred thousand rupees, in case of building reserved for this purpose at the first term and rupees one hundred thousand for any subsequent term:

Provided that the furnishing cost in the case of Prime Minister shall not exceed rupees five hundred thousand.]

(2) If at the time of an entering upon office, an official residence is not available, a Minister shall, until such residence is provided by Government, be paid the actual expenditure incurred by him on furnished accommodation for himself and his family, subject to a maximum of ²[fifty-five thousand] rupees per mensem.

³[(3) Where a Minister chooses to reside, -

- i) in his own house; or
- ii) in a rented house, he may be paid a monthly sum of ⁴[fifty-five thousand] rupees in lieu of the official furnished accommodation and to cover all expenses on its maintenance. The charges for consumption of electricity and gas in respect of the said house shall be borne by Government.]

¹ Substituted vide Act IX of 1995.

² Substituted vide Act II of 2014.

³ Substituted vide Act X of 2007.

⁴ Substituted vide Act II of 2014.

¹**8-A** (1) Any person who has been the elected Prime Minister of AJ&K under AJ&K Interim Constitution, 1974, shall be entitled to the use of an official residence:

Provided that in case of non-availability of official residence, Ex-Prime Minister shall be paid monthly house rent not exceeding ²[Rs. 50000/-.]

³[(2) Any person who has been the elected Prime Minister of AJ&K under AJ&K Interim Constitution 1974, shall be entitled free access to government guest houses, rest houses and circuit houses in the country."]

9. Traveling Allowance for touring in Azad Kashmir or Pakistan: -

(1) Subject to the provisions made hereafter, a Minister traveling on official duty shall be treated as a First-Grade Officer.

(2) A Minister may, if the public interest so demands, travel by air, in which case he shall be entitled to: -

- (a) ⁴[Business Class] air fare paid for himself;
- (b) cost of transporting personal luggage upto one hundred pounds, inclusive of the free allowance given by the air company;
- (c) requisition, at the cost of Government, if he considers it necessary in the public interest, a Pakistan Air Force aeroplane or an aeroplane belonging to Government subject to availability; and in accordance with the rules made by

¹ Added vide Act III of 2004.

² Substituted by 2021.

³ Added Vide Act VII of 2023.

⁴ Substituted vide Act IX of 1995.

the Federal Government or the Provincial Government, as the case may be;

- (d) take with himself his wife whether traveling by a commercial aeroplane or by a requisitioned aeroplane:

Provided that no non-official shall be allowed to travel in a Pakistan Air Force aeroplane without the authority of the Ministry of Defence;

- (e) cost of transporting upto two personal servants by the lowest class of accommodation by rail or steamer;
- (f) carriage of personal luggage by rail or steamer, subject to a maximum of three maunds; and
- (g) claim the actual premium paid for insuring himself for the air journey for an amount not exceeding one lac rupees.

(3) Wherever possible a Minister shall purchase return air ticket.

(4) A Minister, when traveling on duty by rail in Azad Kashmir or Pakistan, shall be entitled to. -

- (a) requisition at the cost of Government: -

- (i) an ordinary first-cum-second class carriage or a 'B' class tourist car, or an 'A' class tourist car, if a 'B' class tourist car is not available; or

- (ii) if the vehicles specified at (i) above are not available or are not desired, an ordinary four berthed first-class compartment or a two berthed air conditioned (coupe) compartment;

- (b) take with himself in the reserved accommodation, without payment of any fare, his family members not exceeding four

when traveling in a requisitioned railway compartment or saloon;

- (c) take with himself upto two personal servants by the lowest class of accommodation available; and
- (d) the carriage of personal luggage upto three maunds when traveling by a railway compartment or upto six maunds when traveling by a requisitioned railway saloon.

(5) A Minister reserving accommodation in the railway shall be required, before beginning the journey, to have the number and other details of the tickets purchased for the persons traveling with him in the reserved accommodation entered on the requisition form by the Station Master of the Station from which the journey is to commence.

(6) A Minister, when traveling on duty in Azad Kashmir or Pakistan by steamer or launch, shall be entitled to: -

- (a) draw the actual fare paid for himself;
- (b) take with him upto two personal servants by the lowest class of accommodation available; and
- (c) the carriage of personal luggage upto three maunds.

(7) When a Minister travels on duty, in the public interest by road between places connected by Railway and chooses to forego the privileges granted under sub-sections (4) and (6) he may where the journey is performed in a vehicle not owned or maintained by Government, draw. -

- (a) traveling allowance at the rate of ¹[five rupees per kilometer] for his own journey by road; and
- (b) actual expenses of the transport of. -
 - (i) two private servants; and
 - (ii) all his personal luggage including stores carried for consumption on tour.

²**10. Compensation in case of Accident: -]**

- 11. Daily Allowance during halt: -** ³[The Prime Minister and a Minister, while on tour shall be entitled to draw an allowance of five thousand and three thousand rupees per day respectively for the duration of his halts on tour.”]

Provided that in case of halt for less than eight hours one-half daily allowance shall be admissible:

Provided further that for such continuous halt on tour exceeding ten days, daily allowance admissible for. -

- (k) the first ten days shall be at the full rate;
- (ii) the next twenty days or part thereof at three-fourth of the full rate;
- (iii) the remaining period, at one-half of the full rate; and
- ⁴[(iv) while on tour, if accommodation is not available in the rest house and a Minister stays in a hotel, he shall be paid the actual room rent on production of proper receipt.]

¹ Substituted vide Act X of 2007.

² Omitted vide Act X of 2007.

³ Inserted vide Act XXXII of 2017.

⁴ Inserted vide Act IX of 1995.

Explanation: -

For the purpose of this section. -

(c) time spent on journey shall be included in the halt; and

(d) a halt on tour shall be treated as continuous unless terminated by an absence at a distance from the halting place exceeding five miles, for a period not less than seven nights.

12. Controlling Officer: - A Minister shall be his own controlling officer for purposes of traveling allowances including the journey undertaken outside his jurisdiction in the discharge of official business.

13. Traveling Allowance for tour abroad: - A Minister traveling on official business outside Pakistan shall be entitled to ¹[first class air fare and] such allowance as may be specified by Government.

²**14. Medical Facilities:** - (1) A Minister or Ex-Minister residing in Azad Jammu and Kashmir shall be entitled for himself and his family free indoor as well as outdoor medical facilities inside the country and abroad of the standard admissible to a Class I Officer of the Government. Moreover, he and his family shall be entitled to medical attendance at his residence.

(2) The Minister or Ex-Minister residing permanently or temporarily outside Azad Jammu and Kashmir shall be entitled to receive, -

¹ Inserted vide Act IX of 1995.

² Substituted vide Act 2017.

- a) a sum of rupees one thousand per month in lieu of ordinary medical facilities or original amount of purchased medicines;
- b) in case of hospitalization in government hospital, the actual expenditures incurred by him; or
- c) in case, the facility under clause (b) is not available, or of emergency, the actual expenditures incurred by him in a private hospital, duly verified by the concerned Minister.

15. Leave: - (1) The Prime Minister may grant to a Minister, during his term of office, at any one time or from time-to-time leave of absence for urgent reasons of health or private affairs, for a period not exceeding three months in the aggregate.

¹[(2) The leave allowance of the Prime Minister and a Minister shall be equal to one full salary.”]

16. Personal Staff: - A Minister, except while on leave, shall be entitled to have such personal staff as may be sanctioned from time to time by Government.

17. Provident Fund: - (1) A Minister may, at his option, become subscriber to the General Provident Fund, and if he so opts, he shall subscribe to the fund as a compulsory subscriber in accordance with the General Provident Fund Rules.

(2) A temporary advance may be granted to a Minister from the amount standing to his credit in the General Provident Fund at

¹ Substituted vide Act XXXII of 2017.

the discretion of Government for the purpose for which such advance may be granted to a subscriber under the said rules.

(3) The grant of a temporary advance under sub-section (2) shall unless the Government otherwise directs, be subject to the conditions to which an advance granted to a subscribed under the said rules is subject.

18. General: - (1) All reasonable precautions shall be taken to see that the official residence, transport and furniture provided to a Minister by Government are used with the same care with which a person's own property is taken care of.

(2) All furniture and furnishings provided in an official residence shall be marked by the Building Department, Azad Jammu and Kashmir, for the purposes of identification.

(3) When a Minister occupies an official residence, it shall be the duty of the officer concerned of the Said Department to hand over charge of the furniture and furnishings in that residence to the Minister or to a person authorized by him in writing according to an inventory to be drawn up and signed by such officer.

(4) When a Minister is about to vacate the official residence, he shall inform the officer concerned of the Said Department and shall arrange that the furniture and furnishings of the official residence are handed over to that officer according to inventory to be drawn up and signed.

(5) The officer concerned of the Said Department may, from time to time, inspect an official residence, its furniture and furnishings with the prior approval of the Minister.

19. Holidaying abroad: - (1) A Minister may, while holidaying abroad, draw his full pay in foreign currency for the period of holiday spent abroad.

(2) A Minister who draws pay in foreign currency while holidaying abroad shall not be liable to pay income-tax, provident fund subscription, etc., in foreign currency if he makes arrangements to pay such amount in rupees in Azad Kashmir.

(3) The expenditure in foreign exchange involved under this Act shall be adjusted against the foreign exchange allocation placed at the disposal of the Government for each relevant shipping period.

(4) Where the pay is drawn in foreign currency by a Minister, he shall not be eligible to receive foreign exchange allocation from the State Bank of Pakistan in any other capacity.

20. Telephone: - A Minister shall be entitled at Government expenses to the use of two telephones at his office and two telephones at his residence both for official or private purposes throughout the term of his office and for a period of fifteen days immediately thereafter, he will also be entitled to free telephonic facility while on tour where such facility is available:

¹**Provided** that the liability of Government in respect of the two telephones installed at the residence shall not exceed the amount equal to ten thousand local calls collectively for both the telephones:

Provided further that there shall be no calls limit in respect of telephones installed at official residence of the Prime Minister:

¹ Inserted vide Act VI of 2003.

Provided further that the Prime Minister shall be entitled to one official telephone at his private residence, both for office and private use, subject to maximum of ten thousand local calls.]

- 21.** ¹**Discretionary grant:** - A sum of [ten lac rupees] and [five hundred thousand rupees] per annum shall be placed at the disposal of the Prime Minister and a Minister respectively.]
- 22.** **Power to make rules:** - The Government may make rules to carry out the purposes of this Act.
- 23.** **Repeal:** - The Azad Jammu and Kashmir Ministers (Salaries, Allowances and Privileges) Ordinance, 1975 (Ordinance XXVIII of 1975) is hereby repealed.

¹ Substituted vide Act XXXII of 2017.

**THE AZAD JAMMU AND KASHMIR
LEGISLATIVE (SALARIES, ALLOWANCES,
PRIVILEGES AND PENSION OF
MEMBERS) ACT, 1975.**

NUMBER REMOVED

**THE AZAD JAMMU AND KASHMIR LEGISLATIVE
ASSEMBLY (SALARY, ALLOWANCES & PRIVILEGES OF
MEMBERS) ACT, 1975.**

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**THE AZAD JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
(SALARIES, ALLOWANCES, PRIVILEGES & PENSION OF THE
MEMBERS) ACT, 1975.**

AN

ACT

to provide for salaries, allowances, privileges ¹[and pension] of the Members of the Legislative Assembly of Azad Jammu and Kashmir.

WHEREAS, it is expedient to provide for Salaries, ²[Allowances, Privileges and Pension of the Members] of the Legislative Assembly of the Azad Jammu and Kashmir 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 (Salaries, Allowances, Privileges ³[and Pension] of the Members) Act, 1975.

(2) It shall come into force at once.

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

(a) “Assembly” means the Legislative Assembly of Azad Jammu and Kashmir;

(b) “Committee” means a select committee or other committees of the Assembly and includes ¹[committees

¹ Substitutid vide Act VI 2014.

² Ibid

³ Ibid

of joint sitting and] any committee appointed by the Government for the purpose connected with the Assembly and declared by the Government to be a committee of the Assembly;

(c) “Family” means wife/husband and such of his children, step children, parents, brothers and sisters as ordinarily reside with and are wholly dependent;

²[(cc) “Fund” means the fund established under Section 12-A, added by this Act.]

(d) “Government” means the Azad Government of the State of Jammu and Kashmir;

(e) “Meeting” means a meeting of the Assembly or any of its committees from the commencement of its business to the termination of the business of a day;

(f) “Member” means a member of the Assembly other than a Minister, Parliamentary Secretary, Speaker or Deputy Speaker;

³[Provided that for the purpose of Section 10-B, the term “Member” shall include an ex- Member of the Assembly, who is not a beneficiary under Section 12-A to 12-M of this Act.]

¹ Inserted vide Act VII of 1996.

² Inserted vide Act VI of 2014.

³ Inserted by Act of 2021.

¹[(ff) “Member Welfare Fund” means a member who is or has been a Member of Welfare Fund ²[] as a Member, Parliamentary Secretary, Minister, Deputy Speaker and Speaker.]

(g) “Period of residence on duty” means the period during which a member resides at a place where a session of the Assembly or of a committee is held or where any other business connected with his duties as such member is transacted, for the purposes of attending to such other business and includes: -

- i) in the case of a session of the Assembly, a period of such residence, not exceeding three days, immediately preceding the commencement of the session and a period of such residence, not exceeding three days, immediately following the end of the session; and
- ii) in the case of a sitting of a committee or any other business, a period of such residence not exceeding two days, immediately preceding the commencement of the business of the committee or other business and a period of such residence, not exceeding two days immediately following the conclusion of the business of the committee or any other business; and

¹ Inserted vide Act VI of 2014.

² Omitted vide Act V of 2017.

(h) “session” means the period commencing on the day of the first meeting of the Assembly after having been summoned and ending on the day the Assembly is prorogued or dissolved.

¹[(i) “Speaker” means the Speaker of the Assembly.

(j) “Secretary” means the Secretary of the Assembly.]

²[(k) “Ex- member” means a person who has been the elected Member of AJ&K Legislative Assembly.”

3. **Salary:** - (1) Subject to the provision of sub-section (2) and sub-section (3), a Member may draw salary at the rate of ³[forty-five thousand] rupees per mensem:

Provided that a member who, without permission of the Assembly. -

(a) fails to attend at-least three-fourth of the total number of sittings held in a month; or

(b) if elected during the course of a month, fails to attend at-least three-fourth of total number of meetings held in that month subsequent to the date on which he takes his oath, shall be ineligible to draw salary for that month.

(2) In the case of a member who, by virtue of his holding an office of profit in the service of Azad Kashmir or Pakistan declared by

¹ Inserted vide Act VI of 2014.

² Inserted vide Act IV of 2004.

³ Substituted vide Act VI of 2014.

law not to disqualify its holder from being a Member, is entitled to receive a salary, the amount of salary to which he is entitled under this Act, shall be only such amount as would not, together with the amount of the salary calculated on a monthly basis to which he is entitled by virtue of his holding such an office, exceed one thousand rupees per mensem.

(3) No salary shall be paid to any Member in respect of any period during which he was under detention on conviction for an offence involving moral turpitude under any law for the time being in force.

¹[(4) The salary mentioned in sub-section (1) shall stand increased automatically at par with and equal to the increase in the salary of the civil servants as and when such increase is made by the Government.]

²[**4. Daily Allowance and conveyance allowance:** - A Member shall be entitled to receive a daily allowance at the rate of ³[three thousand] rupees and conveyance allowance at the rate of ⁴[one thousand] rupees per diem for the period of residence on duty and for the day of arrival and the day of departure from the place where a session of the Assembly or a meeting of a Committee is held or where any other business connected with his duties as such Member is transacted.]

¹ Inserted vide Act XI of 2007.

² Substituted vide Act XI of 1986.

³Substituted vide Act VI of 2014.

⁴ Ibid.

5. **Traveling Allowance:** - (1) For every journey performed for the purposes of attending a session or a meeting of a committee or for attending to any other business connected with his duties as Member from his usual place of residence to the place where the session or meeting is held or other business is transacted and for the return journey from such place to his usual place of residence, a Member shall be entitled to receive traveling allowance at the following rates. -

(a) where the journey is performed by rail, an amount equal to the fare of the class traveled, plus half fare of the Air-conditioned class;

(b) where the journey is performed by air, the fare of the ¹[Business Class]; and

²[(c) where the journey or any part thereof is performed by road, the fare at the rate admissible to officers of category I according to Azad Jammu and Kashmir T.A. rules;

Provided that if the journey is performed by personal, borrowed or hired car, the mileage allowance shall be ³[fifteen] rupees per kilometer:

Provided further that no traveling allowance shall be admissible for journeys made during a session between the place where the session is held and any other place:

¹ Substituted vide Act VIII of 1995.

² Substituted vide Act IX of 1986.

³ Substituted vide Act V of 2017.

Provided further that a Member who ordinarily resides or carries on business at any place within five miles of the place at which his attendance is required in connection with his duties as a Member, shall not be entitled to traveling allowance.]

¹[(2) A Member shall be entitled to travel by air in first class while traveling abroad on official visit.]

²[**5-A. Additional Travelling Allowance.** - Notwithstanding anything contained in Section 5, a Member shall be entitled to a sum of one hundred and twenty thousand rupees per annum as an additional travelling allowance.

Explanation: In this Section Member means Member of the Legislative Assembly of Azad Jammu and Kashmir, the Speaker, the Deputy Speaker and the Minister.”]

6. Form of Certificate: - Every claim by a Member for traveling allowance or daily allowance shall be supported by a written certificate in the following form signed by the member: -

“Certified that the amount has not been claimed by me in any other bill or drawn by me from any other source.”

7. Accommodation: - Subject to availability ³[] a member may be provided with Government accommodation during the period of residence on duty.

¹[]

¹ Added vide Act VIII of 1995.

² Substituted vide Act V of 2017.

³ Omitted vide Act XI of 1986.

²**[7-A Accommodation Allowance:** - Where official accommodation is not provided to a Member who does not have his own accommodation in Muzaffarabad or accommodation is not available in MLA Hostel and he stays in a Hotel, he shall, on furnishing the receipt issued by the Hotel be paid accommodation allowance upto one thousand rupees per day for the period of residence on duty.]

³**[7-B.** Subject to availability, a member or Ex-member of the Assembly, on private tours, shall be provided the rest house facility in Azad Jammu and Kashmir on ⁴[thirty five percent of the"] official rates.]

⁵**[7-C. House Rent.** A member shall be entitled to receive house rent at the rate of ⁶[twenty-nine] thousand rupees per month.]

⁷**[8. Medical Facilities:** - (1) A Member ⁸[or Ex-member] residing in Azad Jammu and Kashmir shall be entitled for himself and his family free indoor as well as out-door medical facilities ⁹[inside the country and abroad] of the standard admissible to a Class I Officer of the Government.

¹ Omitted vide Act VI of 2014.

² Added vide Act VIII of 1995.

³ Inserted vide Act IV of 2004.

⁴ Inserted vide Act XXXIV of 2017.

⁵ Inserted vide Act XI of 2007.

⁶ Substituted vide Act V of 2017.

⁷ Substituted vide Act I of 1989.

⁸ Inserted vide Act IV of 2004.

⁹ Inserted vide Act VIII of 1995 and
Corrected vide Act VII of 1996.

(2) A member residing ¹[either permanently or temporarily] outside Azad Jammu and Kashmir shall be entitled to receive for himself and his family: -

- (a) a sum of rupees ²[one thousand] per month in lieu of ordinary medical facilities;
- (b) in case of hospitalization in a Government Hospital, the actual expenditure incurred by him; or
- (c) in case the facility under clause (b) is not available ³[or in emergency], the actual expenditure incurred in a private hospital, duly verified by the concerned member.]

⁴[]

9. **Traveling Allowance and Daily Allowance for Business other than Assembly Business:** - Where a member is called by a Government department in connection with any official business in his capacity as a Member, he shall be paid by that Department, traveling allowance and daily allowance for the days of journey from and to his ordinary place of residence and for the day or days he is required to attend any such official business, at the rates admissible to him under this Act.
10. **Telephone:** - (1) A Member shall be entitled to, at Government expenses the facility of a telephone at the place where he ordinarily resides, if the installation facility is available at such place:

¹ Inserted vide Act V of 2017.

² Substituted vide Act VI of 2014.

³ Inserted vide Act V of 2017.

⁴ Omitted vide Act V of 2017.

Provided that Government shall pay only rupees ¹[ten thousand] per month as charges of rent of the telephone and the calls made there from irrespective of whether the telephone is a private connection or installed at Government expense:

Provided further that the Government shall not pay expenses of reinstallation in case the place of residence is changed.

(2) A Member who has not been provided with a telephone or who has no telephone connection in his own name shall be entitled to get rupees ²[seven thousand] per month in lieu of the telephone charges mentioned in

section, member means and includes a Member of the Legislative sub-section (1):

³**[Explanation:** - In this section, Member means and includes a Member of the Legislative Assembly, the Speaker, the Deputy Speaker, the Prime Minister, a Minister and a Parliamentary Secretary.]

⁴**[10-A Office Maintenance Allowance:** - A member shall be entitled to receive an office maintenance allowance at the rate of ⁵[ten thousand] rupees per month.

¹ Substituted vide Act V of 2017.

² Ibid.

³ Inserted vide Act V of 2003.

⁴ Addition vide Act XI of 1986.

⁵ Substituted vide Act XI of 2007.

¹[**Explanation:** - In this Assembly, the Speaker, the Deputy Speaker, the Prime Minister, a Minister and Parliamentary Secretary.]

²[**10-B.Compensation in case of death or accident:** - (1) if a member including Prime Minister, Minister, Speaker, Deputy Speaker and Parliamentary Secretary during his tenure of term dies or receives any injury as a result of an accident or by violence, the Government shall pay to the person referred to in sub-section (2) a sum of rupees ³[twenty five hundred thousand] in case of death, and an amount to be determined by the Government having regard to scales of compensation applied by insurance companies in like cases, in case of injury.

(2) The compensation shall be payable in case of injury to the member and in case of death, to such member or members of his family or if there be no such member, any other person or persons as may be nominated by him in this behalf or, in the absence of such nomination to his heirs.

(3) A nomination under sub-section (2) may be made, revoked or altered by a notice in writing signed by the member and addressed to the Secretary Azad Jammu and Kashmir Legislative Assembly.]

¹ Inserted vide Act XI of 2007.

² Substituted vide Act XXXII of 1993.

³ Substituted vide Act VI of 2014.

¹[**10-C Sumptuary Allowance:** - A member shall receive Sumptuary Allowance at the rate of ²[ten thousand] rupees per month.]

³[**10-D Utility Allowance.** - The Member shall receive utility allowance at the rate of six thousand rupees per month.]

⁴[**11. Leader of the Opposition:** - Notwithstanding anything contained in this Act, the Leader of the Opposition shall be entitled to the salary, allowances and Privileges as are admissible to a Minister under the Azad Jammu and Kashmir Ministers (Salaries, Allowances and Privileges) Act, 1975 (Act XVIII of 1975):

Provided that the Leader of the Opposition shall be entitled to receive Traveling Allowance and Daily Allowance from the 1st day of March, 1994:

⁵[**Provided** that the Leader of the Opposition shall be entitled to one official telephone at his office and one at his residence, both for office and private use:

Provided further that the liability of Government in respect of two telephones installed shall not exceed the amount equal to ten thousand local calls collectively for both the telephones.]

¹ Substituted vide Act V of 2017.

² Substituted vide Act XI of 2007.

³ Inserted vide Act V of 2017.

⁴ Substituted vide Act VIII of 1995.

⁵ Added vide Act V of 2003.

¹**[11-A Official Transport:** - A member who holds the office of Chairman of a Committee of Assembly, ²[or committee of joint sitting,] other than that of a select committee or a special committee, shall be entitled to the use of not more than one official car regardless of his entitlement to have an official car in any other capacity, and where he avails himself of this facility, he shall not be entitled to receive the conveyance allowance under section 4 and Traveling Allowance under Section 5:

³**[Provided** that;

- (i) a car shall be provided to a Chairman of a committee during the term of his office:

⁴**[Provided** that the Chairman of the Committee and Committees of joint sitting may opt the option of not utilizing the official car and in such case, he shall be paid with rupees⁵[one lac twenty thousand] per month.]

- (ii) a Chairman of a Committee ⁶[and committees of joint sitting] shall be allowed rupees ⁷[forty-five thousand] per month as petrol etc.

¹ Added vide Act VI of 1990.

² Substituted vide Act VII of 1996.

³ Substituted vide Act XVI of 1993.

⁴ Inserted vide Act V of 2017.

⁵ Substituted vide Act XXXIV of 2017.

⁶ Substituted vide Act VII of 1996.

⁷ Substituted vide Act VI of 2014.

- (iii) on ceasing to hold office the Chairman of the committee shall return the car within three days; and
- (iv) the maintenance of the car provided under clause (i) shall be the responsibility of the Services and General Administration Department.]

12. Exemption from payment of Toll Tax: - A Member shall be exempted from the payment of toll tax levied by Government or any local authority in the Azad Jammu and Kashmir.

¹[12-A. Fund. - (1) There shall be established a Fund to be called the Azad Jammu and Kashmir Legislative Assembly Members Welfare Fund which shall be raised by contribution of all Members of the Assembly as given under this Act.

(2) The money credited into the Fund shall become part of the Azad Jammu and Kashmir consolidated Fund which shall be maintained by the Accountant General.

(3) The Accountant General shall pay Pension to former Members Welfare Fund who has regularly contributed to the Fund in accordance with the procedure laid down under this Act.]

²[12-B. Contribution. - (1) Every Member Welfare Fund during his first term of membership shall pay rupees twenty thousand as membership fee of the Fund and rupees five thousand per month during every term of his membership of the Assembly.

¹ Inserted vide Act VI of 2014.

² Ibid

(2) The amount referred in sub-section (1) shall be deducted from the salary of Member Welfare Fund and credited/ transferred to the Fund by the Accountant General.]

¹[(3) An Ex-Member, who had been Member of the Assembly before 2001, and is not Member Welfare Fund, may during his life, become Member of Welfare Fund on payment of, -

- (i) rupees twenty thousand as membership fee of the Fund; and
- (ii) rupees five thousand per month for five-year term of the Assembly:

Provided that Member Welfare Fund referred in this sub-section shall be entitled to receive the pension under this Act, on and from 1st July, 2021 subject to restrictions and conditions imposed under this Act.”]

²[12-C. Payment of Pension to Members. - (1) Every Member Welfare Fund shall be entitled to receive Pension of rupees fifty thousand per month:

Provided that a sitting Member of the Assembly or his family shall not be entitled to receive the pension:

Provided further that if Member is receiving any other pension from ¹[Azad Jammu and Kashmir] public exchequer, he shall be entitled to receive only one pension at his option:

¹ Inserted by vide Act of 2021.

² Ibid

Provided further that if a Member had died after commencement of this Act without having made the prescribed contribution, his family shall be entitled to receive pension at the prescribed rates subject to deposit of membership fee and other prescribed contribution for the term for which the deceased remained Member:

Provided further that in future pension of a Member Welfare Fund shall be increased at par with the retired civil servants:]

²[Provided further that the provisions of this Section shall take effect from 1st day of July, 2006.]

³**[12-D. Family Pension.** - (1) Where any Member dies who is entitled to receive pension under this Act, his family shall be entitled to receive family pension equivalent to 75% of the pension admissible to such Member:

Provided that a family of a Member who dies before completion of two years term, shall be entitled to family pension as admissible to the family of the Member subject to deposit of the outstanding membership fee or monthly contribution, if any, for remaining term of two years.

(2) The family pension shall be admissible to widow or widows (in equal shares) for life or until remarriage, whichever occurs early.

¹ Inserted vide Act V of 2017.

² Inserted vide Act XXXIV of 2017.

³ Inserted vide Act VI of 2014.

In case of death or remarriage of the widow, the pension shall be admissible in equal shares to the minor son(s), if any, until they attain the age of 21 years and to the unmarried daughter(s) until they are married.

(3) In case of female Member, the amount of pension shall be divided equally among the husband and her children in the manner prescribed in sub-section (2).

(4) If family pension is not payable under sub-section (2) & (3), it may be granted to the surviving father or mother or both of them in equal shares.]

¹**[12-E. Drawl of Pension.** - The payment of pension shall become due on or after first day of month succeeding to the month to which payment pertains. The Member Welfare Fund shall on each occasion, present a bill in Form-E at the treasury and receive the payment for disbursement of the pension. The treasury officer will observe the same procedure, as is prescribed for Government pensioners in the treasury code.]

²**[12-F. Inadmissibility of Pension.** - (1) If a Member Welfare Fund entitled to receive pension under this Act is, -

- (a) elected to the office of the President; or
- (b) re-elected as a member;
- (c) elected as a Member of the Azad Jammu and Kashmir Council;

¹ Inserted vide Act VI of 2014.

² Inserted vide Act VI of 2014.

(d) employed on salary under the Azad Government of the State of Jammu and Kashmir or Azad Jammu and Kashmir Council or presently drawing salary from Government treasury against any post;

he shall not be entitled to receive the pension under this Act for the period he continues to hold such office or continues as such or is so employed or continues to receive any salary as aforesaid.

(2) A Member Welfare Fund, immediately on his re-election to the Assembly, or on election as Member of Azad Jammu Kashmir Council or appointed in any capacity as listed in sub-section (1), shall inform the Secretary as well as the Accountant General about his re-election/appointment and shall stop to draw pension forthwith from such date.

(3) The Secretary on receipt of the information from the Member or otherwise shall verify the fact of such re-election/appointment and shall without waiting for any formal communication by the Member Welfare Fund, communicate to the Accountant General about happening any event listed in sub-section (1), for stoppage of payment to the Member.

(4) The Accountant General shall stop payment of pension immediately on receipt of such information.]

¹**[12-G. Resumption of Pension.** - Pension which has been inadmissible under Section 12-F shall be resumed on and from the date when the Member Welfare Fund ceases to hold the position listed in sub-section (1) of Section 12-F. The increases, which were allowed under last proviso to Section 12-C, during the period the pension was not admissible under Section 12-F, shall also be included in the pension of the Member. For the purposes of resumption of the pension the Member Welfare Fund shall furnish to the Secretary a certificate issued by the official concerned regarding cessation of holding of the membership/office referred above.]

²**[12-H. Pension Sanctioning and Countersigning Authority.** - The Speaker shall be the competent authority to sanction pension and countersign Forms “A” and “B” as annexed to this Act.]

³**[12-I. Submission of Application for Pension.** - (1) For grant of pension, the Member entitled to receive the pension under this Act shall submit application to the Secretary in Form-A.

(2) The pension shall be paid to the pensioner through a crossed cheque issued by the Accountant General.]

(3) The Secretary shall maintain the accounts of the Fund.

⁴**[12-J. Documents to be furnished.** - Any Member Welfare Fund entitled to receive pension shall furnish the following

¹ Substituted vide Act V of 2017.

² Inserted vide Act VI of 2014.

³ Ibid

⁴ Inserted vide Act VI of 2014.

documents with the application in Form A for grant of the pension, -

- (i) no demand Certificate in Form-B;
- (ii) three passport size photographs;
- (iii) declaration in Form-C;
- (iv) three specimen signatures;
- (v) address of the members/family members;]

¹**[12-K. No Demand Certificate.** - Each Member Welfare Fund shall before making an application under Section 12- I, obtain a no demand certificate from Secretary in Form-B and attach it with his application. No demand certificate to be obtained, shall be in respect of any, -

- (i) excess payment in respect of salary/allowances;
- (ii) outstanding amount on account of advance drawn for tour or for travelling concession within the country or for meeting expenses for medical care or treatment of the Member Welfare Fund or of any Family Member.]

²**[12-L. Procedure relating to Sanction.** - (1) On receipt on receipt of an application for pension in Form-A, the Secretary shall verify the facts stated in the application with reference to record available.

(2) If the Secretary finds that any correction is necessary in the facts furnished in the application or application is otherwise defective or deficient in any respect, he shall return

¹ Ibid

² Ibid

the application to the pensioner for making the correction, rectification of the defects or making good the deficiency.

(3) The pensioner shall make the required correction, rectify the defect or supply the required documents as the case may be, and resubmit the application to the Secretary.

(4) If the application is complete and facts stated in the application are found correct, the Secretary shall obtain the sanction from the Speaker.

(5) Upon receipt of the case under sub-section (4) for sanction, the Speaker, after making such inquiry and taking such evidence as he may consider necessary, shall sanction the pension sought in Form-D for payment to the Member/pensioner entitled to the receive the same under this Act.]

¹**[12-M. Addition of Pension Form.** - (1) In the said Act, at the end following forms “A to E” shall be added.]

²**[13. Power to make rules:** - After consultation with the Speaker of the Assembly, the Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.]

14. **Repeal:** -The Azad Jammu and Kashmir Members of the Legislative Assembly (Salaries and Allowances) Act, 1971 (Act V of 1971) and the Azad Jammu and Kashmir Legislative Assembly (Salaries, Allowance and Privileges of Members) Ordinance, 1975 (Ordinance XXX of 1975) are hereby repealed.

¹ Inserted by Act VI of 2014.

² Ibid

Form-A

Application for Pension

(See Section 12-A)

From: -

Mr. / Ms. _____

Ex Member Legislative Assembly AJ&K.

To,

The Secretary,

Legislative Assembly of AJ&K.

SUBJECT: **SANCTION OF PENSION UNDER AJ&K
LEGISLATIVE ASSEMBLY (SALARIES,
ALLOWANCES, PRIVILEGES AND
PENSION OF MEMBERS) ACT, 1975 (AS
AMENDED UPTO DATE)**

Sir,

I _____ S/O _____ R/O
_____ am entitled to receive pension under the AJ&K Legislative
Assembly (Salaries, Allowances, Privileges and Pension of Members) Act,
1975 (as amended upto date) having been a Member of Legislative
Assembly.

(b) Legislative Assembly LA # 1. From _____ to _____
2. From _____ to _____
3. From _____ to _____

2. I request that step may kindly be taken to sanction the pension in my favour, I desire to draw my pension from

3. I enclose the following documents duly attested by gazetted officer of Federal/ AJK Government/ a sitting Member of Legislative Assembly of AJ&K.

1. No Demand Certificate.
2. Three specimen signatures.
3. Three passport size photographs.
4. Permanent Address.
5. Present Address.

4. I hereby declare that: -

(i) I am not holding the office of the President/ Prime Minister/ Member of Legislative Assembly/ AJK Council.

(ii) I am not employed against salary under the Federal Government/ AJK Government or AJK Council or presently drawing salary from Government treasury on some other beneficiary post.

Yours faithfully,

Signature

Name in Block letters

Station: _____

Date: _____

(For use by the Legislative Assembly Secretariat)

The total period for which the applicant has been member of the
Legislative Assembly is as under: -

1. From _____ to _____

2. From _____ to _____

3. From _____ to _____

The facts recorded in application have been verified and
found correct. The applicant is entitled to pension of Rs.
_____ p.m.

Secretary

Legislative Assembly

Countersignature of the

Speaker Legislative Assembly _____

Form-B

(See Section 12-J)

No Demand Certificate

There is nothing outstanding against Mr./ Ms.
_____ S/D/O

_____ R/O _____

who has completed his term as Member of Welfare Fund, with effect from _____ on account of the following:

- (a) Over issue of salary/ or allowance;
- (b) Advance Traveling Allowance drawn for tours or for travel concession or for meeting expenditure for medical treatment of himself or any member of his family;
- (c) Any other advance, for which adjustment account has not been received from him or repayment whereof is not been made by him;
- (d) Rent for MLAs Hostel;
- (e) Any other outstanding dues from the Assembly Secretariat.

Secretary

Legislative Assembly

Form -C

(See Section 12-J)

Declaration

Whereas the Azad Government of the State of Jammu and Kashmir, has consented to grant me the sum of Rs. _____ per month as the amount of my pension with effect from _____, I hereby acknowledge that in accepting the said amount: -

- (a) I fully understand that pension is subject to revision if the same being found to be in excess of that to which I am entitled under the Act and promise to refund any amount paid to me in excess of that to which I may be eventually found entitled.
- (b) I promise that after commencement of pension at any time if I am elected or made member of the Legislative Assembly or Council or employed to any office, I shall not receive or draw pension and inform the relevant authorities forthwith.

Signature of the Member

Form -D

(See Section 12-L)

Sanction of Pension

Sanction is hereby accorded to the grant of pension of Rs.
_____ in favour of Mr. / Ms.
_____ S/D/O _____ R/O
_____ for his having remained as a Member of the Legislative
Assembly from _____ to _____. The
pension shall be payable from _____ and shall cease to be paid
from the date from which any event listed in Section 12-F occurs.

Signature of the Member

Form -E

(See Section 12-E)

Bill for Drawl of pension by a Member Welfare Fund

No. of PPO issued from the office of Accountant General	Name of the Pensioner	Monthly Rate Rs.	Period for which claimed Rs.	Amount Claimed	Signature of actual payment receipt, stamp should be affixed

Certified that: -

- (a) I am not holding the elected office of the President;
- (b) I am not a member of the Legislative Assembly;
- (c) I am not employed on a salary under the Federal Government or AJK Government or any Corporation owned or controlled by the Federal Government or Government of AJK or any local authority or become otherwise entitled to any remuneration from such Government, Corporation or Local Authority.

- (d) I am not in receipt of any pension from the Federal Government or AJK Government or any Corporation owned or controlled by the Federal Government or any local authority, under any law or otherwise.
- (e) I am holding the office _____ or employed as _____ and the total remuneration received by me is Rs. _____ (p.m); (A certificate from the competent authority to be attached).
- (f) I am in receipt of Rs. _____ (p.m.) as pension being drawn from the Federal Govt. or AJK Govt./ Corporation owned or controlled by the Federal Govt./ AJK Govt. or Local Authority under law or otherwise.

Signature of the Member

Note: - In case a death certificate is not attached to the bill, it will be considered that the pensioner has attended personally to receive the amount of pension.

For use in Accountant General

For use in Treasury

Office _____

Treasury

Page _____

Please Pay Rs. _____

Admitted _____

Objected to Rs. _____

For _____

Examiner Suptt. _____

Auditor