

The Jammu and Kashmir State Legislature Members' Pension Act, 1984

JAMMU & KASHMIR

India

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Act 2 of 1984

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The Jammu and Kashmir State Legislature Members' Pension Act, 1984(Act No. 2 of 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 into force on such date as the Government may by notification in the Government Gazette, appoint.] [Enforced w.e.f. 23-3-1984.]

2. [Definitions. - In this Act, unless the context otherwise requires, 'Constituents Assembly' means the Constituent Assembly set up under the Proclamation dated 20th April, 1951.] [Substituted vide Act VIII of 1985.]

3. [Pension. [Substituted by Act VIII of 1989.] - (1) [There shall be paid a pension of [fifty thousand rupees] [Substituted by Act XI of 2011, dated 21.4.2011] per month to every person who has served for any period as a member of:-

(a)the Constituent Assembly of the State;(b)the Legislative Council of the State; or(c)the Legislative Assembly of the State.](1A)[Notwithstanding anything contained in sub-section (1), there shall be

paid an additional pension of [rupees one thousand] [Inserted by Act X of 2007.] 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;][X X X]
[Omitted by Act XI of 2011, dated 21.4.2011]

3A. [Family Pension. - 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 :

[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 who has completed term as member of the Legislative Assembly or the Legislative Council.] [Inserted by Act XIII of 1997.](2)Where a member dies, this 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.]

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

3C. Facilities to Ex-Chief Ministers.

(1)Notwithstanding anything 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 the residential accommodation	...	Expenditure to the limit of Rs. 35,000/-

			per annum.
(g)	Telephone	...	One. Free calls upto the value of Rs. 48,000/- per annum.
(h)	Electricity	...	Free to the extent of Rs. 1,500/- 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 to the facilities provided hereinabove.] [Substituted by Act X of 2001 (section 2).].

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 section 3 also receives 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 any law or otherwise, then,-(a)where the amount of pension which he receives under such law or otherwise, is equal to or in excess of that to which he is entitled under section 3, such person shall not be entitled to, any pension under that section; and(b)where the amount of pension which he receives under such law or otherwise, is less than to which he is entitled under section 3, such person shall be entitled to pension under that section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that section :[Provided that any pension received by such person as a freedom fighter shall not be taken into account for the purposes of this subsection and Such person shall be entitled to receive such pension in addition to the pension to which he is entitled under section 3.] [Added by Act IV of 1987.]

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 certificates 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. Decisions on questions 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.