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THE GAZETTE OF AZAD JAMMU & KASHMIR

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

“MUZAFFARABAD”

Dated: 30.05.2024

No. LD/Legis.-Act/14-26/2024. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 3rd day of May, 2024 and deemed to have been assented by the President with effect from 21st day of May, 2024, is hereby published for general information.

[Act II of 2024]

An

Act

to provide a law for social protection of vulnerable population of Azad Jammu and Kashmir

Whereas, it is expedient to provide a law for social protection of vulnerable population of Azad Jammu and Kashmir for securing their life necessities through subsistence allowance and 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 Social Protection of Vulnerable Population Act, 2024.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once and shall be deemed to have taken effect since 10th March, 2024.
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 includes,-
 - i) President, Azad Jammu and Kashmir; and
 - ii) Prime Minister, Ministers, Judges of the Supreme Court and High Court, Members Legislative Assembly, Elected Members AJ&K Council, Chairman & Members of all Tribunals and their employees, all Civil Servants, all employees of statutory bodies, autonomous bodies, special institutions and any other person getting salaries from Government exchequer in BPS-7 and above.

- (c) **"Differently Abled Person"** means, a person who is unable to earn his living wage due to some physical and mental deformity, and is declared as such by the medical board, specially constituted for the purposes of this Act by the Government;
- (d) **"Government"** means, the Azad Government of the State of Jammu and Kashmir;
- (e) **"Member"** means, a member of the Board and includes Chairman;
- (f) **Minimum Standard of Living** means, such standards which may be prescribed by the Board;
- (g) **"Fund"** means, the Social Protection Trust Fund, established under Section 5 of this Act.
- (h) **"Subsistence Allowance"** means, an allowance to be paid to a Vulnerable Person, on monthly basis and on such rate, as may be prescribed by the Board;
- (i) **"Vulnerable Person"** means, a widow, orphan, differently abled person, transgender and divorced women duly registered with the Religious Affairs Department, who lacks necessities of life, and having no other satisfactory means of subsistence;

Explanation: For the purpose of this clause,-

- (i) **“Orphan”** means, a child who has lost his/her father and is less than 21 years of age and he/she or any other family member does not have sufficient means of income to sustain minimum standard of living;
- (ii) **“Transgender”** means, a person who is declared as such by a medical board to be constituted by the Government, and who does not have minimum means of income to maintain a normal standard of living;
- (iii) **“Widow/Divorced Women”** means, a woman who is alone and she or anyone of her dependents do not have sufficient means of income to sustain minimum standard of life; and
- (iv) **“Old Person”** means, a person qualifies for social assistance as an elderly person, if the person,-
 - (a) has attained age of 65; and
 - (b) has been neglected or abandoned without any ascertainable means of support or lives or begs on the street for a living.

3. **Board.-** (1) There shall be a Board to be called Social Protection Board consisting of the following members by virtue of their offices, namely:-

(i)	Prime Minister	Chairman
(ii)	Minister Finance	Member
(iii)	Minister Social Welfare	Member
(iv)	Chief Secretary	Member
(v)	Secretary Law, Justice, Parliamentary Affairs and Human Rights	Member
(vi)	Secretary Finance	Member
(vii)	Secretary Ushar, Zakat, Social Welfare and Women Development	Member/Secretary
(viii)	Accountant General	Member
(ix)	Two co-opted member	Member

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

(3) The meeting of the Board shall be held at least once in each quarter, the chairman may, however, convene a special meeting at any time.

(4) At least three days' notice alongwith agenda of the meeting shall be given before convening a meeting.

(5) Members of the 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.

(6) All decisions of the meeting shall be recorded and maintained by Secretary of the Board, who shall also be responsible for;-

- (i) the conduct of correspondence on behalf of the Board;
- (ii) the maintenance of all records of the Board;
- (iii) the presentation of annual budget for each financial year to the Board;
- (iv) the preparation of agenda & all matters ancillary to the meeting of the Board;
- (v) the performance of such other functions as may be assigned by the Board; and
- (vi) make necessary payments after obtaining approval of the Board.

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 foregoing sub-section, the Board shall,-

- a) set indicators to ascertain a Vulnerable Person;

- b) cause to conduct a survey from an independent and credible third party to identify the Vulnerable population;
- c) register the Vulnerable population in such manners as may be prescribed by the Board;
- d) fix the amount of Subsistence Allowance for Vulnerable Person, per mensem, keeping in view the minimum requirements of food, education of children and medical treatment, etc.;
- e) communicate the names of Vulnerable Persons to the Accountant General Office for transfer of Subsistence Allowance;
- f) approve the annual budget before 30th June for each financial year;
- g) ensure transparency at all levels;
- h) cause to be prepared and laid the annual report to the Assembly, containing details of its work and activities under this Act;
- i) exercise all the powers for effective control, management and supervision required under this Act;
- j) to put in place a robust mechanism to assess the impact of the program; and

- k) redress the grievance of any person who has not been included as a beneficiary or who has complaint against any beneficiary.

5. **Social Protection Trust Fund.-** (1) There shall be established a fund to be known as Social Protection Trust Fund which shall be administered by the Board. The source of fund shall be,-

- i) mandatory deduction from the Contributor's basic pay every month at such rate as may be prescribed by the Board;
- ii) grants made by the Government; and
- iii) donation received from NGOs, philanthropists, or any other legal source.

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

(3) The Accountant General Office shall be the custodian of the Fund.

6. **Investment Committee.-** (1) The Board shall constitute a committee for investment of amount from the Social Protection Trust Fund by vote of majority of its members.

(2) Under the general supervision of the Board, the Investment Committee shall be responsible for investment of the amounts from the Social Protection

Trust Funds, on the basis of highest profit rate and in the best interest of Vulnerable Persons.

(3) The accounts of the Social Protection Trust Fund shall be operated jointly by the Secretary Social Welfare and Women Development Department and Accountant General Azad Jammu and Kashmir.

7. **Disbursement of Allowance.-** (1) All the disbursement of the Subsistence Allowance from the Social Protection Trust Fund shall be made by the Accountant General Office through bank accounts or through efficient modern recognized means of disbursement.

(2) The Accountant General Office shall keep the Board informed for all the moneys credited to the Social Protection Trust Fund and disbursed from it on monthly basis.

8. **Audit and Accounts.-** (1) All accounts shall be maintained by the Accountant General of Azad Jammu and Kashmir in such manner and form, as the Board may direct.

(2) All accounts and moneys received in the Social Protection Trust Fund shall be audited annually by the Auditor General of Azad Jammu and Kashmir.

9. **Abuse of Social Assistance.-** If in the opinion of the Board a beneficiary abuses his/her social assistance, the Board may suspend payment of social assistance.

10. Termination of Social Assistance to Persons who are Absent from Azad Jammu and Kashmir. (1) The

Board may terminate payment of social assistance to or on behalf of a person who is absent from the State for a continuous period of six months or longer.

(2) The Board may reinstate the provision of social assistance suspended under sub-Section (1), where the Board is satisfied that the reasons advanced by the applicant justify the reinstatement.

11. Refund to the Government. (1) If the Board approves payment of subsistence allowance in favor of a person who was not eligible to receive that payment, the amount so paid shall be repayable to the Social Protection Trust Fund within three days.

(2) The Board shall recover the amount from the ineligible person, as provided under sub-section (1), and in accordance with the provisions of any other law for the time being in force.

(3) Any person who has provided wrong information or attestation, as the case may be, shall be guilty of offence of furnishing of wrong information under Section 177 of Azad Penal Code.

12. Review of Social Assistance. The Board shall review social assistance annually where it has reason to believe that a significant change in the circumstances or beneficiaries have occurred.

13. Stoppage of Payment.- A Vulnerable Person shall be debarred to receive the Subsistence Allowance in following cases if,-

- (i) the Vulnerable Person being a widow or divorced woman enters into another marriage;
- (ii) the Vulnerable Person has submitted false information;
- (iii) the Vulnerable Person is an orphan and has reached 21 years of age; and/or
- (iv) Minimum Standards of Living has been secured by the Vulnerable Person.

14. Power to make Rules.- The Government may, on the recommendations of Board, make rules for the purpose of giving effect to the provisions of this Act.

15. Repeal.- The Azad Jammu and Kashmir Subsistence Allowance for Widows and Orphans Act, 2021 (Act XXII of 2021) and the Azad Jammu and Kashmir Social Protection of Vulnerable Population Ordinance, 2024 (Ordinance I of 2024) are hereby repealed.

Sd/-(Ch. Muhammad Nawaz)
Deputy Secretary (Legislation)

No.9101-9200/P&S/2024

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