

**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. *Definitions.*— 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 ¹[or the Legislative Council, as the case may be] ;
- (d) 'Accountant General' means the Accountant General of the ²[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 ³[Pension, Family Pension under section 3 and 3-A of the Act] ;
- (h) 'Presiding Officer' means the Speaker of the Legislative Assembly ¹[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 ;

1. Due to abolition of the Legislative Council the words within brackets have become redundant.

2. Now "Union territory of Jammu and Kashmir".

3. Substituted by SRO-397 dated 02.12.1997.

- (j) 'Competent Authority' means the Presiding Officer.

3. *Application for Pension.* —(a) An intending pensioner shall make an application in ¹[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 ¹[Form-I or I-A, Form-II] under rule 3, obtain a 'No Demand Certificate' ²[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 dependent 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 Departments 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 Legislature Secretariat Office.

1. Substituted by SRO-397 dated 2-12-1997.

* After the abolition of the Legislative Council, Law Department is the cadre controlling department of the erstwhile Council.

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 :

¹[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 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 ²[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.

1. Proviso substituted by SRO-226 dated 12-7-2004.

2. Substituted by SRO-397 dated 2-12-1997.

(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 ¹[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. *Authorization 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 ;
- (ii) Three copies of passport size photograph of the pensioners.
- (iii) His descriptive roll showing :—
 - (a) Height ; and
 - (b) Identification marks ;
- (iv) Declaration in Form-V ;
- (v) Two specimen signatures ;
- (vi) Address of the pensioner.

(Duly Attested)

9. *Drawl of pension.*— Payment of pension shall become due on or 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

1. Substituted by SRO-397 dated 2-12-1997.

messenger and production of Life Certificates 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 a 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) Where by 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 the 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 a 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 Assembly/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 photographs.
- (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 State 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.

¹[(iv) x x x x].

- (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.

1. Omitted by SRO-226 dated 12-7-2004.

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/
Legislative 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 photograph.
- (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/Legislative Council.
 Legislative Secretariat,
 Jammu/Srinagar

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

Sir,

I, _____
 S/O _____ R/O _____
 _____ was in receipt of pension as a retired 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 a 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.

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) 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 any law or otherwise.
- (v) I am holding the office _____ or employed as _____ and the total remuneration received by me is Rs. _____ (p. m). (A certified from the competent authority 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 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
Legislative Assembly/Council.

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 allowances.
- b) Advance T.A. drawn for tours or for 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 as a 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
 Member's 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 as a Member of _____ and which was put
 in abeyance from _____ for reasons _____
 _____ is hereby resumed with effect from _____
 at an amount of Rs _____ per month. The increase/
 decrease in the amount of Pension has been made for the following reasons :—

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 of Widow 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 J & K 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 w h i c h claimed	A m o u n t 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 Administration 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 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 any law or otherwise.
- e) 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 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 Try personally to receive the amount of pension.

For use in Treasury

For use in Accountant General

Treasurer

Please pay Rs. _____.

Office _____

Rs. _____

Page _____

Admitted _____

Object to Rs. _____

For _____

Auditor

Examination Suptt.

¹[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 the 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 purposes 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 reason 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 witnesseth as follows :—

1. The pensioner shall reimburse the amount, if any, found due against him, after drawing the pension under the aforesaid Rules or the Competent Authority shall be competent to deduct from the pensioner’s pension any amount found due against him.
2. In the even of pensioner’s 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.

1. Form-VII inserted by SRO-291 dated 9-8-1985.

Signature of Pensioner.

Signature of Pensioner.

(Sd.)

(Sd.)

Witness_____

Witness_____

Witness_____

Witness_____

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

Deputy Commissioner.]
