

**PROVINCIAL ASSEMBLY OF THE ¹[KHYBER PAKHTUNKHWA]
(SALARIES AND ALLOWANCES OF MEMBERS) ACT, 1974.**

²[KHYBER PAKHTUNKHWA] ACT NO. XI OF 1974.

[6th December, 1974.]

CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Salary of Members.
- ³[3A. Facilities for Leaders of Oppositions.]
4. Traveling Allowance.
5. Daily Allowance and Sessions allowance.
6. Short Intervals between sessions or sittings of committee.
7. Telephone.
- ⁴[7A. Office Maintenance Allowance.]
- ⁵[7B. Accommodation Allowance.]
- ⁶[7C. Utility Allowance.]
- ⁷[7D. House rent.
- 7E. Conveyance Allowance.
- 7F. Increase in Salary and other emoluments.]

¹ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2009.

⁴ Inserted vide Khyber Pakhtunkhwa Act No. XV of 1987.

⁵ Inserted vide Khyber Pakhtunkhwa Act No. V of 2003.

⁶ Inserted vide Khyber Pakhtunkhwa Act No. IV of 2009.

⁷ Inserted vide Khyber Pakhtunkhwa Act No. XXIII of 2014.

¹[8. Medical Facilities.]

²[9]

10 Accommodation.

11 Form of Certificate.

12 Power to make rules.

13 Repeal.

¹ Substituted vide Khyber Pakhtunkhwa Act No. XV of 1987.

² Omitted vide Khyber Pakhtunkhwa Act No. XV of 1976.

**PROVINCIAL ASSEMBLY OF THE ¹[KHYBER PAKHTUNKHWA]
(SALARIES AND ALLOWANCES OF MEMBERS) ACT, 1974.**

²[KHYBER PAKHTUNKHWA]. ACT NO. XI OF 1974.

[6th December, 1974.]

*[First published after having received the assent of the Governor of the
³[Khyber Pakhtunkhwa] in the Gazette of ⁴[Khyber Pakhtunkhwa]
(Extra-Ordinary), dated the 6th December, 1974.]*

**AN
ACT**

*to amend the law relating to a salaries and allowances of Members of
the Provincial Assembly of ⁵[Khyber Pakhtunkhwa].*

WHEREAS it is expedient to amend the law relating to salaries and allowances of Members of the Provincial Assembly of the ⁶[Khyber Pakhtunkhwa]. Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Provincial Assembly of the ⁷[Khyber Pakhtunkhwa] (Salaries and Allowances of Members) Act, 1974. Short title and commencement.

(2) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) “Assembly” means the Provincial Assembly of the ⁸[Khyber Pakhtunkhwa];

(b) “Committee” means a standing committee, a selection committee or any other committee of the Assembly, and includes any committee appointed by Government for a purpose connected with the Assembly and declared to be a committee of Assembly;

¹ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

² Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁷ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

- (c) “Government” means the Government of the ¹[Khyber Pakhtunkhwa];
- (d) “Member” means Member of the Assembly other than a Minister, Parliamentary Secretary, Speaker or Deputy Speaker;
- (e) “meeting” means a meeting of the Assembly or of a Committee thereof;
- (f) “period of residence on duty” means the period during which a Member resides at a place where a session of the Assembly 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—
 - (i) in the case of a session of the Assembly, a period of such residence, not exceeding three days, immediately preceding the commencement of the session and a period of such residence, not exceeding three days, immediately following the end of the session; and
 - (ii) in the case of a sitting of a Committee or transaction of any other business, a period of such residence, not exceeding two days, immediately preceding the commencement of the business of the Committee or other business and a period of such residence, not exceeding two days, immediately following the conclusion of the business of the Committee or any other business;

Explanation.—In the case of a Member who ordinarily resides at a place where a session of the Assembly or a sitting of a Committee is held or where any other business, connected with his duties as such member, is transacted, the period of residence on duty shall include the duration of the session or sitting or the time occupied for the transaction of such other business but shall not include the three or two days immediately preceding or following, as the case may be, and any period during which the Assembly is adjourned for more than ten days: and

- (g) “session” means the period commencing on the day of the first meeting of the Assembly after having been summoned and ending on the day the Assembly is prorogued or dissolved.

¹ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

3. ¹[(1) subject to the provision of sub section (3) of this section and section 3A, a member shall be entitled to a salary at the rate of ²[eighty thousand] per month and a sumptuary allowance at the rate of ³[ten] thousand rupees per month.]

Salary of Members.

Provided that a Member who, without permission of the Assembly,—

- (a) fails to attend at least three-fourth of the total number of meetings held in a month, or
- (b) if elected during the course of a month, fails to attend at least three-fourth of the total number of meetings held in that month subsequent to the date on which he makes an oath, shall be ineligible to draw salary for that month.

⁴[(2).....]

(3) No salary shall be paid to any Member in respect of any period during which he was under detention on conviction for an offence involving moral turpitude under any law for the time being in force.

⁵[3A. Facilities for Leaders of Oppositions.— A member who has been declared as leader of the opposition shall be entitled to the Salary, Allowances and Privileges as admissible to the Provincial Ministers under ⁶[Khyber Pakhtunkhwa] Ministers (Salaries, Allowances and Privileges) Act, 1975 (⁷[Khyber Pakhtunkhwa] Act No. IV of 1975.)]

Facilities for Leaders of oppositions.

4. (1) For every journey performed for the purpose of attending a session or a meeting of Committee or for attending to any other business connected with his duties as Member from his usual place of residence to the place where the session or meeting is held or other business is transacted and for the return journey from such place to his usual place of residence, a Member shall be entitled to receive traveling allowance at the following rates:—

Traveling Allowance.

- (a) where the journey is performed by rail, an amount equal to ⁸[one air conditioned class fare]—;
- (b) where the journey is performed by air, the fare of the economy class; and

¹ Substituted vide Khyber Pakhtunkhwa Act No. II of 1995.

² Substituted vide Khyber Pakhtunkhwa Act No. IV of 2017.

³ Substituted vide Khyber Pakhtunkhwa Act No. XXIII of 2014.

⁴ Omitted vide Khyber Pakhtunkhwa Act No. XV of 1976.

⁵ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2009.

⁶ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁷ Substituted vide the Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2009.

¹[(c) where the journey or any part thereof is performed by road, an allowance at the rate of ²[fifteen] rupees per kilometer.]

Provided that:—

- (i) no traveling allowance shall be admissible for journeys made during a session between the place where the session is held and any other place; and
- (ii) a Member who ordinarily resides or carries business at any place within five miles of the place at which his attendance is required in connection with his duties as a Member, shall not be entitled to traveling allowance.

(2) Traveling allowance at the rates mentioned in sub-section (1) shall be admissible to a Member for journey performed during the period of adjournment of a session, if the session is adjourned for a period of more than ten days.

³[(3) Every member shall be entitled to a sum of ⁴[one lac and twenty thousand] rupees ⁵[per annum] for travelling within Pakistan:

Provided that when a person becomes a member during the course of a year, the amount to which he is so entitled shall be reduced proportionately.]

5. ⁶[(1) For each day during any period of residence on duty, a Member shall be entitled to receive daily allowance at the rate of one hundred and daily Allowance rupees per day.]

Daily Allowance and Sessions Allowance.

⁷[(2).....]

(3) A Member who arrives in the forenoon at the place of duty or departs from such place in the afternoon, shall be entitled to draw daily allowance ⁸[.....] at the full rate for the day of arrival or the day of departure, as the case may be, and if he arrives at such place in the afternoon or departs there from in the forenoon, the Daily allowance ⁹[.....] drawn shall be at half such rate:

¹ Substituted vide Khyber Pakhtunkhwa Act No. XII of 1991.
² Substituted vide Khyber Pakhtunkhwa Act No. XXIII of 2014.
³ Added vide Khyber Pakhtunkhwa Act No. XII of 1991.
⁴ Substituted vide Khyber Pakhtunkhwa Act No. XXIII of 2014.
⁵ Substituted vide Khyber Pakhtunkhwa Act No. XV of 1991.
⁶ Substituted vide Khyber Pakhtunkhwa Act No. IX of 1985.
⁷ Omitted vide Khyber Pakhtunkhwa Act No XV of 1976.
⁸ Omitted vide Khyber Pakhtunkhwa Act No XV of 1976.
⁹ Omitted vide Khyber Pakhtunkhwa Act No XV of 1976.

Provided that not more than one daily allowance ¹[.....] at the full rate may, in any case, be claimed in respect of any one day.

6. Where the interval between the termination of one session, or one sitting of a Committee, and the commencement of another session or, as the case maybe another sitting, at the same place does not exceed seven days and, during such interval, a Member remains at such place, he shall be entitled to receive for each day of residence at such place a daily allowance at the rate specified in section 5.

Short
Intervals
between
sessions or
sittings of
committee.

7. A members shall be entitled, at Government expense, to the facility of telephone at the place where he ordinarily resides, if the installation facility is feasible at such place :

Telephone.

Provided that Government shall pay not more than an aggregate amount of ²[ten] hundred rupees per month as charges of rental of the telephone and the calls made therefrom:

³[Provided that the Government shall not pay more than Rupees Five hundred per month as the telephone charges and the telephone call bills shall be paid by a Member himself].

⁴[7A. Office Maintenance Allowance.— A member shall be entitled to receive an office maintenance allowance at the rate of ⁵[ten] thousand rupees per month."].

Office
Maintenance
Allowance.

⁶[7B. Where official accommodation is not provided to Member, he shall be paid an accommodation allowance at the rate of one thousand and six hundred rupees per day for the period of residence on duty:

Accommodation
Allowance.

Provided that a member shall not be required to produce any written certificate while claiming accommodation allowance under this section].

⁷[7C. Utility Allowance.— A member shall be entitled to receive utility allowance at the rate of ⁸[four thousand and eight hundred] rupees per month.]

Utility
Allowance.

⁹[7D. House rent.— A member shall be entitled to receive house rent allowance at the rate of thirty thousand per month.

House rent.

¹ Omitted vide Khyber Pakhtunkhwa Act No XV of 1976.

² Substituted vide Khyber Pakhtunkhwa Act No. XXIII of 2014.

³ Substituted vide Khyber Pakhtunkhwa Act No. IX of 1985.

⁴ Inserted vide Khyber Pakhtunkhwa Act No. XV of 1987.

⁵ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2009.

⁶ Inserted vide Khyber Pakhtunkhwa Act No. V of 2003.

⁷ Inserted vide Khyber Pakhtunkhwa Act No. IV of 2009.

⁸ Substituted vide Khyber Pakhtunkhwa Act No. XXIII of 2014.

⁹ Inserted vide Khyber Pakhtunkhwa Act No. XXIII of 2014.

7E. Conveyance Allowance.— A member shall be entitled to receive conveyance allowance at the rate of six hundred and forty rupees per diem for the period of residence on duty and for the day of arrival and day of departure from the place where a session of Assembly or a meeting of Committee is held or where any other business connected with his duties as such member is transacted only during Assembly Session.

Conveyance Allowance.

7F. Increase in salary and other emoluments.— The Salary and other emoluments of the members shall automatically be increased by Government in proportion increase to be made in the salary of the civil servants in BPS- 20 from time to time.]

Increase in salary and other emoluments.

¹[8. Medical Facilities.—²[(1)] A member shall be entitled for himself, spouse, minor children and un-married daughters residing with or wholly dependent on the member to free indoor ³[...] medical facilities of the standard admissible to a BPS-20 Officers of the Government.]

Medical Facilities.

⁴[(2) A member shall be entitled to receive medical allowance at the rate of nine thousand rupees per month.]

⁵[9.....]

10. ⁶[A Member shall be entitled to a session allowance of rupees ⁷[one thousand] per day including daily allowance provided in the Act].

Accommodation.

Explanation.— In this section the word “session” includes any meeting of the committee or the Committees as the case may be of the Provincial Assembly in accordance with the ⁸[Khyber Pakhtunkhwa] Provincial Assembly Rules of Procedure, 1975.]

11. Every claim by a Member for travelling allowance ⁹[or daily allowance] shall be supported by a written certificate in the following form signed by the Member:

Form of certificate.

“Certified that the amount has not been claimed by me in any other bill or drawn by me from any other source.”

¹ Substituted vide Khyber Pakhtunkhwa Act No. XV of 1987.

² Renumbered vide Khyber Pakhtunkhwa Act No. XXIII of 2014.

³ Deleted vide Khyber Pakhtunkhwa Act No. XXIII of 2014.

⁴ Added vide Khyber Pakhtunkhwa Act No. XXIII of 2014.

⁵ Omitted vide Khyber Pakhtunkhwa Act No. XV of 1976.

⁶ Substituted vide Khyber Pakhtunkhwa Act No. IX of 1985.

⁷ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2009.

⁸ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁹ Substituted vide Khyber Pakhtunkhwa Act No. XV of 1976.

12. After consultation with the Speaker of the Assembly, Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

13. The Provincial Assembly of the North-West Frontier Province, (Allowances of Members) Act, 1972 (Act No. V of 1972), is hereby repealed. Repeal.