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THE MIZORAM SALARIES AND ALLOWANCES OF GOVERNMENT CHIEF WHIP ACT, 1991

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NOTIFICATION

No. H. 12018/8/91—LJD (Part), 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. 2 of 1991.
The Mizoram Salaries and Allowances of Government
Chief Whip Act, 1991.

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

AN
ACT

to provide for the salaries and allowance of the Government Chief Whip in the Mizoram Legislative Assembly.

Be it 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 Government Chief Whip 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) "Government Chief Whip" means a member of the Legislative Assembly designated by the Chief Minister of Mizoram as the Government Chief Whip in the Legislative Assembly;

(e) "Family" in relation to a Government Chief Whip 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 Government Chief Whip is a 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 allowance" means the allowance granted to a Government Chief Whip under this Act to cover the expenses which he incurs in travelling in the interest of the public service

Salaries of the Government Chief Whip

3. There shall be paid to the Government Chief Whip a salary of one thousand three hundred fifty rupees per mensem.

Sumptuary, family and entertainment allowances of Government Chief Whip

4. There shall be paid to the Government Chief Whip a sumptuary allowance of one thousand rupees per mensem, family allowance of three hundred rupees per mensem and entertainment allowance of five hundred rupees per mensem.

Residence for Government Chief Whip

5. A Government Chief Whip 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 a residence for which rental charges shall not be more than two thousand five hundred rupees per mensem.

Explanation — for the purpose 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 of local rates and taxes.

Conveyance allowance and use of motor car

6. A Government Chief Whip 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 Government Chief Whip 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 Government Chief Whip and the members of his family shall be entitled free of charges 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.

Government Chief Whip not to draw salaries or allowances as members of the Assembly

9. No person in receipt of a salary or allowances 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 Government Chief Whip to be conclusive evidence thereof

10. The date on which any person became, or ceased to be a Government Chief Whip shall be published in the official Gazette of Mizoram and any such notification shall be conclusive evidence of the fact that he become or ceased to be, a Government Chief Whip on that date for all the purposes of this Act.

Government Chief Whip 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 Government Chief Whip.

Grant of loans

12. (1) Subject to such conditions and limitations as may be prescribed by rules there may be paid to a Government Chief Whip by way of a repayable advance —

(i) a sum of money not exceeding one lakh rupees for a building or purchasing one 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 Government Chief Whip 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 Government Chief Whip applying thereof, and is free from all encumbrances.

(3) On the application for advance for the purchase of a Motor Vehicle, a Government Chief Whip 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 purchase or built with the aid of the advance, shall be valid against the Government, unless as it has been made or created with the precious consent of Government in writing.

(ii) Where a Government Chief Whip 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.

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 Government Chief Whip shall be entitled to draw travelling allowance and daily allowance at the 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 of residence for assuming office or between headquarter and his usual place or between residence on demitting office, a Government Chief Whip 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 Government Chief Whip and the members of his family may travel by air-conditioned class of accomodation.

Travel by air

3. (i) A Government Chief Whip 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 reasons, a Government Chief Whip shall be entitled to be reimbursed by the Government any deduction made by the air trans-

port services when refunding the fare on account of cancellation of the air passage.

(iii) A Government Chief Whip 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 air-port actual travelling expenses or road mileage as journey on duty by road, whichever is less.

Travel by railway

4. A Government Chief Whip 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 Government Chief Whip travels.

Advances

5. A Government Chief Whip 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.

Sd/-

K. N. Srivastava,
Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs Deptt.