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AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”

Dated: 24-03-2014

No. LD/Legis/ 167-78/2014. The following Act of Assembly received the assent of the President on 20<sup>th</sup> day of March, 2014, is hereby published for general information.

[Act VI of 2014]

**An  
Act**

further to amend the Azad Jammu and Kashmir Legislative Assembly (Salaries, Allowances and Privileges of the Members) Act, 1975

**Whereas** it is expedient to amend the Azad Jammu and Kashmir Legislative Assembly (Salaries, Allowances and Privileges of the Members) Act, 1975 (Act XX of 1975), 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 and Pension of the Members) (Amendment) Act, 2014.  
(2) It shall come into force at once.
- 2. Amendment of Preamble (Act XX of 1975).**- In the Azad Jammu and Kashmir Legislative Assembly (Salaries, Allowances and Privileges of Members) Act, 1975 (Act XX of 1975) hereinafter referred to as the said Act, in the preamble, following amendment shall be made.-

- (i) after the words “allowances” occurring twice, the comma shall be inserted and the existing word “and” occurring at both places shall be omitted;
- (ii) between the existing words “privileges” and “of” occurring twice, the words “and pension” shall be inserted at both places.

**3. Amendment of Section 1, (Act XX of 1975).**- In the said Act, in Section 1, following amendment shall be made.-

- (i) after the words “Allowances”, the comma shall be inserted and the existing word “and” shall be omitted;
- (ii) between the existing words “Privileges” and “of”, the words “and Pension” shall be inserted.

**4. Amendment of Section 2, (Act XX of 1975).**- In the said Act, in Section 2, following amendments shall be made,-

- (i) after clause (c) following new clause (cc) shall be added:-  
“(cc)“Fund” means the fund established under Section 12-A, added by this Act.
- (ii) after clause (f), following new clause (ff) shall be added:-  
“(ff) “Member Welfare Fund” means a Member who is or has been a Member of Welfare Fund during his term as a Member, Parliamentary Secretary, Minister, Deputy Speaker and Speaker”
- (iii) After existing clause (h), new clauses (i) and (j) shall be added as under:-  
“(i) “Speaker” means the Speaker of the Assembly”.  
“(j) “Secretary” means the Secretary of the Assembly.

**5. Amendment of Section 3, (Act XX of 1975).**- In the said Act, in Section 3, for the words “fifteen thousand” the words “forty-five thousand” shall be substituted.

**6. Amendment of Section 4, (Act XX of 1975).**- In the said Act, in Section 4, for the words “six hundred and fifty” the words “three thousand” and for the words “four hundred” the words “one thousand” shall be substituted.

7. **Amendment of Section 5, (Act XX of 1975).**- In the said Act, in Section 5, in sub-section (1), in the first proviso, for the words “five rupees” the words “ten rupees” shall be substituted.
8. **Amendment of Section 5-A, (Act XX of 1975).**- In the said Act, in Section 5-A, in sub-section (1), in proviso, for the words “forty two thousand’ the words “fifty thousand” shall be substituted.
9. **Amendment of Section 7, (Act XX of 1975).**- In the said Act, in Section 7, sub-section (2) shall be omitted.
10. **Amendment of Section 8, (Act XX of 1975).**- In the said Act, in Section 8, in sub-section (2), in clause (a), for the words “five hundred” the words “one thousand’ shall be substituted.
11. **Amendment of Section 10, (Act XX of 1975).**- In the said Act, in Section 10, for the words “five thousand” the words “seven thousand” wherever occurring, shall be substituted.
12. **Amendment of Section 10-B, (Act XX of 1975).**- In the said Act, in Section 10-B, in sub-section (1), for the words “ten hundred thousand” the words “twenty five hundred thousand” shall be substituted.
13. **Amendment of Section 11-A, (Act XX of 1975).**- In the said Act, in Section 11-A, in clause (ii), for the words “fifteen thousand” the words “forty five thousand” shall be substituted.
14. **Addition of Section 12-A to 12-M (Act XX of 1975).**- In the said Act, after Section 12, following new Sections shall be added namely:-

**“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.

**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.

(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.

**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 a Member is receiving any other pension from public exchequer, he shall be entitled to receive only one pension at his option:

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.

**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 Welfare Fund 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. 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.

**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.

**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;
- (b) re-elected as a Member;
- (c) elected as a Member of the Azad Jammu and Kashmir Council; or
- (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 and 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.

**12-G. Resumption of Pension.**- The 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. 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 to above.

**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.

**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.

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

**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 so 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 traveling concession within the country or for meeting expenses for medical care or treatment of the Member Welfare Fund or of any family member.

**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 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 receive the same under this Act.

**12-M Addition of Pension Form.**- In the said Act, at the end following forms "A to E" shall be added.

**15. Repeal.**- The Azad Jammu and Kashmir Legislative Assembly Pension Fund Act, 2008 is hereby repealed.

**(Ch. Muhammad Nawaz)**  
**Section Officer Law**





- (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) Rend 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	

**Sd/-**  
**(Ch. Muhammad Nawaz)**  
**Section Officer Law**

No.2800-2900/P&S/2014

Dated 09-04-2014

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