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

‘Muzaffarabad’

Dated: 15.12.2023

No. LD/Legis.-Act/181-191/2023. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 30th day of November, 2023 and received the assent of the President on the 13th day of December, 2023, is hereby published for general information.

[Act VI of 2023]

An

Act

to provide for the appointment, control and management of the Employees appointed on the discretionary posts along with the President, Prime Minister, Ministers, Advisors and Special Assistants.

Whereas, it is expedient to provide for the appointment, control and management of the Employees appointed on the discretionary posts along with the President, Prime Minister, Ministers, Advisors and Special Assistants and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Discretionary Appointments (Terms and Conditions of Service) Act, 2023.
(2) It shall come into force at once.
2. **Definitions.**- (1) In this Act, unless the context otherwise requires,-
 - (a) **"Government"** means the Azad Government of the State of Jammu and Kashmir;
 - (b) **"President"** means the President of Azad Jammu and Kashmir;
 - (c) **"Prime Minister"** means the Prime Minister of Azad Government of the State of Jammu and Kashmir.
 - (d) **"Minister"** means the Minister in-charge of a department appointed under Article 14 of the Azad Jammu and Kashmir Interim Constitution, 1974;
 - (e) **"Appointing Authority"** means the authority competent to make appointment under this Act as per Schedule "B";
 - (f) **"Discretionary Appointment"** means the appointments made to the post listed in the Schedule-A (Part I&II), which are outside the purview of the Public Service Commission and concerned selection committee(s) and the recruitment against these posts shall be made by the appointing authority at the discretion of the President, Prime Minister, Ministers, Advisors and Special Assistants as the case may be, during their term of office.

- (g) **"Advisor"** means an Advisor appointed under Article 14-A (1) of the Azad Jammu and Kashmir Interim Constitution, 1974;
- (h) **"Special Assistant"** means a Special Assistant appointed under Article 14-A (1) of the Azad Jammu and Kashmir Interim Constitution, 1974.

3. **Method of Appointment.**-(1) Appointment to the posts listed in the Part I of Schedule-A shall be made by the President, Prime Minister, Ministers, Advisors and Special Assistants, out of the regular service of Azad Jammu and Kashmir of equivalent scale/grade with the condition that the employees so appointed shall draw their salary from the original post during such discretionary posting. These appointments shall be purely on discretion basis and the appointees shall, on the President, Prime Minister, Ministers, Advisors and Special Assistants on whose discretion they were appointed, ceasing to hold such office, be reverted to their parent cadres, if the successor no longer requires their services, or if there is no successor.

(2) Appointments to the posts as listed in the Part II of Schedule-A shall be made by the Appointing Authorities at the discretion of the President, Prime Minister, Ministers, Advisors and Special Assistants, as the case may be, and these appointments shall be purely on temporary basis and the service of the persons so appointed shall automatically, without issue of any orders, stand terminated when the person at whose direction they were appointed ceases to hold office. However, if the appointee, is a member of the service of Azad Government of the State of Jammu and Kashmir, he will be dealt with as per sub-section (1) above, in all matters.

4. **Revision of Schedules.**-The Government may by notification in the official Gazette add to or exclude from the Schedules any discretionary post.
5. **Repeal and saving.**-(1) The Azad Jammu and Kashmir Discretionary Appointments (Terms and Conditions) Rules, 2023 issued vide Notification No.FD/R/A-4(45)2020 P-II dated 28.03.2023 and the Azad Jammu and Kashmir Discretionary Appointments (Terms and Conditions of Service) Ordinance, 2023 issued vide NO. LD/Legis./Ord./157-69/2023 dated 17.10.2023 are hereby repealed.
- (2) The rights of Persons appointed against the discretionary posts under repealed Rules or Ordinance, may be protected to the extent of continuing their discretionary appointment.
6. **Repeal:-** The Azad Jammu and Kashmir Discretionary Appointments (Terms and Conditions of Service) Ordinance, 2023 (Ordinance VII of 2023) is hereby repealed.

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(Kh. Hashim Shaheen)
Section Officer (Legislation)

SCHEDULE-A
See Section 2(f)

DISCRETIONARY POSTS

PART-I

1. Private Secretary (B-17) to the President, Prime Minister, Ministers, Advisors and Special Assistants
2. Personal Assistant (BS-16) to the President, Prime Minister, Ministers, Advisors and Special Assistants

PART-II

1. Special Advisor/Director General (BS-20/21) to the Prime Minister.
2. Coordinator (BS-20) to the President.
3. Spokesperson to the Prime Minister (BS-20).
4. Political Assistant, Sports, Culture and Youth Affairs (BS-20) to the Prime Minister.
5. Political Secretary/Deputy Director Liaison (BS-18) to the President.
6. Political Secretary (BS-18) to the Prime Minister.
7. Press Secretary (BS-18) to the Prime Minister.
8. Press and Publication Officer (BS-18) to the Prime Minister.
9. Press Secretary/Media Advisor (BS-18) to the President.
10. Deputy Director Information (BS-18) to the President.
11. Staff Officer (BS-18) to the Prime Minister.
12. Deputy Comptroller (BS-18) to the Prime Minister.
13. Protocol Incharge (BS-18) to the President.
14. Personal Staff Officer (BS-18) to the President.
15. Duty Officer (BS-17) to the President.

16. Political Coordinator (BS-16) to the Prime Minister.
17. Public Relation Officer (BS-16) to the President/Prime Minister/Ministers/Advisors/Special Assistants.
18. Assistant Protocol Officer (BS-16) to the Prime Minister.
19. Cameraman (BS-14), Prime Minister Secretariat.
20. Media Assistant (BS-12) to the President.
21. Telephone Operator (BS-12), Prime Minister Secretariat.
22. Receptionist (BS-11), Prime Minister Secretariat.
23. Caretaker (BS-11), to the Prime Minister.
24. Butler (BS-10), Presidential Secretariat.
25. Barber (BS-7), Prime Minister Secretariat.
26. Khidmatgar (BS-6), Presidential Secretariat.
27. Waiter (BS-04), Prime Minister Secretariat.
28. Driver (BS-4), Presidential Secretariat/Prime Minister Secretariat.
29. Qasid (BS-02), Prime Minister Secretariat/Ministers/Advisors/ Special Assistants.
30. Mid-Wife (BS-01), Presidential Secretariat.
31. Attendant (BS-01), Presidential Secretariat.
32. Cook (BS-01), Prime Minister Secretariat /Ministers/Advisors/ Special Assistants.
33. NaibQasid (BS-01), Prime Minister Secretariat/Ministers/Advisors/ Special Assistants.
34. Mali (BS-01), Prime Minister Secretariat.
35. Washmen (BS-01), Presidential Secretariat.

SCHEDULE-B
See Section 2(c)

S. No.	Discretionary Post	Appointing Authority
1.	For posts in BS-16 and above	Prime Minister and to be notified by S&GAD.
2.	<p>(a) For posts in BS 1-15, if the appointee is not a member of regular service.</p> <p>(b) For posts in BS 1-15, if the appointee is from regular service of Azad Government of the State of Jammu & Kashmir.</p>	<p>(i) Secretary to the President for posts in Presidential office.</p> <p>(ii) Secretary to the Prime Minister for posts in Prime Minister's office.</p> <p>(iii) Secretary S&GAD in case of discretionary posts for Ministers/ Advisors/ Special Assistants.</p> <p>(iv) Secretary S&GAD.</p>

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(Kh. Hashim Shaheen)
Section Officer (Legislation)

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