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THE MIZORAM SALARIES AND ALLOWANCES OF LEADER OF THE OPPOSITION ACT, 1991

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NOTIFICATION

No. H. 12018/2/91—LJD, the 28th February, 1991. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor is hereby published for general information.

The Mizoram Act No. 1 of 1991
The Mizoram Salaries and Allowances of Leader of the Opposition Act, 1991.

(Received the assent of the Governor of Mizoram on the 26th February, 1991)

AN
ACT

to provide for the salaries and allowances of the Leader of the Opposition in the Mizoram Legislative Assembly.

It is hereby enacted by the Legislative Assembly of Mizoram in the Forty Second 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 Opposition Act, 1991.

(b) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

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) "Leader of the Opposition" means Member of the Assembly who is for the time being the Leader in the Assembly of the party in opposition to the State Government having the greatest numerical strength in the Assembly and recognised by the Speaker as Leader of the Opposition Party;

(e) "Family" in relation to a Leader of the Opposition means his wife residing with him and legitimate children 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 Leader of the Opposition

is married woman, "family" shall include her husband residing with her, and legitimate children residing with or wholly dependent on her;

- (f) "Schedule" means the Schedule appended to this Act;
- (g) "Travelling allowances" means the allowance granted to a Leader of the Opposition under this Act to cover the expenses which he incurs in travelling in the interest of the public service.
- Salaries of the Leader of Opposition 3. There shall be paid to the Leader of the Opposition a salary of one thousand five hundred rupees per mensem.
- Sumptuary, family and entertainment allowances of Leader of Opposition 4. There shall be paid to the Leader of the Opposition a sumptuary allowance of one thousand two hundred fifty rupees each per mensem, family allowance of three hundred rupees each per mensem and entertainment allowance of five hundred rupees each per mensem.
- Residence for Leader of Opposition 5. A Leader of the Opposition 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 there-after; and so long as such residence is not provided he shall be entitled a residence for which rental charges shall not be more than three thousand five hundred rupees per mensem.
- Explanation — for the purposes of this section —
- (a) "residence" includes the staff quarters and other buildings appurtenant thereto and the garden thereof;
- (b) "maintenance" in relation to a residence includes,—
- (i) provision of electricity and water to the extent of one thousand rupees per mensem;
- (ii) payment to local rates and taxes.
- Conveyance allowance and use of motor car 6. A Leader of the Opposition 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 Leader of the Opposition shall be entitled to —
- (a) travelling allowance for himself and members of his family and for the transport of personal effects to 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 Leader of the Opposition 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 officer of the Government of Mizoram.

Leader of Opposition not to draw salaries or allowances as members of the Assembly

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 respecting appointment of Leader of Opposition to be conclusive evidence thereof

10. The date on which any person became, or ceased to be a Leader of the Opposition 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 Leader of the Opposition on that date for all the purposes of the Act.

Leader of Opposition not disqualified

11. For the avoidance of doubt it is hereby declared that a person shall not be disqualified for being chosen as, or for being a member of the Assembly merely by reason of the fact that he holds the office of the Leader of the Opposition.

Grant of Loans

12. (1) Subject to such conditions and limitations as may be prescribed by rules there may be paid to a Leader of the Opposition 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 Leader of the Opposition shall execute a deed in the Form prescribed by rules, undertaking to use the advance for the purpose for which 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 Leader of Opposition applying thereof, and is free from all encumbrances.

(3) On the application for advance for the purchase of a Motor Vehicle, a Leader of the Opposition 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 Leader of the Opposition having obtained an advance under clause (i) and (ii) of sub-section (1) of this section dies while holding office as such, the amount of the advance of 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.

Power to make rules 13. The Government may, by notification, make rules for carrying out the purposes of section 12.

THE SCHEDULE

(See section 7)

Travelling on duty 1. When travelling on duty by railway or by road or by steamer or by air, a Leader of the Opposition shall be entitled to draw travelling allowance and daily allowance at a maximum rates applicable to first grade officer of the Government of Mizoram.

Travelling allowance on journey for assuming and demitting of office 2. In respect of the journey to headquarters from his usual place or residence for assuming office or between headquarter and his usual place of between residence on demitting office, a Leader of the Opposition 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 journey by rail, a Leader of the Opposition and the members of his family may travel by air-conditioned class of accommodations.

Travel by air 3. (i) A Leader of the Opposition 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 Leader of the Opposition 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 Leader of the Opposition who does not utilise the free transport provided by the air booking centre and the airport may also recover in respect of journey to and from the airport actual travelling expenses or road mileage as journey on duty by road, whichever is less.

Travel by railway

4. A Leader of the Opposition 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 Leader of the Opposition travels.

Advances

5. A Leader of the Opposition shall be entitled to—

(a) an advance or travelling allowance towards the cost of transporting himself and the members of his family and his family's effect—

(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 or residence outside the headquarters on relinquishing office; and

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

Sd/-

(K.N. SRIVASTAVA)

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