

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”

Dated: 25.06.2021

No. LD/Legis-Act/425-38/2021. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 28th day of May, 2021 and received the assent of the President on the 15th day of June, 2021, is hereby published for general information.

[Act XXII of 2021]

An

Act

to provide a law for Subsistence Allowance to destitute widows and orphans

Whereas, it is expedient to provide a law for securing the life necessities of destitute widows and orphans through subsistence allowance in the manners hereinafter provided;

It is hereby enacted as follows:-

1. Short title and Commencement.-(1) This Act may be called the Azad Jammu and Kashmir Subsistence Allowance for Widows & Orphans Act, 2021.

(2) It shall come into force at once.

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

(a) **“Board”** means the Board, constituted under Section 3 of this Act;

(b) **“Contributors”** means and include,-

i) President, Azad Jammu and Kashmir;

ii) Prime Minister, Azad Government of State of Jammu and Kashmir;

iii) Ministers, Azad Government of State of Jammu and Kashmir;

iv) Members Legislative Assembly;

v) Elected Members AJ&K Council;

- vi) Judges of the Supreme Court, High Court, Tribunals and employees of these establishments in BPS-7 and above;
 - vii) All Civil Servants in BPS-7 and above.
 - viii) All employees of statutory bodies, autonomous bodies, special institutions getting salaries from Government exchequer; and
 - ix) All other persons getting salary from Government exchequer.
- (c) **“Destitute”** means a widow, orphan or both and divorced women who lacks necessities of life, and having no other satisfactory means of subsistence;
- (d) **“Fund”** means fund established under Section 5 of this Act;
- (e) **“Government”** means the Azad Government of the State of Jammu and Kashmir;
- (f) **“Member”** means member of the Board and includes chairman;
- (g) **“Subsistence Allowance”** means an allowance for subsistence of Destitute, per person per month, at such rate as may be prescribed by the Board.

3. Board.- (1) There shall be a Board consisting of the following members by virtue of their office, namely:-

(i)	Additional Chief Secretary (General)	Chairman
(ii)	Senior Member Board of Revenue	Member
(iii)	Secretary Law, Justice, Parliamentary Affairs and Human Rights	Member
(iii)	Secretary Finance	Member
(iv)	Secretary Ushar, Zakat, Social Welfare and Women Development	Member
(v)	Accountant General	Member
(vi)	Special Secretary Services & General Administration	Member/ Secretary
(vii)	One member to be co-opted by the Board	Member

(2) The Board shall be a body corporate having perpetual succession and a common seal shall, by the said name, sue and be sued.

(3) The meeting of the Board may be held thrice in a financial year, the chairman may, however, convene a special meeting at any time.

(4) Not less than four Members shall be present to constitute quorum for a meeting of the Board.

(5) Members of Board shall not be entitled for any remuneration or TA/DA for performance of functions under this Act and shall work purely on honorary basis.

4. Functions of the Board.-(1) The Board shall exercise such powers and perform such functions, as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the fore-going sub-section, the Board shall,-

- a) set indicators to ascertain Destitute;
- b) cause to conduct a survey from independent and credible third party to identify Destitute;
- c) fix the amount of Subsistence Allowance for Destitute, per person per mensem, keeping in view the minimum requirements for livelihood and education of orphans;
- d) register the Destitute in manners to be prescribed by the Board;
- e) communicate the names of registered Destitute to the Accountant General office for transfer of Subsistence Allowance;
- f) ensure transparency at all levels;
- g) cause to be prepared and laid the annual report to the Government, containing details of its work and activities under this Act; and
- h) exercise all the powers for effective control, management and supervision required under this Act.

5. Fund.- (1) There shall be established a fund to be known as Welfare Fund for Widows and Orphans, which shall consist of:-

- i) Mandatory basic pay deduction of Contributors, deducted every month at such rate as may be prescribed by regulations and shall be credited to the Fund;

- ii) Grants made by the Government; and
- iii) donation received from NGOs, philanthropists or any other legal source.

(2) All moneys credited to the Fund shall be kept in such bank as may be prescribed by the Board.

(3) The Accountant General office shall be engaged for transfer of the Subsistence Allowance to the Destitute in such manners as may be determined by the Board.

(4) The accounts of the Fund shall be audited annually by the Auditor-General of Azad Jammu and Kashmir.

6. Power to Make Regulations.- The Board may, if required, issue regulations after approval of the Government, for carrying out the purposes of this Act.

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(Rashid Kaleem)
Additional Secretary Law