

JAMMU AND KASHMIR LEGISLATIVE COUNCIL



HANDBOOK for MEMBERS

[Containing relevant extracts from the State Constitution, the procedure for conduct of Business in the Legislative Council and Acts & Rules relating to Members' Salaries, Allowances and Amenities]

JAMMU AND KASHMIR LEGISLATIVE COUNCIL SECRETARIAT

P R E F A C E

Various provisions of the Constitution of Jammu and Kashmir regulate the composition of the Jammu and Kashmir Legislative Council, duration of the Council, the manner and method of summon of its session, its prorogation, qualifications and disqualifications for its membership, powers, privileges and amenities enjoyed by its members, disqualification on the grounds of defection etc. The procedure and conduct of business of the Legislative Council is regulated by the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Council. Salaries, allowances and other amenities to which a member of State Legislature and the Presiding Officers are entitled to are governed by various Acts of the State Legislature and Rules framed thereunder.

An attempt has been made to consolidate all the relevant provisions of the State Constitution relating to the Legislative Council, the practices and procedure for conduct of business in the light of Rules of Procedure and Conduct of Business and the relevant Acts and Rules governing salaries, allowances and other facilities of members of the State Legislature in the shape of a 'Hand Book'. Moreover, the rules and directions issued by the Presiding Officers for internal working and functioning of various House Committees have also been included in this Hand Book for the use and benefit of the members of such Committees.

The purpose of publishing this Hand Book is to present a ready referencer and a guide for the Hon'ble Members of the Legislative Council. Though due care has been taken to quote the provisions of law and the rules correctly, nevertheless errors and omissions cannot be ruled out. Therefore, the information contained in this publication cannot be quoted as an authority for any purpose whatsoever. The Hon'ble Members and other people using this book shall have to cite and rely only upon the authenticated copy of the State Constitution, the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Council, established conventions and practices and the relevant Acts of the State Legislature and Rules framed thereunder.

(Mohammad Ashraf)

Secretary Legislative Council

Srinagar,

July 5th, 2012

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PART-I

Containing relevant extracts from the Constitution of Jammu
and Kashmir relating to the Legislative Council

PART-I

PROVISIONS OF THE STATE CONSTITUTION RELATING TO LEGISLATIVE COUNCIL

Legislature for the state

Section 46 of the Constitution of Jammu and Kashmir provides that there shall be a Legislature for the State which shall consist of the Governor and two Houses to be known respectively as the Legislative Assembly and the Legislative Council.

Composition of Legislative Council

Section 50 of the State Constitution provides for composition of the Legislative Council. It reads as under:-

“50. (1) Legislative Council shall consist of thirty-six members, chosen in the manner provided in this section.

(2) Eleven members shall be elected by the members of the Legislative Assembly from amongst persons who are residents of the province of Kashmir and are not members of the Legislative Assembly:

Provided that of the members so elected, at least one shall be a resident of Tehsil Ladakh and at least one shall be a resident of Tehsil Kargil.

(3) Eleven members shall be elected by the members of the Legislative Assembly from amongst persons who are residents of the province of Jammu and are not members of the Legislative Assembly:

Provided that of the members so elected, at least one shall be a resident of Doda District and at least one shall be a resident of Poonch District.

(4) One member shall be elected by each of the following electorates, namely-

(a) the members of municipal council, town area committees and notified area committees in the province of Kashmir;

(b) the members of municipal council, town area committees and notified area committees in the province of Jammu;

(5) Two members shall be elected by each of the following electorates, namely-

- (a) the members of the panchayats and such other local bodies in the province of Kashmir as the Governor may by order specify;
 - (b) the members of the panchayats and such other local bodies in the province of Kashmir as the Governor may by order specify.
- (6) Eight members shall be nominated by the Governor, not more than three of whom shall be persons belonging to any of the socially or economically backward classes in the State, and the others shall be persons having special knowledge or practical experience in respect of matters such as literature, science, art, co-operative movement and social service.
- (7) Elections under sub-sections (2) and (3) shall be held in accordance with the system of proportional representation by means of the single transferable vote.”

Qualifications for membership of the Legislature

Section 51 of the State Constitution provides the qualifications which are required by a person for election or nomination as a member of State Legislature. It reads as under:-

“A person shall not be qualified to be chosen to fill a seat in the Legislature unless he-

- (a) is a permanent resident of the State, and makes and subscribes before some person authorised in that behalf by the Election Commission of India an oath or affirmation according to the form set out for the purpose in the Fifth Schedule;
- (b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age, and in the case of a seat in the Legislative Council, not less than thirty years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Legislature.”

Form of oath or affirmation by a candidate

A person who stands as a candidate to fill a seat in the Legislative Council has to make and subscribe an oath or affirmation according to the following form set out in Fifth Schedule of the State Constitution:

“I, A. B., having been nominated as a candidate to fill a seat in the Legislative Council do swear in the name of God / solemnly affirm that I

will bear true faith and allegiance to the Constitution of the State as by law established and that I will uphold the sovereignty and integrity of India”

Duration of Legislative Council

Legislative Council is a permanent body of the State Legislature and is not subject to any dissolution. However, one-third of its members retire on the expiration of every second year. The term of each member of the Legislative Council is six years unless a member is elected or nominated to fill a seat for the remainder of the term. In that case, the term of such a member is the left out period of the member whose seat has fallen vacant. Section 52(2) of the State Constitution provides that the Legislative Council shall not be subject to dissolution but as nearly as possible one-third of the members thereof shall retire, as soon as may be, on the expiration of every second year in accordance with the provisions made in that behalf by Legislature by Law.

Session of the Legislature and prorogation

Section 53 of the State Constitution provides that the Governor shall from time to time summon each House of the Legislature to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. Sub-section (2) thereof provides that the Governor may from time to time prorogue the House or either House.

Governor's Address

Section 55 of the State Constitution provides that at the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address both Houses of Legislature assembled together and infor the Legislature of the causes of its summons.

Chairman and Deputy Chairman

Section 61 of the State Constitution provides that the Legislative Council shall, as soon as may be, choose two members of the Council to be respectively Chairman and Deputy Chairman thereof and, so often as the office of the Chairman or Deputy Chairman becomes vacant, the Council shall choose another member to be Chairman or Deputy Chairman, as the case may be.

Vacation, resignation and removal of Chairman and Deputy Chairman

In terms of section 61 read with section 58 of the State Constitution, a member holding the office as Chairman or Deputy Chairman of the Legislative Council-

- (a) shall vacate his office if he ceases to be a member of the Council;

(b) may at any time by writing under his hand addressed, if such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman, to the Chairman, resign his office; and

(c) may be removed from his office by a resolution of the Council passed by a majority of all the then members of the Council.

Power of Deputy Chairman to perform the duties of, or to act as, Chairman

Section 59 of the State Constitution provides that when the office of Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or if the office of the Deputy Chairman is also vacant, by such member of the Council as the Governor may appoint for the purpose.

During the absence of Chairman from any sitting of the Council, the Deputy Chairman or, if he is also absent, such person as may be determined by the rules of procedure of the Council, or, if no such person is present, such other person as may be determined by the Council, shall act as Chairman.

Oath or affirmation by members

Section 64 of the State Constitution provides that every member of the Legislative Council shall, before taking his seat, make and subscribe before the Governor or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the Fifth Schedule.

Form of oath or affirmation by a member

Before taking his seat in the Legislative Council, a member shall have to make and subscribe an oath or affirmation according to the following form set out in Fifth Schedule of the State Constitution:

“I, A. B., having been elected (or nominated) as a member of the Legislative Council do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of the State as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter”.

Voting in the House

Section 67 of the State Constitution provides that all questions at any sitting of the House shall be determined by a majority of votes of the members present and voting. The Chairman, or person acting as such, shall not vote in the first instance but shall have and exercise a casting vote in the case of equality of votes.

Disqualification for membership

Section 69 of the State Constitution enlists the grounds on which a person is disqualified for being chosen as, and for being, a member of the State Legislature. It reads as under:-

“69. (1) A person shall be disqualified for being chosen as and for being a member of the Legislative Assembly or Legislative Council-

- (a)if he holds any office of profit under the Government of India or the State Government or any other State Government within the Union of India, other than an office declared by Legislature by law not to disqualify its holder;
- (b)if he is of unsound mind and stands so declared by a competent court;
- (c)if he is an undischarged insolvent;
- (d)if he is not a permanent resident of the State or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;
- (e)if he is so disqualified by or under any law made by the Legislature.

(2) For the purposes of sub-section (1), a person shall not be deemed to hold an office of profit under the Government of India, the State Government or any other State Government within the Union of India, by reason only that he is a Minister, or a Deputy Minister.

(3) A person shall be disqualified for being a member of either House of Legislature if he is so disqualified under the Seventh Schedule”.

Powers, privileges and immunities of state Legislature and its members

The powers, privileges and immunities enjoyed by the State Legislature and its members and its committees are given in section 72 of the State Constitution. It reads as under:-

“72. Powers, Privileges, etc. of the Houses of Legislature and of the members and committees thereof.- (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature.

(2) No member of the Legislature shall be liable to any proceeding in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof and no person shall be so liable in respect of the publication by or under the authority of a House of the Legislature of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of a House of the Legislature and of the members and the committees of a House of the Legislature shall be such as may from time to time be defined by Legislature by law, and until so defined, shall be those of the Parliament of India and of its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of the Legislature or any committee thereof as they apply in relation to members of that Legislature.”

Language to be used in Legislature

Section 87 of the Constitution of Jammu and Kashmir provides that the language to be used in the Legislature shall be Urdu or English. It reads as under:-

“(1) Business in the Legislature shall be transacted in Urdu or in English:

Provided that the Speaker of the Legislative Assembly or the Chairman of the Legislative Council or person acting as such, as the case may be, may permit any member to address the House in Hindi, or if he cannot adequately express himself in any of the aforesaid languages, to address the House in his mother tongue.

(2) The official record of the proceedings in the Legislature shall be kept in Urdu as well as in English.

(3) The text of all Bills and amendments thereof moved in and of all Acts passed by the Legislature which shall be treated as authoritative, shall be in English.”

Restrictions on discussion in the Legislature

Section 88 of the State Constitution provides that no discussion shall take place in the Legislature with respect to the conduct of any Judge of the Supreme Court or of the High Court in the discharge of his duties.

Court not to inquire into proceedings of Legislature

Section 89 of the State Constitution provides that the validity of any proceedings in the Legislature shall not be called in question on the ground of any alleged irregularity of the procedure. It further provides that no officer or member of the Legislature in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

SEVENTH SCHEDULE

Provisions as to disqualification on ground of defection

1. Interpretation.- In this Schedule, unless the context otherwise requires.-

- (a) 'House' means either House of the Legislature of the State;
- (b) 'Legislature party', in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 2 or paragraph 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions;
- (c) 'Leader' in relation to a Legislature party means a member of the party chosen by it as its leader and includes any other member of the party authorised by the party to act, in the absence of the leader, as, or discharge the functions of, the leader for the purpose of this Schedule;
- (d) 'Original political party', in relation to a member of a House, means the political party to which he belongs for the purpose of sub-paragraph (1) of paragraph 2;
- (e) 'Paragraph' means a paragraph of this Schedule.

2. Disqualification on ground of defection.- (1) Subject to the provisions of paragraphs 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House-

- (a) if he has voluntarily given up membership of such political party; or
- (b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case,

the prior permission of such political party, person or authority and such voting and abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation- For the purpose of this sub-paragraph-

- (a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;
- (b) a nominated member of a House shall,-
 - (i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party;
 - (ii) in any other case, be deemed to belong to the political party of which he becomes, or. As the case may be, first becomes member before the expiry of six months from the date on which he takes his seat after complying with the requirements of section 64.

(2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election.

(3) A nominated member of a House shall be disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of section 64.

(4) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who on the commencement of the Constitution of Jammu and Kashmir (Eighteenth Amendment) Act, 1987 is a member of a House (whether elected or nominated as such) shall,-

- (i) where he was a member of a political party, immediately before such commencement be deemed, for the purposes of sub-paragraph (1) of this paragraph, to have been elected as a member of such House as a candidate set up by such political party;
- (ii) in any other case be deemed to be an elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purpose of sub-paragraph (2) of this paragraph or, as the case may be, be deemed to be a nominated member of the House for the purpose of sub-paragraph (3) of this paragraph.

3. [Omitted].

4. Disqualification on ground of defection not to apply in case of merger.- (1)

A member of a House shall not be disqualified under sub-paragraph (1) of paragraph 2 where his original political party merges with another political party and he claims that he and any other member of his original political party,-

(a) have become members of such other political party or, as the case may be, of a new political party formed by such member; or

(b) have not accepted the merger and opted to function as a separate group;

and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph.

(2) For the purposes of sub-paragraph (1) of this paragraph, the merger of the original party of a member of a House shall be deemed to have taken place if, and only if, not less than two-third of the members of the Legislature party concerned have agreed to such merger.

5. Exemption.- Notwithstanding anything contained in this Schedule, a person who has been elected to an office of the Speaker or the Deputy Speaker of the Legislative Assembly or the Chairman or the Deputy Chairman of the Legislative Council shall not be disqualified under this Schedule,-

(a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party or becomes a member of another political party;

(b) if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoins such political party after he ceases to hold such office.

6. Decision on questions as to disqualification on ground of defection.- (1) If

any question arises as to whether a member of the House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Leader of the Legislature party to which such member belongs and his decision shall be final:

Provided that where the question which has arisen relates to a member belonging to a political party which has not elected any Leader of its Legislature party, the question shall be referred for the decision of the Speaker or the Chairman, as the case may be, and his decision shall be final:

Provided further that where the question which has arisen relates to a member not belonging to a political party, the question shall be referred for the decision of the Speaker or, the Chairman, as the case may be, and his decision shall be final:

Provided also that where the question which has arisen is as to whether the Leader of the Legislature party has become subject to such disqualification, the question shall be referred for the decision of the Chairman, or, as the case may be, the Speaker of such House and his decision shall be final.

(2) All proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in the House within the meaning of section 89.

7. Bar of Jurisdiction of Courts.- Notwithstanding anything in this Constitution, no Court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule.

8. Rules.- (1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Chairman or the Speaker of the House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for-

- (a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;
- (b) the report which the Leader of a Legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;
- (c) the reports which a political party shall furnish with regard to admission to such political party of any members of the House and the office of the House to whom, such report shall be furnished; and
- (d) the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.

(2) The rules made by the Chairman or the Speaker of the House under subparagraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(3) The Chairman or the Speaker of the House may, without prejudice to the provisions of section 72 and to any other power which he may have under this Constitution direct that any wilful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House.

PART-II

Containing procedure for conduct of Business in the light of
Rules of Procedure and Conduct of Business in the Jammu
and Kashmir Legislative Council

PART-II

TRANSACTION OF BUSINESS IN THE HOUSE

Section 85 of the Constitution of Jammu and Kashmir has empowered the House to make rules for regulating, subject to the provisions of the Constitution, its procedure and the conduct of its business. In exercise of this power, the Legislative Council has made the rules, namely 'the Rules of Procedure and Conduct of Business in the Legislative Council' for regulating its procedure and conduct of business. The business of the House is conducted as per these rules. For the convenience of members, a brief statement about the procedure relating to transaction of business in the House in the light of the Rules of Procedure and Conduct of Business and the established parliamentary practices and conventions is given as under:-

Summons and Prorogation of the House

On the issue of an order by the Governor under section 53 (1) of the Constitution of Jammu and Kashmir appointing time and place of the commencement of the session of the Council, the Secretary issues summons to every member specifying the time and place so appointed.

When a session of the House is prorogued by the Governor, the Secretary issues a notification in respect thereof and informs the members accordingly.

Seating of members

The members shall sit in such order as is determined by the Chairman from time to time. The seating plan prepared at the time of each session is exhibited on the Notice Board and also in the Lobby for information of the members. While preparing the seating plan, due regard is given to the seniority of a member as a Legislator.

Quorum

The quorum to constitute a sitting of the Legislative Council is ten members. The usual practice is for the Chairman or the person presiding a sitting to satisfy himself that there is quorum at the commencement of a sitting or at the time when votes are taken. As per the convention, at any other time the quorum is presumed by the Chair unless any member present at the sitting or the Secretary draws the attention of the Chair to the lack of quorum. If at any time during a sitting, there is no quorum, the Chairman or the person presiding at that time, is required to suspend the sitting until there is a quorum or adjourn the sitting to some future date.

Election of Chairman

The election of Chairman is held on such date as may be fixed by the Governor. Notice of the date so fixed is sent to every member by the Secretary. This election is held as and when, and so often, as the office of Chairman becomes vacant.

At any time before noon on the day preceding the date so fixed, any member may give notice in writing addressed to the Secretary, of a motion that another member be chosen as the Chairman of the Council, and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Chairman, if elected.

When a motion is moved and duly seconded and no other member is proposed, the person presiding, without putting a question, declares the member proposed as elected and calls him to take the Chair. However, if more than one motion is moved proposing the names of more than one member, such motions after having been duly seconded are put one by one in the order in which they were moved and are decided if necessary, by division. If any motion is carried, the person presiding, without putting later motions, declares that the member proposed in the motion which has been carried, is elected as the Chairman of the Council.

A member cannot propose his own name or second a motion proposing his own name and cannot propose or second more than one motion.

As per the established convention, the Chairman so elected is then lead to the Chair by the Leader of the House and the Leader of Opposition in the House.

A motion proposing the name of a member for being chosen as the Chairman is generally moved in the following format:-

Notice of Motion

To

The Secretary,
J&K Legislative Council,

Srinagar/ Jammu.

Sir,

I give notice of the following motion which I propose to move on_____.

“that Mr./Mrs./Miss _____ , a member of this House be chosen as the Chairman of the Jammu and Kashmir Legislative Council.”

Yours faithfully,

Signature of the Proposer.

Date:

I second the motion.

Signature of the Seconder.

I am willing to serve as Chairman, if elected.

Signature of the Candidate.

Election of Deputy Chairman

The election of Deputy Chairman is held on such date as the Chairman may fix and the Secretary sends a notice of this date to every member. The procedure for conduct of this election is same as is applicable in case of election of the Chairman.

Panel of Chairmen

A sitting of the House is duly constituted when it is presided over by the Chairman or any other member competent to preside over a sitting under the provisions of the Constitution and the Rules of Procedure. The Council is presided over by the Chairman or in his absence, by the Deputy Chairman or, if he is also absent, by such member as may be nominated by the Chairman under rule 9 of the Rules of Procedure and Conduct of Business.

At the commencement of the session or from time to time, the Chairman nominates from amongst the members of the Council a panel of not more than three Vice-Chairmen. Any one of the Vice-Chairmen may preside over the Council in the absence of the Chairman and the Deputy Chairman when so desired by the Chairman or by Deputy Chairman or in his absence by the Vice-Chairman presiding.

Governor's Address

At the commencement of the session after each General Election to the Legislative Assembly and at the commencement of the first session of each year, the Governor addresses both Houses of Legislature assembled together and informs the Legislature of the causes of its summons. The Governor may also address either House of Legislature, or both Houses assembled together, at any time and may for that purpose require the attendance of members.

It is a well-established convention of parliamentary practice that members of the Legislature do not disturb the Governor's Address by rising to speak, or by raising a point of order, or by registering a walk out or protest, either before or after or during such Address.

After Governor has delivered his address, the Chairman reports the fact to the House and lays a copy of the address on the Table of the House.

Discussion on Governor's Address

After a copy of Governor's Address is laid on the Table, a discussion on the Address takes place on a 'Motion of Thanks' moved by a member and seconded by another member. The Chairman, in consultation with the Leader of the House, allots time for the discussion of the matters referred to in the Address. This provides an opportunity to the members for a general debate on the programmes and policies of the Government mentioned in the Address. Members are at liberty to move amendments to such 'Motion of Thanks' in such form as may be considered appropriate by the Chairman.

On the days fixed for discussion on 'Motion of Thanks' on Governor's Address, normal business can be transacted by the House before the Council commences or continues the discussion on the Address on such day. However, a motion for leave to introduce a Bill or Bills may be made and a Bill may be introduced at any time on such day.

The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, has a general right of explaining, on behalf of the Government, the position of the Government at the end of the discussion and the Chairman enquires from the Leader of the House as to how much time shall be

required for the speech of the Chief Minister or such other Minister so that he may fix the hour by which the discussion shall conclude. After fixing the hour by which the discussion shall conclude, the Chairman prescribes a time limit after taking the sense of the House for speeches by the members.

Arrangement of business of the House

A list of business to be transacted by the House on each day of the session is prepared by the Secretary of the Council and a copy thereof is made available for the use of every member. No other business which is not included in the list of business for a day can be transacted at any sitting without the leave of the Chairman. Any business set down for the day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs or until such other day in the session so available as the Chairman may appoint. Any such business which is under discussion at the end of the day shall have precedence over all other business set down for the other day.

Questions

The first hour of every sitting of the Council is available for asking and answering of questions. Unless the Chairman otherwise directs, not less than thirty clear days' notice of questions is required to be given prior to the commencement of the session. There are instances when the period of notice of questions has been reduced by the Chairman when the House was summoned at short notice. Notice of a question is required to be given by a member in writing to the Secretary specifying the official designation of the Minister to whom it is addressed.

No member shall give notice of more than twenty starred and fifteen un-starred questions for the Budget session and fifteen starred and five un-starred questions in respect of any other session. The question list for each day is prepared in two parts. Part-I contains the starred questions and Part-II contains the un-starred questions.

The Chairman may also accept a short notice question if he is satisfied that the question is of an urgent character and relates to a matter of public importance. However, the consent of the Minister to whom it is addressed is required to be sought regarding admission of the question and the day on which he wishes to answer the question.

No discussion is permitted during the time for questions in respect of any question or of any answer given to it. However, the Chairman may allow a member to ask a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.

If any question placed on the list of business is not called for answer within the time available for answering questions on that day, the Minister to whom the question is addressed is required to lay on the Table a written reply to the question.

Resolutions

A member or a Minister can move a resolution relating to a matter of general public interest. However, a Private Members' Resolution can be moved by any member other than a Minister by giving a fifteen clear days' notice to the Secretary in writing of his intention to do so and submit together with the notice the text of the resolution. A member shall, however, not give notice of more than four resolutions per day of the days assigned in the Calendar for non-official resolutions.

A resolution may be in the form of a declaration of opinion, or a recommendation, or may be in the form so as to record either approval or disapproval by the House of an act or policy of the Government, or convey a message, or commend, urge or request an action, or call the attention to a matter or situation for consideration by the Government.

The precedence of Private Members' Resolutions is determined by ballot and no member can ballot for more than one resolution for the same day of the session, and there shall not be more than seven resolutions on the list of resolutions for one day. Members giving notices shall list their resolutions in the order in which they desire priority commencing with number one on the list and so on consecutively. The ballot is held by the Secretary in his office and any member who wishes to attend may do so.

Legislation- Bills

Any member, other than a Minister, desiring to move for leave to introduce a Bill, has to give a thirty clear days' notice of his intention prior to the commencement of the session and shall together with the notice, submit a copy of the Bill and explanatory Statement of Objects and Reasons which shall not contain arguments. However, Chairman may allow a motion at a shorter notice.

A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

A Bill involving proposals for the delegation of legislative power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

Constitution has placed certain restrictions on the powers of the Legislative Council in respect of Bills. A Money Bill cannot be introduced in the Legislative Council. Section 77 of the State Constitution defines a Money Bill. However, other Financial Bills relating to matters not specified in clauses (a) to (f) of section 77 of the Constitution can be introduced in the Legislative Council. As per the practice and procedure in Parliament, Bills containing, inter alia, a proposal involving expenditure from Consolidated Fund, e.g., by providing for appointment of officers or other authorities or for establishment of an institution, are introduced in the Upper House and such Bills do not require any recommendation of the President or the Governor for introduction.

Motion on matters of Public Interest

In order to discuss a matter of general public interest, a member may move a motion raising a definite issue of recent occurrence by giving a prior notice of the motion in writing addressed to the Secretary under rule 53 of the Rules of Procedure. The admissibility of the motion shall be decided by the Chairman. Motions which seek to raise discussion on a matter pending before any Statutory Tribunal, Statutory authority performing any judicial or quasi-judicial functions or any Commission or Court of Enquiry appointed to enquire into or investigate any matter shall be permitted.

The Chairman may after considering the state of business in the Council and in consultation with the Leader of the House allot a day or days or part of a day for discussion of any such motion.

Motion of Papers

Any member desirous of raising a discussion on a matter of urgent public importance may give a notice of Motion for Papers under rule 60 of the Rules of Procedure by specifying clearly and precisely the matter to be raised. If the Chairman is satisfied, after calling for such information from the member giving notice and from the Minister, as he may deem necessary that the matter is urgent and of sufficient importance to be raised in the Council at an early date, he may admit the motion and fix the date on which such motion may be taken up and allot such time for its discussion not exceeding three hours as he may consider appropriate.

If, at the end of the discussion the motion is not withdrawn or the Minister states that there are no papers to be laid on the Table or if the papers are available but they cannot be laid on the Table on the ground of being detrimental to the public interest, it will be open to any member to move an amendment regarding the opinion of the Council on the matter.

Half an Hour Discussion

Half an hour discussion is allowed by the Chairman under rule 51 of the Rules of Procedure on Mondays and Thursdays after the conclusion of the business set down for that day. This discussion is allowed for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. A member wishing to raise a matter shall give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised. The Chairman will decide whether the matter is of sufficient public importance to be put down for discussion and may not admit a notice which in his opinion seeks to revise the policy of Government.

Short Duration Discussion (Two and a Half Hours Discussion)

Short duration discussion on matters of urgent public importance is allowed by the Chairman under rule 60-A of the Rules of Procedure. Any member desirous of raising a discussion on a matter of urgent public importance may give a notice in writing to the Secretary specifying precisely the matter to be raised and such notice shall be accompanied by an explanatory note stating reasons for raising such discussion. If the Chairman is satisfied that the matter is of urgent public importance, he may admit the notice and in consultation with the Leader of the Council fix a date on which such matter may be taken up for discussion and allow such time for discussion not exceeding two and a half hours, as he may consider appropriate.

Calling attention to matters of urgent public importance

A member may, with the previous permission of the Chairman, call the attention of a Minister to any matter of public importance by giving a notice thereof under rule 174 of the Rules of Procedure. When the motion is moved, the Minister may make a brief statement or ask for time to make a statement at a later hour or date. There shall be no debate on such statement at the time it is made but the concerned member may ask questions. Not more than two such motions are raised at the same sitting.

Other Motions

A member who wishes to move a motion other than a motion for which a period is specifically prescribed, shall give at least seven clear days' notice of his intention to the Secretary. However, the Chairman may permit a member to move the following motions without notice:-

1. Motion for adjournment of a sitting of the Council;
2. Motion for withdrawal of strangers;

3. Motion for withdrawal of a Bill, resolution or amendment thereto;
4. Motion for postponement of any Business; and
5. Motion for closure of a debate.

Statement by a Minister

A member who has resigned from the office of Minister may, with the consent of the Chairman, make a statement under rule 175 of the Rules of Procedure in explanation of his resignation. A copy of the statement shall be forwarded to the Chairman and the Leader of the House one day in advance of the day on which it is made. Such statement can be made after the Question Hour and before the list of business for the day. There shall be no debate on such statement.

A Minister may make any other statement on a matter of public importance under rule 176.

Questions involving Breach of Privilege and Contempt

A question involving a breach of privilege either of a member of House or of a Committee thereof, may be brought, with the consent of the Chairman, to the notice of the House by a complaint from a member, or a report from the Secretary, or a petition or a report from a Committee of the House. A member wishing to raise a question of breach of privilege shall give a notice in writing to the Secretary under rule 191 of the Rules of Procedure.

Resolution for removal of Chairman or Deputy Chairman from office

A member may give a notice of a resolution for the removal of the Chairman or the Deputy Chairman under rule 177 of the Rules of Procedure read with clause (c) of section 58 of the State Constitution. Such a notice shall be given in writing addressed to the Secretary. On receipt of such notice, a motion for leave to move the resolution shall be entered in the list of business in the name of the member concerned on a day fixed by the Chairman provided that the day so fixed shall be any day after fourteen days from the date of the receipt of notice of the resolution. The Chairman or the Deputy Chairman, as the case may be, shall not preside the sitting when the resolution for his removal is taken up for consideration.

Petitions

Petitions may be presented or submitted to the Council on a Bill which has been introduced in the Council, or on any matter connected with the business pending before the Council, or on any matter of general public importance. Every such petition shall be either in Urdu or in English. If any petition in any other language is made, it

shall be accompanied by a translation in Urdu or in English and signed by the petitioner. Petitions shall not propose the expenditure of public money.

Point of Order

A member, who wishes to raise a point of order i.e., to call the attention of the Chairman or the person presiding to what he believes is a breach of order, rule, procedure or any provision of the Constitution regulating the business of the House, may interrupt another member's speech for seeking guidance from the Chair.

A point of order shall not be raised to ask for some information, or to explain his position by a member, or when a question on any motion is being put to the House, or which may be hypothetical.

Suspension of the Sitting

In the case of grave disorder arising in the Council, the Chairman may, if he thinks it necessary to do so, adjourn the Council or suspend any sitting for a time to be named by him.

Withdrawal of a member

The Chairman may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Council and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the days' sitting.

Suspension of a member

The Chairman may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the Council by persistently and wilfully obstructing the business thereof. After naming a member, the Chairman shall forthwith put the question that the member (naming him) be suspended from the service of the Council for the period not exceeding the remainder of the session. Such suspension may be terminated by the Council at any time on a motion being made for that purpose. A suspended member shall forthwith quit the precincts of the House.

Mode of Division by the House

On the conclusion of a debate the Chairman puts the question and invites those who are in favour to say "Ayes" and those against to say "No". The Chairman then says "I think the Ayes (or the Noes, as the case may be) have it". If the opinion of the Chairman as to the decision of the question is not challenged, he says twice, the Ayes (or the Noes, as the case may be) have it. The question before the Council is determined accordingly.

However, if the opinion of the Chairman as to the decision of the question is challenged, the members who are for 'Ayes' and those for 'Noes' respectively are asked to rise in their places. After taking a count being taken, the Chairman declares the determination of the House. If the opinion of the Chairman as to the decision is again challenged, he orders a 'Division' and directs that either the votes be recorded by the members on 'Ayes' and 'Noes' slips or the lobbies be cleared to have the votes recorded by the members by going into the Lobbies. The result of the division thereof announced by the Chairman is not subject to any challenge.

Rules to be observed by the members while present in the House

While the Council is sitting, a member shall-

- (a) enter and leave the House with decorum;
- (b) not cross the Council irregularly;
- (c) not read any book, newspaper or letter except in connection with business of the Council;
- (d) not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;
- (e) not pass between the Chair and any member who is speaking;
- (f) always address the Chair;
- (g) not leave the Council when the Chairman is addressing the Council;
- (h) keep to his usual seat while addressing the Council;
- (i) maintain silence when not speaking in the Council;
- (j) not obstruct proceedings;
- (k) avoid making running commentaries when speeches are being made in the Council;
- (l) not applaud when a stranger enters any of the galleries; and
- (m) while speaking, not make any references to the stranger in any of the galleries.

Rules to be observed by members while speaking

A member while speaking shall not-

- (a) refer to any matter of fact on which a judicial decision is pending;
- (b) make a personal charge against a member;

- (c) use offensive expressions about the conduct or proceedings of the House, Legislative Assembly or the Parliament;
- (d) reflect on any determination of the Council, except on a motion for rescinding it;
- (e) reflect upon the conduct of person in high authority except on a substantive motion;
- (f) use the Governor's name for the purpose of influencing the debate;
- (g) utter unreasonable, seditious or defamatory words; or
- (h) use his right of speech for the purpose of obstructing the business of the Council.

Use of un-parliamentary words and expressions

Use of words and expressions which make improper accusations, allegations and imputations against a member of either House or abusive language during the proceedings of the House is prohibited. Use of such language or expression amounts to breach of order of the House. If the member using such words or expressions does not immediately withdraw the offensive words at the request by any member or on the directions of the Chair, he may be called upon by the Chair to withdraw from the House.

Report of Proceedings

The Secretary is required to prepare a full report of the proceedings of the Council at each of its sittings and as soon as possible, publish it in such form and manner as the Chairman may direct.

Expunction of words from debate

If the Chairman is of the opinion that words have been used in the debates which are defamatory or indecent or un-parliamentary or undignified, he may order that such words be expunged from the proceedings of the House.

Custody of papers

The Secretary is the custodian of all records, documents and papers belonging to the House or any of its Committees or Legislative Council Secretariat and it is his duty not to permit any such records, documents or papers to be taken from the Council without the permission of the Chairman.

Committees of the House

There are fourteen Committees of the Legislative Council which are constituted for a one year term. These are:-

- (a) Business Advisory Committee consisting of not more than five members including the Chairman, who is the ex-officio Chairman of the Committee;
- (b) Committee on Petitions consisting of not more than five members;
- (c) Committee on Privileges consisting of not more than five members;
- (d) Committee on Government Assurances consisting of not more than five members;
- (e) Rules Committee consisting of seven members including the Chairman, who is the ex-officio Chairman of the Committee;
- (f) House Committee consisting of not more than five members including the Chairman, who is the ex-officio Chairman of the Committee;
- (g) Library Committee consisting of not more than five members. The Chairman, is the ex-officio Chairman of the Committee;
- (h) General Purpose Committee consisting of the Chairman, the Deputy Chairman, the Leader of the House and eight members. The Chairman is the ex-officio Chairman of the Committee;
- (i) Ethics Committee consisting of not less than six members;
- (j) Environmental Committee; and
- (k) Four Department Related Standing Committees, each consisting of not more than five members.

The members to serve on these Committees are nominated by the Chairman. These Committees work under overall supervision and control of the Chairman and present their reports to the Council.

PART-III

**Containing Acts and Rules relating to Members' Salaries,
Allowances and Amenities**

**THE JAMMU AND KASHMIR LEGISLATIVE COUNCIL CHAIRMAN'S
(EMOLUMENTS) ACT, 1962**

ACT NO XXVIII OF 1962

[Received the assent of the Sadar-i-Riyasat on 17th November, 1962 and published in Government Gazette dated 17th November 1962.]

An Act to provide for the Salaries and Allowances of the Chairman of the Jammu and Kashmir State Legislative Council.

Be it enacted by the Jammu and Kashmir State Legislature in the Thirteenth year of the Republic of India as follows.-

1. Short title.- This Act may be called the Jammu and Kashmir Legislative Council Chairman's (Emoluments) Act, 1962.

2. **Definitions.**- In this Act-

- (a) “Chairman” means Chairman of the Jammu and Kashmir Legislative Council;
- (b) “house” includes the Staff Quarters and other buildings appurtenant thereto;
- (c) “maintenance” in relation to a house shall include the payment of local rates and taxes and charges for electricity and water.

3. **Salary, allowances and advances of the Chairman.**- The Chairman shall be entitled to the salary, allowances and advances as are payable to a minister under the Jammu and Kashmir Ministers and Ministers of State Salaries Act, 1956 and the rules made thereunder

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**THE JAMMU AND KASHMIR DEPUTY SPEAKER’S AND DEPUTY
CHAIRMAN’S (EMOLUMENTS) ACT, 1956**

ACT NO XXII OF 1956

{23rd October, 1956}

An Act to provide for the Salary and Allowances of Deputy Speaker and Deputy Chairman of Jammu and Kashmir.

Be it enacted by the Jammu and Kashmir State Legislature in the Seventh year of the Republic of India as follows.-

1. Short title and commencement.-(1) This Act may be called the Jammu and Kashmir Deputy Speaker’s and Deputy Chairman’s (Emoluments) Act, 1956.

(2) It shall come in to force on such date as the Government may, by notification in the Government Gazette, appoint in this behalf.

2. **Definitions.**- In this Act-

- (a) “Deputy Speaker” and “Deputy Chairman” mean respectively the Deputy Speaker of the Jammu and Kashmir Legislative Assembly and the Deputy Chairman of the Jammu and Kashmir Legislative Council;
- (b) “house” includes the Staff Quarters and other buildings appurtenant thereto;
- (c) “maintenance” in relation to a house shall include the payment of local rates and taxes and charges for electricity and water.

3. **Salary, allowances and advances of the Deputy Speaker and Deputy Chairman.**- The Deputy Speaker and Deputy Chairman shall be entitled to the salary, allowances and advances as are payable to a Minister of State under the Jammu and Kashmir Ministers’ and Ministers’ of State Salaries Act, 1956 and the rules made there under.

**THE JAMMU AND KASHMIR PRESIDING OFFICERS AND DEPUTY
PRESIDING OFFICERS SALARIES AND ALLOWANCES (AMENDMENT)
ACT, 2009.**

(Act No. XII of 2009)

[22nd September, 2009]

An Act to amend the Jammu and Kashmir Legislative Assembly (Speaker’s Emoluments) Act, 1956, the Jammu and Kashmir Legislative Council Chairman’s (Emoluments) Act, 1962 and the Jammu and Kashmir Deputy Speaker’s and Deputy Chairman’s (Emoluments) Act, 1956.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixtieth Year of the Republic of India as follows:-

Preliminary

1. Short title and commencement.-(1) This Act may be called Jammu and Kashmir Presiding Officers and Deputy Presiding Officers Salaries and Allowances (Amendment) Act, 2009.

(2) It shall be deemed to have come into force with effect from 9th October, 1996:

Provided that no settled claim shall be reopened after the commencement of this Act.

CHAPTER-I

Amendments to the Jammu and Kashmir Legislative Assembly (Speaker's Emoluments) Act, 1956.

2. Substitution of sections 3, 3-A, 3-B and 4 of Act IV of 1956.- for sections 3, 3-A, 3-B and 4 of the Jammu and Kashmir Legislative Assembly (Speaker's Emoluments) Act, 1956, the following shall be substituted, namely:-

“**3. Salary , allowances and advances of the Speaker.**- The Speaker shall be entitled to the salary, allowances and advances as are payable to a Minister under the Jammu and Kashmir Ministers and Ministers of State Salaries Act, 1956 and the rules made thereunder.”.

CHAPTER-II

Amendments to the Jammu and Kashmir Legislative Council (Chairman's Emoluments) Act, 1962.

3. Substitution of sections 3,4,5 and 6 of Act XXVIII of 1962.- For sections 3,4,5 and 6 of the Jammu and Kashmir Legislative Council

Chairman's(Emoluments) Act, 1962, the following section shall be substituted, namely:-

“3. Salary, allowances and advances of the Chairman.- The Chairman shall be entitled to the salary, allowances and advances as are payable to a Minister under the Jammu and Kashmir Ministers and Ministers of State Salaries Act, 1956 and the rules made thereunder.”.

CHAPTER-III

Amendments to the Jammu and Kashmir Deputy Speaker's and Deputy Chairman's (Emoluments) Act, 1956.

4. Substitution of sections 3, 3-A, 3-B, 3-C and 4 of Act XXII of 1956.-

For sections 3, 3-A, 3-B, 3-C and 4 of the Jammu and Kashmir Deputy Speaker's and Deputy Chairman's (Emoluments) Act, 1956, the following section shall be substituted, namely:-

“3. Salary, allowances and advances of the Deputy Speaker and Deputy Chairman.- The Deputy Speaker and the Deputy Chairman shall be entitled to the salary, allowances and advances as are payable to a Minister of State under the Jammu and Kashmir Ministers and Ministers of State Salaries Act, 1956 and the rules made thereunder.”.

5. Repeal.- All the rules, notifications and orders corresponding to the provisions of the Jammu and Kashmir Legislative Assembly (Speaker's Emoluments) Act, 1956, the Jammu and Kashmir Legislative Council Chairman's (Emoluments) Act, 1962 and the Jammu and Kashmir Deputy Speaker's and Deputy Chairman's (Emoluments) Act, 1956, as amended by the Jammu and Kashmir Presiding Officers and Deputy Presiding Officers Salaries and Allowances (Amendment) Act, 2009 shall stand repealed.

**THE JAMMU AND KASHMIR MINISTERS' AND
MINISTERS OF STATE SALARIES ACT, 1956
[ACT NO VI OF 1956]**

{ 17TH May, 1956 }

An Act to provide for the salaries and allowances of Ministers' and Ministers' of State of the Government of Jammu and Kashmir.

Be it enacted by the Jammu and Kashmir State Legislature in the Seventh year of the Republic of India as follows.-

1. Short title and commencement.-(1) This Act may be called the Jammu and Kashmir Ministers' and Ministers' of State Salaries Act, 1956.

(2) It shall come in to force on such date as the Government may, by notification in the Government Gazette, appoint in this behalf.

2. Definitions.- in this Act-

- (a) "house" includes the Staff Quarters and other buildings appurtenant thereto;
- (b) "maintenance" in relation to a house shall include the payment of local rates and taxes and charges for electricity and water.

3. Salaries and allowances of Ministers' and Ministers' of State.- (1) There shall be paid to the Chief Minister, each Minister and each Minister of State-

- (a) a salary of forty five thousand rupees, forty thousand rupees and thirty five thousand rupees per mensem respectively, exclusive of tax on, income leviable under the Income Tax Act, 1961. The tax, if any assessed and levied on the said income under the said Act shall be reimbursed and paid by the Government in the manner provided for in sub-section (1-a); and
- (b) an allowance of one thousand rupees per mensem to cover the cost of petrol or diesel oil for journey within a radius of sixteen kilometers from the headquarters.

(1-a) Where a Minister including the Chief Minister, or a Minister of State-

- (a) is not an income tax payer but by adding the salary to his income, has become liable to pay the tax, the whole amount of tax shall be reimbursed and paid by the Government; or
- (b) is an income tax payer and by adding the salary to his income has become liable to pay higher rate of tax, the Government shall reimburse and pay the additional tax of a sum equal to the difference between the amount of tax payable at higher rate and the amount of tax payable by him before the addition of salary to his total income.

(2) Each Minister and each Minister of State shall be provided with free furnished house, the maintenance charges of which shall be borne by the State

Government. The State Government may also allow him to continue in free occupation of the house provided to him for a period not exceeding fifteen days from the date of his ceasing to be a Minister or Minister of State, as the case may be.

(3) Each Minister and each Minister of State shall be entitled to the use of a State car the expenses on the maintenance and propulsion of which shall be borne by the State Government:

Provided that if a Minister or a Minister of State uses his own car, he shall in that case be entitled to such additional allowances as may be prescribed under the rules made by the Governor.

3-A. Advance for Motor cars.- There may be paid to any Minister or a Minister of State by way of a repayable advance such sum of money as may be determined by rules made in this behalf by the Governor for the purchase of a motor car in order that he may be liable to discharge conveniently and efficiently the duties of his office.

3-B. Sumptuary and Constituency Allowance to Minister and Ministers' of State.- The Governor may, by rules made in this behalf, provide for the grant of such sumptuary and constituency allowance per mensem as he may deem fit to any Minister or a Minister of State.

4. Power to make rules.-(1) The travelling allowance including daily allowance of the Ministers as well as their rights in respect of leave allowance shall be regulated in accordance with such rules as may be framed by the Governor from time to time.

(2) The Governor may pass such orders as he may deem necessary both in connection with the interpretation of the provisions of this Act and any travelling allowance claims of the Ministers prior to the commencement of this Act.

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**THE JAMMU AND KASHMIR DEPUTY MINISTERS'
SALARIES AND ALLOWANCES ACT, 1957
(ACT NO VI OF 1957)**

[1st February, 1957]

An Act to provide for the salaries and allowances of Deputy Ministers' of the Jammu and Kashmir State.

Be it enacted by the Jammu and Kashmir State Legislature in the Eighth year of the Republic of India as follows.-

1. Short title and commencement.-(1) This Act may be called the Jammu and Kashmir Deputy Ministers' Salaries and Allowances Act, 1957.

(2) It shall come in to force on such date as the Government may, by notification in the Government Gazette, appoint in this behalf.

2. Definitions.- in this Act-

- (a) “house” includes the Staff Quarters and other buildings appurtenant thereto;
- (b) “maintenance” in relation to a house shall include the payment of local rates and taxes and charges for electricity and water.

3. Salaries and allowances of Deputy Ministers.- (1) There shall be paid to the Deputy Minister.-

- (a) a salary of thirty five thousand rupees per mensem, exclusive of tax on, income leviable under the Income Tax Act, 1961. The tax, if any, assessed and levied on the said income under the said Act shall be reimbursed and paid by the Government in the manner provided for in sub-section (1-a): and
- (b) an allowance of one thousand rupees per mensem to cover the cost of petrol or diesel oil for journey within a radius of sixteen kilometers from the headquarters.

(1-a) Where a Deputy Minister-

- (a) is not an income tax payer but by adding the salary to his income, has become liable to pay the tax, the whole amount of tax shall be reimbursed and paid by the Government; or
- (b) is an income tax payer and by adding the salary to his income has become liable to pay higher rate of tax, the Government shall reimburse and pay the additional tax of a sum equal to the difference between the amount of tax payable at higher rate and the amount of tax payable by him before the addition of salary to his total income.

(2) Each Deputy Minister shall be provided with free furnished house, the maintenance charges of which shall be borne by the State Government. The State Government may also allow him to continue in free occupation of the house provided

to him for a period not exceeding fifteen days from the date of his ceasing to be a Deputy Minister.

(3) Each Deputy Minister shall be entitled to the use of a State car the expenses on the maintenance and propulsion of which shall be borne by the State Government:

Provided that if a Deputy Minister uses his own car, he shall in that case be entitled to such additional allowances as may be prescribed under the rules made by the Governor.

3-A Advance for Motor cars.- There may be paid to any Deputy Minister by way of a repayable advance such sum of money as may be determined by rules made in this behalf by the Governor for the purchase of a motor car in order that he may be able to discharge conveniently and efficiently the duties of his office.

3-B Sumptuary and Constituency Allowance to Deputy Ministers'.- The Governor may, by rules made in this behalf, provide for the grant of such sumptuary and constituency allowance per mensem as he may deem fit to any Deputy Minister.

4. Power to make rules.-(1) The travelling allowance including daily allowance of the Deputy Ministers as well as their rights in respect of leave including leave allowance shall be regulated in accordance with such rules as may be framed by the Governor from time to time.

The Governor may pass such orders as he may deem necessary both in connection with the interpretation of the provisions of this Act and any travelling allowance claims of the Deputy Ministers prior to the commencement of this Act.

5. Repeal and saving.-(1) The Jammu and Kashmir Deputy Ministers' Salaries and Allowances Act, 2010 (Act VIII of 2010) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in the exercise of the powers conferred by this Act as if this Act were in force on the day on which such thing was done or action was taken.

**THE MINISTERS AND PRESIDING OFFICERS' MEDICAL FACILITIES
ACT, 1975**

Act No. XXII of 1975

[19th August, 1975]

An Act to provide for the medical facilities to Ministers and the Presiding Officers.

Be it enacted by the Jammu and Kashmir State Legislature in the Twenty-sixth year of the Republic of India as follows :-

1. **Short title.**-This Act may be called the Ministers and the Presiding Officers Medical Facilities Act, 1975.

2. **Definitions.**- In this Act unless the context otherwise requires.-

(a) 'Family' means the wife or husband, children and step children of a Minister or a Presiding Officer wholly dependent upon him or her, as the case may be;

(b) 'Minister' includes a Minister of State, a Deputy Minister and Chief Parliamentary Secretary ;

(c) 'Presiding Officer' means –

(i) Chairman or Deputy Chairman of the Legislative Council ; and

(ii) Speaker or Deputy Speaker of the Legislative Assembly.

3. **Facilities for Medical Treatment.**- Every Minister and Presiding Officer, and members of their families shall be entitled to such facilities for medical treatment and for accommodation in hospitals as may, from time to time, be prescribed by rules made by the Governor in this behalf.

4. **Power of the Governor to apply Act to other persons.**- The Governor may by notification in the Government Gazette, direct that the provisions, of this Act and of the rules made there under shall, with such exceptions, adaptations of modifications as may be considered necessary, apply to any person holding office whose rank in the opinion of the Governor entitles him to the facilities for medical treatment provided by or under this Act.

**MINISTERS AND PRESIDING OFFICER'S MEDICAL FACILITIES
RULES, 1975**

**Notification
Srinagar, the 9th September, 1975**

SRO. 418.- In exercise of the Powers conferred by section 3 of the Ministers' and the Presiding officers' Medical Facilities Act, 1975 the Governor hereby make the following rules namely :-

1. Short title and commencement.- (1) These rules may be called the Ministers' and Presiding Officers Medical Rules, 1975.

(2) These shall come in to force with effect from the date these are published in the Government Gazette.

2. Definition.- All words and expressions used in these rules shall have the same meaning as is assigned to them in the Ministers' and Presiding Officers' Medical Facilities Act, 1975.

3. Facilities for Medical Treatment.- Every Minister and Presiding Officer and the members of their families shall be entitled to the same facilities for medical treatment and accommodation in hospitals as are admissible to the judges of the High Court of the State under the rules applicable to him.

**THE JAMMU AND KASHMIR DEPUTY MINISTERS' (MOTOR CAR
ADVANCE AND ALLOWANCE) RULES, 1968.**

General Department Notification SRO-320 dated 17th August, 1968.

In exercise of the powers conferred by section 3-A of the Jammu and Kashmir Deputy Ministers' Salaries and Allowances Act, 1957 (VI of 1957), the Governor is pleased to make the following rules, namely:-

1. Short title.- These rules may be called the Jammu and Kashmir Deputy Ministers' (Motor Car Advance and Allowance) Rules, 1968.

2. Commencement.- Rule 11 of these Rules shall be deemed to have come in to force with effect from 1st. April, 1967 and remaining provisions of these rules shall come in to force with effect from the date these are published in the Government Gazette.

3. A Deputy Minister during the tenure of his office, may be allowed an advance for the purchase of a motor car and such advance shall be equal to the cost of the car or Rs. 2,50,000/- whichever may be less, and provided that if any Deputy Minister has already received an advance for the purchase of a motor car before the commencement of these Rules, such advance shall be deemed to have been allowed subject to the provisions of these Rules.

4. The advance shall be an interest bearing one and shall be treated as an 'advance recoverable'. Rate of interest shall be the 4% per annum.;

4A. When an advance for the purchase of a motor car is sanctioned, the purchase of the car should be effected within one month of the date on which the money is drawn from the treasury unless the period is extended otherwise the amount of the advance drawn, with interest thereon for one month, shall be forthwith refunded to Government.

Where a Deputy Minister has already purchased a car and paid for it, an advance for its purchase shall not be allowed unless the car has been purchased within a period of three months commencing from the date the advance was applied for and has been paid for by raising a temporary loan.

Note 1.- The advance may, however, be drawn only after the Deputy Minister concerned has received a written assurance from the dealer that the supply is likely to be available within a month.

In the event of any delay in supply despite the written assurance referred to above, the Deputy Minister concerned should apply for extension of the time limit within the permissible period of one month and seek permission for retaining the advance for a further period of another month.

Note 2.- A penal rate of interest not less than 8 per cent per annum shall be charged on the balances outstanding for the actual period in excess of one month (including fraction of a month) if the Deputy Minister retains the advance in contravention of the provision beyond the period of one month without purchasing a car:

Provided that where the period of one month is extended, the penal rate will be charged from the date following that on which the extended period expired.

5. Recovery of the advance shall be made in monthly installments of not less than Rs. 2000/- from the salary bill of the Deputy Minister concerned: provided that if the Deputy Minister on ceasing to be a Deputy Minister continues as a member of the Legislature, he may be allowed to repay the loan and the interest thereon in such a way that the repayment is completed before his tenure as a Member of the Legislature expires. In case he also ceases to be Member of the Legislature simultaneously, with his ceasing to be a Deputy Minister or subsequently, the whole of the unpaid loan together with the interest thereon shall become repayable immediately in lump sum.

6. At the time of drawing the advance, the Deputy Minister shall execute an agreement in Form I appended to these rules and, on completing the purchase, he shall further execute a bond in Form II appended to these rules, hypothecating the motor car to the Governor as security for the advance.

7. The car should be insured and the amount for which the car is insured during any period shall not be less than the outstanding balance at the beginning of that period and the insurance shall be renewed from time to time until the advance has completely been repaid. The insurance premium shall be paid for by the Deputy Minister.

Insurance cover notes and insurance policies shall be sent to the Treasury Officer, Srinagar or Jammu for deposit in safe custody.

Note:- The Insurance Policy shall be accompanied by an undertaking from the

Insurance Company as in Form III appended to these rules.

8. Except when a Deputy Minister has liquidated the advance in full, the previous sanction of the Governor shall be necessary to the sale by him of the car owned by him under these rules.

9. When the car is sold before liquidation of the advance in full, the sale proceeds shall be applied so far as may be necessary towards the repayment of the outstanding advance and the balance out of the advance, if any, shall be paid from the monthly salary subject to the condition of repayment indicated in rules.

10. The Deputy Minister who uses his own car for the discharge of his official duties shall, so long as he holds office, be provided with driver by the Government by debit to the Consolidated Fund of the State.

11. A Deputy Minister shall be entitled to an additional allowance of Rs. 200/- per month when using his own car within a radius of ten miles from his headquarters and so long as this allowance is drawn, he shall not be allowed the use of the State conveyance within that radius.

FORM – I

FORM OF AGREEMENT TO BE EXECUTED AT THE TIME OF DRAWING AN ADVANCE FOR THE PURCHASE OF A MOTOR CAR

An agreement made this _____ day of _____ between Shri _____ (hereinafter called the 'borrower' which expression shall include his legal representatives and assignees) of the one part and the Governor of Jammu and Kashmir (hereinafter called the Governor) of the other part;

Whereas the borrower has under the provisions of the Jammu and Kashmir Deputy Ministers' (Motor Car Advance and Allowance) Rules, 1968 applied to the Governor for a loan of Rs. _____ (Rupees _____ only) for the purchase of a motor car and the Governor has agreed to lend the said amount to the borrower on the terms and conditions hereinafter contained.

Now, it is hereby agreed between the parties hereto that in consideration of the sum of Rs. _____ Rupees _____ paid by the Governor to the borrower (the receipt of which the borrower hereby acknowledges), the borrower hereby agrees with the Governor-

- (i) to pay to the Governor the said amount with interest calculated according to the said rules by monthly deductions from his salary as provided for by the said rules and hereby authorizes the Governor to make such deductions;
- (ii) to pay the entire amount along with the interest outstanding against him immediately in lump sum on his ceasing to be a Deputy Minister and also a member of the Legislature simultaneously or subsequently. However, in case on ceasing to be a Deputy Minister, he continues to be a Member of the Legislature, he may be allowed to repay the loan and the interest thereon in such a way that the repayment is completed before his tenure as a Member of the Legislature expires and for this purpose, if necessary, the installments may be re-scheduled;
- (iii) within one month from the date of these presents to expend the full amount of the said loan in the purchase of a motor car or if the actual price paid is less than the loan, to repay the difference to the Governor forthwith;

- (a) to refund forthwith the amount of advance with interest thereon for one month if the purchase of car is not made within that period.
- (b) to pay penal interest at a rate not less than 8% per annum on the balances of the advance outstanding for the actual period in excess of one month (including fraction of a month) or an extension, if any granted thereof, if the same is retained without purchasing of a car.
- (iv) to execute a document hypothecating the said motor car to the Governor as security for the amount lent to the borrower as aforesaid and interest in the form provided by the said rules.

And it is hereby lastly agreed and declared that if a motor car is not purchased and hypothecated as aforesaid within one month from the date of these presents, the whole amount of the loan and interest accrued thereon shall immediately become due and payable.

And in witness whereof the borrower has hereunto set his hand the day and year before written.

Signed by the said Shri _____ in presence of

- 1. _____ Witness
- 2. _____ Witness

Signed for and on behalf of Governor _____

Witness: 1. _____
2. _____

FORM – II
Form of Mortgage Bond for Motor Car Advance

This indenture made this _____ day of _____ between Shri _____ (hereinafter called the "borrower" which expression shall include his heirs, administrators, executors and legal representatives) of the one part and the Governor of Jammu and Kashmir (hereinafter called the Governor) of the other part;

Whereas the borrower has applied for and has been granted an advance of Rs. _____ (Rupees _____) for purchase of a motor car on the terms and conditions provided in the Jammu and Kashmir Deputy Ministers' (Motor Car Advance and Allowance) Rules, 1968 (hereinafter referred to as the said rules); and

Whereas one of the conditions upon which the said advance has been/was granted (to the borrower is/was that the borrower will/would hypothecate the said motor car to the Governor as security for the amount lent to the borrower; and

Whereas the borrower has purchased with or partly with the amount so advanced as aforesaid the motor car, particulars whereof are set out in the Schedule hereunder written.

Now this indenture witnesseth that in pursuance of the said agreement and for the consideration aforesaid, the borrower doth hereby covenant to pay to the Government the sum of Rupees _____ aforesaid or the balance thereof remaining unpaid at the date of these presents by equal payments of rupees _____ each on the first day of every month and will pay interest on the sum for the time being remaining due and owing, calculated according to the said rules, and the borrower doth agree that such payments may be recovered by monthly deductions from his salary in the manner provided by the said rules, and in case he ceases to be a Deputy Minister and also a Member of the Legislature simultaneously or subsequently, the entire amount along with the interest outstanding against him on that date shall be recovered forthwith in lump sum. In case, on ceasing to be Deputy Minister he continues to be Member of the Legislature, he may be allowed to repay the loan and the interest thereon in such a way that the repayment is completed before his tenure of the Legislature expires and for this purpose, if necessary, the installments may be rescheduled and in further pursuance of the said

agreement the borrower doth hereto assign a transfer unto the Governor the motor car, the particulars whereof are set out in the schedule hereunder written by way of security for the said advance and the interest thereof as required by the said rules.

And the borrower doth hereby agree and declare that he has paid in full the purchase price of the said motor car and that the same is his absolute property and that he has not pledged and so long as any money remains payable to the Governor in respect of the said advance will not sell, pledge or part with property in, or possession of the said motor car;

Provided always and it is hereby agreed and declared that if any of the said installments of principal or interest shall not be paid or recovered in the manner aforesaid within ten days after the same are due or if the borrower shall sell or pledge or part with the property in, or possession of, the said motor car or make any composition or arrangement with his creditors with respect of this motor car or if any person shall take proceedings in execution of any decree or judgment against the borrower with respect to this car, the whole of the said principal sum which shall then be remaining due and unpaid together with interest thereon calculated as aforesaid shall forthwith become payable.

And it is hereby agreed and declared that the Governor may on the happening of any of the events hereinbefore mentioned seize and take possession of the said motor car and either remain in possession thereof without removing the same or else may remove and sell the said motor car either by public auction or private contract and may out of the sale money, retain the balance of the said advance then remaining unpaid and any interest due thereon calculated as aforesaid and all costs, charges, expenses and payments properly incurred or made in maintaining, defending or releasing his rights hereunder and shall pay over the surplus, if any, to the borrower, his executors, administrators or personal representatives.

Provided further that the aforesaid power of taking possession or selling of the said motor car shall not prejudice the right of the Governor to sue the borrower or his personal representatives for the said balance remaining due and interest or, in the case

of the motor car being sold, the amount by which the net sale proceeds fall short of the amount owing.

And the borrower hereby further agrees that so long as any moneys are remaining due and owing to the Governor, he, the borrower will insure and keep insured the said motor car against loss or damage by fire, theft or accident with an Insurance Company to be approved by the Government.

And the borrower hereby further agrees that he will not permit or suffer the said motor car to be destroyed or injured or to deteriorate in a degree than it would deteriorate by reasonable wear and tear thereof and further that in the event of any damage or accident happening to the said motor car the borrower will forthwith have the same repaired and made good.

THE SCHEDULE

Description of motor car _____

Maker's name _____

Description _____

No. of cylinders _____

Engine Number _____

Chassis Number _____

Cost Price _____

Registration No. _____

In witness whereof the said (borrower's Name _____ and _____ for and on behalf of the Governor have hereunto set their respective hands the day and year first above written.

Signed by the said Shri _____ in the presence of _____

Signed by name and description for and on behalf of the Governor in the presence of _____

1. _____

2. _____

1. _____

2. _____

FORM – III

Form of the clause to be inserted in Insurance Policies.

It is hereby declared and agreed that Shri_____ (the owner of the motor car hereinafter referred to as the insured in the schedule of this policy) has hypothecated the car to the Governor of Jammu and Kashmir as security for advance for the purchase of motor car and it is further declared and agreed that the said Governor is interested in moneys which but for this endorsement would be payable to the said Shri _____(the insured under this policy, in respect of the loss or damage to the said motor car which loss or damage is not made good by repairs, re-instatement or replacement) and such moneys shall be paid to the Governor of Jammu and Kashmir as long as he is the mortgagee of the motor car and his receipt shall be full and final discharge to the Company in respect of such loss or damage.

Save as by this endorsement expressly agreed, nothing herein shall modify or affect the rights or liabilities of the insured or the Company, respectively under or in connection with this Policy or any term, provision or condition thereof.

**THE JAMMU AND KASHMIR MINISTERS (SUMPTUARY AND
CONSTITUENCY ALLOWANCES) RULES, 1987**

**Law and Parliamentary Affairs Department Notification SRO-447 dated 7th
September, 1987.**

In exercise of the powers conferred by section 3-B of the Jammu and Kashmir Ministers' and Ministers of State Salaries Act, 1956 read with section 3-B of the Jammu and Kashmir Deputy Ministers' Salaries and Allowances Act, 1957 and in supersession of notification SRO-263 dated: 04-06-1975, the Governor is pleased to make the following rules, namely:-

1. Short title and commencement.- (i) These rules may be called the Jammu and Kashmir Ministers' (Sumptuary and Constituency Allowance) Rules, 1987.

(ii) These rules shall be deemed to have come in to force from 1st. day of July, 1987.

2. Definitions.- In these rules, unless there is anything repugnant to the subject or context :-

“Sumptuary Allowance” means an allowance granted to meet expenses on any informal or casual entertainment provided by a Minister, day to day, at his residence or outside his headquarters in the interest of maintaining public relations and promoting the interests of the State. It shall be exclusively of any such entertainment

which a Minister may require to be arranged through Tawaza or otherwise on the important occasions, such as a conference, visit of any important dignitary or any other occasion of special character in accordance with the general or special orders of the Chief Minister. It shall be exclusive also of casual entertainment provided in office premises.

3. (1) There shall be paid a sumptuary allowance to each Minister at the following rates, namely:-

(a) Chief Minister :- Rs. 20,000/- p.m.

(b) Ministers :- Rs. 20,000/- p.m.

(c) Ministers of State :- Rs. 20,000/- p.m.

(d) Deputy Ministers :- Rs. 20,000/- p.m.

(2) Each Minister shall be entitled to receive a constituency allowance at the rate of Rs. 25,000/- p.m.

4. (1) the allowances shall be drawn monthly together with the salary and on each such bill in which the allowances are claimed, the Minister shall record a certificate to the effect that these have been spent for the purpose for which these are permissible and that these have not been preferred from any other source.

(2) Such certificate shall be conclusive and it shall not be necessary to maintain any account thereof.

**THE JAMMU AND KASHMIR MINISTERS' TRAVELLING ALLOWANCE
RULES, 1956**

**Order No. II SR of 1956
29th September, 1956**

In exercise of the powers conferred by section 4 of the Jammu and Kashmir Ministers' Salaries Act, 1956 (VI of 1956), the Sadr-i-Riyasat is pleased to make the following rules, namely:-

1. Short title.- These rules may be called the Jammu and Kashmir Ministers' Travelling Allowance Rules, 1956.

2. Commencement.- These rules shall come in to force on and from 1st day of October, 1956 and shall supersede all the rules and orders in force immediately before the commencement of these rules:

Provided that all claims arising before the commencement of these rules shall be decided in accordance with the rules and orders in force at the time such claims arose.

3. (i) A Minister is entitled to travel within and beyond the limit of the State of Jammu and Kashmir on official business.

(ii) A Ministers' certificate that the journey was undertaken in connection with the official business shall be conclusive.

3-A. (1) Notwithstanding anything contained in these rules, a Minister shall be paid every month for travels in connection with official business within a radius of 16 kilometers from the headquarters, a travelling allowance at the rate equivalent to the cost of petrol or diesel oil actually consumed for-

- (a) 1500 Kms. In the case of Chief Minister;
- (b) 1000 Kms. In case of a Minister; and
- (c) 800 Kms. In case of a Minister of State.

(2) The Minister's certificate that the travels were undertaken in connection with the official business shall be conclusive.

Note. - So far the POL charges are being borne by the Government no payment of travelling allowance as envisaged in rule 3-A (1) above shall be allowed till such time as the Minister use Government vehicles with POL charges directly borne by the Government in view of the security scenario.

4. A Minister when travelling by rail on duty is entitled to –

- (i) double first class air conditioned railway coaches fare or, where air conditioned coaches are not provided, double first class;
- (ii) railway fare actually paid for not more than one personal attendants at the lowest class rate, whether the attendant travels with him or precedes or follows him;
- (iii) conveyance of all personal effects including stores carried for consumption whether taken in luggage van of the train or sent by another train; and
- (iv) the cost of conveyance, if any, employed for official use or the cost of fuel and mobile oil, if a Government vehicle is used.

4-A. A Minister or any member of his/her family shall be entitled to travel any time and in lieu of such travel he/she shall be entitled to a reimbursement up to Rs. 50,000/- in a financial year on production of railway receipt/railway tickets or air tickets as the case may be.

5. A Minister, when travelling on duty by road beyond 10 miles from the headquarters within the State or to places outside the State in a State Car may, recover the cost of fuel and mobile-oil consumed for such journey. But when travelling is necessitated in a hired conveyance, or in a conveyance the cost of propulsion of which is paid by him, reasons for which should be recorded on the bill or is performed by routes not fit for vehicular traffic, he may recover the expenses actually incurred on

the transport engaged by him on his own certificate that the amount charged has actually been paid. He will also be entitled to free accommodation in Dak Bungalows and Rest Houses or any other Government building whenever available.

Explanation.- Hired conveyance includes steamer, boat, tanga, riding horse, pony and mazdoor for luggage etc.

Note.- 1. A Minister may in following cases recover the cost of propulsion of a car beyond ten miles:-

- (i) when a Minister travels in his car up to railway station, road head, or airport for undertaking further journeys there from by other means of transport and send the car back to his headquarters;
- (ii) when the car of the Minister is required to meet the Minister at a railway station, road head or airport in order to enable him to travel by road from such railway station, road head or airport;
- (iii) when he is travelling in a hill area where travel beyond a certain point is necessary by means other than car owing to the nature of communications in that area and sends the car back to his headquarters;
- (iv) in unforeseen circumstances where owing to a road breakdown or other cause the vehicle cannot proceed beyond a particular point and the Minister proceeds further on his journey by means of transshipment or otherwise.

Note.-2. Whenever a hired vehicle is used, certificate regarding non-availability of a State conveyance in respect of that date shall be recorded on the T.A. Bill.

5-A. A Minister when travelling on duty by road beyond the radius of 10 miles from his headquarters in his own car shall be entitled to draw travelling allowance at the rate of 50 NP per mile.

Note.- A Minister may exchange his mileage allowance for daily allowance on any day on which he travels on duty by road beyond a radius of 10 miles from his headquarters in his own car.

6. A Minister travelling on duty by a car or any other conveyance which does not belong to him or is not hired by him or the cost of propulsion of which is not paid by him should be entitled to daily allowance.

7. For journeys by road to places connected by railways the provisions of rules 5 and 6 above will apply.

8. (1) When travelling on duty by air, a Minister is entitled to draw actual expenditure incurred. In case of such journey between Jammu, Srinagar and Ladakh the actual air passage or actual bus fare of one attendant who travels with him or proceeds or follows him will also be admissible. For other journeys by air a Minister may draw road mileage railways fare actually paid by lowest class for one personal attendant:

Provided that in case of journeys by road in area not connected by railway the attendant accompanying the Minister but not actually travelling in his conveyance will be entitled to standard bus fare and luggage charges actually paid by him. For other journeys performed by route not fit for vehicular traffic the attendant may be paid the amount actually paid for conveyance engaged i.e. riding horses, pony etc.

(2) When due to cancellation of any intended travel by air or railway, a Minister is liable to pay to the carrier any charges on accounts of cancellation of his ticket, he shall be entitled to be reimbursed by the Government to the extent of his liability if he records a certificate that the cancellation of the travel was necessitated in the public interest.

Note.-1. A Minister when travelling by air will be entitled to draw personal aviation insurance for a sum of Rs. 1,00,000 and premium on such policies will be paid by the Government.

Note.-2. The term “actual expenses” for journeys by air within the State shall include the air fare and air freight for additional luggage, if any, and, in addition, the expenses to and from airport to residence and reasonable tips to porters at the airports. For air journeys outside the State, the term “actual expenses” would mean the “actual expenses” as defined in Rule 10 of these Rules.

9. Subject to the provisions of rule 5, a Minister is also entitled to draw daily allowance at the rate of Rs. 500 per day for the entire duration of the journeys performed within or outside the State, whether or not he makes halt at any place; provided he has to remain away from his headquarters at least for eight hours continuously:

Provided that for halts at principal towns in India and journeys on hilly roads 75 per cent and 25 percent increase respectively over the daily allowance rate referred to above will be admissible:

Provided further that in the case of a Minister who while on tour in India is treated as a State Guest, daily allowance shall be limited to one-half, if he is provided free board and lodging at the expense of the Government of the State visited and to three-fourth if he is charged for board only :

Provided also that no daily allowance shall be payable :-

- (i) For any day on which the Minister travels in his own car and charges travelling allowance under rule 5-A;
- (ii) For any day on which railway fare is charged under rule 4.

Explanation I.- For the purpose of this rule a day will be deemed to begin at 8.A.M. and end at 8 A.M. of next day.

Explanation II.- Halt at any place other than the headquarters, due to road blockade certified by PWD during the period of tour, shall be treated as period of halt on duty.

Explanation III.- One half and three fourth of D.A. admissible under the second proviso to rule 9 shall be applicable equally in respect of a Minister who while on tour outside the State is treated as a guest by any autonomous corporation, a local body or a statutory body under the Government.

9-A. A Minister shall also be entitled to receive a daily allowance for each day during the period of residence on duty as admissible to members of the Legislature under the Salaries and Allowances of Members of Legislature Act, 1960.

10. For journeys, outside the State, a Minister may recover actual expenses, both on account of T.A and halts, subject to the condition that a certificate to the effect that the amount claimed has actually been spent is recorded on the Bill.

Note.- The term “actual expenses” for the purpose of this rule shall mean and include:

- (a) actual hotel charges paid by the Minister for the board and lodge of himself and not for any of his family member/relatives or for entertainment of guests;
- (b) Rs. 100/- in respect of the first day to cover other expenses and Rs. 50/- per day in respect of subsequent days; provided that in special cases, the Chief Minister may authorize a higher rate; and
- (c) actual transport cost provided that no Government vehicle is used.

10-A. A Minister when travelling on duty outside India shall. In addition to T.A. be entitled to an outfit allowance of Rs. 2500/-; provided that the same is not allowed more than once during a period of three years.

11. The Minister when travelling with the Government from Srinagar to Jammu or vice versa on the occasion of annual move of the Government will be allowed a lump sum travelling allowance of Rs. 425.

11-A. Toll charges, if any, paid while on official tour shall be reimbursable except in respect of journeys from Srinagar to Jammu and vice versa on annual move of offices.

12. A Minister may draw advance T.A. for tour journeys exceeding 200 miles; provided an estimate is drawn up for the amount required with reference to tour programme and the advance is recovered in full from the relevant bills.

13. On proceeding to join office a Minister may in respect of journey from his home to headquarters of Government avail himself of all the travelling allowance facilities under these rules. Besides, he shall be entitled to charge on his own certificate the actual expenditure to be incurred on the transportation of his family members, personal servants and luggage subject to the minimum of one lorry load;

similar facilities from the headquarter to his home, shall be allowed to a Minister on demitting office.

Note.-1. The term 'family members' for the purpose of this rule shall mean and include the Minister's wife children (including the adopted and step) residing with and wholly dependent on him.

Note.-2. The term 'personal servants' for the purpose of this rule shall mean and include personal servant or servants not exceeding two in number.

13-A. A Minister shall not claim in his travelling allowance bill reimbursement of entertainment charges of guests. Such charges, if any, incurred shall be restricted to minimum and claimed separately within and from the entertainment grant, if any, available with the department. Details of entertainment shall be furnished to Audit together with vouchers in support of the same.

14. These rules shall apply and shall be deemed to have always applied to the Ministers of State as they apply to Ministers and reference to a Minister in these rules shall be construed to include a reference to a Minister of State.

**SALARIES AND ALLOWANCES OF LEADER OF OPPOSITION IN THE
STATE LEGISLATURE, ACT, 1985**

(Act No. XVI of 1985)

[Receiving the assent of the Governor on 9th October, 1985, and published in the
Government Gazette dated 15th October, 1985]

An Act to amend the laws governing the Salary and Allowances of the Leaders of Opposition in the Jammu and Kashmir State Legislature.

Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-sixth year of the Republic of India as follows.-

1. **Short title and commencement.**-(1) This Act may be called the Salary and Allowances of Leader of Opposition in the State Legislature Act, 1985.

(2) It shall come in to force on such date as the Government may, by notification in the Government Gazette, appoint.

2. **Definitions.**- In this Act, 'Leader of the Opposition in relation to either House of State Legislature' means that member of the Legislative Council or the Legislative Assembly, as the case may be, who is, for the time being, the Leader in that House of the party in opposition to the Government having at least a strength equal to the quorum fixed to constitute a sitting of the House and recognized as such by the Chairman of Legislative Council or the Speaker of the Legislative Assembly, as the case may be.

Explanation:- Where there are two to more parties in opposition to the Government, in the Legislative Council or in the Legislative Assembly having the same numerical strength, the Chairman or the

Speaker, as the case may, shall, be having regard to the status of the parties, recognize anyone of the Leaders of such parties as the Leader of Opposition for the purpose of this section and such recognition shall be final and conclusive.

3. Salary of Leader of Opposition.- Each Leader of opposition shall be entitled to such salary as is admissible to a Minister under section 3 of the Jammu and Kashmir Ministers' and Ministers' of State Salaries Act, 1956.

4. Residence for Leader of opposition.-(1) Each Leader of Opposition shall, so long as he continues as such Leader and for a period of fifteen days immediately thereafter, be entitled without payment of rent to the use of a furnished residence and no charge shall fall on the Leader of the opposition personally in respect of the maintenance of such residence.

(2) In the event of the death of a Leader of the Opposition, his family shall be entitled to the use of the furnished residence occupied by him for a period of fifteen days immediately after his death, without payment of rent and no charge shall fall on his family in respect of the maintenance of such residence.

Explanation:- For the purpose of this section, “ residence” includes the staff quarters and other buildings, appurtenant thereto, and the garden thereof, and “ maintenance” in relation to a residence includes the payment of taxes and the provisions of electricity and water.

5. Travelling and Daily Allowance to Leader of Opposition.- Subject to any rules made in this behalf by the Government, a Leader of Opposition shall be entitled to-

(a) travelling allowances for himself and the members of his family and for transport of his and his family's effects-

(i) in respect of the journey to the headquarters of the Government from his usual place of residence outside such headquarters for assuming office; and

- (ii) in respect of the journeys from the headquarters of the Government to his usual place of residence outside such headquarters on relinquishing office; and
- (b) travelling and daily allowances in respect of tours undertaken by him in the discharge of his duties as Leader of opposition, whether by land or air.

6. Medical treatment etc to Leader of Opposition.- Subject to any rules made in this behalf by the Government, a Leader of Opposition and the members of his family shall be entitled to free of charge accommodation in the hospitals maintained by the Government and also to medical treatment.

7. Leader of Opposition not to draw salary and allowances as Member of Legislature.- No Leader of the Opposition in respect of a salary or allowance under this Act, shall be entitled to receive any sum out of funds provided by the Legislature by way of salary or allowance in respect of his membership of either House of the Legislature.

8. Amenities to Leader of Opposition.- (1) Subject to any rules made in this behalf by the Government, each Leader of Opposition shall be entitled to telephone and secretarial facilities.

(2) Subject to any rules made in this behalf by the Government, each Leader of Opposition shall be entitled to conveyance allowance of one thousand rupees per month.

9. Notification respecting the date on which person became or ceased to be Leader of the Opposition to be conclusive evidence thereof.- The date on which any person became or ceased to be a Leader of the Opposition shall be published by the Speaker or the Chairman, as the case may be, in the Government Gazette, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, a Leader of the Opposition on the date for all purposes of this Act.

10. Power to make Rules.-(1) The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the travelling and daily allowances admissible to a Leader of Opposition under section 5;
- (b) the medical treatment admissible to a Leader of Opposition and the members of his family under section 6;
- (c) the telephone and secretarial facilities admissible to a Leader of Opposition and the conditions subject to which he shall be entitled to conveyance allowance under section 8.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under this rule.

**LEADER OF OPPOSITION IN THE STATE LEGISLATURE
(ALLOWANCES, MEDICAL AND OTHER FACILITIES) RULES, 2003**

Law Department Notification SRO-126 dated 8th April, 2003.

In exercise of the powers conferred by section 10 of the Salary and Allowances of Leader of Opposition in the State Legislature Act, 1985, the Government hereby make the following rules, namely:-

1. Short title and commencement.- These rules may be called the Leader of Opposition in the State Legislature (Allowances, Medical and other Facilities) Rules, 2003.

(2) They shall be deemed to have come in to force with effect from 18-11-2002.

2. Definitions.- In these rules, unless there is anything repugnant to the subject or context :-

- (i) 'Act' means the Salary and Allowances of Leader of Opposition in the State Legislature Act, 1985;
- (ii) 'actual travelling expenses' mean the actual cost of travel of the Leader of the Opposition including the cost of transporting his personal luggage, but does not include the charges for hotels, travelers, bungalows or refreshments or for the carriage of stores or conveyances or for such incidental losses or expenses as the breakage of the crockery, wear and tear of furniture and employment of the servants;
- (iii) 'family' means the wife of the Leader of the Opposition residing with him and the legitimate children and step-children residing with and wholly dependent on him.

Explanation:- If the Leader of the Opposition is a married woman, family will include her husband residing with and wholly dependent on her.

- (iv) 'Government' means the Government of Jammu and Kashmir;
- (v) 'State' means the State of Jammu and Kashmir;
- (vi) 'Travelling allowances' means an allowance granted to the Leader of the Opposition to cover the expenses which he incurs in travels in the discharge of his duties as such Leader as against travels in personal interest or in the interest of the Party to which he may belong or for private purpose, such as journeys for rest or recoupment of health or for attending party meetings or for election campaign.

3. Residence.- A Leader of the Opposition shall be entitled to a residence admissible to a Minister for the State.

4. Rent of residence by family after the death of Leader of the Opposition.- where after the death of a Leader of the Opposition, his family continues to occupy the residence which had been occupied by him immediately prior to his death the family shall, in respect of period of overstay beyond 15 days from the death of Leader of Opposition, be charged, in addition to water supply and electricity charges, rent for the residence at the market rate to be determined by the Director Estates of the State.

5. Rent for the period of overstay.- Where the Leader of the Opposition, on ceasing to be such Leader, continues to occupy the residence which had been occupied by him in his capacity as such Leader beyond a period of 15 days from the date on which he ceases to be a Leader of the Opposition, he shall be liable to pay, for the period of overstay, rent, in addition to water supply and electricity charges, at the market rate to be determined by the Director Estates of the State.

6. Travelling Allowance.- (1) A Leader of the Opposition shall be entitled to the same travelling allowance as is admissible to a Minister under the Jammu and Kashmir Ministers' Travelling Allowances Rules, 1956.

(2) Notwithstanding anything contained in sub-rule(1), a Leader of Opposition or any member of his/her family shall be entitled to travel any time and in lieu of such travel the Leader of Opposition shall be entitled to a reimbursement up to Rs. 50,000/- in a financial year on production of railway receipt/ticket or air ticket, as the case may be.

7. Travelling Allowance for assuming and relinquishing office.- In respect of the journey of the Leader of Opposition under sub-clause (i) and (ii) of clause (a) of section 5 of the Act, he shall be entitled to travelling allowance on the scale for the time being admissible to a Minister.

8. Daily Allowance.-(1) A Leader of the Opposition shall be entitled to draw daily allowance at the rate of Rs. 500/- per day for entire duration of journeys performed within or outside the State in discharge of his duties as Leader of the Opposition.

(2) A Leader of the Opposition shall be entitled to receive a daily allowance subject to the same conditions and limitations, as is admissible to Members of Legislature under the Salaries and Allowances of Members of Legislature Act, 1960.

(3) A Leader of the Opposition when travels with Government from Srinagar to Jammu or vice versa on the occasion of annual move of the Government shall be allowed such lump sum travelling allowance as the Government may from time to time specify in this behalf.

(4) When the Leader of the Opposition is treated as a State Guest during his stay at a place visited by him in discharging his duties as such Leader and is provided with free boarding and lodging at the expenses of the State, he shall, if he draws daily allowance, limit it to his actual expenses subject to a maximum of full allowance admissible under these rules.

9. Advance.- A Leader of the Opposition shall be entitled to an advance of travelling and daily allowance in respect of tours undertaken by him outside the State in discharge of the duties as such leader.

10. Medical and other facilities to a Leader of the Opposition.- (1) A Leader of the Opposition and the members of his family shall be entitled to the same medical facilities as are admissible to a Minister under the Ministers and Presiding Officers Medical Facilities Act, 1975 and the rules made there under.

(2) A Leader of the Opposition shall be entitled to the same facilities subject to the same conditions and limitations, for the grant of Housing Loan or advance for purchase of a motor car as are admissible to a member of the State Legislature under the Housing Loan (to Members of the Jammu and Kashmir State Legislature) Rules, 1988 and the Motor Car Advance (to Members of the Jammu and Kashmir State Legislature) Rules, 1987.

11. Telephone, Discretionary Grant and Sumptuary Allowance.- A Leader of the Opposition shall be entitled to same telephone allowance, discretionary grant and Sumptuary allowance as is admissible to Minister under the rules/orders regulating the same.

12. Secretarial Assistance.- (1) A Leader of the Opposition shall be entitled to the following Secretarial Assistance :-

(i)	Special Assistant Or Private Secretary	One	An Officer up to the level of Deputy Secretary may be provided by the Government On the requisition from the Leader of the Opposition
(ii)	Stenographer/ Personal Assistant	One	To be provided by the Government amongst the Jr. Scale or Senior Scale Stenographer as per the requisition from the Leader of the Opposition
(iii)	Clerk	One	May be provided by the Government from amongst the Senior Assistants or Junior Assistants of the State.
(iv)	Jamadar/Orderlies	One	To be provided by the Government.

(v)	Orderlies	Two	To be provided by the concerned Assembly/Council Secretariat out of its sanctioned strength.
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(2) The officials specified in the clause (i) to (iv) of sub-rule (1) shall be detailed on duty with the Leader of the Opposition by the General Administration Department.

(3) The Government may, from time to time, review the secretariat assistance admissible to a Leader of the Opposition under sub-rule (1).

13. Feeding Department .- The concerned Assembly/Council Secretariat shall be the feeding Department for the Leader of the Opposition in the Legislative Assembly/Legislative Council, as the case may be.

14. Interpretation.- If any question arises as to the interpretation of these rules, it shall be referred to the Government for decision. The Decision of the Government shall be final and binding.

**SALARIES AND ALLOWANCES OF MEMBERS OF THE JAMMU AND
KASHMIR STATE LEGISLATURE ACT, 1960**

Act No. XIX of 1960

An Act to provide for the Salaries and Allowances of the Members of the Jammu and Kashmir State Legislature.

Be it enacted by the Jammu and Kashmir State Legislature in the Eleventh year of the Republic of India as follows :-

1. Short title and commencement.-(1) This Act may be called the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960 (Act No. XIX of 1960).

(2) It shall come in to force on the 26th January, 1960.

2. Definitions.- In this Act.-

- (a) “Committee” means a committee of either House of the Jammu and Kashmir State Legislature, and includes a Joint Committee of both Houses or a Consultative Committee constituted by the Government;
- (b) “member” means a member of either House of the Jammu and Kashmir State Legislature, but does not include a Minister, a State Minister or a Deputy Minister;
- (c) “new member” means a member who takes his seat in either House of the Jammu and Kashmir State Legislature after the commencement of this Act and includes a member who is re-elected or re-nominated ;
- (d) “period of residence on duty” means the period during which a member resides at a place where a session of a House of the Jammu and Kashmir State Legislature or a sitting of a Committee is held or where any other business connected with his duties : as such member is transacted for the

purpose of attending such session or sitting or for the purpose of attending to such other business and includes in the case of a session of a House of the Jammu and Kashmir State Legislature or sitting of a Committee, a period of such residence, not exceeding one day, immediately preceding the commencement of the session or the sitting of a Committee, as the case may be, and a period of such residence not exceeding one day, immediately succeeding the end of the session or a sitting of the committee, as the case may be.

Exception :- period of residence on duty, will, however include.-

- (i) the period for which a member is prevented from leaving his abode to attend the session of either House of the State Legislature or any sitting thereof or the sitting of any Committee, owing to circumstances beyond his control. Such a member shall be entitled to daily allowance for the period under this Act ;
- (ii) the period for which a member is held up on the way to attend such a session or meeting owing to circumstances beyond his control. Such a member shall be entitled to travelling allowance and daily allowance for this period under this Act:

Provided that the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, is satisfied as to the existence of these circumstance.

Explanation.- A member who ordinarily resides at a place where session of a House of the Jammu and Kashmir State Legislature or a sitting of a Committee is held shall for the duration of the session or sitting including one day immediately preceding and one day immediately succeeding] be deemed to reside at such place for the purpose of attending such session or sitting.

3. Salaries and daily allowances.- (1) There shall be paid to each member of the State Legislature a salary at the rate of thirty five thousand rupees per mensem :

Provided that where a member fails to attend at least 90 per centum of the total number of the meetings held in any month or if elected or nominated during the course of a month, fails to attend at least 90 per centum of the total number of meetings held in that month subsequent to the date on which he takes his oath, he shall not be paid any salary for that month unless he satisfies the Speaker of the Legislative Assembly or the Chairman of the Legislative Council as the case may be, that he was prevented by reasons of ill health or sufficient cause from attending the required number of meetings.

(1-A) The salary referred to in sub-section (1) shall accrue to a member from the date on which he is declared duly elected, or in the case of a member nominated by the Governor to fill a seat in the Legislative Council, from the date on which he is so nominated or, if such declaration or nomination is made before the vacancy occurs, from the date of occurrence of the vacancy:

Provided that the salary shall not be paid until the member has made and subscribed the oath or affirmation referred to in section 64 of the Constitution of Jammu and Kashmir:

Provided further that in case of the general election for the new Legislative Assembly if held during the term of old Legislative Assembly and the results whereof are declared before the expiration of the term of the old Legislative Assembly, the members of the new Legislative Assembly shall get their salary from the date when the new Legislative Assembly is declared to have been constituted through a notification in the Government Gazette

(2) There shall also be paid to each member of the State Legislature a daily allowance at the rate of Rs. 500/- for each day during any period of residence on duty.

(3) Notwithstanding any thing hereinbefore contained salary shall be paid to a member in respect of any period during which he remains in detention under any law for the time being in force.

4. Travelling Allowances.- (1) A member of the State Legislature shall be entitled to the following rates of travelling allowance and daily allowance in respect of a journey to attend a session of either House of the State Legislature or a sitting of a Committee or for transacting any other business connected with the duties as such member :-

- (a) Journey by road unless the expenses on the propulsion of vehicle are met by the Government. Road mileage by the shortest route at the rate of (nine rupees) Rs. 9/- per k.m. unless the expenses on the propulsion of vehicle are met by the Government between the usual place of residence of a member and the place where a session of either House of the State Legislature or a meeting of a Committee is held or such other business is conducted provided the journey is not within the radius of eight miles of the place where either House of the State Legislature meets or such other business is transacted.
- (b) A member who performs the journey by air –
- (i) from one place to another place in the State excepting from and to Frontier District through a neighboring State shall be entitled to draw travelling allowance at one-half times the standard fare for such air journey ;
 - (ii) from any place within the State from where he is deputed to any place outside the State shall be entitled to draw travelling allowance equivalent to one and one-fourth of the standard air fare ;
 - (iii) from Frontier District to any other part of the State through neighboring State or vice-versa, shall be entitled to draw travelling allowance at the standard fare plus Rs. 150/- as incidental charges for such air journey plus mileage for the part journey by road.

Explanation.- The rate for such air journey shall also be applicable to air journey from Pathankot to Nobra and vice versa.

- (c) Journey by Rail.- A member who performs the journey by rail shall be entitled to draw the railway fare of one and one-half of the 1st. class air conditioned railway coach.
- (d) Journey by road between places connected by rail.- A member who performs a journey by road between the places connected by rail, either wholly or in part, may draw the road mileage referred to in clause (a) in place of the travelling allowance which would have been admissible to him had he travelled by rail.

Provided that the total amount of travelling allowance drawn by such member for the entire journey shall not exceed the amount which would have been admissible to him had he performed such journey by rail.

(1-a) If a member on any delegation of members required under orders of the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, to visit a place or places outside the State in discharge of his duties as a member of committee or of a delegation, he shall be entitled to travelling allowance in accordance with sub-section (1) of this section for halts at such place or places and daily allowance at the rate specified in sub-section (2) of section 3:

Provided that for halts at places outside the State he shall be entitled to 75% increase over the daily allowance rate admissible under section 3.

(2) In calculating allowance for journeys by road fractions of a Kilometer shall be omitted from the total of a bill for any journey but not from the various items which make up the bill.

4-A. Conveyance, telephone and medical allowance.- Every member shall be paid –

- (a) constituency conveyance allowance at the rate of thirty thousand rupees per month;
- (b) telephone allowance at the rate of fourteen thousand rupees per month ; and
- (c) medical allowance at the rate of one thousand rupees per month

Provided that every member and/or any member of his/her family wholly dependent upon him/her shall also be entitled to such medical facilities including the reimbursement of the expenditure incurred in connection with his/her medical treatment within or outside the State in Government/Private recognized medical institutions as may be prescribed by rules by the Governor.

Explanation.- For purpose of the section, family shall include spouse, sons, unmarried daughters and parents wholly dependent on the member.

4.AA. Travelling Allowances.- Every member and/or any other member of his/her family, shall be entitled to travel at any time by such mode of transport and up to

such distance in a financial year, as may be prescribed by the Government from time to time.

5. Daily allowance etc. for intervals.- (1) Notwithstanding anything contained in sub-section (2) of section 3, a member shall be entitled to draw daily allowance for –

- (i) the period of adjournment intervening the continuous sittings of a session of the House when such an adjournment is not of more than 7 days:

Provided that where such a member returns to his usual place of residence or his constituency during such adjournment, he shall be entitled to draw daily allowance or travelling allowance for going to and coming back from that place, whichever is less ;

- (ii) the period of adjournment of not more than 7 days intervening the continuous sittings of a meeting of the committee:

Provided that where such member returns to his usual place of residence or his constituency during such adjournment he shall be entitled to draw the daily allowance or travelling allowance for going to and coming back from the place, whichever is less.

- (iii) the date fixed for the commencement of a session or sitting of Committee, which is declared a public holiday and meeting takes place on the next working:

Provided that such a member has not received a communication of such postponement or has not been informed about it otherwise and has presented himself at the place of meeting on such day.

(2) when there is an interval of not more than a week between the termination of the meetings of the session and the commencement of those of another session at the same place in which a member is required to attend and when such member remains at the place during the interval he shall be entitled to draw daily allowance for such period of residence on duty or draw travelling allowance for going to and coming back from his usual place of residence.

(3) Any member may stay on at the place of meeting after the close of the session if he is unable to return to his usual place of residence on account of conditions and

circumstances beyond his control and where the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, is satisfied that such a prolonged stay is justifiable, the member shall be entitled to draw a daily allowance at the rate of thirty rupees for the first three days of his stay only :

Provided that a member from the Frontier District shall also be entitled to a daily allowance of forty rupees for the days of prolonged stay beyond the expiry of first three days:

Provided further that a member from the Frontier District shall produce a certificate from the Ladakh Affairs Department that the prolonged stay was due to the blockade of road and non-availability of air seat

5-A. Daily Allowance for the period of absence.- If a member has been ordered to absent himself from a meeting or meetings of the Legislative Assembly or the Legislative Council, as the case may be, under the Rules of Procedure and Conduct of Business of the respective Houses of the State Legislature, for the time being in force, he shall not be entitled to get daily allowance for such period of absence.

5-B. Advance for Motor Cars.- There may be paid to any member by way of a repayable advance such sum of money as may be determined by rules made in this behalf by the Governor for the purchase of motor car in order that he may be able to discharge conveniently and efficiently the business connected with his duties.”

6. Allowance for non-member.- The allowance for non-members elected or nominated to committee setup by either House of the State Legislature shall be the same as for the members of either House of the State Legislature.

7. Certificate for T.A. and D.A..- A member, who claims any travelling or daily allowance under this Act, shall support his claim by recording a certificate on the concerned bill in the following form:-

Certified that no amount has been claimed for this journey period in the bill drawn from any other source or previously.

8. Bill for a claim, how to be prepared.- (1) A bill for a claim for travelling and daily allowance under this Act shall be prepared in duplicate on printed form as may be prescribed by the Legislature Secretariat to be obtained from the office of the Secretary

of either House of the State Legislature and to be returned to him duly filled in and signed and receipted one copy whereof shall be kept for office record and reference. The dates of journey shall be entered in the prescribed columns of the bill. In case claim for return journey is also made, a certificate to the effect that the journey as claimed for has actually been performed on such date be furnished to the office of the Secretary of either House of the State Legislature for onward transmission to the audit office for purposes of adjustment.

(2) The bill, referred to in sub-section (1) shall be paid before audit after a preliminary check by the office of either House of the State Legislature either in cash or through a cheque or by means of payment order endorsed in the name of office of the Treasury at which the member desires to receive payment. The said bill shall be countersigned by the Speaker of Legislative Assembly or the Chairman of the Legislative Council, as the case may be, or during their absence from the headquarters by the Deputy Speaker of the Legislative Assembly or the deputy Chairman of the Legislative Council, as the case may be, before payment.

(3) All the travelling allowance and daily allowance bills of the members shall be post audited immediately after payment thereof, objections, if any, shall be intimated to the member by the Audit officer not later than three months from the date of the encashment of such a bill.

9. Omitted.

10. Amenities.- A member shall be entitled to such facilities for housing and other facilities as may be prescribed by rules by the Governor in this behalf.

**THE JAMMU AND KASHMIR STATE LEGISLATURE MEMBERS'
PENSION ACT, 1984**
(ACT NO. II OF 1984)

[24th March, 1984]

[Received the assent of the Governor on 23rd March, 1984 and published in the Government Gazette dated: 24th March, 1984]

An Act to provide for payment of Pension to Members of the Jammu and Kashmir State Legislature and for matters connected therewith or incidental thereto.

Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-fifth year of the Republic of India as follows :-

1. Short title and commencement.- (1) This Act may be called the Jammu and Kashmir State Legislature Members Pension Act, 1984.

(2) It shall come in to force on such date as the Government may, by notification in the Government Gazette, appoint.

2. Definitions.- In this Act, unless the context otherwise requires, 'Constituent Assembly' means the Constituent Assembly set up under the Proclamation dated 20th April, 1951.

3. Pension.- (1) There shall be paid a pension of twenty three thousand rupees per month to every person who has served for any period as member of

- (a) the Constituent Assembly of the State;
- (b) the Legislative Council of the State; or
- (c) the Legislative Assembly of the State.

(1-A) Notwithstanding anything contained in sub-section (1), there shall be paid an additional pension of rupees one thousand per mensem to a person entitled to pension under sub-section (1) for every completed year in excess of the term as a member of the Assembly or six years as a member of the Council, as the case may be.

3-A. Family Pension.- (1) Where any person entitled to the pension under sub-section (1) of section 3 dies or has died prior to the commencement of the Jammu and Kashmir State Legislature Members' Pension (Amendment) Act, 1997, his family shall be entitled to family pension equivalent to 75% of the pension admissible to such person under the said sub-section if he had not died.

(2) Where a member dies, his family shall if such member would have been entitled to pension under sub-section (1) of section 3 if he had ceased to be a member on the date of his death, be entitled to family pension equivalent to 75% of the pension as such member would have been entitled to if he had ceased to be a member on that date.

Explanation:- For the purposes of this section, "family" means spouse, minor son and unmarried daughter.

Provided that the family of a member who dies before completion of two years term shall be entitled to family pension as admissible to the family of a member of the Legislative Assembly or the Legislative Council.

3-B. Medical Allowance.- A person entitled to pension under sub-section (1) of section 3 shall be paid medical allowance at the rate of one thousand rupees per month.

3-C. Facilities to Ex-Chief Minister.- (1) Notwithstanding any thing contained in this Act, a member who is entitled to pension under this Act and who has served as Chief Minister of the State, shall be entitled also to the following facilities, namely :-

- | | | |
|-----|--------|-----------------------|
| (a) | Car | One |
| (b) | Petrol | 250 liters per mensem |

(c)	Medical facilities	As available to a Minister
(d)	Driver	One
(e)	Residence	Rent free furnished accommodation
(f)	Furnishing of residential accommodation	Expenditure to the limit of Rs.35,000/- per annum
(g)	Telephone	One (free calls up to the value Of Rs. 48,000/- per annum),
(h)	Electricity	Free to the extent of Rs. 1500/- per month.
(i)	Staff	(i) Personal Assistant: One (ii) Special Assistant: One (iii) peons: Two

(2) Where an Ex-Chief Minister is entitled to salary, allowances, facilities, perks or any other remuneration under any Act or rules for the time being in force, he shall have the option to avail the facilities of the office he is holding or the facilities provided hereinabove.

4. Pension to be held in abeyance or to be reduced in certain circumstances.- (1) where any person entitled to pension under section 3.-

- (a) is elected to the office of the President or Vice-President of India or is appointed to the office of the Governor of any State or the Administrator of any Union territory ; or
- (b) becomes a member of (the Council of States or the House of the People or) any Legislative Assembly of a State or Union Territory or any Legislative Council of a State ;
- (c) is employed on a salary under the Central Government or any State Government or any corporation owned or controlled by the Central Government or any State Government, or any local authority or otherwise

receives any remuneration from such Government corporation or local authority;

such person shall not be entitled to any pension under section 3 for the period during which he continues to hold such office, or continues as such member or is so employed, or continues to receive such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed, or where the remuneration referred to in clause (c) paid to such person, is, in either case, less than the pension payable to him under section 3, such person shall be entitled only to receive the balance as pension under that section.

(2) Where any person entitled to pension under sub-section (1) of section 3 is entitled to any other pension, such person shall be entitled to receive the pension under the said sub-section (1) in addition to such other pension.

5. Power to make rules.- (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the form in which and the authority to which an application for pension shall be made;
- (b) the certificate to be furnished along with an application for pension;
- (c) the declaration to be made at the time of drawing pension;
- (d) any other matter necessary for proper implementation and enforcement of this Act.

6. Decision on question relating to pension.- If there is any doubt or dispute as to whether a person is entitled to pension or as to the amount of pension or as to the period for which he shall be entitled to pension under this Act, the matter shall be referred to the Government and its decision shall be final.

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**THE JAMMU AND KASHMIR STATE LEGISLATURE MEMBERS'
PENSION RULES, 1985**

Law Department Notification SRO-214 Dated 7th June, 1985

In exercise of the powers conferred by section 5 of the Jammu and Kashmir State Legislature Members Pension Act, 1984, the Government hereby make the following rules, namely:-

1. **Short title.-** (1) These rules may be called the Jammu and Kashmir State Legislature Members Pension Rules, 1985.

(2) These rules shall come into force on the date on which the Jammu and Kashmir State Legislature Members Pension Act, 1984 shall come into force.

2. **Definition.-** In these rules, unless the context otherwise requires.-

- (a) 'Act' means the Jammu and Kashmir State Legislature Members Pension Act, 1984;
- (b) 'Form' means a form appended to these rules;
- (c) 'Secretary' means the Secretary of Jammu and Kashmir Legislative Assembly or the Legislative Council as the case may be;
- (d) 'Accountant General' means the Accountant General of the Jammu and Kashmir State;
- (e) 'Treasury' means the treasury from which the pensioner draws his pension;
- (f) 'Pension' means Pension, Family Pension admissible under the Act;

- (g) 'Pensioner' means a person entitled to pension, Family Pension under section 3 and 3-A of the Act;
- (h) 'Presiding Officer' means the Speaker of the Legislative Assembly or Chairman Legislative Council as the case may be;
- (i) 'Treasury Code' means Jammu and Kashmir Treasury Code Volume I as amended from time to time;
- (j) 'Competent Authority' means the Presiding Officer.

3. Application for Pension.-(a) An intending pensioner shall make an application in Form I or I-A in duplicate to the Secretary, and furnish to him all the documents required to be appended to the application as per rule 8:

Provided that an intending pensioner who has served both as a member of Legislative Assembly and Member of Legislative Council, he shall make an application in Form-I in duplicate to the Secretary to the House in which he has last served as a member along with the documents mentioned above.

4. No Demand Certificate.- Each intending pensioner shall before making an application in Form-I or I-A, Form-II under rule 3, obtain a 'No Demand Certificate' both from the Secretary Legislative Council and as well as Secretary Legislative Assembly in Form-III and attach it with his application.

The No Demand Certificate to be obtained shall be in respect of:-

- (i) over issues of salary and/or allowances;
- (ii) outstanding, if any, on account of advances for tours, for Travel Concession within the country, for meeting expenses for the treatment of self or any dependant member of family;
- (iii) outstanding, if any, on account of any advance drawn in the capacity of an MLA,MLC which is either repayable or for which an adjustment account has to be furnished before the expiry of the term as a Member of Legislature;
- (iv) outstanding, if any, on account of rent for Legislators Hotels/Establishments, run by Tourism Development Corporation/Accommodations belonging to Evacuees properties and Estates Department on the basis of the information furnished by the Director Hospitality and Protocol, Tourism Development Corporation authorities/Custodians Evacuee Property/Director Estates/respectively;

(v) outstanding, if any, from Assembly Library or any dead stock items from Legislative Secretariat Office.

Note.- if an intending pensioner, has served as a Presiding Officer/Deputy Presiding Officer or as a Minister, Minister of State, or a Deputy Minister or a Chief Parliamentary Secretary/Parliamentary Secretary or as a Chairman/Vice-Chairman of any Board or autonomous body, he shall in addition to a 'No Demand Certificate' from the Assembly and Council Secretariat furnish a N.D.C from the Government (in the General Department) in respect of items listed above. Advance drawn by any such person for purchase of conveyance and/or videos etc. shall be repayable by him in terms of the agreement drawn for the loan and the time of issue of N.D.C the concerned authority who issues the certificate shall certify that the amount of Principal and /or interest of the loan as has become due for "repayment, by the date of issue of N.D.C has been repaid in full by the concerned in accordance with the terms of agreement:

Provided that if the pensioner is unable to obtain a 'No Demand Certificate' from the concerned quarters due to reason that the record pertaining to the period for which pension is being claimed is not readily available with the authority required to issue the certificate, he shall furnish to the competent authority required to issue the certificate, he shall furnish to the competent authority a surety bond in Form VII duly attested by the Judicial Magistrate to the effect that in case an outstanding is found due against him, the same shall be reimbursed' by him or shall be deducted from his future pension, as the case may be, together with a certificate of non-availability of record from the concerned authority. The competent authority may, on being satisfied with the reasons given by the concerned authority for non-availability of the record, under an order in writing sanction the pension in his favour.

5. Sanction to pension.- Pension shall be sanctioned or put in abeyance or reduced or resumed under orders of the 'Competent Authority'.

6. Procedure relating to sanction.-(a) on receipt of an application for pension in Form-I, I-A or Form-II] as the case may be, the Secretary shall verify the facts stated in the application with reference to records available, and obtain from the intending pensioner the documents listed in rule 8.

(b) If the facts stated in the application are found correct and the application is not otherwise defective, the Secretary shall determine the amount of pension payable to the applicant.

(c) If the Secretary finds that any correction is necessary in the facts furnished in the application or that the application is otherwise defective, he shall return the application to the applicant for making the correction or rectifying the defect.

(d) The intending pensioner shall make the required correction or rectify the defect, or supply the required documents, as the case may be, and return the application to the Secretary and thereupon the Secretary shall determine the amount of pension payable to the applicant.

(e) After the determination of the amount of pension, the Secretary shall obtain the approval of the Competent Authority to its sanction and issue necessary sanction on behalf of the Competent Authority in Form-IV or Form IV-A

A copy of the sanction together with a copy of the application and the supporting documents shall be forwarded by the Secretary to the Accountant General under intimation to the pensioner.

7. Authorisation of Pension.- On receipt of a copy of sanction with a copy of application and the relevant documents, the Accountant General shall issue payment of pension order, under rules.

Note.- For payment of pension by Postal Money Order the Postal Commission shall be met by the Paying Treasury itself.

8. Documents to be furnished.- Any intending pensioner shall furnish the following documents with his application:-

- (i) No Demand certificate in Form-III; (duly Attested)
- (ii) Three Copies of Passport size
Photograph of the pensioners;
- (iii) His descriptive roll showing
 - (a) Height; and
 - (b) Identification marks;(duly Attested)
- (iv) Declaration in Form-V;
- (v) Two specimen signatures;
- (vi) Address of the Pensioner

9. Drawl of Pension.- Payment of pension shall become due on after the 1st of the month succeeding the month to which the payment pertains. The pensioner shall on each occasion present a bill in Form-VI at the treasury and receive the payment. For disbursement of pension including receipt of pension through a messenger and

production of Life Certificate etc. the Treasury Officer will observe the same procedure, as is prescribed for service pensioners in the Treasury Code.

10. Pension in Abeyance.-(a) A pensioner shall immediately on his re-election to any House of Legislature or appointment in any capacity as listed in section 4 of the Act, inform the Secretary, Accountant General and the Treasury officer of the same and stop to draw pension forthwith from such date.

(b) The Secretary shall, on receipt of the information from the pensioner or on his own information without waiting for any formal communication from the pensioner, ask the Accountant General and the Treasury Officer on happening of any event listed in section 4 of the Act to stop payment of pension to the pensioner.

(c) The Treasury Officer shall stop payment of pension immediately on receipt of such information from the Accountant General and/or Secretary or the pensioner himself and after containing PPO half from the pensioner, return both the PPO halves to the Accountant General.

11. Re-fixation of Pension.-(1) If after the communication of the order sanctioning pension, any fact which has bearing on the amount of pension already sanctioned comes to the knowledge of the Secretary, he shall after due verification, determine the amount of pension and issue a revised order and communicate the same to the Accountant General, the Treasury and to the pensioner:

Provided that no order reducing the pension shall be issued except after giving the pensioner an opportunity of being heard.

(2) The Accountant General shall on receipt of an order under sub-rule (1) obtain both halves of the pension payment order and make corrections in accordance with the said order.

(3) Whereby the re-fixation of pension under sub-rule (1) the amount of pension is reduced, the pensioner shall be liable to refund the excess received by him within such time as may be specified by the Secretary and if such amount is not so refunded, it shall be liable to be adjusted against future payment of pension, subject to any general or special order as may be issued by the Government.

12. Resumption of pension.- Pension which may have been put in abeyance as per rule 10 may not be resumed till a fresh sanction for its resumption is issued by the Secretary and a fresh PPO is issued by the Accountant General. For resumption of pension, a pensioner shall apply in Form-II and attach the requisite documents in the same way as in case of initial application.

13. Payment of arrears of pension.- Any arrears of pension standing to the credit of a deceased pensioner shall be paid to his heirs on production of succession certificate obtained from a competent Court:

Provided that arrears of pension not exceeding two thousand and five hundred rupees shall be paid to the heirs on production of a heirship certificate from the Tehsildar having jurisdiction over the area in which the pensioner had been permanently residing.

14. The pension shall be debitable to “266-Pensions and Retirement Benefits Other Pensions”.

—

FORM-I
(see Rule 3)

APPLICATION FOR PENSION

FROM

Shri/Smt./Kumari_____

Ex-Member_____

To

The Secretary,
Jammu and Kashmir Legislative Council,
Legislature Secretariat,
Jammu/Srinagar.

Subject.- Sanction of pension under the Jammu and Kashmir State Legislature Members' Pension Act, 1984.

Sir,

1. I _____ S/O _____
R/O_____ am entitled to receive Pension under the Jammu and Kashmir State Legislature Members Pension Act, 1984 having been a Member of:-

(a) Constituent Assembly = From to

(b) Legislative Assembly = 1. From to

= 2. From to

= 3. From to

= 4. From to

(c) Legislative Council = 1. From to

= 2. From to

= 3. From to

= 4. From to

2. I request that steps may kindly be taken to sanction the pension in my favour. I desire to draw my pension from_____ treasury.

3. I enclose the following documents duly attested by a Gazetted Officer of the Central, State Government a sitting member of the Jammu and Kashmir Legislature or Member of Parliament.

(i) No Demand certificate.

(ii) Three Specimen Signatures.

(iii) Three copies of passport size photograph

(iv) Permanent address.

(v) Present address.

4. I hereby declare that:-

(i) I am not holding the elected office of the President/Vice-President of India or am appointed to the Office of the Governor of any State or the Administrator of any Union Territory.

(ii) I am not a member of the Council of States or the House of People or the Legislative Assembly of any State or Union Territory or the Legislative Council of a State.

- (iii) I am not employed on a salary under the Central Government or any State Government or any corporation owned or controlled by the Government of India or any State Government or any Local authority or become otherwise entitled to any remuneration from such Government, Corporation or Local Authority.
- (iv) Omitted.
- (v) I am holding the office_____ or employed and the total remuneration received by me is Rs._____(p.m) (A certificate from the competent authority of the office where employed to be attached)
- (vi) I am in receipt of Rs._____(p.m) as pension being drawn from the Central Government/State Government/Corporation owned or controlled by the Central Government/State Government or Local Authority under _____law or otherwise.

Yours faithfully,

Signature.

Name in Block letters.

Station:

Date:

For use by the Legislative Assembly/Council Secretariat.

The total period for which the applicant has been member of the Legislative Assembly/Council is verified as under:

1. From _____ to _____
2. From _____ to _____
3. From _____ to _____

The fact recorded in the application having been verified and found correct.
The applicant is entitled to a pension of Rs_____ p.m.
from_____

Secretary
Legislative Assembly/Council

FORM I-A
APPLICATION FOR GRANT OF FAMILY PENSION

To

The Secretary,
J&K Legislative Assembly/Council Secretariat,
Jammu/Srinagar.

1. Name of the applicant.
2. (i) Name of the Guardian in case the applicant is minor.
(ii) Relationship of the guardian with the applicant
3. Name of the deceased member/pensioner.
4. Relationship of the applicant with deceased member/pensioner.
5. Date of the death of the member/pensioner.
6. House from which deceased retired.
7. Period of service.
8. (i) Date of birth of the applicant.
(ii) Date of birth of the guardian in case the applicant is minor.
9. Full address of the applicant/guardian
10. Amount of the pension.
11. Number of the P.P.O
12. Treasury from which pension was drawn.
13. Name of the treasury or sub-treasury at which payment is desired
14. (i) No demand certificate.
(ii) Three specimen signatures.
(iii) Three copies of passport size photographs
(iv) Present address.

Signature of the applicant

Certified that the entries contained above are correct.

(Gazetted officer)

Seal

Certified that the entries at 10, 11 and 12 are correct.

Treasury Officer

_____ Treasury

FORM-II

(see rule 3(b))

APPLICATION FOR RESUMPTION OF PENSION

FROM

Shri/Smt./Kumari _____

Ex-Member _____

To

The Secretary,
Jammu and Kashmir Legislative Assembly/Council,
Legislature Secretariat,
Jammu/Srinagar.

Subject.- Sanction of pension under the Jammu and Kashmir State Legislature
Members' Pension Act, 1984.

Sir,

1. I _____ S/O _____
R/O _____ was in receipt of pension as retires member of
the Legislature from _____ vide PPO No _____ issued by the
Accountant General Jammu and Kashmir, Srinagar. My pension was put in
abeyance with effect from _____. Being entitled to resumption of
pension I request that steps may kindly be taken to sanction the same in my
favour. The up-to-date position of my having remained as Member of the
Legislature is given below.

(i) Constituent Assembly = From to

- (ii) Legislative Assembly = 1. From to
= 2. From to
= 3. From to
= 4. From to
- (iii) Legislative Council = 1. From to
= 2. From to
= 3. From to
= 4. From to

2. I desire to draw my pension from _____ Treasury.

3. I enclose the following documents duly attested:-

(i) No Demand certificate.

(ii) Three Specimen Signatures.

(iii) Three copies of passport size photograph

(iv) Descriptive roll

(v) Declaration in Form-V

(vi) Present address.

(vii) Permanent address.

(i) I hereby declare that:

(ii) I am not holding the elected office of the President/Vice-President of India or am appointed to the Office of the Governor of any State or the Administrator of any Union Territory.

(iii) I am not a member of the Council of States or the House of People or the Legislative Assembly of any State or Union Territory or the Legislative Council of a State.

(iv) I am not employed on a salary under the Central Government or any State Government or any corporation owned or controlled by the Government of India or any State Government or any Local authority or become otherwise entitled to any remuneration from such Government, Corporation or Local Authority.

(v) I am not in receipt of any pension from the Central Government or any State Government or any Corporation owned or controlled by the Central Government or the State Government or any local authority under law or otherwise

(vi) I am holding the office _____ or employed as _____ and the total remuneration received by me is Rs. _____ (p.m)

(A certificate from the competent authority of the office where employed to be attached)

(vii) I am in receipt of Rs. _____ (p.m) as pension being drawn from the Central Government/State Government/Corporation owned or controlled by the Central Government/State Government or local authority under _____ law or otherwise.

Yours faithfully,

Signature.

Name in Block letters.

Station:

Date:

For use by the Legislative Assembly/Council Secretariat.

The applicant was granted pension at RS. _____ from _____ and the same has been put in abeyance with effect from _____. The applicant is now entitled to pension at Rs. _____ which may be resumed.

Secretary

FORM-III
(refer to Rule 4)

NO DEMAND CERTIFICATE

There is nothing outstanding against Shri _____ S/O _____
R/O _____ who has retired as member of the Legislative
Assembly/Council with effect from _____ on account of the following:

- (a) Over issue of salary/or allowance.
- (b) Advance T.A. drawn for tours or travel concession or for meeting expenditure for treatment of himself or any member of his family.
- (c) Any other advance, for which adjustment account has not been received from him or repayment whereof has not been made by him.
- (d) Rent for MLAs Hostel.
- (e) Any other outstanding from the Assembly Secretariat.
- (f) The Pensioner having worked as a Presiding Officer/Deputy Presiding Officer, Minister etc. Necessary No Demand Certificate from the Government is enclosed.

Secretary,

Legislative Assembly/Council.

FORM-IV
(refer to rule 5)

PART-I

Sanction is hereby accorded to the grant of pension of Rs. _____ in favour of Shri _____ S/O _____ R/O _____ for his having remained Member of the Constituent Assembly/Legislative Assembly/Council from _____ to _____. The Pension shall be payable from _____ and shall cease to be paid from the date from which any event listed in Section 4 of the Jammu and Kashmir State Legislature Members' Pension Act occurs.

By order of the Presiding Officer

Secretary
Legislative Assembly/Council

PART-II

The pension of Rs. _____ sanctioned vide order dated _____ in favour of Shri _____ S/O _____ R/O _____ for his having remained Member of _____ and which was put in abeyance from _____ reasons _____ is hereby resumed with effect from _____ at an amount of Rs. _____ per month.
The increase/decrease in the amount

By order of the Presiding Officer

Secretary
Legislative Assembly/ Council

FORM-IV-A

Sanction is hereby accorded to the grant of family pension of Rupees _____ in favour of Shri/Miss/Widow _____ Son/Daughter/Spouse of _____ R/O _____ The pension shall be payable from _____ and in case it shall cease to be paid from the date she gets herself re-married.

By order of the Presiding Officer.

Secretary
Legislative Assembly/ Council

FORM-V

(referred to in Rule 8)

Whereas the Government of Jammu and Kashmir, has consented to grant me the sum of Rs. _____ per month as the amount of my pension with effect from _____.

I hereby acknowledge that in accepting the said amount:

- (a) I fully understand that pension is subject to revision on the same being found to be in excess of that to which I am entitled under the rules and I promise to refund any amount paid to me in excess of that to which I may be eventually found entitled.
- (b) I promise that if after the commencement of pension, I am at any time elected or employed to any office or made a member of any House of Legislature / Parliament etc. as detailed in section 4 of the Jammu and Kashmir State Legislature Members' Pension Act, 1984, I shall not draw any pension from the date I am so appointed.

Signature of the

pensioner

FORM-VI

**BILL FOR DRAWL OF PENSION BY A RETIRED MEMBER OF
LEGISLATURE**

No. of PPO issued from the office of Accountant General	Name of the Pensioner	Monthly Rate	Period for which claimed	Amount claimed	Signature of actual payment receipt stamp should be affixed in case of payment exceeding Rs. 20/-
---	-----------------------------	-----------------	--------------------------------	-------------------	---

		Rs. P	Rs. P		

Certified that:-

- (a) I am not holding the elected office of the President/Vice-President of India or am appointed to the Office of the Governor of any State or the Administrator of any Union Territory.
- (b) I am not a member of the Council of States or the House of People or the Legislative Assembly of any State or Union Territory or the Legislative Council of a State.
- (c) I am not employed on a salary under the Central Government or any State Government or any corporation owned or controlled by the Government of India or any State Government or any Local authority or become otherwise entitled to any remuneration from such Government, Corporation or Local Authority.
- (d) I am in receipt of any pension from the Central Government or any State Government or any Corporation owned or controlled by the Central Government or the State Government or any local authority under law or otherwise
- (e) I am holding the office_____ or employed and the total remuneration received by me is Rs._____(p.m) (A certificate from the competent authority of the office where employed to be attached)
- (f) I am in receipt of Rs._____(p.m) as pension being drawn from the Central Government/State Government/Corporation owned or controlled by the Central Government/State Government or Local Authority under _____law or otherwise.

Signature of
Pensioner

Note.- In case a life certificate is not attached to the bill it will be considered that the pensioner has attended the Treasury personally to receive the amount of pension.

For use in Treasury

For use in Accountant General

Treasurer

Please pay Rs. _____

Office _____

Rs. _____

Page _____

Admitted _____

Objected to Rs _____

For _____

Auditor

Examiner Suptt.

FORM-VII

SURETY BOND

This deed is made at _____ on the _____ day of _____ between the _____ S/O _____ R/O _____ (hereinafter referred to as the pensioner) of the one part and _____ S/O _____ R/O _____ (hereinafter referred to as thye surety) of the other part.

Whereas the pensioner is required to obtain a No Demand Certificate in terms of rule 4 of the Jammu and Kashmir State Legislature Members' Pension

Rules, 1985 for purpose of attaching the same with his application for pension under rule 3 of the said rules;

Whereas the pensioner is not able to obtain the aforesaid No Demand certificate for the reasons that the record pertaining to the period from _____ to _____ during which he has served as _____ is not readily available; and

Whereas the proviso to said rule 4 provides that in absence of a NO Demand certificate, the pensioner shall reimburse the amount, if any, is found due against him or the same shall be deducted from his salary and also required the pensioner to furnish a surety Bond for the purpose.

Now, therefore, this deed witnessth as follows:

1. The pensioner shall reimburse the amount, if any, found due against him , after drawing this pension under the asforesaid rules or the competent authority shall be competent to deduct from the pensioners pension any amount found due against him.
2. In the event of pensioners failure or default to pay the amount, if any, found due against him as provided in clause(1) above, the surety hereby undertakes for himself, his heirs, executors and administrators to pay the same to the Government of Jammu and Kashmir.

In witness whereof the parties hereto have signed this deed on the date first above written.

Signature of Pensioner

Sd/-

Witness_____

Witness_____

Signature of Pensioner

Sd/-

Witness_____

Witness_____

This is to certify that the surety is of sufficient substance to fulfill the engagement herein entered into by him.

Deputy Commissioner.

—

**TRAVELLING ALLOWANCES (MEMBERS OF JAMMU AND KASHMIR
STATE LEGISLATURE) RULES, 1999.**

**[Law Department (Parliamentary Affairs Branch) Notification SRO-102 dated
16th March, 1999]**

In exercise of the powers conferred by section 4-AA of the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960 the Government hereby makes the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Travelling Allowances (Members of the Jammu and Kashmir State Legislature) Rules, 1999.

(2) They shall come in to force at once

2. Definitions.- In these rules, unless the context otherwise requires.-

- (a) 'Act' means the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960;
- (b) 'Government' means the Government of Jammu and Kashmir State; and
- (c) 'Member' means a member of either House of the Jammu and Kashmir State Legislature, but does not include a Minister, a State Minister or a Deputy Minister.

3. Travelling Allowances.- Every member and/or any member of his/her family shall be entitled to travel any time and in lieu of such travel such member shall be entitled to a reimbursement up to Rs. 50,000/- in a financial year on production of railway receipt/railway ticket or air ticket, as the case may be.

Note 1.- The journey(s) undertaken and concluded in a particular financial year against which no reimbursement has been claimed by the member in that particular financial year, may be paid for in the succeeding financial year(s) against unspent balances of the particular financial year to which journey(s) pertained if saving to that extent were available against the total entitlement of Rs. 50,000/- as per this rule;

Note 2.- A journey which commences on or before 31st. March of a financial year but is concluded/return journey takes place during the next financial year, shall

be counted against the financial year in which the outward journey(s) commenced. However, if the member has exhausted his limit of entitlement of reimbursement of Rs. 50,000/- in that financial year, he may, in his own discretion get such journey(s) counted against the succeeding financial year; and

Note 3.- If the claim against journey(s) in a particular financial year exceeds Rs. 50,000/- the balance amount may be claimed by the member in the succeeding financial year against his entitlement of the succeeding financial year.

**MOTOR CAR ADVANCE (TO MEMBERS OF THE JAMMU AND KASHMIR
STATE LEGISLATURE) RULES, 1987.**

Law Department, Notification SRO-520 dated 10th November, 1987.

SRO-520.- In exercise of the powers conferred by section 5-B of Salaries and Allowances of members of the Jammu and Kashmir State Legislature Act, 1960 (XIX of 1960), the Governor is pleased to make the following rules, namely:-

1. (1) These rules may be called the Motor Car Advance (to Members of the Jammu and Kashmir State Legislature) Rules, 1987.

(2) They shall come into force from the date of issue of this notification.

2. A member of the Jammu and Kashmir State Legislature (hereinafter referred to as the member) may be allowed an advance for the purchase of a motor car and such advance shall be equal to the cost of the car or Rs. 2,50,000/- whichever may be less.

3. The car advance shall be an interest bearing one and shall be treated as an advance recoverable. The rate of interest shall be 4% per annum:

Provided that no car advance shall be sanctioned in favour of a member whose remaining term as such member is less than one year who has already purchased the car.

4. (1) A member shall make an application in Form 'A' of these rules to the Presiding Officer of the House of which he is member, for the advance for the purchase of a motor car. The Speaker or the Chairman, as the case may be, shall be the competent authority to sanction the advance for the purchase of motor car.

(2) When an advance for the purchase of motor car is sanctioned, the purchase of the motor car shall be effected within two months from the date on which the money is drawn from the treasury unless the period is extended, otherwise the amount of the Car Advance drawn with interest thereon for two months shall be forthwith refunded to Government.

Note 1:- Application for Car Advance may be made well in time and sanctioned by the competent authority as soon as possible. The advance may,

however, be drawn only after the member has received a written assurance from the dealer that the supply is likely to be available within two months and a certificate to this effect is recorded on the bill for the advance. In the event of any delay in the supply of motor car as referred to above, the member concerned may apply for extension of the time limit within the permissible period of two months and seek permission for retaining the advance for a further period of another month. Each such request should be supported with a letter from the dealer concerned indicating the likely period of supply and will be considered on its own merits.

Note 2:- In case the member fails to purchase a motor car within two months or it comes to the knowledge of the concerned Presiding Officer that the member has not purchased the car within two months, he shall be liable to pay the balance amount in lump sum with a rate of interest at 5% in addition to the interest chargeable under rule 3 of these rules:

Provided that where the period of two months has been extended the additional interest shall be chargeable from the date following that on which the extended period expired.

5. Recovery of the advance along with interest shall be made on monthly installments of Rs. 2000/- p.m. from the salary bills of the member:

Provided that at the time he ceases to be a member, the advance along with interest shall be deducted from his monthly pension at the rate of Rs. 1500/- p.m.

6. After the Car Advance has been sanctioned in favour of the member a copy of the sanction order shall be forwarded to the concerned Treasury Officer for making recovery of the installments from the salary bill of the concerned member.

7. At the time of drawing the advance the member shall execute an agreement in Form 'I' appended to these rules, and on completing the purchase he shall further execute a bond in Form 'II' appended to these rules, hypothecating the motor car to the Governor as security for the advance.

8. (1) The car shall be insured and the amount for which the car is insured during any period shall not be less than the outstanding balance at the beginning of that period and the insurance shall be renewed from time to time until the advance has completely been repaid. The insurance premium shall be paid for by the member.

(2) Insurance cover notes and insurance policy shall be sent to the Secretary of the concerned House for deposit in safe custody.

Note.- The insurance policy shall be accompanied by an undertaking from the insurance company as in Form 'III' appended to these rules.

9. Except when the member has liquidated the advance in full, the previous sanction of the competent authority i.e. Speaker or Chairman, as the case may be, shall be necessary to the sale of the car owned by a member under these rules.

10. When the car is sold before liquidation of the advance in full, the sale proceeds shall be applied, so far as may be necessary, towards the re-payment of the outstanding advance and the balance out of the advance, if any, shall be paid, from the monthly salary subject to the conditions of repayment indicated in rule 5.

11. In case of death, resignation or disqualification by process of law of a member before the liquidation of advance, the member or his legal heirs, successors, as the case may be, shall be liable to pay the balance amount.

12. In case a member does not become entitled to pension under Jammu and Kashmir State Legislature Members Pension Act, 1984, the amount shall be recovered from him/his legal heirs, successors in such monthly installment as may be determined by the Chairman or the Speaker, as the case may be.

13. In case a member has received the Car Advance under any law or rule for the time being in force, he shall not be entitled for Car Advance under these rules.

FORM "A"

APPLICATION FOR CAR ADVANCE FOR THE PURCHASE OF MOTOR CAR

1. Name of applicant _____.
2. Whether Member of
Legislative Assembly/
Member of Legislative Council _____.
3. Permanent Address:
 - (a) Village and Mohalla _____.
 - (b) Tehsil _____.
 - (c) District _____.
4. Total emoluments _____.
5. Anticipated price of Motor car _____.
6. Amount of advance required _____.
7. Date of expiry of the term _____.
8. Whether the intention is to
purchase a new or an old car _____.

9. A.. Certified that the information given above is complete and true.

B. Certified that I have not taken delivery of the Motor Car on account of which I apply for the advance. That I shall purchase and take possession of the Motor car before the expiry of two months from the date of drawl of the advance, and that I shall insure it from the date of taking delivery of it.

Signature of the Applicant

Dated:-_____

FORM "T"

FORM OF AGREEMENT TO BE EXECUTED AT THE TIME OF DRAWING AN ADVANCE FOR THE PURCHASE OF MOTOR CAR

An agreement made this _____ day of _____ between Shri _____ (hereinafter called the 'borrower' which expression shall include his legal representatives and assignees) of the one part and the Governor of Jammu and Kashmir (hereinafter called the Governor) of the other part;

Whereas, the borrower has under the provisions of the Motor Car Advance (to Members of the State Legislature) Rules, 1987 for an advance of Rs. _____ (Rupees _____ only) for the purchase of a motor car; and

Whereas, vide Order No. _____ Dated _____ the car advance has been sanctioned in favour of the borrower on the terms and conditions hereinafter contained.

Now, it is hereby agreed between the parties hereto that in consideration of the sum of Rs. _____ (Rupees _____ only) paid by the Governor to the borrower the receipt of which the borrower hereby acknowledges, the borrower hereby agrees:-

- (i) to pay to the Governor the said amount with interest calculated according to the said rules by monthly deductions from his emoluments/pension as provided for by the said rules and hereby authorizes the Governor to make such deductions;

- (ii) to pay the entire amount along with the interest outstanding against him on the date he ceases to be a member of the State Legislature or the advance alongwith interest shall be deducted from his monthly Pension at such instalments as is nprovided in the rules and hereby authorise the Governor to make such deductions;
- (iii) within one month from the date of these presents to expend full amount of the said loan in the purchase of a motor car or if the actual price paid is less than the loan, to repay the difference to the Governor forthwith;
- (iv) to execute a document hypothecating the said motor car to the Governor as security for the amount lent to the borrower as aforesaid and interest in the form provided by the said rules.

And it is hereby lastly agreed and declared that if a motor car is not purchased and hypothecated as aforesaid within two months from the date of these presents, the whole amount of the loan and interest accrued thereon shall immediately become due and payable.

And in witness whereof the borrower has hereinto set his hand the day and year first before written.

Signed by the Shri_____

Signed for and on behalf
of Governor

Witness 1._____

Witness 2._____

Secretary to Government,
Parliamentary Affairs Department
Witness 1._____
Witness 2._____

FORM "IP"

FORM OF MORTGAGE BOND FOR MOTOR CAR ADVANCE

This indenture made this _____ day of _____ between Shri _____ (hereinafter called the 'borrower' which expression shall include his heirs, administrators, executors and legal representatives) of the one part and the Governor of Jammu and Kashmir (hereinafter called the Governor) of the other part;

Whereas, the borrower has applied for and has been granted an advance of Rs. _____ (Rupees _____) to purchase a motor car on the terms and conditions provided in the Motor Car Advance (to members of the Jammu and Kashmir State Legislature) Rules, 1987 (hereinafter referred to as the said rules); and

Whereas one of the conditions upon which the said advance has been/was granted to the borrower is/was that the borrower will/would hypothecate the said motor car to the Governor as security for the amount lent to the borrower; and

Whereas the borrower has purchased with or partly with the amount so advanced as aforesaid the motor car particulars whereof are in the schedule hereunder written.

Now this indenture witnesseth that in pursuance of the said agreement and for the consideration aforesaid the borrower doth hereby covenant to pay to the Governor the sum of Rupees _____ aforesaid or the balance thereof remaining unpaid at the date of these presents by equal payments of Rupees _____ each on every month and will pay interest on the sum for the time being remaining due and owing, calculated according to the said rules and the borrower doth agree that such payments may be recovered by monthly deductions

from his salary in the manner provided by the said rules, and in case he ceases to be a member, the entire amount along with the interest outstanding against him on that day shall be deducted from his monthly pension at the rate of Rupees_____ per month and in further pursuance of the said agreement the borrower do hereby assign and transfer unto the Governor the motor car the particulars whereof are set out in the schedule hereunder written by way of security for the said advance and the interest thereon as required by the said rules.

And the borrower do hereby agree and declare that he has paid in full the purchase price of the said motor car and that the same is his absolute property and that he has not pledged and so long as any money remains payable to the Governor in respect of the said advance will not sell pledge or part with property in or possession of the said motor car:

Provided always and it is hereby agreed and declared that if any of the said installments of principal or interest shall not be paid or recovered in the manner aforesaid within ten days after the same are due or if the borrower shall sell or pledge or part with the property in, or possession of, the said motor car or make any composition or arrangement with the creditors with respect to this motor car or if any person shall take proceedings in execution of any decree or judgment against the borrower with respect to this motor car, the whole of the said principal sum which shall then be remaining due and unpaid together with interest thereon calculated as aforesaid shall forthwith become payable.

And it is hereby agreed, and declared that the Governor may on the happening of any of the events hereinbefore mentioned seize and take possession of the said motor car and either remain in possession thereof without removing the same or else may remove and sell the said motor car either by public auction or private contract and may, out of the sale money retain the balance of the said advance then remaining unpaid and any interest due thereon calculated as aforesaid and all costs, charges, expenses and payments properly incurred or made in maintaining, defending or releasing his rights hereunder and shall pay over the surplus, if any, to the borrower, his executors, administrators or personal representatives:

Provided further that the aforesaid power of taking possession or selling of the said motor car shall not prejudice the right of the Governor to sue the borrower or his personal representatives for the said balance remaining due and interest or in the case of the motor car being sold, the amount by which the net sale proceeds fall short of the amount owing.

And the borrower hereby further agrees that so long as any moneys are remaining due and owing to the Governor, he, the borrower will insure and keep insured the said motor car against loss or damage by fire, theft or accident with an Insurance Compan;

And the borrower hereby further agrees that he will not permit or suffer the said motor car to be destroyed or injured or to deteriorate in a greater degree than it would deteriorate by reasonable wear and tear thereof and further that in the event of any damage or accident happening to the said motor car the borrower will forthwith have the same repaired and made good.

THE SCHEDULE

Description of motor car_____

Maker's name_____

Description_____

No. of cylinders_____

Engine Number_____

Chassis Number_____

Cost Price_____

Registration No._____

In witness whereof the said (borrower's name) _____and _____ for and on behalf of the Governor have hereunto set their respective hands the day and year first above written.

Signed by the said Shri _____in the

Signed by name and description for and on behalf of the Governor

presence of _____

1. _____

2. _____

Secretary to Government
Parliamentary Affairs Department

FORM – III

FORM OF THE CLAUSE TO BE INSERTED IN INSURANCE

IT IS HEREBY DECLARED AND AGREED that Shri _____ (the owner of the motor car hereinafter referred to as the insured in the schedule of this policy) has hypothecated the car to the Governor of Jammu and Kashmir as security for advance for the purchase of motor car and it is further declared and agreed that the said Governor is interested in moneys which but for this endorsement would be payable to the said Shri _____ (the insured under this policy) in respect of the loss or damage to the said motor car which loss or damage is not made good for repair, reinstatement or replacement) and such moneys shall be paid to the Governor of Jammu and Kashmir as long as he is the mortgagee of the motor car and his receipt shall be full and final discharge to the company in respect of such loss or damage.

2. Save as by this endorsement expressly agreed, nothing herein shall modify or affect the rights or liabilities of the insured or the Company, respectively under or in connection with this Policy or any term, provision or condition thereof.

Insurance Company

Dated: _____

**HOUSING LOAN (TO MEMBERS OF JAMMU AND KASHMIR STATE
LEGISLATURE) RULES, 1988.**

Notification

Srinagar, the 22nd September, 1988

SRO-306.- In exercise of the powers conferred by section 10 of Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960 (XIX of 1960) the Governor is pleased to make the following rules; namely:-

1. (i) These rules may be called the Housing Loan (to Members of the Jammu and Kashmir State Legislature) Rules, 1988.

(ii) They shall come in to force from the date of the issue of this notification

2. A member of the Jammu and Kashmir State Legislature hereinafter referred to as member may be allowed to a Housing Loan of Rs. 2,50,000/- for construction of a House:

Provided that in case a member does not avail the Car Advance admissible under Motor Car Advance (to Members of Jammu and Kashmir State Legislature) Rules 1987, he may be allowed a Housing Loan of Rs. 5 lakh in case he furnishes a certificate from the competent authority to that effect and in no case the two loans shall exceed Rs. 5 lakhs.

3. The loan shall be an interest bearing one and shall be treated as a loan recoverable. The rate of interest shall be 4% per annum.

4. (i) A member desiring to obtain Housing Loan shall make an application in Form 'A' in triplicate, complete in all respects to the Presiding Officer of the House of which he is member. He shall also furnish an affidavit to the effect that he has not availed himself of any Housing Loan under any scheme of State Government. In case he has availed such loan under any scheme of State Government, the same has been liquidated in full and nothing is outstanding against him on the date of submission of application under these rules.

(ii) On receipt of the application for Housing Loan, the Speaker or the Chairman, as the case may be, shall after satisfying himself that the application is complete in all respects and the member is eligible for grant of Housing Loan, record a certificate in Form-I and forward the same to the Administrative Department in the Civil Secretariat.

(iii) On receiving application for Housing Loans, the Administrative Department shall refer the application to the Finance Department for getting the necessary funds for payment of the Loan earmarked.

(iv) After requisite funds have been earmarked by the Finance Department intimation in this regard sent to the Secretary Legislative Council/Legislative Assembly, as the case may be, and to the Member who shall furnish a personal bond that he will repay the loan.

(v) After all the formalities mentioned in above rules have been completed the Chairman/Speaker, as the case may be, shall sanction loan to the member and the Secretary of the concerned House shall disburse the amount:

Provided that in case of Chairman/Speaker/Deputy Chairman/Deputy Speaker, as the case may be, the application shall be made in Form-I in triplicate, complete in all respects to the Administrative Department. He shall also furnish an affidavit to the effect that he has not availed himself any Housing Loan under any scheme of State Government. In case he has availed such loan under any scheme of State Government, the same has been liquidated in full and nothing is outstanding against him on the date

of submission of application under these rules. The Administrative Department after satisfying that application is complete in all respects forward the same to the Finance Department for getting the necessary funds for payment of the Loan earmarked. After requisite funds have been earmarked by the Finance Department, the Administrative Department shall sanction the loan in his favour who shall furnish a personal bond that he will repay the loan.

5. Recovery of the loan along with interest shall be made in monthly installments of Rs. 2000/- from the salary bills of the member:

Provided that at the time he ceases to be a member the said loan along with interest shall be deducted from his monthly pension at the rate of Rs. 1500/- :

Provided further that in case a member has drawn the car advance under the Car Advance Rules, no recovery under these rules shall be effected unless the said loan has been liquidated.

6. In case of death, resignation or disqualification by process of law of a member before the liquidation of the loan, the member or his legal heirs, successors, as the case may be, shall be liable to pay the balance amount.

7. In case the member does not become entitled to pension under Jammu and Kashmir State Legislature Members Pension Act, 1984, the amount shall be recovered from him/his legal heirs, successors in such monthly installments as may be determined by the sanctioning authority.

FORM "A"

APPLICATION FOR GRANT OF HOUSING LOAN

1. Name of the applicant _____.
2. Whether Member of
Legislative Assembly/
Legislative Council _____.
3. Permanent Address:
 - (a) Village /Mohalla _____.
 - (b) Tehsil _____.
 - (c) District _____.
4. Total emoluments _____.
5. Amount of loan required _____.
6. Date of expiry of the term _____.
7. Whether the intention is to
Construct a House in city/town/Village _____.
8. Area of the Plot _____.
9. Description of the Plot upon which
The House is to be constructed _____.

10. (a) Village / Mohalla _____.

(b) Tehsil _____.

(c) District _____.

Certified that the information given above is complete and true.

11 (a) Certified that I have not drawn any such loan previously and I shall be prepared to give personal bond for the repayment of loans with interest and shall also use the house for my personal residence.

(b) certified that I have drawn a Housing Loan under _____ Housing Scheme of the State Government, the same has been liquidated in full and nothing is outstanding against me.

Signature of the Applicant

Dated. _____

FORM 'I'

I after satisfying myself hereby certify that the application submitted by Shri _____ Member Legislative Council/Assembly is complete in all respects and the Member is eligible for grant of housing Loan.

Chairman/Speaker

State Legislative Council/Assembly

Dated:- _____

Certified that Shri _____ Member Jammu and Kashmir Legislative Council/Assembly not drawn any advance so far under the Motor Car Advance (to the Members of Jammu and Kashmir State Legislature) Rules, 1987.

Chairman/Speaker

State Legislative Council/Assembly

(Competent Authority under the Motor Car Advance to Members
of the Jammu and Kashmir State Legislature Rules, 1987)

Dated: _____

PERSONAL BOND

This bond is made at _____ the _____ day
of _____.

Whereas I _____ S/O _____ R/O
_____ Member Legislative Council/ Legislative Assembly
have been granted a sum of Rs. _____ (Rupees _____) as
Housing Loan by the Chairman/Speaker of the Legislative Council/Assembly vide
_____ dated:- _____ under the Housing Loan (to Members of
Jammu and Kashmir State Legislature) Rules, 1988; and

Whereas I hereby acknowledge the receipt of aforesaid sum.

Now, I hereby bind myself, my legal heirs, executors, successors and assignees
to repay the aforesaid amount as per the aforesaid rules.

In witness whereof I, the said _____ have put my
signature hereunder.

Signed

Witness_____

Witness_____

FORM "A-I"

APPLICATION FOR GRANT OF HOUSING LOAN

1. Name of the applicant _____.
2. Whether Chairman/Speaker
Dy. Chairman/Dy. Speaker/ Member._____.
3. Permanent Address:
 - (a) Village / Mohalla _____.
 - (b) Tehsil _____.
 - (c) District _____.
4. Total emoluments _____.
5. Amount of loan required _____.
6. Date of expiry of the term _____.

as Member of State Legislature_____.

7. Whether the intention is to

construct a House in city/town/Village_____.

8. Area of the Plot _____.

9. Description of the Plot upon which

the House is to be constructed _____.

(a)Village / Mohalla _____.

(b)Tehsil _____.

(c)District _____.

10. Certified that the information given above is complete and true.

11. (a) Certified that I have not drawn any such loan previously and I shall be prepared to give personal bond for the repayment of loans with interest and shall also use the house for my personal residence.

(b) certified that I have drawn a Housing Loan under _____ Housing Scheme of the State Government, the same has been liquidated in full and nothing is outstanding against me.

Signature of the Applicant

Dated-_____

PERSONAL BOND

This bond is made at _____ the _____ day
of _____.

Whereas I _____ S/O _____ R/O
_____ Chairman/Speaker/Deputy Chairman/ Dy Speaker have
been granted a sum of Rs. _____ (Rupees _____) as
Housing Loan by the Government under the Housing Loan (to Members of Jammu
and Kashmir State Legislature) Rules, 1988; and

Whereas I hereby acknowledge the receipt of aforesaid sum.

Now, I hereby bind myself, my legal heirs, executors, successors and assignees to repay the aforesaid amount as per the aforesaid rules.

In witness whereof I, the said_____ have put my signature hereunder.

Signed

Witness

Witness

MEDICAL ATTENDANCE RULES OF THE MEMBERS OF JAMMU AND KASHMIR STATE LEGISLATURE, 1986.

**Notification
Srinagar, the 21st July, 1986**

SRO-468.- In exercise of the powers conferred by proviso to section 4-A of the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960 (XIX of 1960) the Governor hereby makes the following rules, namely :-

1. Short title and commencement.- (1) These rules may be called the Medical Attendance Rules of the Members of Jammu and Kashmir State Legislature, 1986.

(2) These shall be deemed to have come in to force on 1st day of January, 1985.

2. Definition.-

- (a) “Governor” means the Governor of J&K State ;
- (b) “Director of Health Services” means the Head of the Medical Department of the Kashmir and Jammu Province of the Jammu and Kashmir State, as the case may be;
- (c) “Principal Medical College” means the Principal of Medical College of Jammu and Srinagar as the case may be;
- (d) “Government Hospital” means a Medical Institution maintained by Government for purpose of medical attendance, treatment and includes a Hospital or Institution recognized by the Government for this purpose;
- (e) “Medical officer” means a Medical Officer of a Government Medical Institution;
- (f) “Member” means a Member of either House of Jammu and Kashmir State Legislature;
- (g) “Private recognized Medical Institution” means a Hospital or Dispensary recognized by the Government for purposes of the Jammu and Kashmir Civil Service (Medical Attendance and Allowances) Rules, 1990.

3. Medical Treatment outside the State.- (1) Treatment outside the State including providing of artificial limbs, if not available within the State, may, on recommendations of the Director General Health Services or Director Health Services or the Principal of a Medical Collage of the State, be allowed to a member and/or any member of his family wholly dependent upon such member with the prior sanction of the Speaker, Legislative Assembly or the Chairman, Legislative Council, as the case may be, and the expenses incurred therein shall be reimbursable as under :-

- (I) Actual expenses of the journey by –

- (a) road/railway with an attendant, if accompanying of an attendant is certified to be necessary by the Director of Health Services or the Principal, Medical college of the State by the class to which a member is entitled under the Salaries and Allowances of Member of the Jammu and Kashmir State Legislature Act, 1960 ; or
 - (b) air, in case of ailment of a serious nature, if the Director of Health Services or the Principal Medical College of the State justifies for reasons to be recorded in writing that the Member cannot travel by road. In such a case the attendant, if accompanying the Member, shall be entitled to such a fare as is admissible to him for the journey undertaken by road/railway.
 - (c) if any Member travels in a taxi from Srinagar to Jammu or vice versa he shall be allowed the mileage which he would otherwise be entitled to under the normal rules.
- (II) Re-imbusement of –
- (a) operation charges in Hospital;
 - (b) expenditure incurred on Pathological, Bacteriological, Radiological and other method of examination/investigation of treatment like Electronic Therapy etc. ;
 - (c) consultation fee, if any, paid under Hospital Rules and cost of medicines purchased from the market on production of vouchers duly certified by the competent authority of the concerned Hospital/Medical Institution;
 - (d) all other Hospital charges in general wards;
 - (e) board, lodging and transport expenses up to a maximum of Rs. 30/- per diem for the actual period of stay in the event of a outdoor treatment only.

The Speaker, Legislative Assembly or Chairman, Legislative Council, as the case may be, may sanction an advance, not more than 75% of the anticipated approximately assessed by the concerned Medical Officer/ Director Health

Services/Principal Medical College, to a member for treatment outside the State as admissible under rule 3. The Member on his return from outside the State renders accounts to the respective Secretariat of the Legislature for adjustment of the advance paid to him.

(2) Where a beneficiary under sub-rule (1) resides temporarily outside the State and falls ill there suddenly and is advised admission in a Hospital, he will, on production of necessary vouchers and certificates, be allowed reimbursement of Hospital charges including cost of drugs and charges for investigations. Provided it is recommended by the Director Health Services Jammu/Srinagar or Principal Government Medical College Jammu/Srinagar or Director SKIMS, Soura, Srinagar, as the case may be, after being satisfied that the beneficiary has suddenly fallen ill outside the State where he/she resided temporarily and was not suffering from it before his departure from his/her home town. The Director Health Services Jammu/Srinagar or Principal Medical College Jammu/Srinagar or Director SKIMS, Soura, Srinagar will certify that the drugs and services charged for are as per the amounts which would be payable for such procedures at AIIMS, New Delhi and the beneficiary could not wait for treatment in his/her home town. The reimbursement for such treatment shall be restricted to the amount which would be payable for such procedure at AIIMS, New Delhi.

4. Medical treatment within the State.- (1) Treatment within the State in Government Hospital or in the Private recognized medical institution may, on the recommendation of the Principal of a Medical College in the State or of the Director Health Services, be allowed to a member and any member of his family, wholly dependent upon such member, with the prior sanction of the Speaker, Legislative Assembly or of the Chairman, Legislative Council, as the case may be, and the expenses incurred thereon shall be reimbursable as under, namely :-

- (a) where the treatment is available in a Government Hospital, the member shall be allowed reimbursement of amount, if any, charged by the Hospital authorities including cost of drugs purchased from the market during the period of hospitalization ; and

(b) where it is recommended by the Principal of a Medical College in the State or by the Director Health Services that the treatment is not available in the Government Hospital, the member shall be allowed reimbursement as follows :-

- (i) charges for surgery and drugs and other expenses like room rent etc. but excluding diet as may be charged by the hospital authorities;
- (ii) expenditure incurred during the period of hospitalization on Pathological, Bacteriological, radiological and other methods of investigation;
- (iii) expenses including on account of blood transfusion, if any, charged by the hospital authorities ; and
- (iv) cost of 'hearing aid' and 'artificial limbs' incurred during the period of Hospitalization on medical advice.

(2) The member may be allowed 75% of the estimated cost of the hospital charges as advance, accounts whereof shall be rendered immediately to the respective Secretariat of the Legislature for adjustment.

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**J&K CIVIL SERVICES (MEDICAL ATTENDANCE AND ALLOWANCES)
RULES, 1990**

Notification
Dated Srinagar, the 14th June, 1990

SRO-203.- In exercise of the powers conferred under proviso to section 124 of the Constitution of Jammu and Kashmir the Governor is pleased to direct to make the following rules, namely:-

1. Short title.- These rules may be called the Jammu and Kashmir Civil Services (Medical attendance and Allowances) Rules, 1990.

2. Extent of application.- (1) These rules shall apply to:-

- (i) all state Government servants who are whole time employees working either in permanent or quasi-permanent /temporary capacity;
- (ii) Government servants under suspension or on leave subject to the limitations prescribed in rule 7(3);
- (iii) such other categories of services as may be specified by the Government from time to time.

(2) These rules shall not apply to:-

- (a) Government servants who already avail of medical aid facilities under any other scheme;
- (b) personnel of Jammu and Kashmir Militia except civil employees provided they function under the administrative control of Jammu and Kashmir Government;
- (c) Government servants in part time employment;
- (d) persons engaged on contract;
- (e) persons employed on work charged establishment;
- (f) Government servants paid out of contingencies.

Note.- These rules (except the provisions thereof as relate to Medical Allowance laid down in rule 7) shall not apply to the State Government employees posted outside the limits of Jammu and Kashmir State.

3. Definitions.- In these rules, unless the context otherwise requires:-

- (a) "Government" means the Government of Jammu and Kashmir State;
- (b) "Director Health Services" means the Head of the Medical Department;
- (c) "Government Servant" means Government servant to whom these rules apply;
- (d) "Medical officer" means a Medical Officer of the Medical Department incharge of Government Hospital/Dispensary specified by Director Health

Services for the purpose in respect of Government servant or class of Government servants in any station or areas;

- (e) “Family” means wife or husband, children including adopted children, stepchildren and parents (and minor brothers and minor sister) living with the Government servant and wholly dependent upon him.

Explanation.-Parents in the definition of family will include only such parents whose monthly income does not exceed Rs. 500/-

- (f) “Government Hospital/Dispensary” means a Medical Institute maintained by Government for purpose of Medical attendance/treatment and includes a Hospital or a Dispensary recognized by the Government for this purpose excluding the Ayurvedic or Unani Dispensaries etc.

4. Beneficiary.- In these rules unless the context otherwise requires, every State Government servant and the members of his family to whom these rules apply will hereinafter be called a “beneficiary”.-

- (a) registration of beneficiaries (as per Annexure ‘A’) will be made by respective Heads of Offices on receipt of application/declaration from the Government servants (as per annexure ‘B’)
- (b) respective Heads of Offices will issue (as per Annexure ‘C’) index cards of every Government servant entitled to these benefits and such cards shall include the details regarding the beneficiaries.

5. Medical Attendance within the State.-(1) Every Government servant shall be allowed reimbursement of the amount, if any charged by the Hospital authorities, including cost of drugs purchased from the market during the period of hospitalization in Government Hospital within the State of the employee himself or any member of his family, wholly dependent on him.

(2) Reimbursement of the expenses in the manner indicated in sub-rule (1) above shall also be allowed in respect of hospitalization in non-Government Hospitals within the State provided the following conditions are fulfilled,-

- (a) Where it is recommended by the Principal Medical College or Director Health Services or Director SKIMS that the treatment is not available in the Government Hospitals and can be had in a private hospital in the State.

OR

- (b) If the concerned authority (Principal Medical College or Director Health Services or Director SKIMS) is of the opinion that regardless of the availability of the treatment in a Government Hospital within the State the

nature of surgery is such as require sophisticated theatre and a congenial surgical atmosphere for the prevention of infection in respect of operations of heart, lungs and brain and can be had in private hospital within the State.

- (c) Expenditure incurred in such cases shall be reimbursable as under:-
- (i) charges for operation and drugs and other expenses like room rent etc. excluding diet as may be charged from the beneficiary by the hospital authorities;
 - (ii) the beneficiary shall be allowed 50% of the estimated cost of the hospitalization charges as advance.

(3) Where in any case a Government servant or his beneficiary during hospitalization in any Government Hospital within the State including the Institute of Medical Sciences, Srinagar, has to undergo replacement of diseased heart valve or fitting of a heart pace maker the reimbursement of the cost thereof shall be admissible as part of hospitalization expenses. The payment of the cost of these appliances will on the advice of the Medical Superintendent of the Hospital/Institute be made by the concerned Drawing and Disbursing Officer direct to the supplying agency and not to the Government servant or his beneficiary.

(4) Notwithstanding anything contained in sub-rule 3 of this rule the cost of the appliances etc. prescribed by the concerned Head of the department of the Government Medical College/Hospital including Sher-i-Kashmir Medical Institute Soura, Srinagar shall be made in advance to the beneficiary if he requests for the same. This is, however, subject to the condition that after the equipment is fitted, a certificate of the concerned Head of Department of the Medical Institute/Hospital that the equipment has been fitted to the beneficiary, will be furnished within one month, by the beneficiary to the Drawing and Disbursing Officer who has given an advance to him.

(4-a). If a Government servant himself/herself or any member of his/her family dependent upon him/her is suffering from heart ailments, renal failure, cancer or any other disease/ life consuming disease and needs hospital treatment, the treatment may be taken Acharya Shri Chander College of Medical Science and Hospital, Jammu:

Provided that the reimbursement shall be levelled on the admissible items with that of the Government Medical College Hospital, Jammu/Srinagar whichever is less:

Provided further that in the event, such a treatment/ facility is not available in Ghovernment Medical College Hospital Jammu/Srinagar but is available in SKIMS, Soura, Srianagar, the reimbursement charges in that case be restricted to the rates prevalent in SKIMS, Soura, Sriangar or ASCOMS, Jammu whichever is less.

(5) In case a Government servant or any member of his family wholly dependent upon him is suffering from Cancer or any other disease which is certified by the Director Health Services or Principal Medical College as life consuming or from Tuberculosis, Leprosy, Mental illness he shall be entitled to the reimbursement of Medical expenses incurred by him for treatment of said disease even outside the Hospital. The reimbursement will be subject to the certificate of competent Medical authority that the beneficiary is suffering from anyone of the said diseases and would be in need of home treatment for a long time and further subject to the verification of the connected vouchers by the Head of Department of the concerned discipline of the concerned Institute.

Pending cases as on the date of the issue of this order shall be decided accordingly.

(6) The cost of vaccines to be used for treatment of dog bites shall be reimbursed on the recommendations of Medical Officer/Medical Superintendent of Government Hospitals on whose advise the injections have been administered.

6. Treatment outside the State.-(1) Treatment outside the State may be authorized in respect of a beneficiary by the Administrative Department concerned on production of a certificate on the prescribed proforma (Annexure 'D') by the Head of Speciality not below the rank of Associate Professor. Where a Professor is not available it should be countersigned by the concerned Principal of Medical College in the State. Director SKIMS shall also be competent authority for certification.

(2) Cost incurred on treatment may be reimbursable as under regardless of any pay ceiling:-

- (a) actual expenses incurred on Road/Railway fare of the patient and the attendant (up to one) if any accompanying him by the class of which he is entitled for journey on tour.
- (b) air fare of the patient only if in case of ailment of serious nature, the Principal, Medical College or the Director Health Services justifies for reasons recorded that the patient cannot travel by rail/road in such cases the fare of the attendant will be reimbursable on road/rail basis.
- (c) expenditure incurred on Pathological, Bacteriological / Radiological and other methods of examination/investigation or treatment like electric therapy etc.
- (d) charges including cost of blood and blood transfusion if any levied by hospital authorities.

- (e) operation charges paid to hospital.
- (f) consultation fee if any paid under hospital rules and cost of medicines purchased from market on the advice of hospital authorities.
- (g) cost of “hearing aid” and “artificial limbs” on the advice of hospital authorities.

Explanation.- Reimbursement of the cost of hearing aid shall include the

hearing aid, if any, prescribed by the ENT Specialist of government Hospital/Institution within the State. A Specialist recommending for the hearing aid either within or outside the State shall prescribe the particular type of hearing aid which the patient requires namely air-conduction and bone-conduction type which include spectacle hearing aid etc.

- (g) the cost of the Heart Pace Maker and replacement of diseased heart valves, wherever the supply of these appliances is recommended by the Competent Medical authority i.e. Director Health Services, or Principal of the Medical Education or Director Health Services, or Principal of the Medical Colleges or Head of the Department of the concerned Speciality in the Institute of Medical Science, Srinagar and necessary sanction thereof is accorded by the Administrative Department concerned the payment for the cost thereof shall be made by the concerned drawing and disbursing officer direct to the supplying agencies and not to the Government servant or his beneficiary.

Note.- Notwithstanding anything contained in this clause (h) of sub-rule(2) of this rule, the cost of the appliances etc. prescribed by the concerned Head of Department of the Government Medical College/Hospital including Sher-i-Kashmir Medical Institute Soura, Srinagar shall be made in advance to the beneficiary if he requests for the same. This is, however, subject to the condition that after the equipment is fitted a certificate of the concerned Head of Department of the Medical Institute/Hospital that the equipment has been fitted to the beneficiary, will be furnished within one month, by the beneficiary to the Drawing and Disbursing Officer who has given an advance to him.

(3) The reimbursement will be admissible only on the production of vouchers duly certified by the concerned medical authorities of the Hospital/Institutions.

Note 1:- The concessions under this rule (Rule6) shall also be applicable to

such State employees who get medical facilities under any other scheme but for whom there is no provision in that scheme for treatment outside the State.

Note 2:- Government servant while proceeding outside the State for his own treatment or accompanying beneficiary shall not be treated on duty but granted leave of whatever kind due and admissible under rules.

(4) A competent authority may sanction an advance to a Government servant for treatment outside the State as admissible under rule 6 of these rules subject to the conditions laid down in rule 14.29 (a) of the Jammu and Kashmir Financial Code Volume 1.

(5) Where a beneficiary resides temporarily outside the State and falls ill there suddenly and is advised admission in Hospital, he will, on production of necessary vouchers and certificates, be allowed reimbursement of hospital charges including cost of drugs and charges for investigations, provided it is recommended by the Director Health Services of the State after being satisfied that the beneficiary had suddenly fallen ill outside the State where he resided temporarily and was not already suffering from it before his departure from his home town. The Director Health Services will certify that drugs and services charged for are reasonable and the beneficiary could not wait for treatment in his home town.

6-A.- Treatment outside the State for Heart Ailment, Kidney Transplantation, Cancer andm other life consuming diseases shall be taken at private hospitals indicated below and reimbursement of expenditure shall be subject to the condition that:

- (a) there is no arrangement for the treatment/surgery for the said disease in the State Government Hopsitals;
- (b) a certificate is obtained form the competent Medical Authority as specified in rule 6 of these rules.

The private hospitals shall include:-

- (i) Tata Memorial Hospital, Bombay.
- (ii) Christian Medical College and Hospital, Vallore/Ludhiana.
- (iii) Batra Hospital, Delhi.
- (iv) Mool Chand Charitable Hospital, Delhi
- (v) Sri Ganga Ram Hospital, Delhi.
- (vi) N.M.Wadia Institute of Cardiology, Pune.
- (vii) Southern Railway Hospital, Parembur, Madras.

- (viii) K.E.M. Hoospital, Bombay.
- (ix) Bombay, Hosptial, BOMBAY.
- (x) Sree Chitra Tribunal Institute of Medical Sciences and Techonology, Trivandrum.
- (xi) S.S.K.M Hospital, Calcutta.
- (xii) Kastruba Hospital, Bhopal.
- (xiii) Samaritan Hospital, Always, Kerela.
- (xiv) Deleted.
- (xv) The Heart Centre, New Delhi.
- (xvi) Rajiv Gandhi Cancer Institute, New Delhi.
- (xvii) Ranbaxy Heart Institute, Chandigarh:

Provided that the reimbursement of institutions listed at serial Nos (xvi) and (xvii) shall be restricted at the rates applicable in All India Institute of Medical Sciences, New Delhi and PGI, Chandigarh respectively

Note 1.- In case treatment is taken in Applol Group of Hospitals (Delhi, Madras, Hyderabad), Escort Heart Instutute, Delhi and Jaslok Hospital, Mumbai, the reimbursement for treatment in these institutions shall be restricted to the amount which would be payable for such procedurers either at AIIMS, New Delhi or any of the private hospitals indicated above.

Note 2.-The references/recommendations of the Head of Speciality of the Goverement Hospital in the State, while referring the patients to aforementioned hospitals, should be countersigned by Principal Medical, College and or Director Helath Services and or Direcor SKIMS as the case maybe, and the later should ensure maintenance of proper accounts of such references/recommendations.

Note 3.The reimbursement in case of Heart Centre, New Delhi shall be restricted to the rates on the admissible items prevalent in All India Institute of Medical Sciences, New Delhi.

7. Medical Allowance.- (1) Government servants shall be allowed medical allowance at a uniform rate of Rs. 300/- per month.

(2) Medical Allowance shall not be treated as part of pay for any purpose like drawl of D.A/Deputation Allowance/T.A/Compensatory Allowance/or any other

allowance or for reckoning cash in lieu of Earned Leave Salary at the time of retirement.

(3) The Allowance shall count for computing leave salary and subsistence allowance in the same proportion which the leave salary or subsistence allowance, as the case may, bears to pay. For the period of study leave drawl of allowance shall not be allowed.

(4) The allowance shall be debatable to salaries under the respective account heads to be booked distinctly under the detailed "Sub-head Medical Allowance".

8. Right of change or interpretation etc.- (i) The Government reserves to itself the right of changing or cancelling the rules in these regulations from time to time at its discretion and of interpreting their meaning in case of dispute.

(ii) **Power to relax.-** Where the Government is satisfied that the operation, if any, of these rules has caused undue hardship in particular case, it may by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exception and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Finance Department.

9. Repeal and saving.- On the commencement of these rules every rule, regulation or order in force immediately before such commencement shall in so far as it provides for any of the matters contained in these rules, cease to operate.

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ANNEXURE 'A'
JAMMU AND KASHMIR CIVIL SERVICES
(MEDICAL ATTENDANCE – CUM - ALLOWANCE)
RULES, 1990

Register of Beneficiaries

Name of the Government servant _____
Designation _____ Details
of members of his family declared by him as per the declaration form fitted in
_____ file at page _____.

S. No	Name of the Beneficiary	Age	Sex	Relationship with Government Servant	Occupation if any and income therefrom
1	2	3	4	5	6
	Marks of identification	No. of index card issued	Date of issue	Initials of Head Of office	Remarks
	7	8	9	10	11

Note.- When a Government servant is transferred from one office to another necessary note shall be kept in the register and these particulars and declaration form will be sent to the office to which he is transferred.

ANNEXURE 'B'

JAMMU AND KASHMIR CIVIL SERVICES
(MEDICAL ATTENDANCE – CUM - ALLOWANCE)
RULES, 1990

FORM OF DECLARATION

(To be addressed to the Head of Office, where the Government servant is himself a Head of Office, he shall address it to the next higher authority)

To

The _____

Sir,

I _____ (name of the Government servant) S/O,
D/O _____ R/O _____ employed in _____
Department as in the Office of _____ hereby declare that the
following are the members of my family wholly dependent on me and residing with
me, entitled to medical treatment under Jammu and Kashmir Civil Services (medical
Attendance-cum-Allowance) Rules, 1990.

2. I further declare that none of them has been declared as a member of his/her
family by my father/wife/husband, brother, sister or any relation of mine who is a
Government servant for receiving the benefits under the scheme.

3. I undertake that on happening of any one of the following events, I shall
forthwith surrender the index card of all the members of my family including myself
as the case may be:-

- (i) on the death of any family member;
- (ii) on a family member ceasing to be dependent on me and/ or residing
with me;
- (iii) on any retirement/dismissal/discharge from Government service;
- (iv) on any of the members joining private/Government service.

4. I also undertake that none of my family members to whom an index card
may be issued will misuse it by transferring to person other than himself.

5. In the event of any of the information given below being proved as wrong
and/or on my failure to comply with the provision of my undertaking given above, I
shall be liable for any penalty or punishment that is deemed proper by the competent
authority.

S. No	Name of the family member	Sex	Age	Relationship with Government Servant
1	2	3	4	5
	Occupation if any and income there from	Marks of identification		Remarks
6	7			8

Attestation of a Gazetted Officer in the case of non-gazetted Government servant:-

“Certified that the detailed particulars of the family given above are wholly correct.”

Gazetted Officer
With seal

ANNEXURE ‘C’
JAMMU AND KASHMIR CIVIL SERVICES
(MEDICAL ATTENDANCE – CUM - ALLOWANCE)
RULES, 1990

Index card valid up to_____

1. Name and designation of Government employee_____
2. Name of the Department where employed _____
3. Place of Posting _____
4. Pay Scale and basic pay _____
5. Permanent address _____

6. Name/Names of family members as defined under rule e (e) of these rules:-

S.No.	Name	Relationship with the Government employee
-------	------	--

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Certificate of Gazetted Officer
with regard to item 6 above _____

7. Signature of the Government employee_____

Date_____

Place_____

Signature with seal of the
Head of Office where working

**JAMMU AND KASHMIR CIVIL SERVICES
(MEDICAL ATTENDANCE – CUM - ALLOWANCE)
RULES, 1990**

To be issued by Head of the Speciality not below the rank of Associate Professor.

I, Dr. _____ certify that
Mr./Mrs./Miss. _____ S/O, W/O, D/O
_____ employed in
_____ Department is suffering from
_____. The beneficiary is registered under Registration
No. _____. He/She has been referred to (name of the hospital) for
treatment for the reasons specified below:-

Date _____

Signature and Designation of
Specialist with Official Seal.

ANNEXURE 'E'

JAMMU AND KASHMIR CIVIL SERVICES

(MEDICAL ATTENDANCE – CUM - ALLOWANCE)
RULES, 1990

Form of Application for claiming of refund of Medical Expenses incurred in connection with Medical Attendance and for treatment of Government servant or his/her family.

1. Name and designation of the
Government Servant _____
2. Name and relation of the
Patient with Government servant _____
3. Office in which employed _____
4. Pay of the Government
Servant with other allowances _____
5. Place of duty _____
6. Actual residence address _____
7. Place at which the patient fell ill _____
8. Medical Attendance:
 - (a) the name and designation of
the M.O consulted with the
Hospital Dispensary attached _____
 - (b) the number and date of
Injection and fee paid for
each injection _____
 - (c) whether any date of
consultation fixed and fee
paid for consultations _____
 - (d) whether consultations and
investigations were held at
the consultation room or at

the residence of the patient. _____
(e) cost of medicines purchased _____
from the market _____

II-CONSULTATION WITH SPECIALIST:

- (a) name and designation of the
specialist or M.O consulted
and the Hospital/PHC to which
attached _____
- (b) No. And date of consultation
And fee paid _____
- (c) Whether consultation was held
at the hospital at the consultations
room of the specialist or at the residence
of patient _____
- (d) Whether the specialist was consulted
On the advice of the Medical Officer,
Or the Government Doctor _____
9. Total amount claimed. _____
10. List of enclosure _____

I hereby declare that the statements in the application are true to the best of my knowledge and belief and that the person for whom medical treatment expenses were incurred is wholly dependent upon me.

Signature of the applicant

**THE RESIDENTIAL ACCOMMODATION OF THE MEMBERS OF THE
JAMMU AND KASHMIR STATE LEGISLATURE RULES, 1973**

Department of Parliamentary Affairs Notification SRO-599 dated 30th November, 1973

In exercise of the powers conferred by section 10 of the Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960 (XIX of 1960) the Governor hereby makes the following rules, namely:-

1. **Short title and commencement.**- (1) These rules may be called the Residential Accommodation of the Members of the Jammu and Kashmir State legislature Rules, 1973.

(2) They shall come into force from the date of their publication in the Government gazette.

2. **Definition.**- In these rules, unless there is anything repugnant in the subject or context,-

(a) 'Act' means the Salaries and Allowances of the Members of the Jammu and Kashmir State Legislature Act, 1960;

- (b) 'Business connected with his duties as a Member' means any business arising out of Parliamentary duties and includes participation in the business of various Committees, Commissions, Boards or study Teams constituted, formed or appointed by the House or its Presiding Officer or by the Government;
- (c) 'Day' means day according to Gregorian Calendar;
- (d) 'Family' means husband, wife, children, step-children, parents, minor brothers and sisters residing with, and wholly dependent on a member;
- (e) 'Government' means the Government of Jammu and Kashmir;
- (f) 'House' means a House of the Jammu and Kashmir State Legislature;
- (g) 'Month' means a month reckoned according to the Gregorian Calendar;
- (h) 'Secretary' means the Secretary of either House of the Jammu and Kashmir State Legislature and includes a deputy Secretary and Under Secretary;
- (i) All the words and expressions used in these rules and defined shall have the same meaning and assigned to them in the Act.

3. **Residential Accommodation on daily basis.**- (1) A member shall temporarily be provided with accommodation during session and off session periods for himself and his family in the Legislators Hostel, Srinagar/Jammu or in any other building declared by the government for the purpose. The rates of rent to be charged for such accommodation shall be as under:-

(i)	Single Room	Rs. 2/- per diem	Inclusive of water and electricity charges; provided electric energy is not used for cooking and heating purposes.
(ii)	Double Room	Rs. 3/- per diem	
(iii)	Family Suite	Rs. 5/- per diem	

Provided that the accommodation at the Tourist reception Centre at Srinagar or Jammu or any other building under the management of the J&K Tourism Development Corporation shall be provided at the same rate of rent payable by him in the Legislatures' Hostel only when he is unable to get accommodation in the

Legislatures' Hostel or any other building declared by the Government for the purpose and comes for business connected with the session of the Legislature or meeting of the Legislature Committee or Committees or Boards constituted by the Government. This concessional rate of rent shall be available to a member three days before the commencement of the session and three days after its conclusion and in the case of meeting of the Committees or boards two days after the conclusion of such meetings.

The difference in the rates of rent chargeable by the Tourism Development Corporation and that payable by a member for the duration of such stay shall be paid to the Corporation by the Government.

(2) A rent of Rs. 15/- per day per room shall be charged from the genuine guests of a Member who shall be allotted only one room and allowed to stay in the Legislators' Hostel for: one week. For extended stay beyond one week he shall be charged Rs. 50/- per day.

(3) In the event of a room being kept locked and unoccupied Rs. 25/- per day shall be charged for a single or double room and Rs. 50/- in the case of family suite. If a room is kept locked and unoccupied beyond 15 days, Rs. 30/- per day shall be charged in the case of single and double room and Rs. 60/- in the case of a family suite:

Provided that in the case of a member no extra charges will be made for keeping a room locked and unoccupied by him in the event of a temporary absence for a period not exceeding four days:

Provided further that a member shall temporarily be provided with accommodation in Tourist Reception Centre, Jammu/Srinagar or any other building under the management of Jammu and Kashmir Tourism Development Corporation or in any other building declared by the Government for residence of members at the same rate of rent payable by him in Legislators' Hostel whenever he is on visit to Srinagar/Jammu otherwise than for the purpose as referred to above if he is unable to get accommodation in the Legislators' Hostel. This concessional rate of rent shall be available to the members from the date he occupies the accommodation.

(4) Subject to availability of accommodation MLAs/MLCs from other States and Members of Parliament shall be provided with accommodation in Legislators' Hostel at the rates specified in sub-rule(1):

Provided that the accommodation at the Tourist Reception Centre at Srinagar or Jammu or any other building under the management of the Jammu and Kashmir Tourism Development Corporation shall be provided to the members of Parliament from the State at the same rates of rent payable by them in the Legislators' Hostel or in any other building declared by the Government for the purposes on their visit to the State. The difference in the rates of rent chargeable by the Jammu and Kashmir Tourism Development Corporation and that payable by such member for duration of such stay shall be paid by the Government.

4. Allotment of Government quarters on monthly rent.- Accommodation required for a period of not less than four months may, subject to availability, be allotted at Srinagar or Jammu to a member. The rent for such accommodation shall be charged [at the rate of 10% of the monthly salary] exclusive of electric and water charges:

Provided that-

- (i) where a furnished accommodation is allotted to a member, the total rent payable by him shall be at the rate of 12.5% of his monthly salary exclusive of electric and water charges;
- (ii) a member who has been allotted accommodation either at Srinagar or at Jammu or both or is in occupation of his own house, shall not be entitled to allotment of accommodation in the Legislators' Hostel at the place concerned at the rent concessions; and
- (iii) before allotment is made to a member in the Legislators' Hostel, a declaration shall be taken from him that he does not own any accommodation of his own at the place concerned, the occupation or use of which is open to him.

4-A. Overstay after ceasing to be member.- A member may continue to stay in the accommodation allotted or provided to him under rule 3 or 4 for fifteen

days after he ceases to be the member on the same terms as to the payment of rent as govern his occupation of accommodation before his cessor.

5. **Recovery of rent.**- The rent and other charges due from a member shall be paid by him in cash and in case of default, the Secretary shall deduct the same from his allowances as and when requisition is made by the department or the agency to whom the building belongs.

6. **Application for residential accommodation.**- All applications for accommodation in the Legislators' Hostel Jammu/Srinagar or in any other building declared by the Government for residence of members or in Government Quarters shall be made in the prescribed Form 'A'

7. **Reservations of accommodation on daily basis.**-(1) Applications for reservation of accommodation in the Legislators' Hostel, Jammu/Srinagar or in any other building declared by the Government for accommodation of members shall be made in writing to the Secretary of the House one week before the commencement of the business connected with their duties as members. All such applications shall specify the time and date from which and the period for which the accommodation is required.

(2) The rent for accommodation shall be charged from the date from which it is reserved for the member.

(3) The accommodation, if not, occupied within three days from the date of reservation, may be allotted to any other member who may be on the waiting list.

(4) No fresh reservation for accommodation shall be made till the member occupying it vacates the same. The rent shall be charged from the member at full rates after the concessional period expires.

(5) Rent for accommodation in the Legislators' Hostel Jammu/Srinagar shall be charged at concessional rates from the members of other State Legislatures and the staff accompanying them, while on visit to the State of Jammu and Kashmir.

8. **Conditions of allotment.**- Before the allotment of a Government quarter on monthly rental basis is made, an allottee shall have to execute an agreement which shall inter alia contain the following conditions:-

- (a) that the allottee shall use the quarter only for himself and his family and shall not sublet it;
- (b) no guest shall stay with the allottee. In case, however, a member wants to accommodate his guest in the Legislators' Hostel at Jammu or Srinagar, he may have a room reserved for him at usual hostel rent subject to the availability of accommodation;
- (c) that the allottee shall abide by the rules for the time being in force in respect of sanitation, maintenance and proper preservation of the quarter;
- (d) the member against whom there are arrears of rent shall not be allotted any accommodation until the arrears are cleared.

9. **Arrival and Departure Register.**- In the case of accommodation provided on daily basis the member shall enter his name with details of date and hour of arrival and departure in the register maintained for the purpose.

10. **Contravention of Rules.**- If an allottee contravenes any of the provisions of these rules, the matter shall be referred to the Speaker or the Chairman of the House who may take such action as he may deem fit.

11. **Rent for Furniture.**- No rent shall be charged for furniture supplied in Government Quarters in accordance with the scale prescribed in Form 'B'. Rent for extra furniture requisitioned by the member shall be charged at 15% per annum of the capital cost of furniture. The supply of extra furniture will, however, depend upon availability:

Provided that the Chairman, Public Accounts Committee or the Chairman, Estimates Committee shall not be required to pay rent for extra furniture supplied to him.

12. **Telephone facilities.**- The Government may provide public telephones at the Legislators' Hostels which can be used by the members free of cost only for local calls. The members may, however, use such telephones for trunk calls on payment of charges. Members who desire to have individual connections shall be given the necessary priority but the cost there for shall be borne by them.

13. **Recovery of outstanding rent.**- The arrears of rent outstanding against a member before the commencement of these rules, shall be recovered by the Secretary from his allowances at 10% in addition to the monthly current payment of rent.

14. **Accommodation in Dak Bungalows and Tourist Centers.**- Accommodations in dak Bungalows and Tourist Centers under the control of the Government at places other than Srinagar and Jammu may be provided to a member when he travels on business connected with his duties as such member and to members of other State Legislatures and Members of the Parliament on their visit to the State, at the rate of 50% of the standard rent.

FORM "A"

FORM OF APPLICATION FOR ACCOMMODATION FOR RESIDENTIAL PURPOSES IN THE LEGISLATORS HOSTEL AT SRINAGAR/JAMMU, ANY OTHER BUILDING DECLARED BY THE GOVERNMENT FOR RESIDENCE OF MEMBERS OR IN GOVT. QUARTERS

To,

.....

I hereby apply for Government residential accommodation.

1. Full name (Block letters)
2. Constituency with permanent address

S.No	Article of Furniture	Single Room	Double Room	Family Suite	Family Quarter
------	----------------------	-------------	-------------	--------------	----------------

3. Present address
4. Salary and allowances
5. Date on which accommodation is required (inclusive)
6. Order of preference of floor and room
7. Whether prior reservation is required
8. Specify whether single room, double room or family suite is required.

Certified that I have read the Residential Accommodation of the Members' of J&K State Legislature Rules, 1973 and declare that the particulars given by me are correct and that the allotment to be made to me or already made to me shall be subject to these rules and subsequent amendments, if any, thereto. I also undertake not to sublet the residence wholly or in part when it is no longer required by me or I cease to be entitled to it. I shall be responsible for handing over its vacant possession to the officer in charge of the building or any other authorized representative of the Department concerned in Srinagar and Jammu under intimation to the Assembly/Council Secretariat and until such vacant possession is delivered, rent and other charges in respect of residence shall be recoverable from me.

I agree to pay the rent for the accommodation either directly in cash or by deduction from my allowances.

Signature

Dated:

MLA/MLC

FORM "B"

LIST OF FURNITURE TO BE SUPPLIED FREE OF RENT IN
GOVERNMENT RESIDENCES FOR MLAs/MLCs

1	Newar Bed or Hard Bed	1	2	4	4
2	Writing table	1	1	1	1
3	Tea Table	1	1	1	2
4	Side Table	1	2	2	2
5	Chairs	2	4	6	6
6	Easy Chairs	1	2	2	2
7	G.I Buckets	1	2	2	2
8	Carpet Durri	1	1	3	3
9	Mugs	2	2	2	2
10	Dressing Table	1	1	2	2
11	Almirahs	1	1	2	2
12	Table Lamp	1	1	1	1
13	Foot mats	1	2	3	4
14	Jugs	1	2	2	2

Pardhas in doors and windows with pardha and cleats will also be provided to the number of doors and windows in the rooms free of rent.

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**THE JAMMU AND KASHMIR STATE LEGISLATURE MEMBERS'
(APPOINTMENT OF PERSONAL ASSISTANT) RULES, 1988.**

Notification

Jammu, the 9th December, 1988

SRO-373.- In exercise of the powers conferred by section 10 of Salaries and Allowances of Members of the Jammu and Kashmir State Legislature Act, 1960 the Governor is pleased to make the following rules; namely:-

1. Short title and commencement.- (i) These rules may be called the Jammu and Kashmir State Legislature Members (Appointment of Personal Assistant) Rules, 1988.

(ii) They shall come in to force at once

2. A member of the Jammu and Kashmir State Legislature (hereinafter referred to as member) shall be entitled to the services of a Personal Assistant, free of charge, throughout his term of office:

Provided that a member who has availed the services of Personal Assistant, in any capacity as such member, shall not be entitled to the services of Personal Assistant under these rules.

3. Appointment of Personal Assistant.- Member may recommend any person who is a permanent resident of the Jammu and Kashmir State, other than a member of his family for being appointed as Personal Assistant, to the Presiding officer of the House of which he is a member, on Form "A-I" as appended to these rules.

4. Qualification.- Person recommended for being appointed as Personal Assistant shall possess minimum qualification of having passed matriculation or an equivalent examination from any recognized University/Board of School Education.

5. The Presiding Officer of the House to which the member belongs, shall issue the appointment orders in favour of the person so recommended by the member, after satisfying himself that the person to be appointed as Personal Assistant possesses the requisite qualification.

6. (1) The appointment shall be on contract basis for a period not exceeding one year, terminable on one month's notice. However, the appointment on contract basis can be for a shorter period if the Member so desires.

(2) The contract may be renewed from time to time as recommended by the member. The appointment of Personal Assistant, unless terminated earlier, shall be coterminous with the term of office of the member.

(3) The member may recommend the termination of the services of the Personal Assistant to the authority at any time on Form A-2 appended to these rules.

7. Remuneration of Personal Assistant.- The Personal Assistant shall be entitled to a consolidated remuneration of Rs. 3000/- per month as long as he is working with the Member. He shall not be entitled to any travelling or daily allowances or any other allowances.

8. The Personal Assistant shall refer his claim for remuneration with the Secretary of the House to which the member belongs. The claim shall be countersigned by the member with whom Personal Assistant is working.

9. A person appointed as Personal Assistant under these rules shall not be treated as a Government servant for any purpose.

—

**Form 'A-I' appended to the Jammu and Kashmir State Legislature
Members (Appointment of Personal Assistant) Rules, 1988**

FORM-A (I)

To

The Presiding Officer,
Legislative Council,
_____.

Sir,

I recommend the appointment of Shri/Smt. _____ as my Personal Assistant with effect from _____ under rule 3 of the Jammu and Kashmir State Legislature Members (Appointment of Personal Assistant) Rules, 1988.

I certify that he/she possesses the minimum qualification required for the post.

Yours faithfully,

Copy to the:-

1. The Secretary, Legislative Council.
2. Shri/Smt. _____ Personal Assistant.

**Form 'A-II' appended to the Jammu and Kashmir State Legislature
Members (Appointment of Personal Assistant) Rules, 1988**

FORM-A (II)

To

The Presiding Officer,

Legislative Council,

_____.

Sir,

I hereby recommend the termination with effect from _____
the services of Shri/Smt. _____ who was working as my Personal
Assistant under rule 3 of the Jammu and Kashmir State Legislature Members
(Appointment of Personal Assistant) Rules, 1988.

Yours faithfully,

MLC

PART-IV

Containing rules for internal working of the Committees of
House

PART-IV

**RULES OF PROCEDURE FOR CONDUCT OF BUSINESS BY
DEPARTMENT RELATED STANDING COMMITTEES OF JAMMU AND
KASHMIR LEGISLATIVE COUNCIL**

In pursuance of the provisions of rule 325 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Council, the Chairman makes the following rules of procedure for conduct of business by Department Related Standing Committees, namely:-

1. Short title and commencement.- (1) These rules may be called the Rules of Procedure for Conduct of Business by Department Related Standing Committees.

(2) These rules shall come into operation at once.

2. Definitions.- For the purposes of these rules and unless the context otherwise requires,-

(i) 'Chairman' shall mean the Chairman of the concerned Departmental Related Standing Committee;

(ii) 'Committee' means the concerned Departmental Related Standing Committee of Jammu and Kashmir Legislative Council;

(iii) 'House' means the Jammu and Kashmir Legislative Council;

(iv) 'Member' means the member of the Committee;

(v) 'Secretariat' shall mean the Jammu and Kashmir Legislative Council Secretariat;

3. Selection of subjects for examination.- (1) The Committee shall, at its first meeting and thereafter from time to time as may be required, select for examination such of the subjects relating to a Ministry/ Department falling within its terms of reference as it may deem fit and necessary.

(2) The Committee shall not examine a subject which relates to a Ministry/ Department not allocated to it or which is allocated to a different Committee.

4. Appointment of Sub-Committee/ Group.- (1) The Committee may from time to time appoint one or more Sub-Committees or Study Groups for carrying out detailed survey or examination of various subjects assigned to it.

(2) The Sub-Committee or the Study Group shall exercise such functions and adopt such procedure as may be determined by the Committee.

(3) The Sub-Committee or the Study Group shall furnish such reports, tour notes and study reports to the Committee as may be desired by the Committee.

5. Notice of sittings.- (1) The Chairman shall, from time to time, fix the date and time of the sittings of the Committee and notice thereof shall be given to the members of the Committee.

(2) As far as practicable, the Chairman shall consult the members of the Committee before fixing such date and time of the sittings.

6. Material to be furnished to the Committee.- The Ministry/ Department selected by the Committee shall be asked in writing by the Secretariat to furnish ten sets of necessary material for use of the members. The material to be furnished to the Committee by the Ministry/ Department shall generally be on the lines set out herein below:-

- i. organizational set up of the Ministry/Department, its subordinate offices/branches and the area of its jurisdiction;
- ii. explanatory note regarding powers and functions of the Departments and its subordinate offices/branches;
- iii. details about the budget allocations, funds released during preceding three years and expenditure incurred during the said period;
- iv. details of schemes or projects under execution with the Ministry/Department, name and salient features of such schemes/projects, estimated cost, expenditure incurred, estimated period of completion and progress achieved till date;
- v. targets fixed for preceding three years and details about targets achieved;
- vi. review of financial and physical performance by the Ministry/Department and its subordinate offices/branches;
- vii. reports of the enquiries conducted and committees appointed in the past to examine any particular matter and action taken on such reports by the Department and its subordinate offices/branches;

- viii. a statement of income and expenditure for the preceding three years and also for the current financial year;
- ix. any other specific information that the Committee may call for or the Ministry/Department concerned may wish to furnish.

7. Circulation of material to members.- As soon as the material is received in the Secretariat, it shall be circulated to the members with a covering memorandum giving details about the sitting in which such material is to be examined by the Committee.

8. Papers to be treated as confidential.- The papers circulated, and the information furnished, to the Committee shall be treated as confidential and the contents thereof shall not be divulged to anyone nor shall any reference be made to such information outside the Committee at any time before the report on the subject has been presented to the Legislative Council. Thereafter reference may be made only to such information as is available in the report or records laid on the Table.

9. Framing of questionnaire.- (1) The Committee may, after examining the material furnished, frame questions, points or suggestions on which further information is required by the Committee.

(2) The questions, points or suggestions framed by the members together with other relevant information concerning the subject under examination shall be consolidated in the form of a questionnaire which shall be sent to the concerned Ministry/Department which shall furnish to the Secretariat 10 sets of replies thereto by a date to be specified by the Committee.

(3) The replies furnished by the Ministry/Department to such questionnaire shall be circulated by the Secretariat to the members.

10. Procedure of taking oral evidence.- While examining a witness during a proceeding, the Chairman shall put questions to him one by one in a language which can be understood by him. If a member desires to put a question, he shall do so with the permission of the Chairman. In case the witness is not in a position to elucidate

any point immediately, he may be permitted by the Chairman to furnish a written reply to the Secretariat within such time as may be allowed by the Chairman.

11. On the spot study by the Committee.- The Committee may have on the spot study of the activities of a Ministry/Department which is under examination by the Committee.

12. Minutes of the sittings.- (1) The proceedings and decisions of the Committee in each sitting shall be recorded briefly by the Secretariat in the form of minutes and such minutes shall be approved by the Chairman.

(2) The minutes of each sitting of the Committee shall be circulated to the members and if any member desires any alteration in the minutes on ground that any item is not in conformity with the decision arrived at, the matter shall be taken up at the next sitting of the Committee and the decision of the Committee taken thereon shall be incorporated in such minutes.

(3) Until the report is presented to the House, the minutes shall be treated as confidential.

13. Laying of minutes on the Table.- Such of the minutes of the sittings of the Committee at which evidence has been taken shall be laid on the Table of the House as soon as possible after the presentation of the report of the Committee to the House.

14. Preparation of report.- (1) As soon as the examination of the subjects selected by the Committee pertaining to a Ministry/Department has been completed by the Committee, the Chairman shall frame conclusions and recommendations at a sitting which may be attended by other members of the Committee.

(2) On the basis of conclusions and recommendations of the Committee as prepared by the Chairman, a draft report shall be prepared by the Secretariat and placed before the Chairman for approval. The report shall embody the decisions of the Committee arrived at by a majority of members present.

(3) After the draft report prepared under sub-rule (2) is approved by the Chairman, it shall be presented to the Committee at a sitting for consideration and adoption.

(4) In case it is not possible or convenient to hold sitting of the Committee for consideration and adoption of draft report, the Chairman may, with permission of the Committee, finalise such report on the basis of the suggestion and comments received in writing from members.

15. Supply of advance copy of report to Departments for factual verification.-

In case the report contains some factual details, the Committee may, if it so desires, send an advance copy of the report to the Department concerned for verification of factual details. The copy of the report shall be marked 'secret' and the Department concerned shall treat the contents thereof as secret until the report is presented to the House.

16. Modification of report on receipt of comments of the Department.-

On receipt of the comments from the Department as regards the factual details, the Chairman may make suitable modifications in the report to correct factual inaccuracies, if any, or may direct that the matter be placed before the Committee for consideration.

17. Calling for action taken report.- (1) The Committee may, if it so desires, send a copy of the report to the Government through Chief Secretary for taking action on the recommendations so made in the report and call for an action taken report from the Government within such reasonable time as it may deem fit.

(2) The Department to which the report relates shall furnish 100 copies of action taken report to the Secretariat for distribution amongst members of the Legislative Council and other persons authorised to receive such information.

(3) Where any Ministry/Department feels any difficulty in implementing the recommendations made by the Committee, it shall furnish a statement giving reasons for non-implementation of the recommendations along with its comments thereon.

18. Laying the report on the Table of the House.-

(1) The report of the Committee finalised under rule 14 together with the action taken report furnished by the Government under rule 17 shall be, as soon as it may be, laid on the table of the House for consideration and in case the House is not in session, during the next session of the House.

(2) In case the report has not been made available to the Government in terms of rule 17 before the same has been laid on the Table of the House, it shall be made available to the Government immediately after it is so laid on the Table together with observations/comments made by the House during its consideration and the Department concerned shall furnish an action taken report to the House in the manner laid down in sub-rule (2) of rule 17 or the statement mentioned in sub-rule (3) of rule 17.

19. Directions issued by Chairman Legislative Council.- The Chairman Legislative Council may, from time to time, issue such directions and instructions for regulating the working and functioning of different Committees of the House, as he may deem fit and proper, and such directions and instructions shall be binding on such Committees.

**RULES OF PROCEDURE FOR CONDUCT OF BUSINESS BY THE
COMMITTEE ON PETITIONS OF JAMMU AND KASHMIR LEGISLATIVE
COUNCIL**

In pursuance of the provisions of rule 325 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Council, the Chairman makes the following rules of procedure for conduct of business by the Committee on Petitions, namely:-

2. Short title and commencement.- (1) These rules may be called the Rules of Procedure for Conduct of Business by the Committee on Petitions.

(2) These rules shall come into operation at once.

2. Definitions.- For the purposes of these rules and unless the context otherwise requires,-

(i) 'Chairman' shall mean the Chairman of the Committee on Petitions;

(ii) 'Committee' means the Committee on Petitions of Jammu and Kashmir Legislative Council;

(iii) 'House' means the Jammu and Kashmir Legislative Council;

(iv) 'Member' means the member of the Committee;

(v) 'Secretariat' shall mean the Jammu and Kashmir Legislative Council Secretariat;

3. Examination of petitions.- (1) Every petition, received either direct or through a member of the House, shall first be examined by the Secretariat to see that it conforms to the Rules of Procedure and, if found admissible, shall be submitted to the Chairman, Legislative Council for being admitted and referred to the Committee on Petitions.

4. Reference of the petition to the Committee.- (1) After a petition is admitted and referred to the Committee under rule 3, the Secretariat shall prepare a memorandum on the petition for consideration of the Committee indicating briefly

therein the grievance and prayer of the petitioner, the background of the case and the remedy suggested, if any.

(2) The Secretariat shall maintain a register of petitions and enter all petitions received by it in such register indicating the serial number, date of receipt, the name and address of the petitioner and relief claimed for.

5. Certain Petitions not to be entertained.- Notwithstanding anything contained to the contrary in these rules, the Committee on Petitions shall not entertain petitions relating to-

- (a) issues like promotion, seniority, pay, allowances, pension, gratuity or any other service matter or any matter relating to post retirement benefits of public servants; and
- (b) any matter which is or has been a subject matter of a case decided by or pending in a court of law, tribunal, commission, board or any other authority exercising quasi judicial functions.

6. Notice of sittings.- (1) The Chairman shall, from time to time, fix the date and time of the sittings of the Committee and notice thereof shall be given to the members of the Committee.

(2) As far as practicable, the Chairman shall consult the members of the Committee before fixing such date and time of the sittings.

7. Examination of petitions.- (1) For examination of petitions referred to it, the Committee shall set out an agenda and fix a date for each petition and inform the petitioner and the concerned Department well in advance so as to enable them to prepare their case.

(2) The Committee shall make available a copy of the petition to the concerned Ministry/Department and call for the response from such Ministry/Department along with such information as may be considered necessary by the Committee.

(3) In case it is considered necessary to ascertain additional facts/information from the petitioner or the Ministry/Department, the Committee may call upon the petitioner or the Ministry/Department to come up with such additional facts/information within such time as may be allowed by the Committee.

8. Circulation of material to members.- As soon as the information sought for is received in the Secretariat, it shall be circulated to the members with a covering memorandum giving details about the sitting in which relevant petition is to be examined by the Committee.

9. Papers to be treated as confidential.- The papers circulated, and the information furnished, to the Committee shall be treated as confidential and the contents thereof shall not be divulged to anyone without the permission of the Chairman.

10. Procedure of taking oral evidence.- While examining a witness during examination of a petition, the Chairman shall put questions to him one by one in a language which can be understood by him. If a member desires to put a question, he shall do so with the permission of the Chairman. In case the witness is not in a position to elucidate any point immediately, he may be permitted by the Chairman to furnish a written reply to the Secretariat within such time as may be allowed by the Chairman.

11. Minutes of the sittings.- (1) The proceedings and decisions of the Committee in each sitting shall be recorded briefly by the Secretariat in the form of minutes and such minutes shall be approved by the Chairman.

(2) The minutes of each sitting of the Committee shall be circulated to the members and if any member desires any alteration in the minutes on ground that any item is not in conformity with the decision arrived at, the matter shall be taken up at the next sitting of the Committee and the decision of the Committee taken thereon shall be incorporated in such minutes.

(3) Until the minutes are presented to the House, they shall be treated as confidential.

12. Laying of minutes on the Table.- Such of the minutes of the sittings of the Committee at which evidence has been taken shall be laid on the Table of the House as soon as possible after the presentation of the report of the Committee to the House.

13. Preparation of report.- (1) As soon as the examination of a petition has been completed by the Committee, the Chairman shall frame conclusions and

recommendations at a sitting which may be attended by other members of the Committee.

(2) On the basis of conclusions and recommendations of the Committee as prepared by the Chairman, a draft report shall be prepared by the Secretariat and placed before the Chairman for approval. The report shall embody the decisions of the Committee arrived at by a majority of members present.

(3) After the draft report prepared under sub-rule (2) is approved by the Chairman, it shall be presented to the Committee at a sitting for consideration and adoption.

(4) In case it is not possible or convenient to hold sitting of the Committee for consideration and adoption of draft report, the Chairman may, with permission of the Committee, finalise such report on the basis of the suggestion and comments received in writing from members.

14. Calling for action taken report.- (1) The Committee may, if it so desires, send a copy of the report to the Government through Chief Secretary for taking action on the recommendations so made in the report and call for an action taken report from the Government within such reasonable time as it may deem fit.

(2) The Department to which the report relates shall furnish 100 copies of action taken report to the Secretariat for distribution amongst members of the Legislative Council and other persons authorised to receive such information.

(3) Where any Ministry/Department feels any difficulty in implementing the recommendations made by the Committee, it shall furnish a statement giving reasons for non-implementation of recommendations along with its comments thereon.

15. Laying the report on the Table of the House.- (1) The report of the Committee finalised under rule 13 together with the action taken report furnished by the Government under rule 14 shall be, as soon as it may be, laid on the table of the House for consideration and in case the House is not in session, during the next session of the House.

(2) In case the report has not been made available to the Government in terms of rule 14 before the same has been laid on the Table of the House, it shall be made

available to the Government immediately after it is so laid on the Table together with observations/comments made by the House during its consideration and the Department concerned shall furnish an action taken report to the House in the manner laid down in sub-rule (2) of rule 14 or the statement mentioned in sub-rule (3) of rule 14.

15. Directions issued by Chairman Legislative Council.- The Chairman Legislative Council may, from time to time, issue such directions and instructions for regulating the working and functioning of the Committee, as he may deem fit and proper, and such directions and instructions shall be binding on the Committee.
