

The Salaries and Allowances of the Members of Jammu and Kashmir State Legislature Act, 1960

JAMMU & KASHMIR

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Act 19 of 1960

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The Salaries and Allowances of the Members of Jammu and Kashmir State Legislature Act, 1960 Act No. 19 of 1960 [Received the assent of the Sadar-i-Riyasat on 14th April, 1960 and published in Government Gazette dated 29th April, 1960.] An Act to provide for the Salaries and Allowances of the Members of 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. (2) It shall come into force on the 26th January, 1960.

2. Definition.

- 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;] [Inserted vide Act XVI of 1976.](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 reelected or renominated;(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 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 the 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 upon on the way to attend such session or meeting owing to circumstance beyond his control, such a member shall be entitled to travelling allowance and daily allowance for his period under this Act:Provided that the Speaker of the Legislature Assembly or the Chairman of the Legislative Council, as the case may be, is satisfied as to existence of these circumstances.] [Substituted vide Act XIII of 1980 w.e.f. 1-4-1980.][Explanation. - A member who ordinarily resides at the place where a session of a House of Jammu and Kashmir State Legislature or a sitting of Committee, is held, shall for the duration of session or sitting including one day immediately proceeding and one day immediately succeeding) be deemed to reside at such place for the purpose of attending such session or sitting.] [Substituted vide Act XXI of 1975 w.e.f. 1-7-1975.](e)[Omitted.] [Omitted by Act XXXVII of 1963 w.e.f. 26-1-1960.]

3. Salaries and daily allowances.

(1)There shall be paid to each member of the State Legislature a Salary at the rate of [sixty thousand rupees] [Substituted 'thirty-five thousand rupees' by Jammu and Kashmir Act No. 5. of 2016, dated 8.7.2016.] per mensem:Provided that where a member fails to attend the 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.] [Substituted vide Act XXXVII of 1963.] 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 reason of ill health or sufficient cause from attending the required number of the meeting.[(1-A) The salary referred to the 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] [Inserted vide Act XXXVII of 1963 w.e.f. 26-10-1960.] 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 of affirmation referred to in section 64 of the Constitution of Jammu and Kashmir:].[Provided further that in case of a 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 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] [Inserted vide Act XVI of 1976.](2)There shall also be paid to each member of the State Legislature a daily allowance at the rate of [Five hundred rupees] [Substituted by Act XVII of 2006.] for attending session of the Legislature or meetings of the committees :Provided that he attends all meetings and in case of absence from any meeting he has explained such absence to the satisfaction of the Speaker of the

Legislative Assembly or the Chairman of the Legislative Council, as the case may be: Provided further that where such absence has been explained to the satisfaction of the Speaker or the Chairman, as the case may be, the daily allowance shall be drawn at the following rates :-

- (a) for the first six days of absence in a session ... Full Rate.
- (b) for a further twelve days of absence in a session ... Half rate.
- (c) for days of absence in excess of eighteen in a session No allowance

(3) Notwithstanding anything 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 Allowance.

(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. - [Road mileage by the shortest route at the rate of [Nine rupees per kilometer, unless the expenses on the propulsion of vehicle are met by the Government] [Substituted vide Act XVI of 1976.] per Km. 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) Journey by Air. - 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 neighbouring State shall be entitled to draw travelling allowance at one and one half times the standard fare for such air journey ;] [Substituted vide Act XVI of 1976.] (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 neighbouring 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. [Substituted vide Act XVI of 1976.] 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 or actual fare of the 1st class air conditioned railway coach.] [Substituted vide Act XIII of 1980 w.e.f. 1-4-1980.] (d) [Journey by road between places connected by rail. - A member who performs a journey by road and 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; [Substituted vide Act XVI of 1976.] Provided that the total amount of the 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 or any delegation of members required under orders of the speaker of the Legislative Assembly or the Chairman of Legislative Council, as the case may be, to visit a place or places outside the State in the discharge of his duties as a member of committee of a delegation, he shall be entitled to Travelling Allowance in accordance with

sub-section (1) of this section and for halts at such place or places Daily Allowance at the rate specified in sub-section (2) of section 3: Provided that for halts at [places outside the State] [Substituted by vide Act XVI of 1976.] he shall be entitled to 75% increase over the Daily Allowance rate admissible under section 3.](2) In calculating allowance for journeys by road fraction of a kilometer shall be omitted from the total of a bill for any one journey but not from the various items which make up the bill.

4A. [Conveyance, telephone and medical allowance. [Substituted vide Act VII of 1985.]

- Every member shall be paid-(a) constituency conveyance allowance at the rate of [sixty thousand rupees] per month; (b) telephone allowance at the rate of [thirty thousand rupee] [Substituted 'fourteen thousand rupee' by Jammu and Kashmir Act No. 5. of 2016, dated 8.7.2016.] per month; and (c) medical allowance at the rate of [ten thousand rupees] [Substituted 'one thousand rupees' by Jammu and Kashmir Act No. 5. of 2016, dated 8.7.2016.] per month.]: [Provided that every member and or any member of his/her family, wholly dependant 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 recognised 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 dependant on the Member] [Substituted vide Act VII of 2005].

4AA. [Travelling Allowances. [Substituted vide Act XI of 1998.]

- 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. [Inserted by Act XVI of 1976.]

(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 sitting of a session of the House when such an adjournment is not of more than 7 days: Provided that where such a member return 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 sitting 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 Daily Allowance or Travelling Allowance for going to and coming back from that place, whichever is less; (iii) the date fixed for the commencement of a session or sitting of a committee, which is declared a public holiday and the meeting takes place on the next working day: 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 of termination of the meetings of the session and the commencement of those of another session at the same place 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, whichever is less.(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 for thirty rupees for 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.]

5A. [Daily Allowance for the period of absence. [Substituted vide Act XVI of 1976 w.e.f. 1-4-1976.]

- 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].

6. Allowance for non-members.

- The Allowance for nonmembers elected or nominated to Committees set up 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. & 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 claim, how to he prepared. [Substituted vide Act XVI of 1976 w.e.f. 1-4-1976.]

(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 the 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 the 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 officer of the Treasury at which the member desires to receive payment. The said bill, shall be countersigned by the Speaker of the 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 office not later than three months from the date of the encashment of such a bill.][9. (Omitted)] [Omitted by Act XVI of 1976 w.e.f. 1-4-1976.]

10. [Amenities. [Inserted by Act II of 1964.]

(1)A member shall be entitled to such facilities for housing as may be prescribed by rules by the [Governor] in this behalf.](2)[Omitted.] [Omitted vide Act VII of 1985.]