



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Vol. XX Aizawl Thursday, 3.10.1991 Asvina 11, S.E. 1913 Issue No. 145

NOTIFICATION

No. H-12018/21/91-LJD, the 30th September, 1991. In exercise of the power conferred by sub-section (1) of section 16 of the Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly Act, 1987 (Act No. 6 of 1987), read with sub-section (1) of section 12 thereof, the Governor of Mizoram is pleased further to make the following amendment to the Mizoram Legislative Assembly (Grant of Loan and Advance to Members) Rules, 1988 in the manner hereinafter appearing :

- Short title and commencement 1. (1) These rules may be called the Mizoram Legislative Assembly (Grant of Loan and Advance to Members) (Amendment) Rules, 1991.
(2) They shall come into force from the date of their publication in the Mizoram Gazette.
- Amendment of rule 2 2. In the Mizoram Legislative Assembly (Grant of Loan and Advance to Members) Rules, 1988 (hereinafter referred to as the principal Rules), in Rule 2, in clause (e), after the words "Deputy Speaker", the following words "the Leader of the Opposition and the Government Chief Whip" shall be inserted.
- Amendment of rule 4 3. In the Mizoram Legislative Assembly (Grant of Loan and Advance to Members) Rules, 1988 (hereinafter referred to as the principal Rules), in rule 4,-
"a sum of money upto one lakh", the words "a sum of money upto five lakhs" shall be substituted.
- Amendment of rule 6 4. In the principal Rules, in rule 6, for the words "a sum of money upto one lakh rupees" the words "a sum of money upto five lakhs rupees" shall be substituted.

Amendment
of rule 10

5. In the principal Rules, in rule 10:—
- (1) in sub-rule (1), for the words “annual instalments within a period of ten years” the words “monthly instalments within a period of fifteen years” shall be substituted;
 - (2) in sub-rule (2), in the third line, for the words “annual instalments within a period of ten years” the words “monthly instalments within a period of fifteen years” shall be substituted;
 - (3) in sub-rule (2), for the provisos, the following provisos shall be substituted, namely:—

“Provided that where a member having taken loan under rule 4 or rule 6 dies during his term as such a Member, the amount of monthly instalments alongwith interest which were due and not paid by the Member before his death, shall be recovered in accordance with the terms and conditions of the loan. The balance amount of loan, if any, with interest thereon shall be written off with the approval of the prescribed authority :

Provided further that where a Member who has taken loan under rule 4 or rule 6 could not repay the entire loan with interest thereon within the stipulated period of fifteen years due to any reason, the balance of loan taken by him with interest thereon shall be recovered from his monthly pension and from the sale proceeds of the mortgaged properties in respect of such loan and, when the sale has become final, the surplus amount if any, shall be paid to the loanee or to his legal heir. However, if the sale proceeds do not meet the required amount to be recovered, the balance amount shall be recovered as an arrear of land revenue”.

- (4) In sub-rule (3), in the first line for the words “annual”, the word “monthly” shall be substituted.

Amendment
of rule 12

6. In the principal Rules, in rule 12 for the words “one lakh rupees” the words “one lakh fifty thousand rupees” shall be substituted.

Amendment
of Rule 15

7. In the principal Rules, in rule 15, for the provisos, the following provisos shall be substituted namely :-

“Provided that where a Member, having taken an advance under rule 12 dies during his terms as such a Member, the amount of monthly instalments alongwith interest which were due and not paid by the Member before his death shall be

recovered in accordance with the terms and conditions of the advance. The balance amount of advance, if any, with interest thereon shall be written off with the approval of the prescribed authority :

Provided further that where a Member who has drawn advance under rule 12 ceases to be a Member by way of defection or due to dissolution of Mizoram Legislative Assembly due to proclamation under the provisions of Article 356 of the Constitution of India or any other reasons which may cause him to be disqualified from his membership before he completes his usual tenure of five years from the date he takes oath, he shall be allowed to continue repayment of balance of advance drawn by him alongwith interest due thereon till he completes the period equivalent to his normal tenure of five years from the date of taking oath as if the House has not been disqualified and only thereafter balance of the advance, shall be recovered from his monthly pension and from the sale proceeds of the mortgaged properties in respect of such advance, and, when the sale has become final, the surplus amount if any, shall be paid to the loanee or to his legal heir. However if the sale proceeds do not meet the required amount to be recovered, the balance amount shall be recovered as an arrear of land revenues”.

- Amendment of rule 16 8. In the principal Rules, in the proviso to sub-rule (2) of rule 16, for the words “Minister incharge Parliamentary Affairs” the words “Speaker, Mizoram Legislative Assembly” shall be substituted.
- Amendment of Form ‘B’ 9. In Form ‘B’, in the paragraph 7, for the proviso to clause (1) of the indenture, the following proviso shall be substituted, namely :—

“Provided that where a member having taken loan under rule 4 or rule 6 dies during his term as such a member, the amount of monthly instalments alongwith interest which were due and not paid by the Member before his death, shall be recovered in accordance with the terms and conditions of the loan. The balance amount of loan, if any, with interest thereon shall be written off with the approval of the prescribed authority”.

Sd/-
Dr. H.C. Thanhranga
Joint Secretary
to the Govt. of Mizoram,
Law, Judl. & Parl. Affairs Deptt.