

AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,

MUZAFFARABAD.

Dated the December 24, 1975

No. 3933/ SL/ 75 The following Act of the Legislative Assembly received the assent of the President on the 16th day of December 1975 and is hereby published for General information:-

(ACT XVIII OF 1975)

AN ACT to provide for the salaries, allowance and privileges of the Ministers of the Azad Jammu and Kashmir;

WHEREAS it is expedient to provide for the Salaries, allowance and privileges of the Ministers of the Azad Jammu and Kashmir, in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement:- (1) This Act may be called the Azad Jammu and Kashmir Ministers (Salaries, Allowance and Privileges) Act, 1975.

(2) It shall come in to force at once.

2. Definitions: (1) In this Act, unless the context otherwise requires:-

(a) "Constitution" means the Azad Jammu and Kashmir Interim Constitution Act, 1974;

(b) "Family" means the wife and children residing with and wholly depended upon a Minister;

(c) "Government" means the Azad Government of the State of Jammu and Kashmir;

(d) "Maintenance" in relation to a residence includes the payment of local rates, taxes, the provision of electricity, water and gas;

(e) "Minister" means a Minister appointed under the constitution and includes the Prime Minister;

(f) "Official residence" means the house reserved from time

to time for residence by a Minister and includes out-

houses and garden appurtenant thereto; and

(g) "Prescribed" means prescribed by rules framed under this Act;

(2) Words and expression used but not defined in this Act shall have the same meanings as are assigned to them in the Constitution.

Salary: The salary of a Minister shall be two thousand and five hundred Rupees per mensem.

Equipment allowance:- The Prime Minister and a Minister may draw a sum of three thousand and five hundred rupees and three thousand rupees respectively as equipment allowance on their appointment as such:

Provided that no such allowance was received by him during the life time of the Assembly on appointment as a President, Speaker, Prime Minister or a Minister.

Allowance on taking up and laying down the office: (1) A Minister shall be entitled to claim actual expenses to the extent mentioned below from him ordinary place of residence to the seat of Government and from the seat of Government to his ordinary place of residence on taking up or laying down office, as the case may be:-

(a) Actual traveling expenses for himself and his family;

(b) Cost of transporting personal servants not exceeding two, by the lowest class of accommodation, and

(c) Cost of transporting house-hold effects, not exceeding one hundred and twenty mounds, by goods train, steamer or other craft, excluding aircraft, and his personal car, if any.

(2) No, claim shall lie for any travel or transportation not performed within six months of the date of taking up or laying down office, as the case may be.

Sumptuary Allowance:- (1) The Prime Minister shall be entitled to receive sumptuary allowance at the rate of four thousand rupees per mensem.

(2) A Minister shall be entitled to receive sumptuary allowance at the rate of three thousand rupees per mensem.

Transport: A Minister shall be entitled to the use of official cars maintained at Government expenses throughout his term of office and for a period of 15 days immediately thereafter,

Provided that the Prime Minister may withhold this facility to a Minister who is removed from his office on the ground of misconduct or misbehavior.

Official Residence: (1) A Minister shall be entitled without payment of rent, to the use of an official residence including accommodation on tour throughout his term of office, and for a period of fifteen days immediately thereafter and the charges for its maintenance including the electricity and gas charges shall be borne by the Government. The residence shall be furnished by Government at a cost not exceeding one lac rupees in case of a building reserve for this purpose at the first term and rupees sixty thousand for any subsequent term.

(2) If at the time of entering upon office, an official residence is not available, a Minister shall, until such residence is provided by Government be paid the actual expenditure incurred by him on furnished accommodation for himself and his family, subject to a maximum of one thousand and five hundred rupees per mensem.

(3) Where a Minister chooses to reside,
(i) In his own house; or
(ii) In a rented house occupied by him before his

appointment as a Minister; He may be paid a monthly sum of (eight thousand rupees) in lieu of official furnished accommodation and to cover all expenses on its maintenance. The charges for consumption of electricity and gas in respect of the said house shall be borne by Government.

Traveling allowance for touring in Azad Kashmir or Pakistan: (1) Subject to the provision made hereafter, a Minister traveling on official duty shall be treated as a first Grade Officer.

(2) A Minister may, if the public interest so demands travel by air, in which case he shall be entitled.

(a) Actual air fare paid for himself;

(b)

(c)

(d)

(e)

(6)

(g)

VOLUME IV: 1974-1977

Cost of transporting personal luggage up to one hundred pounds, inclusive of the free allowance given by the air company;

Requisition, at the cost of Government, if he considers it necessary in the public interest, a Pakistan Air Force aero plane or an airplane belonging to Government subject to availability; and in accordance with the rules made by the Federal Government or the provincial Government, as the case may be;

Take with himself his wife whether traveling by a commercial airplane or by a requisitioned without the authority of the Ministry of Defense;

Cost of transporting up to two personal servants by the lowest class of accommodation by rail or steamer;

Carriage of personal luggage by rail steamer, subject to a maximum of three pounds; and

Claim the actual premium paid for insuring himself for the air journey for an amount not.

Exceeding one Lac rupees;

qd)

(2)

Wherever possible a minister shall purchase return air ticket.

A Minister, when traveling on duty by rail in Azad

Kashmir or Pakistan shall be entitled to

(a)

(b)

Requisition at the cost of Government-

(i) An ordinary first-second class carriage or a "B" class tourist car, or an "A" class tourist, if a "B" class tourist car is not available; or

(ii) If the vehicles specified at (1) above are not available or are not desired, an ordinary four berthed first class compartment or a two berthed air conditioned (coups) compartment.

Take with himself in the reserved accommodation, without payment of any fare, his family members not exceeding four when traveling in a requisitioned railway compartment or saloon;

(c) Taken with himself up to two personal servants by the lowest class of accommodation available; and

(d) The Carriage of personal luggage up to three mounds when traveling by a railway saloon.

(5) A Minister reserving accommodation in the Railway shall be required, before beginning the Journey, to have the number and other details of the tickets purchased for the persons traveling with him in the reserved accommodation entered on the requisition form by the Station Master of the Station from which the journey is to commence.

(6) A Minister, when traveling on duty in Azad Kashmir or Pakistan by steamer or launch shall be entitled to

(a) Draw the actual fare paid for himself;

(b) Take with him up to two personal servants by the lowest class of accommodation available; and

(c) The carriage of personal luggage upto three mounds.

(7) When a Minister travels on duty, in the public interest by road between places connected by railway and chooses to forego the privileges granted under sub-section (4) and (6) he may where the journey is performed in a vehicle not owned or maintained by Government draw-

(a) Traveling allowance at the rate of seventy-five Pisa per mile for his own journey by road, and

(b) Actual expenses of transport of-

(i) Two private servants; and

(ii) All his personal luggage including stores carried for consumption on tour.

Compensation in case of accident: (1) If a Minister, during his tenures of office, dies or receive an injury as a result of an accident or by violence the Government shall pay to the person referred to in sub-section (2), a sum of one Lac and twenty five thousand rupees, in case of death, and an amount to be determinate by Government having regard to scales of compensation applied by insurance companies in like cases, in case of injury.

11.

12

13.

14.

VOLUME IV: 1974-1977

(2) The compensation shall be payable in case of injury to the Minister and in case of death, to such member or member of his family, or if there be no such member, any other person or persons as may be nominated by him in this behalf, or, in the absence of such nomination, to his heirs.

(3) A nomination under sub-section (2) may be made, revoked or altered by a notice in writing signed by the Minister and addressed to the Accountant General of Azad Jammu and Kashmir.

Daily Allowance during halt: A Minister, while on tour shall be entitled to draw an allowance of one hundred and twenty five rupees per day for the duration of his halts on tour;

Provided that in case of halt for less than eight hours one half daily allowance shall be admissible;

Provided further that for such continuous halt on tours exceeding ten days, daily allowance admissible for-

(i) The first ten days shall be at the rate;

(ii) The next twenty days or part thereof at three-fourth of the full rate; and

(iii) | The remaining period, at one half of the full rate.

Explanation: For the purpose of this section-

(a) Time spent on journey shall be included in the halt; and

(b) A halt on tour shall be treated as continuous unless terminated by an absence at a distance from the halting place exceeding five miles, for a period not less than seven nights.

Controlling Office: A Minister shall be his own controlling office for purposes of traveling allowance, including the journey under-take outside his jurisdiction in the discharge of official business.

Traveling Allowance for tour abroad: A Minister traveling on officinal business outside Pakistan shall be entitled to such allowance as May Specified by Government.

Medical Facilities: A Minister shall be entitled to Medical

facilities admissible in terms of the Medical Attendance Rules,

482

15.

16.

17.

18.

VOLUME IV: 1974-1977

except that he and his family shall be entitled to Medical attendance at his residence.

Leave: (1) The Prime Minister may grant to a Minister, during his term of office, at any one time or from time to time leave of absence of urgent reasons of health or private affairs, a period not exceeding three months in the aggregate.

(2) The leave allowance of the Prime Minister and a Minister shall respectively be two thousand rupees and five thousand rupees per mensem.]

Personal Staff: A Minister, except while on leave shall be entitled to have such personal staff as may be sanctioned from time to time by Government.

Provided Fund: (1) A Minister may, at his option, become subscriber to the General Provident Fund, and if he so opts, he shall be subscribed to the Fund as a compulsory subscriber in accordance with the General provident Fund Rules.

(2) A temporary advance may be granted to a Minister from the amount standing to his credit in the General provident Fund at the discretion of Government for the purposes for which such advance may be granted to a subscriber under the said rules.

(3) The grant of a temporary advance under sub-section (2) shall unless the Government otherwise directs, be subject to the conditions to which an advance granted to a subscriber under the said rules is subject.

General: (1) Shall reasonable precautions shall be taken to see that official residence, transport and furniture provided to a Minister by Government are used with the same care with which a person's own property is taken care of.

(2) The Building Department, Azad Jammu and Kashmir shall mark all furniture and furnishings provided in an official residence, for the purposes of identification.

(3) When a Minister occupies an official residence, it shall be the duty of the official concerned of the said department to hand over charge of the furnishing and furnishings in that residence to the Minister or to a person authorized by him in writing according to an inventory to be drawn up and signed by

such officer.

483

19.

20.

21.

22.

23.

VOLUME IV: 1974-1977

(4) When a Minister is about to vacate the official residence, he shall inform the officer concerned of the said department and shall arrange that the furniture and furnishings of the official residence are handed over to that officer according to inventory to be drawn up and

(5) The Officer concerned of the said department and furnishings with the prior approval of the Minister.

Holidaying abroad: (1) Minister may, while holidaying abroad, draw his full pay in foreign currency or the period of holiday spent abroad.

(2) A Minister who draws pay in foreign currency while holiday abroad shall not be liable to pay income-tax, provident fund subscription, etc, in foreign currency if he makes arrangement to pay amount in rupees in Azad Kashmir.

(3) The expenditure in foreign involved under this Act shall be adjusted against the foreign exchange allocation placed at the disposal of the Government for allocation placed at the disposal of the Government for each relevant shipping period.

(4) Where a Minister draws the pay in foreign currency he shall not be eligible to receive foreign exchange allocation from the State Bank of Pakistan in any other capacity.

Telephone: A Minister shall be entitled at Government expenses to the use of two telephone at his office and two telephone at his residence both for official or private purposes throughout the term of his office and for a period of fifteen days immediately thereafter he will also be entitled to free telephone facilities on official tour where such facility available.

Discretionary Grant: A sum of rupees (one) and an amount of rupees (seventy five thousand per annum shall be placed at the disposal of prime Minister and a Minister respectively for making discretionary grants in such manner as may be prescribed.

Powers to make rules: The Government may make rules to carry out the purposes of this Act.

Repeal: The Azad Jammu and Kashmir Minister (Salaries, Allowance and privileges) Ordinance, 1975 (Ordinance XXVIII of 1975) is hereby repealed.