

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

'Muzatfarabad'

Dare: 26,02.0028

No. LD/Legis.-Act/27 39/2023. The following Act, passed by the Azad Jammu and Kashmir Legislative Assembly on 2284 day of February, 2023 and received the assent of the President on the 27 day of February, 2023, is hereby published for gencral information.

[Act IIL of 2023]

Act

to amend the Azad Jaminu and Kashmir Legislative Assembly Privileges Act, 1974

Whereas, it is expedient to amend the Azad Jammu and Kashmir Legislative Assembly Privileges Act, 1974 (Act X of 197-1, for the purposes hereinafter appearing;

It is hereby enacted as follows:

1, Short title and commencement.- {1} This Actinay be called the Azad Jammu and Kashmir Legislitive Assembly Privileges (Amendment) MeL. 2028.

{2} tt shall come into force at once.

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Amendment of Section 2, Act X of 1974.- In the Azad Jammu and

hushinir Legislative Assembly Privileges Act, 197-4 (Act X of 1974), in Section 2,-

(i) in sub-section (1), after clause (bj, the following new clause (b> aj shall be added:-

"(-a) "Chamber" means the place where the Assembly meets to transact its business and notified by the Speaker as Chamber;"

(li in osttbh-section (1), for clause fe}, the following shall be

substituted,

tape ban lh

“(c) “Cominittee™ means a Standing Committee, a Special Committee, a Select Committee or any other Committee set up by under this Act or under the authority of the Assembly in connection with the business of the Assembly:”

(ii) in sub section (1), alter clause (ce), a following new clause (c-a) shall be added:-

“(c-a) “Constitution” means the Azad Jammu and Kashmir Interim Constitution, 197-4,”

(iv) in sub-section (1), after clause (e), the following new clause (v-a) shall be addec:-

“e-a) “Officer of the Assembly” means and includes any person who may, from time to time, be appointed to the staff of the Legislative Assembly Secretariat, whether permanently or temporarily, and includes any Police Officer on duty within the precincts of the Assembly;”

(v) in sub-section (1), after clause (f), Une following new clause {f-a)

Fits Your We2iye ax 9 shall be added:-

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“(foal “Judicial Committee” means the Judicial Committee as constituted under Section 11-B;”

{vi} in sub-section (1), after clause (h), the following new clause (h-aj) shall be addec:-

“(heal “Schedule” means the Schedule appended to this Act;”

and

{vil} in sub-section (2), for the words “the Azad Jammu and Washimir Government Act, 1970” the words “the Azad Jammu and Kashmir Interim Constitution, 1974 and the Rules of the Procedure of the Legislative Assembly of Azad Jammu and

Kashmir, 1975” shall be sudstituted.

Section 3, for the words “the Azad Jammu and Kashmir Government

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2.

Act, 1970" the words "the Azad Jammu and kKashnir Interim

Constitution, 1974" shall be subsututed.

Substitution of Section 5, Act X of 1974.- In the said Act, Section 5

shall be substituted as under:

"5. Power to preside a meeting.- (1) Any meeting convened by the Governinent or Semi Government Institulion or Autonomous body, in which a Member is supposed to participate shall be presided over by the Member:

Provided that where the President or a Minister is present,

the Member shall not preside over the meeting.

{2) n case where more than one Member is to participate in

the meeting, the presiding Member shall be,

ij through consensus among members; or

uj) through voling among members."

Addition of new Section 10-A, Act_X of 1974- li the said Act, after

Section 10, the following new Section (1Q-A) shall be added:

"10-A. Power to Arrest.- The Scercant-at Arms or any other Officer authorized by the Speaker in Uus regard inay, if satisfied that with a view to preventing any person from acting in any manner prejudicial to breach of any of the privileges specified in the Schedule, it is necessary to do so, may by an order in writing, direct the arrest and detention in such custody as may be prescribed under the rules."

Substitution of Section 11, Act X of 1974.- In the said Act,

Section 11 shall be substituted as under:

"11. Breach of privilege.- ach of the ucts and omissions specified

in column 2 of the Schedule shall constitute a breach of

privilege of the Assembly, its Members and Committees thercof,

Act X of 1974.- In the said Act, after Section 11 as substituted above, new Sections 11-A, 11-2, 11-C, 11-D, T1-E and 11-F. shall be

subsututed as under:-

"11-A,

11-B.

11-C.

Breach of privilege to be an offence.- (1) A breach of privilege shall be an offence punishable in accordance with the provisions of this Act as provided in column No. 3 of the Schedule.

(2) The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force or the Rules of Procedure of Legislative Assembly of Azad Jammu & Kashmir, 1975 for the time being in force.

Cognizance of Offence.- (1) Subject to the provisions of this

Act, if the Committee or Privilege of the Assembly is satisfied that a person has breached the privilege of the House or a Committee thereof or of a Member within the meaning of Section 11 of this Act, and punishment is to be inflicted upon him under Section 11-B of this Act, a reference shall be made to the Judicial Committee

(2) On receipt of the reference, the Judicial Committee shall initiate proceedings against the accused in accordance with

this Act and rules framed thereunder,

Jurisdiction.- (i) The Assembly, or a Committee of the Assembly, notified by the Speaker for this purpose, as the case may be, shall have exclusive jurisdiction to try offences and award punishments for the offences punishable under this Act.

2) The Committee constituted under sub-section (1) shall be

known as Judicial Committee.

3) Notwithstanding anything contained to the contrary in any other law for the time being in force, the sentence awarded by

the Assembly or the Committee shall be executed by the

district Magistrate or a Magistrate of 1st Class authorized by him/her for the purposes if the same were a sentence

awarded by him/her.

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11-D. Appeal, etc.- Notwithstanding anything contained in any other law for the time being in force, an appeal against any order passed under this Act shall be to the Speaker, within thirty days, whose decision shall be final.

11-E. Cases under ordinary laws.- Notwithstanding anything

contained in this Act, when an offence under this Act is also an offence under any other law for the time being in force, it shall be tried under that law:

Provided that no person shall be prosecuted under any other law for having committed such offence except on a complaint made by any officer of the Assembly or an aggrieved person authorized by the Speaker in that behalf.

11-F. Power to arrest.- (1) for the purpose of securing the attendance of any person before the Assembly or the Committee or of removing from the precincts of the Assembly any person whose removal has been ordered under this Act or

under the Procedure and Conduct of Business Rules, it shall be

lawful for the Sergeant-at Arms or any other Officer of the Assembly or Police Officer, if ordered to do so by the Presiding Officer, to arrest such person without warrant at any place within the Precincts of the Assembly and to use such reasonable force as may be necessary.

(2) Notwithstanding any law for the time being in force, on the receipt of summons or warrants issued by the Assembly or the Committee, as the case may be, the District Magistrate shall be bound to procure the attendance of the person or persons so required as if the summons or Warrants were issued by him."

8. Substitution of Section 14, Act X of 1974.- In the said Act, for

Section 14, the following shall be substituted:-

"14. Power to try summarily.- The proceedings before the Judicial

Committee shall be summary proceedings."

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Amendment of

ection 15, Act X of 1974.- In the said Act, in

Section 15, the following new clause 15-A shall be inserted.-

“15-A. Official plate for vehicle.- (1) A Member shall be entitled to

display on his vehicle. for distinctive appellation, an official plate issued by the Assembly Secretariat alongwith jacket at Government expense,

(2) The official plate shall be used only on a specific vehicle, the registration number of which shall be intimated to the Assembly Secretariat.

(3) The official plate shall be exhibited only when the member himself is presented in the vehicle, and in all other cases it shall be covered by the jacket provided along with the plate.

(4) In case of violation of sub section (2) and (3) by a member, the Speaker may restrict the use of official plate by such member and direct him to surrender the official plate to the Assembly Secretariat

(5) On ceasing to hold office for any reason whatsoever, the member shall surrender the official plate to the Assembly

Secretariat within three days.”

Insertion of new clause in Section 18, Act X of 1974.- In the said

Act, in section 18, the following new clause 18-A shall be inserted, -

“18-A. Any information, query or concern ask by a member from any

government servant/office/Department in writing shall be responded by the concerned within a reasonable time but not

beyond ten days.”

Insertion of new Sections 20, 21 and 22, Act X of 1974.- In the

siud Act, after Section 19 the folowing new Sections 20, 21 and 22

shall be inserted:-

«20.

21.

Power to make rules.- The Speaker, in consultation with the

Committee on Privileges of the Assembly, may make rules for carrying out the purposes of this Act.

Power to amend the Schedule.- The Speaker may amend the

Page 6 of 11

12.

"Breach of Privilege

Schedule through a Notification to be published in the Official Gazette.

22.

Overriding effect.- '(he provisions of the Act shall have effect notwithstanding anything contained in any other Jaw for the time being in force."

Insertion of Schedule_in Act X of 1974.- In the said Act, the following Schedule shall be inserted at Une end: -

SCHEDULE
[See Section 25]

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iulting, threatening or insulting

Member or Officer of the

any

sembly.

(i) While such Meniber or Officer is

the Assembly or a Committee or is

returning from the House after

attending such meeting; or

/ ti} on account of any vote, given,
i \$peech made, or other action taken
or not taken by such Member: or

conduct of such Member or Officer
in respect of any matter pending

.or expected to be brought before

sembly or any Committee.

Assaulling or resisting or willfully

obstructing any Member in the

Chamber or in a Committee or in

the precincts of the Assembly.

/ Assaulting or resisting or willfully
interfering with an Officer of the
Assembly in the Chamber or in «

Committee or ii the precincts of

the Assembly.

x criminal force, or obstructing |

on his way to attend a meeting of:

(if) with a view to influencing the :

Maximum Punishment

3

Imprisonment of either description for
six months, or fine of ten thousand |

rupees, or both.

Imprisonment of either description for

six months, or fine of ten thousand

, rupees, or both.

Imprisonment of either description for

six months, or fine of ten thousand

rupees, or both.

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Breach of Privilege

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Contravention of the provisions of

the Procedure and Conduct of
Business Rules for the time being
in force.

Breach of any of the privileges as

provided in Act.

Contravention of any
Procedure and

Rules by a

the

Business stranger

udmitted to the Chamber.

Tampering with, deterring.
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threatening, or any way unduly

influencing uny witness in regard

to evidence to be given by him
before the Assembly or any
Committee.

Presenting to the Assembly or a
errehreaty
document

Comittee false,
fabricated or
with intent to deceive the Assembly
or, the be, the

Committee.

any
falsified

as

face May

Destroying or materially damaging
any document knowing or having
reasons to believe that it has been
requisitioned by the Assembly or

any Committee

Giving of false evidence before the

Assembly or a Committee,

Refusing to be examined before or

lawful and relevant

the Assembly or

such

question put by

any Committee, unless

refusal be excused as provided in

) sub-section (9) of Section 10.

provisions of
Conduct of

six months,

Maximum Punishment

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Fine of ten thousand rupees

Imprisonment of either deseri

or fine of ten t

rupees, or both.

{Imprisonment of either deseri
one month, or fine of five t
rupees, or both.

Imprisonment of either descri

one month, or fine of five t

rupees, or both.

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linprisonment of cither description for !

one months, or
rupees, or both,

Imprisonment of either description for |

one month, or fine of five

rupecs, or both,

fine of five thousand

thousand

Imprisonment of either description for

three months, or fine of five thousand ,

rupees, or both,

Inprisonment of either ce

ription for

three smonths, or fine of five thousand

rupees, or both.

. _ S.No “ Breach of Privilege 7 Maximum Punishment

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12.

' Assembly or in it Committee.

Mis conduct as witness before Ure Imprisonment of either description for

six months, or fine of five thousand -

rupees, or both,

13. Willfully publishing any false or Imprisonment of either description for
perverted report of any debate ur three months, or fine of five thousand
proceedings of the Assembly or any - rupees, or both. ;

Committee or willfully mis

representing any speech made by , 1

Member before the Assembly or:

any Committee.

14, | Willfully publishing any report of | {mprisonment of either description for
any debate or proceddings of the Uiree months or fine of five thousand
Assembly or a Committee the rupecs, or both,
pubication of which has been
prohibited by the Presiding Officer.

15. Publication of any defamatory or imprisonment of either description for
derogatory statement reflecting on three months, or fine of five thousand

_ the proceedings or the character of rupees, or both. {
“the Assembly.

i Casting or publishing any. Imprisonment of either description for
reflection upon the character or six months, or fine of five thousand
| concuct of the Presiding Officer or rupees, or both.
' any imputation of partiality against :

him, in the discharge of his duties.

17.) Making or publishing any linprisonment of either description for

muliciously — false, scandalous, three months, or fine of five thousand

i * defunatory or derogatory rupees, or both. |

ement concerning any Member

in respect of his conduct as a. ;

| “Member or an Officer or the!

Assembly.

18. Printing of a copy of any Act or “hnprisonment of either description for !
Ordinance or of any repert, paper. three months, or fine of five thousand
munutes or notes of proceedings of
the Assembly or any Committee, -
which purports to have been

printed by or under the authority
! of the Assembly or any Committee

but which in fact has not been so'

printed oor the tendering = in
| Pevidence of any such copy as!

rupees, or both.

uforesaid.

. S.No Breach of Privilege Maximum Punishment

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19, | Publication of any proceedings or! Imprisonment of either description for !

report of a Committee before they three months, or fine of five thousand
are reported to the Assernbly rupees, or both.

| ' published in the official Gazette.

plication of any question unless [imprisonment of either descripuion for

20. PY

it is answered in a House or before one month, or fine of wwe hundred

| it. is so answered. rupees, or both.

21; >ublication of any resolution Or |mprisonment of cither description for
motion before it is submitted by one month, or fine of two hundred
Presiding Officer. rupees, or both.

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22. rublication of any adjournment' Imprisonment of either description for

motion before it is taken up in the one month, or fine of two hundred
Assembly. J rupees, or both.

| 23, : Willful failure or refusal to obey fimprisonment of either description for
any order of the Assembly under one month, or fine of five hundred
-this Act, or any order of the» rupees, or both. :
Presiding Officer or any Member or

Officer of the Assembly which is
duly made under this Act.

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24. | lentry of a stranger in the Chamber Imprisonment of either description for |
: without due permission. one month, or fine of tive hundred '
rupees, or both.

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gs. | Attending any sitting of House as | fmprisonment of either description for |
representative of uny newspaper one month. or fine of five hundred

i after a general permission granted rupees, or both.
under the authority of — the i
Presiding Officer to the

representative or representatives of

that newspaper has been revoked. i

terfere spe weyet:. see . - . .

26. Jterference, resistanc OT tiaprisonment of either description for
obstruction by a stranger m1 the three months. or fine of five hundred
execution of duties by an Officer of j rupees, or both

|
the Assembly. i |

27. Sitting or voting in the Assembly | Imprisonment of either description for
three months, or fine of five hundred |

without being a Meinber.
rupees, or both.

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Disrespectful Conduct.

* Abetment

Breach of Privilege

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Offering to, or acceptance by, any

Member or Officer of the Assembly

of a bribe to influence him in his

conduct as such Member or
Officer, or the offering to, or
acceptance by, any Member or

Officer of the Assembly of any fee,

compensation, gift or reward for or

in respect of the promotion of or
things brought before the Assembly

or its any Committee,

Creating or in
disturbance in the Chamber or in a
Committee

precepts of the Assembly while the

joining any

or if the vicinity or
House or the Committee is sitting,
knowing having

believe that the proceedings of the

or reason to

Assembly or Committee are likely to
be interrupted.

of any act or omission

specified above

one

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Maximum Punishment

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month, or fine of

es, or both,

months, or fine of five hundred

rupees, or both.

Imprisonment of ctther deseription for

three months, oy fine of five hundred

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Srtpees, or both,

eas for the act or omission.

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(Kh. Hashim Shaheen)
Section Officer (Legislation)

Imprisonment of cither deseription for ,

five hundred :

fmprisonment of cither deseription for