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## NOTIFICATION

NO. LJD. 48/87/3, the 27th October, 1987. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor of Mizoram is hereby published for general information.

Mizoram Act No. 5 of 1987.

The Mizoram Salaries and Allowances of the Ministers Act, 1987.  
(Received the assent of the Governor of Mizoram on 21st October, 1987.)

### AN ACT

to provide for the salaries and allowances of the Chief Minister and other Ministers of Mizoram. Be it enacted by the Legislative Assembly of Mizoram in the Thirty Eighth Year of the Republic of India as follows :—

- Short title and commencement.
1. (a) This Act may be called the Mizoram Salaries and Allowances of Ministers Act, 1987.  
(b) It shall be deemed to have come into force on the 20th day of February, 1987.
- Definitions.
2. In this Act, unless the context otherwise requires—
- (a) "Assembly" means the Legislative Assembly of Mizoram ;  
(b) "Government" means the Government of Mizoram ;  
(c) "Governor" means the Governor of Mizoram ;  
(d) "Minister" means a Minister appointed under clause (1) of Article 164 of the Constitution of India and includes the Chief Minister, and a Minister of State ;



- (e) "Family" in relation to a Minister means his wife residing with him and legitimate children residing with or wholly dependent on him and where the husband has more than one wife, only one wife shall be included in his family for the purposes of this Act. If the Minister is a married woman, "family" shall include her husband residing with her;
- (f) "Schedule" means the Schedule appended to this act ;
- (g) "Travelling allowance" means the allowance granted to a Minister under this Act to cover the expenses which he incurs in travelling in the interest of the public service.

Salaries of the Chief Minister and other minister. 3. There shall be paid to the Chief Minister, a salary of three thousand two hundred fifty rupees per mensem and to each Minister, a salary of two thousand five hundred fifty rupees per mensem and to each Minister of State, a salary of two thousand two hundred fifty rupees per mensem.

Sumptuary and other allowances of the Chief Minister and other Ministers. 4. There shall be paid to the Chief Minister, Minister and Ministers of State a sumtuary allowance of one thousand five hundred rupees each per mensem. Family allowance of three hundred rupees each per mensem and entertainment allowance of seven hundred rupees each per mensem.

Residence of Ministers. 5. Each Minister shall be entitled, without any payment, to the use and maintenance of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter; and so long as such residence is not provided, he shall be entitled to a residence for which rental charges shall not be more than six thousand rupees per mensem.

Explanation - for the purposes of this section -

(a) "residence" includes the staff quarters and other buildings appurtenant thereto and the garden there of.

(d) "maintenance" in relation to a residence includes,-

(i) provision of electricity and water to the extent of one thousand rupees per mensem.

(ii) payment of local rates and taxes.

Conveyance allowance and use of motor car. 6. Each Minister shall be entitled to the free use of Motor Vehicle, the entire cost of maintenance and propulsion alongwith the services of chauffeur of which shall be borne by the Government;

Travelling and daily allowance 7. Subject to the provisions of the schedule, a Minister shall be entitled to :-



Provided that no advance for building the house shall be made unless the house is situated in the area specified by the Minister.

(a) travelling allowance for himself and members of his family and for the transport of personal effects of himself and his family in respect of journey to Aizawl from his usual place of residence outside Aizawl for the purpose of assuming office and demitting office; and

(b) travelling and daily allowance in respect of tour undertaken by him in the discharge of his official duties whether by land, sea or air.

**Medical facilities.** 8. A Minister and the members of his family shall be entitled free of charge to accommodation in hospital maintained or recognised by the Government and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, applicable to first grade officers of the Government of Mizoram.

9. No person in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of the funds provided by the Assembly by way of salary or allowances in respect of his membership of the Assembly.

**Notification** 10. The date on which any person became, or ceased to be a Minister shall be published in the official gazette of Mizoram and any such notification shall be conclusive evidence of the fact that he became or ceased to be, a Minister on that date for all the purposes of this Act.

**Grant of Loans.** 11. (1) Subject to such conditions and limitations as may be prescribed by rules there may be paid to a Minister by way of a repayable advance-

- (i) a sum of money not exceeding one lakh rupees for a building or purchasing a house; and
- (ii) a sum of money not exceeding one lakh rupees or the anticipated price, whichever be less, for purchase of a Motor Vehicle.

**THE SCHEDULE**

(2) On the application for a building advance a Minister shall execute a deed in the form prescribed by rules, undertaking to use the advance for the purpose for which it is sanctioned, rendering himself and such property as may be specified in the deed as security including the house purchased or built with the aid of the advance liable for the repayment of the loan with interest due thereon.



Provided that no advance for building the house shall be sanctioned unless the plot of land on which the house is to be built is exclusively owned and possessed by the Minister applying thereof, and is free from all encumbrances.

(3) On the application for advance for the purchase of a Motor Vehicle, a Minister shall execute a deed in a prescribed form undertaking to use the advance for the purpose for which it is sanctioned, rendering himself and the Motor-Vehicle to be purchased liable for the repayment of the loan with interest due thereon.

(4) (i) No transfer, assignment or charge made or created after the execution of the deed under sub-section (2) or (3) under this section in relation to the property specified therein or the house purchased or built with the aid of the advance, shall be valid against the Government, unless it has been made or created with the previous consent of Government in writing.

(ii) Where a Minister having obtained an advance under clauses (i) and (ii) of sub-section (1) of this section dies while holding office as such, the amount of the advance or any part thereof which would have accrued on the date of his death in accordance with the terms and conditions of the grant of the advance along with interest thereon shall be written off with the sanction of the authority as may be prescribed by the Government from time to time.

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| Power to make rules. | 12. The Government may by notification make rules for carrying out the purposes of section 11.   |
| Repeal and saving.   | 13. (a) The Mizoram Salaries and Allowances of Ministers Ordinance, 1987 is hereby repealed.<br>(b) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall, in so far as it is not inconsistent with the provisions of this Act be deemed to have been done or taken under this Act. |

## THE SCHEDULE

(See Section 7)

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| Travelling on duty. | 1. When travelling on duty by railway or by road or by steamer or by air, a Minister shall be entitled to draw travelling allowance and daily allowance at the maximum rates applicable to first grade officer of the Government of Mizoram. |
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Travelling allowance on journeys for assuming and demitting of office.

2. In respect of the journey to headquarters from his usual place of residence for assuming office or between headquarter and his usual place of between residence on demitting office, a Minister is entitled to travelling allowance on the maximum rate for the time being admissible to first grade officers of the Government of Mizoram, subject to the modification that for journeys by rail, a Minister and the members of his family may travel by air-conditioned class of accomodation,

Travel by air.

3. (i) A Minister may, in the public interest, perform journeys on tour by air in public air transport services.

(ii) On the cancellation of a journey due to official reason, a Minister shall be entitled to be reimbursed by the Government any deduction made by the air transport services when refunding the fare on account of cancellation of the air passage.

(iii) A Minister who does not utilise the free transport provided by the air booking centre and the air-port may also recover in respect of journey to and from the air-port actual travelling expenses or road mileage as journey on duty by road, which-ever is less.

Travel by railway.

4. A Minister shall have the right to reserve, by requisition an ordinary first class compartment when travelling by railway on duty.

Explanation :- For the purposes of this section a first class compartment means a two-berthed compartment or an air-conditioned coupe, where it is available, or a four-berthed compartment if a two-berthed compartment or an air-conditioned coupe is not available in the train by which the Minister travels.

Advances

5. A Minister shall be entitled to -

(a) an advance of travelling allowance towards the cost of transporting himself and the members of his family and his family's effects -

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

(ii) in respect of the journey from headquarters to his usual place of residence outside the headquarters on relinquishing office; and

- (b) an advance of travelling and daily allowance in respect of the tours undertaken by him in the discharge of his official duties whether by land, sea or air.

### STATEMENT OF OBJECTS AND REASONS

The Salaries and allowances of the Ministers under the provisions of the Mizoram Salaries and Allowance of the Ministers Act, 1973 are considered inadequate to meet the present demand in view of the increase in price index. Apart from that, Mizoram attained Statehood with effect from 20th February, 1987 and the salaries and allowances of the Ministers under the said Act of 1973 were considered not only inadequate but also not befitting to the status of the Ministers of a State.

To meet the immediate need and as the State Assembly was not in session, the Governor of Mizoram promulgated an Ordinance known as the Mizoram Salaries and Allowances of the Ministers Ordinance, 1987 under clause (1) of Article 213 of the Constitution fixing the salaries and allowances of the Ministers to have been effective from the 20th day of February, 1987, the day Mizoram attained Statehood. However at the time of promulgation of the said Ordinance all aspects with regard to facilities and privileges could not be taken into consideration. Therefore, subsequent to the promulgation of the said Ordinance, the entire matter has been reconsidered and the same are incorporated by modifying the relevant provisions of the said Ordinance.

This Bill seeks to replace the said Ordinance of 1987 with modifications.

Hence this Bill.

Saingura Sailo  
Minister of State  
i/c Law, Judicial & Parliamentary Affairs.

### FINANCIAL MEMORANDUM

For the proposed salaries and allowances of the Chief Minister, Ministers and Ministers of State from Rs. 1,450.00 to Rs. 5,750.00 ; Rs. 1,350.00 to Rs. 5,050.00 and Rs. 1,350.00 to Rs. 4,750.00 respectively, there will be an approximate expenditure of Rs. 5,22,000.00 per annum. The actual requirement of fund for travelling allowances and daily allowances during a year cannot be worked out as the detail of the tour and haltage are not fixed.

Saingura Sailo  
Minister of State,  
i/c Law, Judicial & Parliamentary Affairs.