

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the 18th September, 1975.

No. 2833/SL/75. The following Ordinance made by the President on the 17th of September, 1975, is hereby published for general information:-

(ORDINANCE XXX OF 1975)

AN ORDINANCE to provide for salaries, allowances privileges of the Members of (Legislative Assembly of the Azad Jammu and Kashmir.

WHEREAS it is expedient to provide for salaries, allowances and privileges of the Members of the Legislative Assembly of the Azad Jammu and Kashmir for the purposes hereinafter appealing;

AND WHEREAS the Legislative Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President of Azad Kashmir is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement:** (1) This Ordinance may be called the Azad Jammu and Kashmir Legislative Assembly (Salaries, Allowance and Privileges of Members) Ordinance, 1975.

(2) It shall come into force at once.
2. **Definitions:** In this Ordinance, 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 any committees appointed by the Government of 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, brother and sister as ordinarily reside with and are wholly dependant;
 - (d) Form the commencement of its business to the termination of the business of a day;
 - (e) "Member" means a Members of the Assembly other than minister, Parliamentary, secretary, Speaker or Deputy Speaker.
 - (f) "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 half 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 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
 - (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.
- 3. Salary:-** (1) Subject to the provisions of sub-section (2) and sub-section (3) a member may draw salary at the rate of one thousand rupees per menses.

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

- (a) Fails to attend at least three-fourth of the total number of

settings hold in a months; or

(b) If elected during the course of 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 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 Ordinance, 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.

4. Daily allowance: A Member shall be entitled to receive a daily allowance at the rate of seventy-five rupees per diem for the period of residence on duty.

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 of residence to the place where the session or meeting is held or other business is transacted and for return journey form such place to his usual place of residence, a Member shall be entitled to receive traveling allowance at the following rats:-

(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 economy class; and

(c) Where the journey or any part hereof is performed by road-

(i) If the journey is performed by personal car or by engaging a full taxi, rupee one per mile;

- (ii) If the journey is performed by a borrowed car, at the rate of rupee one per mile; and
- (iii) If the journey is performed by any public transport playing for hire, at the rate of twenty-Paisa per mile;

Provided that-

- (i) No traveling allowance shall be admissible for journeys made during a session between the place where the session is held and any other place; and
- (ii) 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.

(2) Traveling allowance at the rates mentioned in subsection (1) shall be admissible to a Member for journey performed during the period of adjournment of a session, if the session is adjourned for a period of more than ten days.

- 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:** (1) Subject to availability and on payment of such charges as Government may determine, a Member may be provided with Government accommodation during the period of residence on duty.

(2) Where a Member is not provided with accommodation by Government or where he does not avail of the facilities of such accommodation he shall be paid a subsidy at the rate of twenty-five rupees per diem for the period of residence on duty.

- 8. Medial Facilities:** A Member shall be entitled for himself and his family to free indoor as well as outdoor medical facilities of the standard admissible to class I officer of the Government.

- 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 the 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 Ordinance.

- 10. Telephone:-** (1) A Member shall be entitled to, at Government expense the facility of a telephone at the place where he ordinarily resides, if the installation facility is available at such place:

Provided that Government shall pay only rupees one hundred and fifty per months 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 one hundred and fifty per month in lieu of the telephone charges mentioned in sub-section (1).

- 11. Leader of opposition:-** Leader of the Opposition shall, in addition to the salary, allowance and facilities admissible to him as a member, be entitled to-

- (a) An honorarium of rupees one thousand per mensem;
- (b) Office accommodation within the precincts of the Assembly Building;
- (c) The services of a whole time stenographer and two peons;
- (d) the installation of telephone at Government expenses at his office and at his residence at the place where the session is held, without payment of rent and charges for calls made; and
- (e) Accommodation at Muzaffarabad, free of rent.

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.
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 purposes of this Ordinance.
14. **Repeal.-** The Azad Jammu and Kashmir Members of the Legislative Assembly (Salaries and Allowances) Act, 1971 (Act: XV of 1971) is hereby repealed.

Sd/-

(Sardar Muhammad Ibrahim Khan)
President,
Azad Jammu and Kashmir.

Sd/- (Muhammad Akram Shah)
Deputy Secretary,
Law & Parliamentary Affairs Secretariat,
Azad Govt. of the Slate of J&K.