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NOTIFICATION

No. LJD. 46/87/3 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. 6 of 1987.

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

AN
ACT

to provide for the salaries, allowances and pension of members of the Legislative Assembly of Mizoram.

Be it enacted by the Mizoram Legislative Assembly in the Thirty Eighth Year of the Republic of India as follows :—

Short title
and commence-
ment.

1. (1) This Act may be called the Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly Act, 1987;
- (2) 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) "Committee" means a committee of the Assembly;
 - (c) "Day" means a period of 24 hours beginning at midnight;
 - (d) "family" in relation to a member means :—
 - (i) the wife or husband residing with him or her, as the case may be, and
 - (ii) the children (including the legally adopted children and step-children), residing with and wholly dependent on such member;
 - (e) "Form" means a form appended to the Second Schedule;
 - (f) "Government" means the Government of Mizoram;
 - (g) "Member" means a member of the Assembly, save as otherwise expressly provided in this Act, does not include —
 - (i) a Minister as defined in the Mizoram Salaries and Allowances of Ministers Act, 1987; and
 - (ii) the Speaker and the Deputy Speaker as defined in Mizoram Salaries and Allowances of the Speaker and the Deputy Speaker Act, 1987;

but includes the Chief Minister, the Speaker, the Ministers, the Minister of State and the Deputy Speaker for the purposes of Pension including Family pension only under Section 14.
 - (h) "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, or for the purpose of attending such session or sitting or for the purpose attending such other business and includes, except in the case of member who ordinarily resides at the place where a session of the Assembly or a sitting of the committee is held or where any other business connected with his duties as such member is transacted —
 - (i) in case of 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 resi-

dence, not exceeding three days immediately succeeding the date on which the Assembly is adjourned sine die or for a period exceeding seven days; and

- (ii) in the case of sitting of a committee or 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 succeeding the conclusion of the business of the committee or other business;
- (i) "Prescribed authority" means the authority as prescribed by the Government from time to time;
- (j) "Schedule" means a Schedule appended to this Act;
- (k) "State" means the State of Mizoram;
- (l) "term of office" in relation to a member means —
 - (i) where such member is a member elected in a general election held for the purpose of constituting a new Assembly, the period beginning with the date of publication of the notification of the Election Commission under section 73 of the Representation of the People Act, 1951; or
 - (ii) where such member is a member elected in a bye-election to the Assembly or a member nominated to the Assembly, the period beginning with the date of his election referred to in Section 67A of the said Act, or as the case may be to in Section 67A of the said Act, or as the case may be the date of his nomination, and ending with, in each such case, the date on which his seat becomes vacant";
- (m) "Usual place of residence" in relation to a member means where a member personally resides or works for gain within the State of Mizoram.

Salary
and Daily
allowances

3. A member shall be paid a salary of one thousand rupees per mensem during the whole of his term of Office and shall also be entitled to receive daily allowances of Rs. 100/- for each day of the period of residence for the meeting of attending a session of the Assembly or the meeting of a Committee and for each day of period of residence at any place where any other business connected with his duties as member is transacted, such as attending a refresher course or a seminar, conference or meeting of any Parliamentary Association, University or other recognised body on matter connected with Parliamentary Affairs.

Constituency
allowance
and other
allowances

4. A member shall be paid constituency allowances of Rs. 1,500/- per mensem and he shall also be entitled contingency allowances of Rs. 1,000/- per mensem for meeting expense on Telephone, Postal, Water and Electricity charges.

Travelling
allowance

5. (1) There shall be paid travelling allowance to each member in respect of every journey performed by him for the purpose of attending a session of the Assembly or sitting of a committee or for the purpose of attending to any other business connected with his duty as member from his usual place of residence to the place where the session or the sitting is to be held or the other business is to be transacted and for the return journey from such place to his usual place of residence at the maximum rate applicable as would be admissible in respect of journey on tour to a First Grade Officer of the Government of Mizoram.
- (2) Where no Government accomodation is available outside the State, a member on official duty shall be entitled to re-imbusement of accomodation charge of single room in a Three Star Hotel in addition to the Daily Allowance subject to production of actual payment receipt.
- (3) Notwithstanding anything contained in sub-section (1), a member who performs a journey by road between places connected by rail, either wholly or in part, may draw the road mileage on the scale mentioned in sub-section (1) instead of the travelling allowance which would have been admissible to him if he had travelled by rail.

Provided that the total allowance of 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 the journey by rail.

Provided further that a Member shall be entitled to an advance of travelling and daily allowances in respect of the tours undertaken by him on official duties.

Travelling
allowances
for intermediate
journey.

6. When a member absents himself for less than seven days during a session of the Assembly or a sitting of a committee for visiting any place in the State he shall be entitled to receive travelling allowance in respect of such journey to such place and for the return journey under section 5.

Provided that such travelling allowance shall not exceed the total amount of daily allowance which would have been admissible to such member under section 3 for the days of absence if he had not remained so absent.

Allowances
during short
intervals
between termination
of one session
and commencement
of another session.

7. Where the interval between the adjournment of the Assembly and re-assembly of that Assembly does not exceed seven days and the member concerned elects to remain at such place during the interval, he shall be entitled to draw for each day of residence at such rate specified in section 3 :

Provided that if the member leaves such place during the interval, his absence from the place shall be treated as absence during a session of the Assembly and the provisions of section 6 shall apply accordingly.

- Travel by Air 8. A member is entitled to travel by air on tour for performing official duties within India.
- Special provisions. 9. In the special circumstances specified in the First Schedule, the provisions of this Act shall apply subject to the provisions of that Schedule.
- Procedure 10. The provisions of the Second Schedule shall apply in respect of all claims for Salaries and allowances.
- Telephone facilities. 11. (1) Local calls are allowed free of charge on telephones installed in the Members' Hostel.
- (2) Every member is entitled to have a telephone intalled at Government expense at the place where he ordinarily resides or at any of the place in the State which is also used by him for residence. The amount of initial deposit, installation and rental charges will be borne by Government.
- (3) In the case of a member already having a telephone, the rental charges will be borne by the Government.
- Grant of Loans. 12. (1) Subject to such conditions and limitations as may be prescribed by rules there may be paid to a member 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.
- (2) On the application for a building advance a member 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 members applying thereof, and is free from all encumbrances.

- (3) On the application for advance for the purchase of a Motor Vehicle, a member 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-sections (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 member having obtained an advance under sub-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.

Personal
Attendant.

13. Every member shall be entitled to the services of a personal attendant of his/her choice throughout his term of office. The personal attendant, is entitled to receive a fixed salary of rupees eight hundred per mensem from the Government.

Pension.

14. (1) There shall be paid a pension of rupees eight hundred per mensem to any person who had served for a period of five years or for any period shorter than five years;
 - (a) as a member of the erstwhile Assam Legislative Assembly; or
 - (b) as a member of the Legislative Assembly of Union Territory of Mizoram.
 - (c) as a member of the Legislative Assembly of the State of Mizoram.

EXPLANATION :—

This provision does not apply to a person who was elected as a member of Assam Legislative Assembly from any constituency which does not form part of the present State of Mizoram.

- (2) Where any person has served as aforesaid for a period exceeding five years and additional pension of fifty rupees per mensem be paid to him for every year but in no case the pension payable to such person shall exceed one thousand rupees per mensem.
- (3) Where any person entitled to pension is elected to office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union Territory; or becomes a member of the Council of States or the House of the People or any Legislative Assembly of State or Union Territory or any Legislative Council of a State; or is employed on a salary under the Central Government or any State Government or any Corporation owned or controlled by the State Government or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority, such person is not entitled to any pension for the period during which he continued to hold such office or as such member, or is so employed or continues to be entitled to such remuneration;

Where the salary payable to such person for holding such office or being such member or so employed or where the remuneration payable to such person is in either case less than the pension payable to him such person shall be entitled only to receive the balance as pension.

- (4) Where any person entitled to pension is also entitled to any pension from the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any local authority, under any law or otherwise then —
 - (a) Where the amount of pension to which he is entitled under such law or otherwise is equal to or in excess of that to which he is entitled as a Member, such person shall not be entitled to any pension, and
 - (b) Where the amount of pension to which he is entitled under such law or otherwise is less than that to which he is entitled as a Member, such person shall be entitled to pension only of an amount or pension to which he is otherwise entitled as a member.

- (5) In computing the number of years, for the purposes the period during which a person has served as a Minister or Minister of State or Deputy Minister or as Speaker or as Deputy Speaker or as Parliamentary Secretary or more than any one of the aforesaid by virtue of his membership in the Assam Legislative Assembly, shall also be taken into account.

“Family pension. - When a Member dies before the expiry of the term of his office, his/her spouse be paid a family pension of the same amount of pension for the unexpired portion of the term of office of the deceased Member.”

Medical 15.
treatment,
etc. to
members.

A member 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 as to first grade officer of the Government of Mizoram.

Explanation : If a member has more than one wife residing with him the benefit conferred by this section shall be available only to such wife as may be nominated in this behalf by the member.

Power to
make rules.

16. (1) The Government may, by notification in the Mizoram Gazette, make rules for carrying out the purposes of this Act.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram, while it is in session, for a total period of seven days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the sessions immediately following session or the successive sessions aforesaid, the Legislative Assembly of Mizoram agrees that the rule, be made or should not be made, the rule shall thereafter have effect only in such modified form or be of no effect only in such modified form or be of no effect, as the case may be. However that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

Repeal
and
Saving

17. (1) The Mizoram Salaries, Allowances and Pensions of Members of Legislative Assembly Ordinance, 1987 is hereby repealed.
- (2) 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.

FIRST SCHEDULE

(See Section 9)

Admissibility of travelling allowance, where a member is provided with free transit for the whole or any part of the journey. 1. No travelling allowance under section 5 shall be claimed by the member in respect of any journey or part thereof performed by him in a conveyance provided at the expense of any Government or a local fund, but he shall be entitled to draw an allowance at the rate of five rupees only per diem where the duration of such journey lasts for not less than six hours on any day;

NOTE :-

The amount of five rupees is granted to the member to cover his incidental expenses during such journey or part thereof and is in lieu of the extra road mileage when he performs the journey by a conveyance supplied without charge. This allowance is not an alternative to the daily allowance admissible under section 3 which is allowed to him where admissible for each day during any period of residence on duty.

Admissibility of travelling allowances where the place from which a member performs his journey or to which he returns is not his usual place of residence. 2.(1) Where member performs a journey for the purpose of attending a session of the Assembly or a sitting of a committee or for the purpose of attending to any other business connected with his duties as a member from a place other than his usual place of residence or returns to such a place, he may draw travelling allowance for the actual journey performed or the journey from or to his usual place of residence, whichever is less.

(2) Where during a session of the Assembly or a sitting of a committee, a member performs a journey from the place where such session or sitting is held to any other place for the purpose of attending to any business connected with his duties as a member, he shall be entitled to receive —

(a) travelling allowance, in respect of such journey to such other place and return journey, at the rate specified in section 5, and

(b) daily allowance for each day during any period of residence on duty at the other place at the rate specified in section 3.

Regulation of payment of daily and travelling allowances. 3. (1) Notwithstanding that a member has not taken his seat in the Assembly to which he is elected he shall be entitled to receive travelling allowances for the journey performed by him or the purpose of taking his seat in the Assembly.

(2) For absence for a period of seven days or more during a session of the Assembly or a sitting or committee for visiting any place in the State of Mizoram, no travelling or daily allowance will be admissible.

EXPLANATION :- If a member comes back on the seven days, whether in the forenoon or in the afternoon his absence shall be treated as being less than seven days.

(3) The term "during a session" or "a sitting of a committee" occurring in section 6 and in sub-paragraph (2) of section 5 does not include the period of three days immediately preceding the commencement of the session and three days immediately succeeding the end of the session or two days immediately preceding the commencement of the business, and two days immediately succeeding the conclusion of the business of the committee.

- (4) If a member leaves the place where the session of the Assembly or sitting of a committee is held before the commencement of the interval between the adjournment of the session or the sitting of a committee sine die and the commencement of another session or sitting such interval not exceeding a period of three days, his absence from that place shall be treated as intermediate absence during a session of the Assembly or a sitting of a Committee as the case may be, and the provisions of section 6 shall apply accordingly.
- (5) Travelling allowance for a return journey to the usual place of residence shall be admissible to a member who leaves the place of the session of the Assembly or a sitting of a committee during the continuance of such session or sitting and returns to the place of session or sitting within three days after the conclusion of the business of the session or the sitting as the case may be, before finally returning to his usual place of residence
- (6) All cases regarding the admissibility of travelling allowances to a member who arrives at the place where a session of the Assembly or a sitting of a committee is held, without knowledge of the postponement of the session or the sitting, including cases of such members who arrive after the session or a sitting is adjourned suddenly, shall be determined by the Speaker of the Assembly having regard to the circumstances of each case.

In case the member has performed such journey at his own expenses, he shall have to certify for the same as follows ;

"Certified that I have not performed any part of the journey by a conveyance provided at the expense of any Government or a local fund."

- (7) Where a member is provided with free board and lodging at the expense of any Government or a local fund, he shall be entitled to receive only onehalf of

the daily allowance admissible to him under section 3. If only boarding or lodging is allowed free to the member, he shall be entitled to receive three-fourths of the daily allowance admissible to him under that section.

SECOND SCHEDULE (See Section 10)

PROCEDURAL PROVISION :—

- (1) Every member shall, as soon as possible after he is elected declare in Form 'A' appended to Second Schedule his usual place of residence to the prescribed authority and any subsequent change in the usual place of residence so declared shall be notified in the said Form to the prescribed authority.
- (2) A member who claims any travelling or other allowance under this Act shall support his claim by a certificate in the following form, namely :—

“Certified that no travelling allowance in respect of the journey or daily allowance for the period mentioned in this bill has been or will be claimed from any other official source”.
- (3) Where no part of the journey is performed by a conveyance provided at the expense of the Government or a local fund, the following certificate shall be furnished namely :—

“Certified that I have not performed any part of the journey by a conveyance provided at the expense of the Government or a local fund”.
- (4) After completing each final return journey on termination of a session of the Assembly or a sitting of a committee or any other business connected with his duties as a member, a member shall furnish a certificate in Form 'B' appended to Second Schedule.
- (5) Ordinarily any non-governmental dues outstanding against a member shall not be recovered from his salaries and allowances but where such dues are on account of certain services rendered to him in the course of his duties as a member, such as when he is on tour with a committee, and the arrangements for such services have been made by or at the instance of semi-Government institutions or private parties at the request of officers of the Assembly, and Where such member, inspite of repeated requests, had failed to make payment of such dues, recovery there of may be effected from the salaries or daily allowance bills of such member.

FORM 'A'

My usual place of residence is

.....

or

I have changed my usual place of residence from

..... to

with effect from due to

..... (here state the reason)

I may hence forward be allowed travelling

allowances from

Signature

Constituency

Date

FORM 'B'

DEPARTURE AND RETURN JOURNEY CERTIFICATE

The certificates may kindly be filled, signed and returned to the Secretary Legislative Assembly, as soon as possible, after the completion of the return journey.

(1) Certified that I performed the return journey under section 5 of the Mizoram Salaries, Allowances and Pension of Members of Legislative Assembly Act, 1987, leaving-

.....(Place) on the
.....(Date) I arrive at
.....(Place) on the
.....(Date).

(2) Certified that I have not performed any part of journey (other than the railway journey) by a conveyance provided at the expense of the Government or a local fund.

(3) Certified that I actually travelled by air from.....
.....(place) to
.....(Place) by day/night service.

Payment of the Supplementary bill is required
at.....(Station)

Member of Legislative Assembly;
Constituency.....

Station

Dated the

Strike out if not applicable.

STATEMENT OF OBJECTS AND REASONS

The salaries, allowances and pension of the Members of Mizoram Legislative Assembly under the provisions of the Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly 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 Members under the said Act of 1973 were considered not only inadequate but also not befitting to the status of the Members of Legislative Assembly 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, allowances and pension of the Members of Legislative Assembly Ordinance, 1987 under clause (1) of Article 213 of the Constitution fixing salaries and allowances of the Members 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 and Parliamentary Affairs.

FINANCIAL MEMORANDUM

For the proposed Salaries, Allowances and Pension of Members of Mizoram Legislative Assembly from Rs. 6,000 to Rs. 3,500.00 per mensem, there will be

an approximate expenditure of Rs. 8,89,200.00 per annum. The actual requirement of fund for travelling allowance and daily allowance during a year cannot be worked out as the detail of the tour and haltage are not fixed.

In respect of pension of Members, it is also not possible to indicate the exact financial requirement as the number of past Members entitled to get the pension are yet to be assessed.

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