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PART I

GOVERNMENT OF MIZORAM

ORDERS BY THE ADMINISTRATOR

ORDER

No. LJD 8/72 the 29th Apr. '72.— In exercise of the power conferred upon me by sub-para (2) of paragraph 4 of the Mizo District Councils (Miscellaneous Provisions) Order, 1972 and all other powers enabling me in this be-

half, I, the Lieutenant Governor (Administrator) of the Union Territory of Mizoram, do hereby appoint Sarvashri Atul Chandra Chakma, Zakhu Hlychho and Lalchunga Chinzah to discharge the functions respectively of the Executive Committee of the District Council

of the Chakma District, the Lakher District and the Pawi District until the Executive Committees of the respective District Councils are duly signed.

S. P. MUKERJEE

Lt. Governor (Administrator)
of the Union Territory of Mizoram

* * *

NOTIFICATION

No. MAP. 1/72/45 the 29th. April, 1972.—
The Lieut. Governor of Mizoram is pleased to appoint Shri G. C. Srivastava, IAS, Additional Deputy Commissioner, Mizo District, Aizawl, as Deputy Commissioner, Mizo District with his headquarters at Aizawl with effect from the forenoon of the 1st. May, 1972 vice Shri A. C. RAY, IAS transferred.

R. M. Agrawal,
Chief Secretary, to the Govt. of
Mizoram.
Aizawl,

* * *

NOTIFICATION

No. SAD. 1 (B) /72/7, the 4th. May, 1972.—
With immediate effect and until further order, Shri Dêngchhuana, Under Secretary to the Govt. of Mizoram is declared as Drawing & Disbursing Officer for the Mizoram Secretariat and to operate for the Budget Head "19 Genl. Admn. B. 2 (2) Civil Secretariat". This supercedes this Department's Notification No. SAD. 1 (B) 72/2 dated 25. 3. 72.

(Vide Chief Secretary's Order No. MAP. 21/72/6 dt. 1. 5. 72).

K. N. Srivastava,
Under Secretary to the Govt. of Mizoram
Aizawl.

NOTIFICATION

Memo No. LJD. 14/72/2. the 30th. April, 1972.— The Administrator of Mizoram is pleased to appoint Shri K. K. Bezbaruah, Barrister-at-law, Advocate, Gauhati High Court as Standing Council until further order for the conduct of all cases (civil, criminal, revenue and miscellaneous) on behalf of the Government of Mizoram in the Gauhati High Court (High Court of Assam, Nagaland and Meghalaya, Tripura and Manipur).

R. M. Agrawal,
Chief Secretary to the Govt. of Mizoram
Aizawl.

No. MAS. 12/72/8A. the 4th May, 1972.—
The programme of business for the 1st. session of the Legislative Assembly of Mizoram is as follows :

10. 5. 1972 : (1100-1300 hours) :
(Wednesday) 1. Subscribing Oath/affirmation by members.
(1400—):
1. Election of the Speaker.
2. Election of the Deputy Speaker.

11. 5. 1972 : (1000—):
(Thursday) 1. Address of the Lt. Governor.

12. 5. 1972 : (1000—):
(Friday) 1. Discussion and Vote of thanks on the Lt. Governor's address.

B. T. Sanga
Under Secretary,
performing the duties of the Secretary.

PART II

GOVERNMENT OF MIZORAM
ACTS OF PARLIAMENT, RESOLUTIONS,
REGULATIONS, ORDERS ETC.

No LJD-7/72 the 5th. May 1972—The following extracts from the Gazette of India Extraordinary, Para II, Section I, dated the 31st December, 1971 are republished below:

THE GOVERNMENT OF UNION TERRITORIES (AMENDMENT) ACT, 1971
No. 83 OF 1971

[30th December, 1971]

An Act further to amend the Government of Union Territories Act, 1953 and also further to amend the Sixth Schedule to the Constitution and the Representation of the People Act, 1950.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Government of Union Territories (Amendment) Act, 1971.

(2) It shall come into force on such date, being a date not earlier than the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971, as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 1 of the Government of Union Territories Act, 1963 (hereinafter referred to as the principal Act), in sub-section (2),—

(i) before the existing proviso, the following proviso shall be inserted, namely:—

“Provided that it shall come into force in the Union territory of Mizoram on such date, being a date not earlier than the date of com-

mencement of the Government of Union Territories (Amendment) Act, 1971, as the Central Government may, by notification in the Official Gazette, appoint.”

(ii) in the existing proviso, for the words “Provided that,” the words “Provided further that” shall be substituted.

11. In section 44 of the principal Act,—

(a) to sub-section (1), the following further proviso shall be added, namely:—

“Provided further that in the Union Territory of Mizoram every decision taken by a Minister or by the Council of Ministers in relation to any matter concerning any area comprised in any autonomous district in that Union Territory under the Sixth Schedule to the Constitution shall be subject to the concurrence of the Administrator and nothing in this sub-section shall be construed as preventing the Administrator in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of such area as he, in his discretion, considers necessary.”

(b) after sub-section (1) as so amended, the following sub-section shall be inserted, namely:—
“(2) In the exercise of his functions the Administrator of the Union Territory of Mizoram shall have special responsibility for the security of the border and for that purpose he may issue such directions and take such measures as he may think necessary.”

12. For section 54 of the principal Act, the following section shall be substituted, namely:—

“54. On and from the commencement of this Act in the Union Territory of Mizoram and until other provisions in this behalf are made by a competent Legislature or other competent authority, the administration of justice in those areas of that Union Territory which are not comprised in any autonomous district under the Sixth Schedule to the Constitution shall be carried on, so far as may be, in accordance with the provisions of paragraphs 4 and 5 of that Schedule, as if those areas were comprised in an autonomous district under that Schedule and the provisions of the said paragraphs were in force in those areas and for this purpose,—

(i) all powers and functions of a District Council under the provisions of the said paragraph 4 shall be exercised and discharged by the Administrator or any officer appointed by him in this behalf;

(ii) the said paragraph 5 shall have effect as if references to the District Council, the Regional Council and the courts constituted by the District Council, by whatever form of words, had been omitted therefrom; and

(iii) references to Governor in the said paragraphs 4 and 5 shall be construed as references to the Administrator.”

13. On and from the day on which the Legislative Assembly of the Union Territory of Mizoram has been duly constituted under and in accordance with the provisions of the principal Act, in the Sixth Schedule to the Constitution,—

(i) for paragraph 12B, the following paragraph shall be substituted, namely:—

“12B. Application of Acts of Parliament and of the Legislature of the Union Territory of Mizoram to autonomous districts and autonomous regions in the Union territory of Mizoram.—

Notwithstanding anything in this Constitution,—

(a) if any provision of a law made by a District Council or a Regional Council in the Union territory of Mizoram with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by a District Council or a Regional Council in that Union territory under paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the Union Territory of Mizoram with respect to that matter, then, the law or regulation made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the Legislature of the Union Territory of Mizoram, shall, to the extent of repugnancy, be void and the law made by the Legislature of the Union Territory of Mizoram shall prevail;

(b) the President may with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the Union Territory of Mizoram, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.”;

(ii) in paragraph 20, in Part III of the table, words ‘The Mizo District’ shall be omitted.
(iii) for paragraph 20A, the following paragraphs shall be substituted, namely:—

20A. Dissolution of the Mizo District Council— (1) Notwithstanding anything in this Schedule, the District Council of the Mizo District existing immediately before the prescribed date (hereinafter referred to as the Mizo District Council) shall stand dissolved and cease to exist.

(2) The Administrator of the Union Territory of Mizoram may, by one or more

orders, provide for all or any of the following matters namely:—

(a) the transfer, in whole or in part, of the assets, rights and liabilities of the Mizo District Council (including the rights and liabilities under any contract made by it) to the Union or to any other authority.

(b) the substitution of the Union or any other authority for the Mizo District Council, or the addition of the Union or any other authority, as a party to any legal proceedings to which the Mizo District Council is a party;

(c) the transfer or re-employment of any employees of the Mizo District Council to or by the Union or any other authority, the terms and conditions of service applicable to such employees after such transfer or re-employment;

(d) the continuance of any laws, made by the Mizo District Council and in force immediately before its dissolution, subject to such adaptations and modifications whether by way of repeal or amendment, as the Administrator may make in this behalf, until such laws are altered, repealed or amended by a competent Legislature or other competent authority;

(e) such incidental, consequential and supplementary matters as the Administrator considers necessary.

Explanation In this paragraph and in paragraph 20B of this Schedule, the expression "prescribed date" means the date on which the Legislative Assembly of the Union territory of Mizoram is duly constituted under and in accordance with the provisions of the Government of Union Territories Act, 1963.

20B. Autonomous regions in the Union territory of Mizoram to be autonomous districts and transitory provisions consequent thereto.—

(1) Notwithstanding anything in this Schedule,—

(a) every autonomous region existing immediately before the prescribed date in the Union territory of Mizoram shall, on and from that date, be an autonomous district in that Union territory (hereafter referred to as the corresponding new district) and the Administrator thereof may, by one or more orders, direct that such consequential amendments as are necessary to give effect to the provisions of this clause shall be made in paragraph 20 of this Schedule (including Part III of the table appended to that paragraph) and thereupon the said paragraph and the said Part III shall be deemed to have been amended accordingly;

(b) every Regional Council of an autonomous region in the Union territory of Mizoram existing immediately before the prescribed date (hereafter referred to as the existing Regional Council) shall, on and from that date and until a District Council is duly constituted for the corresponding new district, be deemed to be the District Council of that district (hereafter referred to as the corresponding new District Council).

(2) Every member whether elected or nominated of and existing Regional Council shall be deemed to have been elected or, as the case may be, nominated to the corresponding new District Council and shall hold office until a District Council is duly constituted for the corresponding new district under this Schedule.

(3) Until rules are made under sub-paragraph (7) of paragraph 2 and sub-paragraph (4) of paragraph 4 of this Schedule by the corresponding new District Council, the rules made under the said provisions by the existing Regional Council and in force immediately before the prescribed date shall have effect in relation to the corresponding new District Council subject to such adaptations and modifications as may be made therein by the Administrator of the Union Territory of Mizoram.

(4) The Administrator of the Union territory of Mizoram may by one or more orders, provide for all or any of the following matters, namely:—

(a) the transfer in whole or in part of the assets, rights and liabilities of the existing Regional Council (including the rights and liabilities under any contract made by it) to the corresponding new District Council;

(b) the substitution of the corresponding new District Council for the existing Regional Council as a party to the legal proceedings to which the existing Regional Council is a party;

(c) the transfer or re-employment of any employees of the existing Regional Council to or by the corresponding new District Council, the terms and conditions of service applicable to such employees after such transfer or re-employment;

(d) the continuance of any laws made by the existing Regional Council and in force immediately before the prescribed date, subject to such adaptations and modifications, whether by way of repeal or amendment, as the Administrator may make in this behalf until such laws are altered, repealed or amended by a competent Legislature or other competent authority;

(e) such incidental, consequential and supplementary matters as the Administrator considers necessary.

20C. Interpretation.—Subject to any provision made in this behalf, the provisions of this Schedule shall, in their application to the Union territory of Mizoram, have effect—

(1) as if references to the Governor and Government of the State were references to the Administrator of the Union territory appointed under article 239, references to State (except in the expression “Government of the State”) were references to the Union territory of Mizoram and references to the State Legis-

lature were references to the Legislative Assembly of the Union Territory of Mizoram;

(2) as if—

(a) in sub-paragraph (5) of paragraph 4, the provision for consultation with the Government of the State concerned had been omitted.

(b) in sub-paragraph 2, of paragraph 6, for the words “to which the executive power of the State extends,” the words “with respect to which the Legislative Assembly of the Union territory of Mizoram has power to make laws” had been substituted;

(c) in paragraph 13, the words and figures “under article 202” had been omitted.

14. On and from the day on which the Legislative Assembly of the Union territory of Mizoram has been duly constituted under and in accordance with the provisions of the principal Act, in section 27A of the Representation of the People Act, 1950,—

(i) in sub-section (4), for the words “The electoral college for the Union territory of Pondicherry,” the words “The electoral college for each of the Union territories of Pondicherry and Mizoram” shall be substituted;

(ii) in sub-section (5), for the words “to each of the Union territories of Mizoram and Arunachal Pradesh,” shall be substituted.”

K. N. Srivastava,
Under Secretary,
to the Govt. of Mizoram.

The following extracts from the Gazette of India Extraordinary, Part II — Section 3 — Sub-section (i) dated 25th March, 1972 are republished:—

**“THE NORTH-EASTERN AREAS
(REORGANISATION) (MIZORAM)
ADAPTATION OF LAWS ORDER, 1972.**

WHEREAS by section 79 of the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), the Central Government is empowered, by Order, to make adaptations and modifications of any law in relation to the Union territory of Mizoram, as may be necessary or expedient for the purpose of facilitating the application of such law in relation to that Union territory:

NOW, THEREFORE, in exercise of the powers conferred by the said section 79, the Central Government hereby makes the following Order, namely:—

1. (1) This Order may be called the North-Eastern Areas (Reorganisation) (Mizoram) Adaptation of Laws Order, 1972.

(2) It shall be deemed to have come into force on the 21st day of January, 1972.

2. (1) In this Order, “appointed day” means the 21st day of January, 1972.

(2) The General Clauses Act, 1897, applies for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. As from the appointed day, the rules mentioned in the Schedule to this Order shall, until altered, repealed or amended by a competent authority, have effect subject to the adaptations and modifications directed by the Schedule.

4. Whenever an expression mentioned in column 1 of the Table below occurs (otherwise than in a preamble) in any of the Rules mentioned in the Schedule to this Order, then, in the application of such Rules to the Union territory of Mizoram, or, as the case may be, to any part thereof, unless that expression is by this Order expressly directed to be otherwise adapted or modified, or unless the con-

text otherwise requires, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table, and there shall also be made in any sentence in which that expression occurs, such consequential amendments as the rules of grammar may require.

TABLE

1	2
Governor of Assam Governor	Administrator Governor

5. Where this Order requires that in any of the Rules mentioned in the Schedule to this Order certain words shall be substituted for certain other words, that substitution shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in such Rules.

THE SCHEDULE

RULE FOR THE REGULATION OF THE PROCEDURE OF OFFICERS APPOINTED TO ADMINISTER JUSTICE IN THE LUSHAI HILLS, MADE ON THE 25TH MARCH, 1937 UNDER SECTION 6 OF THE SCHEDULED DISTRICTS ACT, 1874 (14 OF 1874).

Re-number rule 1 as rule 1A, and before the rule as so re-numbered, insert—

1. In these rules, “Administrator” means the Administrator of the Union Territory of Mizoram, appointed by the President under article 239 of the Constitution.”

Rule 9— For “Assam High Court” wherever occurring, substitute—

“Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura).”

Rule 21.—For “specified in items 1 and 2 of Part I Assam, of the Schedule to the Cons-

stitution (Scheduled Tribes) Order, 1950," substitute—

"specified in Part II— Mizoram, of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951."

THE LUSHAI HILLS AUTONOMOUS DISTRICT (ADMINISTRATION OF JUSTICE) RULES, 1953

Rule 2.—Re-letter clause (a) as clause (aa), and before the clause as so re-lettered, insert—

"(a) "Administrator" means the Administrator of the Union territory of Mizoram appointed by the President under article 239 of the Constitution;"

(ii) for clause (d), substitute—

(d) "Gazette" means the Mizoram Gazette;

(iii) omit clause (f);

(iv) for clause (g), substitute—

(g) "High Court" means the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura);

(v) for clause (h), substitute—

(h) "Scheduled tribe or tribes" means the tribe or tribes specified in Part II—Mizoram, of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951.

THE PAWI LAKHER AUTONOMOUS REGION (ADMINISTRATION OF JUSTICE) RULES, 1954

Rule 2.—(i) Re-letter clause (a) as clause (aa), and before the clause as so re-lettered, insert—

"(a) "Administrator" means the Administrator of the Union territory of Mizoram appointed by the President under article 239 of the Constitution;

(ii) for clause (e), substitute—

(e) "Gazette" means the Mizoram Gazette;

(iii) omit clause (f);

(iv) for clause (g), substitute—

(g) "High Court" means the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura);

(v) for clause (k), substitute—

(k) "Schedule tribe or tribes" means the tribe or tribes specified in Part II— Mizoram, of the Schedule to the Constitution (Scheduled tribes) (Union territories) Order, 1951;

THE PAWI LAKHER AUTONOMOUS REGION (CONSTITUTION AND CONDUCT OF BUSINESS OF THE REGIONAL COUNCIL) RULES, 1963

Rule 2.—(i) Re-number clause (1) as clause (1A), and before the clause as so re-numbered, insert—

(1A) "Administrator" means the Administrator of the Union territory of Mizoram appointed by the President under article 239 of the Constitution;

(ii) for clause (11), substitute—

(11) "Gazette" means the Mizoram Gazette;

(iii) omit clause (12)

(iv) for clause (13), substitute—

(13) "Scheduled tribe or tribes" means the tribe or tribes specified in Part II—Mizoram, of the Schedule to the Constitution (Scheduled tribes) (Union Territories) Order, 1951;

Rule 36.—In clause (i) of sub-rule (2), for "any Governor (as distinct from the Government of which he is the head)," substitute—

“any Governor of a State or Administrator of a Union territory (as distinct from the Government of the State or the Government of the Union territory or the Union territory Administration, as the case may be).”

Rule 110.— For the proviso to sub-rule (1), substitute—

“Provided that a person not belonging to a Scheduled tribe shall not be entitled to so vote unless he is permanently resident within the territorial limits of the said region.”

K. N. Srivastava
Under Secretary.
to the Govt. of Mizoram.

* * *

NOTIFICATIONS

No. LJD. 7/72/ the 5th. May, 1972.— The following three Notifications issued by the Government of India, Ministry of Home Affairs are republished:

New Delhi, the 16th February, 1972.—GSR. 81 (E) * In exercise of the powers conferred by the first and second provisos to sub-section (2) of Section 1 of the Government of Union Territories Act, 1963 (20 of 1963) the Central Government hereby appoints the 17th day of February, 1972 as the date on which sections 1, 2, 3, 4, 14, 38, 43 A and 56 of the said Act shall come into force in the Union Territory of Mizoram

[No. F.11/5/72 SR]

* * *

New Delhi, - 1, the 28th April, 1972 8 Vaisakha 1894.— In exercise of the powers conferred by the first and second provisos to sub-section (2) of section 1 of the Government of Union Territories Act, 1963 (20 of 1963), the Central Government hereby appoints the

29th day of April, 1972, as the date on which section 54 of the said Act shall come into force in the Union Territory of Mizoram.

[F. No.11/5/72-SR]

* * *

New Delhi-1, the 30th April, 1972— In exercise of the powers conferred by the first and second provisos to sub-section (2) of Section 1 of Government of Union Territories Act, 1963 (20 of 1963), the Central Government hereby appoints the 3rd day of May, 1972 as the date on which all the provisions of the said Act, other than those which have already come into force in the Union Territory of Mizoram, shall, so far as they are applicable, come into force in that Union Territory.

[F. No. 11/5/72-SR]

K.N. Srivastava,
Under Secretary to the Govt. of
Mizoram,
AIZAWL.

No. LJD 8/72/42. the 29th. April, 1972.—In exercise of the powers conferred by paragraph 20A of the Sixth Schedule to the Constitution, the Administrator of the Union Territory of Mizoram hereby makes the following Order, namely :—

1. **Short title and commencement.**— (1) This Order may be called the Dissolution of the Mizo District Council (Miscellaneous Provisions) Order, 1972.

(2) It shall come into force at once.

2. **Definitions.**— In this Order, unless the context otherwise requires,—

(a) “Administrator” means the Administrator of the Union territory of Mizoram appointed under article 239 of the Constitution;

- (b) "District Council area" means the area within the jurisdiction of a successor District Council ;
- (c) "Mizo District Council" means the District Council of the Mizo District existing immediately before the prescribed date ;
- (d) "prescribed date" means the 29th. day of April 1972, being the date on which the Legislative Assembly of the Union territory of Mizoram is duly constituted under and in accordance with the provisions of the Government of Union Territories Act, 1963 (20 of 1963) ;
- (e) "successor District Council" means the District Council of the Chakma District or the District Council of the Lakher District or the District Council of the Pawi District constituted under the Sixth Schedule to the Constitution as from the prescribed date.

3. Transfer of assets and liabilities of the Mizo District Council.— On and from the prescribed date, all land, buildings, stores, articles and other goods belonging to the Mizo District Council shall,—

- (a) in a case where such land, stores, articles and other goods are situated in a District Council area, pass to the successor District Council concerned; and
- (b) in any other case, pass to the Union for the administration of the Union territory of Mizoram.

4. Arrears of taxes and refund of taxes collected in excess.— (1) The right to recover the arrears of any tax or other dues payable to the Mizo District Council immediately before the prescribed date, shall, on and from that date, be the right of,—

- (a) the successor District Council, if the place of assesment of that tax is located in the District Council area of that Council or

if the person who has to pay the other dues is resident in that area ; and

- (b) the Administrator, in any other case.

(2) The liability to refund any tax or other dues collected in excess by the Mizo District Council before the prescribed date shall be the liability of,—

- (a) the successor District Council, if the place where the tax was assessed is located in District Council area of that Council or, if the person who paid the other dues is resident in that area, as the case may be; and
- (b) the Administrator, in any other case.

5. Provision as to staff of the Mizo District Council.— (a) Subject to the provisions of this paragraph, every officer and other employee serving under the Mizo District Council immediately before the prescribed date shall, unless allocated for service under a successor District Council under sub-paragraph (2), become an officer or other employee of Government as from that date and shall be employed in connection with the administration of the Union territory with such designation as the Administrator may determine and shall hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as were applicable to him while serving under the Mizo District Council and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Administrator or any other competent authority :

Provided that .—

- (i) the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Central Government ;
- (ii) any service rendered by any such officer or other employee before the prescribed

date shall be deemed to be service rendered in connection with the administration of the Union territory of Mizoram; and

- (iii) the Administrator may employ any such officer or other employee in the discharge of such functions as the Administrator may think proper and every such officer or other employee shall discharge those functions accordingly.

(2) The Administrator may by one or more orders allocate any officer or other employee serving under the Mizo District Council immediately before the prescribed date for service under any successor District Council and upon such allocation the officer or other employee so allocated shall become as from that date an officer or other employee of the successor District Council to which he has been allocated and shall hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as were applicable to him while serving under the Mizo District Council and shall continue to do so unless and until such tenure, remuneration and terms and conditions are altered by an authority competent to do so:

Provided that,—

- (i) the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Administrator;
- (ii) any service rendered by such officer or other employee before such allocation shall be deemed to be service under the successor District Council to which he is allocated;
- (iii) the liability of the Mizo District Council in respect of any arrears of pay or allowances due to any officer or other employee for any period prior to the pres-

cribed date shall be that of the successor District Council to which such officer or other employee is allocated; and

- (iv) the liability of the Mizo District Council in respect of any General Provident Fund, Family Pension Fund, or similar fund to which such officer or other employee may have been contributing immediately before the prescribed date shall, on and from the prescribed date, be the liability of the successor District Council to which that officer or other employee is allocated.

6. Contracts and legal proceedings.—

(1) Where, before the prescribed date, the Mizo District Council has made any contract in exercise of its power for any purpose, that contract shall be deemed to have been made,—

- (a) if the purpose of such contract is, as from the prescribed date, exclusively the purpose of any one of the successor District Councils, by such successor District Council; and
- (b) in any other case, by the Union, and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been the rights or liabilities of the Mizo District Council, be the rights and liabilities of the successor District Council or the Union, as the case may be.

(2) Where, immediately before the prescribed date, the Mizo District Council is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment under this Order, the successor District Council or as the case may be, the Union, which succeeds to or acquires a share in that property or those rights and liabilities by virtue of any provision of this Order, shall be deemed to be substituted for the Mizo District Council as a party to those proceedings and the proceedings may continue accordingly.

7. Residuary provisions as to assets and liabilities.— The benefit or burden of any asset or liability of the Mizo District Council not dealt with in the foregoing paragraphs shall pass to the Union for the administration of the Union territory of Mizoram.

8. Continuance of laws and interpretation thereof—

(1) Subject to the provisions of this paragraph, all laws made by the Mizo District Council an in force immediately before the prescribed date in the whole or any part of the areas within the Union territory of Mizoram shall, insofar as they are not inconsistent with the provisions of this Order, continue to be in force in those areas until altered, repealed or amended by a competent Legislature or other competent authority and anything done or any action taken (including any notification, order, scheme, form, notice or bye-law made or issued, any licence or permission granted) under any such law shall continue in force until it is modified or superseded by anything done or any action taken in accordance with law.

(2) On and from the prescribed date the application of the laws mentioned in the Schedule to this Order shall be subject to the modifications and adaptations specified in that Schedule.

(3) For the purpose of facilitating the application of any law referred to in subparagraph (1) in relation to a District Council area (except in the short title or preamble of such law or in the references to the short title of such law in any order law, or where the context otherwise requires)—

(a) references to the Lushai Hills District or the Mizo District, by whatever form of words shall be construed as references to the District Council area of the successor District Council concerned;

(b) references to the District Council of the Lushai Hills District or the District Council of the Mizo District, by whatever form of words, shall be construed as references to the successor District Council concerned;

(c) references to the Executive Committee of the Lushai Hills District or the Executive Committee of the Mizo District, by whatever form of words, shall be construed as references to the Executive Committee of the successor District Council concerned;

(d) references to the Chief Executive Member of the Lushai Hills District Council or the Chief Executive Member of the Mizo District Council, by whatever form of words, shall be construed as references to the Chief Executive Member of the successor District Council concerned;

(e) references to the areas within the jurisdiction of the Regional Council of the Pawi-Lakher Autonomous region, by whatever form of words, shall be construed as references to the areas within the jurisdiction of that Council as it existed immediately before the 2nd day of April, 1972;

(f) references to the Assam Gazette shall be construed as references to the Mizoram Gazette;

(g) references to the Schedule Tribe or Tribes of the Autonomous districts of Assam, by whatever form of words, shall be construed as references to the tribe or tribes specified in Part II-Mizoram, of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951;

(h) any requirement of obtaining the approval or sanction of or authorisation by the "Governor" or "Governor

references to Court Fee Stamps in vogue in the Union territory of Mizoram ;

(m) any requirement of obtaining the approval or sanction of or authorisation by the "Governor" or "Governor of Assam" or "Government of Assam" for the exercise by the Mizo District Council or the Executive Committee of that Council of any power under any such law shall be construed as not existing and accordingly such power shall be exercisable by the Administrator.

(5) If no provision or insufficient provision has been made for the adaptation or interpretation of any law referred to in subparagraph (1), any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to any area, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

(6) For the purposes of this paragraph, law means an Act, Regulation or Rules made under the Sixth Schedule to the Constitution and also the rules made under any such Act or Regulation.

* * *

ORDER

No. LJD. 24/72/18 the 29th. April, 1972—In exercise of the powers conferred by sub-section (6) of Section 45 of the Government of Union Territories Act, 1963 (20 of 1963), the Administrator of the Union Territory of Mizoram, with the approval of the President, hereby makes the following Order, namely:—

1. **Short Title and commencement**— (1) This Order may be called "The Salaries and Allowances of Ministers (Mizoram) Order, 1972."

(2) It shall come into force at once.

2. **Definitions**— In this Order, unless the context otherwise requires.—

(a) "The Act" means the Government of the Union Territories Act, 1963 (20 of 1963);

(b) "Administrator" means the Administrator of the Union Territory of Mizoram appointed by the President under article 239 of the Constitution;

(c) "Assembly" means the Legislative Assembly of the Union Territory of Mizoram;

(d) "family" in relation to a Minister means his wife residing with him and legitimate children and step-children residing with or wholly dependent on him. Not more than one wife is included in a family for the purpose of this Act. If the Minister is a married women, "family" will include her husband residing with her;

(e) "Government" means the Government of the Union Territory of Mizoram;

(f) "member" means a member of the Assembly, not being a Minister;

(g) "Minister" means a Minister appointed under sub-section (1) of section 45 of the Act and includes the Chief Minister and a Deputy Minister;

(h) "Schedule" means the Schedule appended to this Order;

(i) "travelling allowance" means allowance granted to a Minister under this Order to cover the expences which he incurs in travelling in the interest of the public service as against travelling in personal interest or for private purpose, such as journeys for rest, recoupment of health, attending party meetings or election campaign.

of Assam" or "Government of Assam" for the exercise of a power by a competent authority under any such law shall be construed as being the requirement of obtaining the approval or sanction of or authorisation by the Administrator.

4) For the purpose of facilitating the application of any law referred to in subparagraph (1) in relation to an area other than a District Council area (except in the short title or preamble of such law or in the references to the short title of such law in any other law, or where the context otherwise requires)—

- (a) references to the Lushai Hills District or the Mizo District, by whatever form of words, shall be construed as references to the Union territory of Mizoram ;
- (b) references to the District Council of the Mizo District or the Executive Committee of that District Council or the Chief Executive Member or any other Executive Member of that District Council, in whatever form or words, shall be construed as references to the Administrator of the Union territory of Mizoram ;
- (c) references to the areas within the jurisdiction of the Pawi-Lakher Autonomous Region, by whatever form of words, shall be construed as references to the areas within the jurisdiction of the Pawi-Lakher Regional Council as it existed immediately before the 2nd day of April, 1972 ;
- (d) references to the Deputy Commissioner, with or without mention of his headquarters station, shall be construed as references to the Deputy Commissioner having jurisdiction in the area concerned ;
- (e) references to the Sub-divisional Officer, with or without mention of his headquarters station, shall be construed as references to the sub-divisional Officer having jurisdiction in the area concerned ;
- (f) references to the Scheduled Tribe or Tribes of the Autonomous districts of Assam, by whatever form of words, shall be construed as references to the tribe or tribes specified in Part II— Mizoram, of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 ;
- (g) references to the District Fund or District Council Fund shall be construed as references to the Consolidated Fund of the Union territory of Mizoram ;
- (h) references to the Secretary to the Executive Committee of the Mizo District Council or the Revenue Officer of the District Council or any officer in the office of the District Council as being the functionary for the discharge of any function under any such law shall be construed as references to such officer as may be specified by the Administrator to be the functionary for the discharge of that function ;
- (i) references to the Assam Gazette shall be construed as references to the Mizoram Gazette ;
- (j) references to Zoram Hriattirna shall be construed as references to Mizoram Gazette ;
- (k) references to the office of the District Council or office of the Executive Committee of the District Council shall be construed as references to such office of the Government of the territory of Mizoram as the Administrator may specify in that behalf ;
- (l) references to the District Council Court Fee Stamps shall be construed also ;

this behalf, for the purchase of motor-car, in order that he may be able to discharge conveniently and efficiently the duties of his office.

8. Travelling and daily allowances.— (1) Subject to the provisions of para 5 (c) (ii) and the Schedule, a Minister shall be entitled to—

(a) travelling allowance for himself and members of his family and for the transport of personal effects of himself and his family—

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

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

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

9. Medical facilities.— A Minister and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, applicable to Class I Officers serving in connection with the administration of the Union Territory of Mizoram.

10. Ministers not to draw salaries or allowances as members of the assembly.— No person in receipt of a salary or allowance under this Order shall be entitled to receive any sum out of the funds provided by the Assembly by way of salary or allowance in respect of his membership of Assembly.

11. Notification respecting appointment of Ministers etc. to be conclusive evidence thereof.—

The date on which any person became, or ceased to be, a Minister shall be published in the Official Gazette of the Union Territory 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 Order.

THE SCHEDULE

[see paragraph 8.]

1. Travelling on duty.— 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 Officers serving in connection with administration of the Union territory;

Provided that a Minister shall be entitled to draw only half of such travelling allowance if he travels on duty by road in a motor-car provided to him under clause (a) of subparagraph (1) of paragraph 7 of this order.

2. Travelling allowance on journeys for assuming and demitting of office.— In respect of the journey to headquarters from his usual place of residence for assuming office, or between headquarters and his usual place of residence on demitting office, a Minister is entitled to travelling allowance on the scale for the time being admissible to First Grade Officers serving in connection with the administration of the Union Territory of Mizoram on transfer subject to the modification that for journeys by rail, a Minister and the members of his family may travel by air-conditioned class of accommodation.

3. Travel by air.— (1) A Minister may, in the public interest perform journeys on tour by air, i. e. in an aircraft of Public Transport Undertaking plying for hire.

(2) On the cancellation of a journey due to official reason, a Minister shall be entitled reimbursed by Government any deduction

3. Salaries of Chief Minister and other Ministers— There shall be paid to each Minister other than a Deputy Minister a salary of rupees one thousand per month and to each Deputy Minister a salary of rupees seven hundred per month.

4. Sumptuary allowance of the Chief Minister— The Chief Minister shall be entitled to a sumptuary allowance of rupees two hundred per month.

5. Residence of Ministers— Each Minister shall be entitled without any payment to the use and maintenance of 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, there shall be paid a compensatory allowance of rupees two hundred and fifty per month to a Minister other than a Deputy Minister and a sum of rupees two hundred per month to a Deputy Minister.

Explanation.— For the purpose of this paragraph, "residence" includes the staff quarters and other buildings appurtenant thereto and the garden thereof, and "maintenance" in relation to a residence includes provision of electricity and water to the extent of rupees one hundred per month in the case of a Minister other than a Deputy Minister and rupees seventyfive per month in the case of a Deputy Minister and also payment of local rates and taxes.

6. Conveyance allowance and use of motor-cars.— Each Minister shall be entitled to:—

- (a) (i) the free use of a motor-car, the cost of maintenance of which shall be borne by the Minister;
- (ii) the services of a chauffeur, and
- (iii) a conveyance allowance of rupees one hundred per month; or

(b) a conveyance allowance of rupees three hundred per month, if he uses his own vehicle; or

(c) the free use of motor-car, the entire cost of maintenance and propulsion of which shall be borne by the Government subject to the following conditions, namely:—

- (i) no conveyance allowance shall be admissible;
- (ii) for journeys on tour, only daily allowance shall be admissible according to normal rules and no mileage allowance shall be admissible;
- (iii) in respect of journeys which do not qualify for travelling allowance within 8 kilometres from the head-quarters, a limit of 1,800 kilometres per quarter will apply and beyond these limits, charges at the rates prescribed under the Staff Car Rules shall be payable to the Government;
- (iv) charges at the rates mentioned above shall also be payable in respect of private journeys performed by the vehicle beyond 8 kilometres from head-quarters; and
- (v) a log book shall be maintained for journeys referred to in sub-clauses (iii) and (iv) to facilitate payments to Government.

Explanation.— For the purposes of clause

(a) 'maintenance' shall include the cost of petrol and oil, servicing, repairs below Rs. 25 and other incidental charges, but shall not include expenditure on insurance and fees for registration and Municipal taxes.

7. Motor-car advance.— There may be paid to a Minister by way of re-payable advance such sum of money, and subject to such conditions as the Administrator may prescribe in

respective Circles in respect of proper functioning of the Village Councils in general. They shall submit monthly reports to the Deputy Commissioner on their respective Circles touching any important subject, point or occurrence."

5. In section 25, sub-section (3) shall be omitted.

MIZO DISTRICT (FOREST) ACT, 1955
(IV of 1955)

1. In section 2, in sub-section (11), for the words "Mizo District Council", the words "Mizo District Council as it existed immediately before its dissolution on the 29th day of April, 1972." shall be substituted.

2. In section 29, in sub-section (1), for the words "under the District Council or the Deputy Commissioner, as the case may be" the words "or the Deputy Commissioner" shall be substituted.

3. In sections 29A and 30, for the words "District Council", wherever they occur, the word "Government" shall be substituted.

4. In section 32, for the words "District Council" when they occur for the first time, the word "Government" shall be substituted.

5. In sections 35 and 36 for the words "District Council", wherever they occur, the word "Government" shall be substituted.

6. In Appendix II,—

(i) in paragraph 2 of the conditions referred to therein, for the words "District Council Hammer", the words "Government Hammer" shall be substituted; and

(ii) in paragraph 5 of the conditions referred to therein, for the words "District Council", the words "Government of Mizoram" shall be substituted.

7. In Appendix VI, for the words "Mizo District Council", the words "Government of Mizoram" shall be substituted.

THE LUSHAI HILLS AUTONOMOUS DISTRICT (ADMINISTRATION OF JUSTICE) RULES, 1953.

1. In rule 4, in sub-rule (1), the words "within the jurisdiction of the District Council" shall be omitted.

2. In rules 7 (1) and 8, the provisos shall be omitted.

3. Rule 9 shall be omitted.

4. In rule 11, the proviso shall be omitted.

5. Rule 13 shall be omitted.

6. In rule 23 in sub-rule (1), in item (ii) of clause (c), for the words "an authority constituted by the District Council," the words "a Court constituted under these rules" shall be substituted.

7. In rule 26, the words "Chief Executive Member for reference to the" shall be omitted.

8. In rule 27, the words "Chief Executive Member for making a reference to the" shall be omitted.

9. In rule 28, the words "through the Chief Executive Member" shall be omitted.

10. In rule 57,—

(i) for the words "the District Council" the word "it" shall be substituted;

(ii) the words "by the Government of Assam" shall be omitted.

S. P. Mukerjee
Lt. Governor (Administrator)
of the Union Territory of
Mizoram.

made by the Air-Transport Undertaking when refunding the fare on account of cancellation of the air passage.

(3) A Minister who does not utilise the free-transport provided by the Air Transport undertaking between 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 for journey on duty by road, whichever is less.

4. **Travel by rail**— A Minister shall have H.O.R. facility under S.R. 170, that is the right to travel by first class compartment or an air-conditioned coupe.

5. **Advances**— 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.

THE SCHEDULE

[See paragraph 8(2)]

THE LUSHAI HILLS DISTRICT (VILLAGE COUNCILS) ACT, 1953 (V of 1953)

1. In section 2,—

(i) in clause (6), the words “by the District Council” shall be omitted ;

(ii) for clause (12), the following clause shall be substituted, namely:—

(12). “Voter” means a person who fulfills the qualifications enumerated in rule 128 of the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951 as in force immediately before the 29th. day of April, 1972.

2. In section 3, in sub-section (1), the words “within the jurisdiction of the District Council” shall be omitted.

3. In section 16, in sub-section (2), for the words “either by the District Council or the Deputy Commissioner through the office of the District Council”, the words “by the Deputy Commissioner” shall be substituted.

4. For section 20, the following section shall be substituted, namely:—

“20. **Circle Officers.**— (The Administrator may divide the areas to which this Act extends into two or more circles and appoint a Circle Officer for each circle.

(2) The Administrator may also appoint one or more Circle Assistants, as he may deem necessary, for each circle and define their jurisdiction.

(3) The duties of the Circle Officer and Circle Assistants shall be to inspect the villages within their respective jurisdiction and to give instructions to the Village Council Officers in their office work and other allied matters and they shall be responsible for their

S. P. MUKERJEE

Lt. Governor (Administrator)
Union Territory of the Mizoram

No. LJD. 8/72/53 the 29th. April, 1972.—In exercise of the powers conferred by paragraph 20B of the Sixth Schedule to Constitution, the Administrator of the Union Territory of Mizoram hereby makes the following Order, namely :—

1. **Short title and commencement.**— (1) This Order may be called the Mizoram District Councils (Miscellaneous provisions) Order, 1972.

(2) It shall come into force at once.

2. **Definitions.**— In this Order, unless the context otherwise requires,—

(a) “Administrator” means the Administrator of the Union territory of Mizoram appointed under article 239 of the Constitution ;

(b) “prescribed date” means the 29th day of April, 1972, being the date on which the Legislative Assembly of the Union Territory of Mizoram is duly constituted under and in accordance with the provisions of the Government of Union Territories Act, 1953 (20 of 1963);

(c) “existing Regional Council” means the Regional Council for the Chakma Autonomous Region or the Lakher Autonomous Region or the Pawi Autonomous Region, as the case may be, constituted by the Administrator under the Regional Councils Rules, 1972 and existing immediately before the prescribed date ;

(d) “successor District Council” in relation to an existing Regional Council means the corresponding new District Council referred to in clause (b) of sub-paragraph (1) of paragraph 20 B of the Sixth Schedule to the Constitution ;

(e) “predecessor Council” means the Regional Council for the Pawi-Lakher Autonomous Region existing immediately before the 2nd day of April, 1972.

3. **Amendment of paragraph 20 of the Sixth Schedule to the Constitution.**— On and from the prescribed date, in Part III of the table appended to paragraph 20 of the Sixth Schedule to the Constitution, the following items shall be inserted, namely :—

“1. The Chakma District.

2. The Lakher District.

3. The Pawi District.”

4. **Transitional provisions in regard to successor District Councils.**— (1) Until rules are made under sub-paragraph (7) of paragraph 2 of the Sixth Schedule to the Constitution, the Pawi-Lakher Autonomous Region (Constitution and Conduct of Business of the Regional Council) Rules, 1963, as adapted and modified by the Central Government by the North-Eastern Areas (Reorganisation) (Mizoram) Adaptation of Laws Order, 1972 (hereafter referred to as the said rules) and in force immediately before the prescribed date in relation to an existing Regional Council shall, subject to the amendments specified in the First Schedule to this Order, apply in relation to the procedure and conduct of business in the successor District Council and for this purpose the provisions of paragraph 11 of this Order shall apply as they apply in relation to any other law made by a Regional Council.

(2) Until the Executive Committee of a successor District Council is duly constituted, the functions of the Executive Committee of that Council shall be discharged by such person as the Administrator may, by order, nominate in this behalf.

5. **Transitional provisions in regard to administration of justice.**— Until rules are made under sub-paragraph (4) of paragraph 4 of the Sixth Schedule to the Constitution, the Pawi-Lakher Autonomous Region (Administration of Justice) Rules, 1964, as adapted and modified by the Central Government by the North-Eastern

Areas (Reorganisation) (Mizoram) Adaptation of Laws Order, 1972 and in force immediately before the prescribed date in the areas within the jurisdiction of and existing Regional Council shall, subject to the amendments specified in the Second Schedule to this Order, continue to apply in relation to the areas within the jurisdiction of the successor District Council and for this purpose the provisions of paragraph 11 of this Order shall apply as they apply in relation to any other law made by a Regional Council.

(6) Authorisation of expenditure.— The Administrator may at any time before or after the prescribed date authorise, by order, such expenditure from the District Fund of a successor District Council as he deems necessary for a period not exceeding three months beginning from the prescribed date pending sanction of such expenditure by that Council :

7. Transfer of assets and liabilities of existing Regional Councils.— On and from the prescribed date, all land, buildings, stores, articles and other goods belonging to an existing Regional Council shall stand transferred to the successor District Council :

Provided that where the Administrator is of the opinion that any stores, articles or other goods should be transferred to any other successor District Council, he may issue such directions as he thinks fit and the stores, articles or other goods, as the case may be, shall pass to such other successor District Council, accordingly.

8. Arrears of taxes and refund of taxes collected in excess.— (1) On and from the prescribed date every successor District Council shall have the right to recover the arrears of any tax, including the arrears of land revenue, on property situated within its territorial jurisdiction, and shall also have the right to recover the arrears of any other tax, if the place of assessment of that tax is located within its territorial jurisdiction.

(2) On and from the prescribed date, the liability to refund any tax on property, including land revenue, collected in excess by the predecessor Council or an existing Regional Council before the prescribed date on any property situated within the territorial jurisdiction of any successor District Council or any other tax so collected in excess, by the predecessor Council or an existing Regional Council, shall be that of such successor District Council.

9. Contracts and legal proceedings.— (1) Where before the prescribed date an existing Regional Council has made any contract in exercise of its powers for any purpose or the predecessor Council had made any contract in exercise of its powers for any purpose and, by virtue of the provisions of paragraph 8 of the Pawi-Lakher Autonomous Region (Reorganisation) Order, 1972 (hereafter referred to in this rule as the said paragraph), that contract is deemed to have been made by that existing Regional Council, then the contract so made shall be deemed to have been made by the successor District Council and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been the rights or liabilities of the existing Regional Council, be the rights and liabilities of the successor District Council :

Provided that in any such case as is referred to in clause (b) of sub-paragraph (1) of the said paragraph, the initial allocation of rights and liabilities made under that sub-paragraph shall be subject to such financial adjustment as may be agreed upon between the successor District Councils or, in default of agreement, as the Administrator may, by order, direct.

(2) Where immediately before the prescribed date an existing Regional Council is a party or the predecessor Council was a party and, by virtue of the provisions of the said

paragraph, an existing Regional Council is deemed to have been substituted as a party to any legal proceedings with respect to any property, rights or liabilities and such property, right or liability devolves on the successor District Council shall be deemed to be substituted for the existing Regional Council or the predecessor Council, as the case may be, as a party to those proceedings and the proceedings may continue accordingly.

10. **Provision as to the staff of existing Regional Councils.**— Subject to the provisions of this paragraph, every officer and other employee serving under an existing Regional Council immediately before the prescribed date shall become an officer or other employee of the successor Council and shall hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as were applicable to him while serving under the existing Regional Council and shall continue to do so unless and until such tenure, remuneration and terms and conditions are altered by an authority competent to do so :

Provided that —

- (i) the tenure, remuneration and terms conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Administrator ;
- (ii) any service rendered or deemed to have been rendered by such officer or other employee under an existing Regional Council shall be deemed to be service rendered under the successor District Council.

Explanation.— For the purpose of this rule an officer or other employee who has been allocated to an existing Regional Council by an Order made under sub-paragraph

(1) of paragraph 7 of the Pawi-Lakher Autonomous Region (Reorganisation) Order, 1972 but has not actually taken charge of his office before the prescribed date shall be deemed to be serving under that Regional Council.

11. **Continuance of laws and interpretation thereof.**— (1) A laws made in pursuance of any of the provisions of the Sixth Schedule to the Constitution and in force immediately before the prescribed date in the areas within the jurisdiction of an existing Regional Council shall, insofar as they are not inconsistent with the provisions of this Order and subject to any modifications and adaptations made in that behalf, continue to be in force in those areas until they are altered, repeated or amended by a competent Legislature or other competent authority and anything done or any action taken (including any notification, order, scheme, form, notice or bye-law made or issued, any licence or permission granted) under any such law shall continue in force until it is modified or superseded by anything done or any action taken in accordance with law :

Provided that for the purpose of facilitating the application of any such law (except in the short title or preamble of such law or in the references to the short title of such law in any other law, or where the context otherwise requires),—

- (a) references to the Pawi-Lakher Autonomous Region or to the Autonomous Lushai Hills District, by whatever form of words shall be construed as references to any or all of the autonomous district as the context may require ;
- (b) references to the Regional Council of the Pawi-Lakher Autonomous Region, by whatever form of words, shall be construed as references to the successor District Council ;

- (c) references to the Executive Committee of the Pawi-Lakher Autonomous Region, by whatever form of words, shall be construed as references to the Executive Committee of the successor District Council;
- (d) references to the Deputy Commissioner, with or without mention of his headquarter station, shall be construed as references to the Deputy Commissioner having jurisdiction in the autonomous district concerned.
- (e) references to Sub-divisional Officer, with or without mention of his headquarter station, shall be construed as references to the Sub-divisional Officer having jurisdiction in the autonomous district concerned;
- (f) references to Regional Council Fund, by whatever form of words, shall be construed as references to the District Fund of the successor District Council;
- (g) references to the Regional Council Court, by whatever form of words, shall be construed as references to the District Council Court of the successor District Council;
- (h) references to the Schedule Tribe or Tribes of the Autonomous districts Assam, by whatever form of words, shall be construed as references to the tribe or tribes specified in Part II— Mizoram, of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951;
- (i) references to the Assam Gazette, by whatever form of words, shall be construed as references to the Mizoram Gazette;
- (j) any requirement of obtaining the approval or sanction of or authori-

sation by the "Governor" or "Governor of Assam" or "Government of Assam" for the exercise of a power by a competent authority under any such law shall be construed as being the requirement of obtaining the approval or sanction of or authorisation by the Administrator:

Provided further that if no provision or insufficient provision has been made for the adaptation of any such law, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to an autonomous district, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

(2) For the purposes of this paragraph, law means an Act, Regulation or Rules made under the Sixth Schedule to the Constitution and also the rules made under any such Act or Regulation, but not an Act, Regulation or Rules made by the Mizo District Council.

12. **Expenditure incurred from Regional Funds of existing Regional Councils**— Where the Administrator has authorised before the prescribed date any expenditure from the Regional Fund of an existing Regional Council under sub-paragraph (2) of paragraph 4 of the Pawi-Lakher Autonomous Region Reorganisation Order, 1972 and the expenditure has not been sanctioned by such Regional Council before that date, it shall be competent for the successor District Council to sanction the expenditure within three months from the prescribed date.

13. **Elections to the District Councils**— As soon as may be after the commencement of this Order, general elections shall be hold in accordance with the Pawi-Lakher Autonomous Region (Constitution and Conduct of Business of the Regional Council) Rules, 1963 referred

to in sub-paragraph (1) of paragraph 4, for constituting new district Councils for the autonomous districts and every endeavour shall be made to hold such elections before the 31st December, 1972.

THE FIRST SCHEDULE

[see paragraph 4 (1)]

AMENDMENTS TO THE PAWI-LAKHER AUTONOMOUS REGION (CONSTITUTION AND CONDUCT OF BUSINESS OF THE REGIONAL COUNCIL) RULES, 1963.

1. In rule 2,—
 - (i) clause (2) shall be omitted ;
 - (ii) In clause (8) the words “and in accordance with the Assam Autonomous Districts (Constitution of District Council) Rules, 1951, as subsequently amended” shall be omitted ;
 - (iii) clause (15) shall be omitted.
2. For rule 6, the following rule shall be substituted, namely :—

“6. Constitution of District Councils.—

 - (1) There shall be a District Council for each autonomous district specified in Part III of the table appended to paragraph 20 of the Schedule, namely, the Chakma District, the Lakher District and the Pawi District.
 - (2) Each District Council shall be a body corporate by the name of “the District Council of (name of the district)”, shall have perpetual succession and a common seal and shall by the said name sue or be sued.”
3. For rule 7, the following rule shall be substituted, namely :—

“7. Composition of District Councils.—

 - (1) The District Council for each Auto-
- nomous District shall consist of a specified number of members both elected and nominated. The composition of the District Council for each Autonomous District and the allocation of seats therein as between elected and nominated members shall be such as the Administrator may, by notification in the Gazette, determine.
2. The constituencies for elections to the District Council for each Autonomous District shall be territorial. The constituencies, the extent thereof and the number of seats to be filled in each of them shall be such as may be specified, by notification in the Gazette, by the Administrator.
4. In rule 17, in sub-rule (1),
 - (i) for clause (a), the following clause shall be substituted, namely :—

“(a) if he is a salaried employee of the Government of India or the Government of any State or Union territory or is an employee of a District Council.”
 - (ii) in clause (h), for the words “or the District Council, of any autonomous district or the Regional Council,” the words “or Union territory or any District or Regional Council constituted under the Schedule,” shall be substituted.
5. In rule 23, in sub-rule (2),
 - (i) in clause (d), for the words “and the Mizo District Council with the Regional Council,” the word “with the District Council” shall be substituted.
 - (ii) in clause (e), the words “and the Mizo District Council” shall be omitted.
6. In rule 34,
 - (i) for sub-rule (1), the following sub-rule shall be substituted, namely :—

“(1) A member may address the District Council in any of the languages spoken in the area over which the Council exercise jurisdiction, or in Hindi, or in English”

(ii) the Explanation shall be omitted.

For rule 106, the following rule shall be substituted, namely :—

“106. **Holding of general elections—** (1) As soon as may be after the commencement of the Mizoram District Councils (Miscellaneous Provisions) Order, 1972, a general election shall be held under these rules for the constitution of a new District Council for each autonomous district and thereafter a general election shall be held on the expiration of the duration of the then existing District Council or on its dissolution.

(2) For the constitution of a District Council for the first time under these rules or, on the expiration of the duration of an existing District Council or on its dissolution, the Administrator shall, by notification in the gazette, call upon every constituency to elect a member or members in accordance with these rules within such time as may be specified in such notification.

Provided that, if the Administrator thinks fit, the said notification may be issued at any time not being more than six months prior to the date on which the duration of the District Council would expire in the ordinary course of events.

Provided further that for the constitution of a District Council for the first time under these rules the said notification may be issued when the Administrator thinks fit.

Appendices I and II shall be omitted.

THE SECOND SCHEDULE

[See paragraph 5]

AMENDMENTS TO THE PAWI-LAKHER AUTONOMOUS REGION (ADMINISTRATION OF JUSTICE) RULE, 1954.

1. In rule 1, for sub-rule (2) the following sub-rule shall be substituted, namely,
 - (2) These rules shall apply to the autonomous districts in the areas included in the Pawi-Lakher Region of the Mizo District immediately before the 2nd April 1972.”
2. In rule 2, in sub-rule (1),
 - (i) for clause (c), the following clause shall be substituted, namely.
 - (c) “District Council” means the District Council of the Chakma District or the District Council of the Lakher District or the District Council of the Pawi District, as the case may be, constituted under the Sixth Schedule to the Constitution.”
 - (ii) clause (i) and (j) shall be omitted.
3. In rule 4, sub-rule (2), the words “or Regional Council” shall be omitted.
4. In Chapter III, for the sub-heading “II Regional Council Court” the sub-heading “II District Council Courts” shall be substituted.
5. In rule 7, for sub-rule (1), the following sub-rule shall be substituted, namely:—
 - (i) There shall be a District Council Court for each of the Chakma District, the Lakher District and the Pawi District which shall be called respectively the Chakma District Council Court, the Lakher District Council Court and the Pawi District Council Court and each such Court shall have jurisdiction over the territory within the district for which it is constituted.

- (ii) In sub-rule (2), for the words "the Magistrate of the State Government posted at Saiha" the word "a Magistrate whom the Administrator may appoint in this behalf" shall be substituted.
6. In rule 8, for the words "at Saiha" the words "at the place where the office of the District Council concerned is located" shall be substituted.
7. In Chapter IV, for the sub-heading "II Regional Council Court" the sub-heading "II District Council Courts" shall be substituted.
8. In rule 37, in sub-rule (3) the words "or the Lushai Hills Autonomous District" shall be omitted.
9. In rule 50, the words "by the Government of Assam" shall be omitted.

S. P. Mukerjee
Lt. Governor (Administrator)
of the Union Territory of
Mizoram.

No MC/5/5/72 dated 3rd May 1972— The following notification issued by the Govt. of India is republished below.

New Delhi, the 30th April, 1972.

NOTIFICATION

In exercise of the powers conferred by article 239 of the Constitution and section 46 of the Government of Union Territories Act, 1963 (20 of 1963) and all other powers enabling him in that behalf, the President makes the following rules, namely :—

1. These rules may be called the Government of Mizoram (Allocation of Business Rules, 1972.

2. In these rules, unless the context otherwise requires.—

- (a) "Act" means the Government of Union Territories Act, 1963 (20 of 1963);
- (b) "Administrator" means the Administrator of the Union Territory of Mizoram appointed under article 239 of the Constitution ;
- (c) "Council" means the Council of Ministers appointed under section 44 of the Act ;
- (d) "Government" means the Government of the Union Territory of Mizoram ;
- (e) "Secretary" means a Secretary in a Department of Government and includes Secretary to the Administrator and the Chief Secretary ; and
- (f) "Schedule" means the Schedule appended to these rules.

3. The entire business of the Government shall be transacted in the Departments of Government specified in the Schedule and shall be classified and distributed between those Departments as laid down therein :

Provided that the Administrator may, from time to time, make such additions to, or modifications in the list of business allotted to a Department as he thinks fit.

4. The Administrator shall, in consultation with the Chief Minister, allocate to the Ministers so much of business of the Government as relates to matters with respect to which the Council is required under section 44 of the Act to aid and advise the Administrator in the exercise of his functions and for that purpose assign one or more Departments to the charge of a Minister :

Provided that nothing in this rule shall prevent the assignment of one Department to the charge of more than one Minister.

5. There shall be a Secretary for each Department who shall be the official head of that Department :

Provided that—

- (a) more than one Department may be placed in charge of the same Secretary ;
- (b) the work of a Department may be divided between two or more Secretaries.

THE SCHEDULE

(See rule 3)

1. Political Department.

- (a) Regulation for supplies of Government publications
- (b) Annual Administration Reports.
- (c) Language and Linguistic problems
- (d) District Soldier's, Sailor's and Air-men's Boards.
- (e) All matters relating to Political sufferers.
- (f) Determination of ceremonial procedure and precedence.
- (g) Matters relating to Foreigners Act.
- (h) Nationality.

2. Home Department.

- (a) Police.
- (b) Law & order.
- (c) Jails.
- (d) Betting and gambling.
- (e) Fire arms and ammunition.
- (f) All matters relating to Military.
- (g) Enforcement and Anti-corruption
- (h) Fire Service.

3. General-Administration Department.

- (a) State Guests

- (b) Demands from various organizations including Political parties.
- (c) Matters affecting one or more Departments.
- (d) Declaration of Gazetted and local holidays.
- (e) Celebration of State functions.
- (f) Miscellaneous work.

4. Secretariat Administration Department.

- (a) Secretariat establishment.
- (b) Secretariat Accounts.
- (c) All house-keeping functions relating to the civil secretariat i. e. allotment of accommodation, supply of stationery, disbursement of pay, allowances etc. maintenance of pool vehicles, receipt and issue.
- (d) Control on office accommodation.

5. Appointment Department.

- (a) Recruitment, posting, leave, transfer, disciplinary proceedings of officers.
- (b) Service conditions.
- (c) Service rules and regulations.
- (d) Departmental examinations.
- (e) Consultation with Union Public Service Commission.
- (f) General advice on all matters affecting public services.
- (g) Preparation of civil list and seniority lists of employees.

6. Law & Judicial

- (a) Judicial.
- (b) Elections.
- (c) Legislature.
- (d) Appeals against acquittals
- (e) Legal practitioners.
- (f) Civil law and procedure.
- (g) Criminal law and procedure.

- (h) Advice on legal matters.
 - (i) All matters relating to Courts.
 - (j) Contracts, deeds and arbitration cases.
 - (k) All matters relating to statutes, regulations and statutory rules, orders and notifications.
- 7. Finance Department.**
- (a) Audit and accounts.
 - (b) Budget.
 - (c) Taxation.
 - (d) Statistical.
 - (e) Control of expenditure.
 - (f) General advice on financial matters.
- 8. Education Department.**
- (a) All matters relating to education.
 - (b) Library, museums and other similar institutions.
 - (c) Ancient and Historical monuments and records.
 - (d) Hindi Teaching Scheme.
 - (e) Social Welfare.
- 9. Medical and Family Planning Department.**
- (a) Medical.
 - (b) Government hospitals and dispensaries.
- 10. Public Works Department**
- (a) Roads and buildings.
 - (b) Housing.
 - (c) Allotment of residential buildings.
- 11. Public Health Engineering Department.**
- (a) Public Health, sanitation and vital statistics.
 - (b) Adulteration of food stuffs and other commodities.
 - (c) Registration of births and deaths.
 - (d) Small pox eradication programme.
 - (e) Implementation of B.C.G. schemes.
 - (f) Anti malaria.
- 12. Agriculture and Animal Husbandry Department.**
- (a) Agriculture, Fisheries and pisciculture.
 - (b) Agricultural education and research, horticulture protection against pests and prevention of plant diseases.
 - (c) Agricultural engineering.
 - (d) General advice to agriculturists on improved methods of agriculture.
- 13. Forests and Soil Conservation Department**
- (a) Forests.
 - (b) Protection of wild life.
 - (c) Soil conservation.
- 14. Power and Electricity Department**
- (a) Power and Electricity.
 - (b) Irrigation.
- 15. Community Development and Cooperation Department.**
- (a) Community Development and Panchayats.
 - (b) Cooperation.
- 16. Industries Department.**
- (a) Industries.
 - (b) Weights and measures.
- 17. Revenue Department.**
- (a) Settlement, Survey, Assessment, levy and realisation of land revenue.
 - (b) Land records.
 - (c) Excise.
 - (d) Land reforms.
 - (e) Money lending and money lenders.
- 18. Supply and Transport Department.**
- (a) Food and Civil Supplies.
 - (b) Essential commodities Act.
 - (c) Rationing.
 - (d) Price control.

(e) Movement of supplies by roads, rail, river and air routs.

(f) Transport.

(g) Registration of vehicles.

(h) Motor vehicles taxation.

19. Information, Public Relations and Tourism Department.

(a) Press, Newspapers and periodicals.

(b) Publications and Publicity.

(c) Advertisements.

(d) Tourism.

20. Labour and employment Department.

(a) Labour and employment exchanges.

(b) Regulations of labour laws.

(c) Wages of labour.

(d) Trade Unions.

(e) Contracts and labour disputes.

(f) Welfare of labour, including conditions of work, Provident Fund, employment liabilities, work-men's compensation, invalid and old age pension and maternity benefits.

(g) Vocational and technical training to labourers.

(h) Factories.

(j) Employees' State Insurance.

21. Local Administration Department.

22. Planing Department.

(a) Planing and Coordination of work relating to plans.

[No. F. 3/3/72. (11) M.Z.]

G. K. Bhanot
Joint Secretary to the Govt. of India.

K. N. SRIVASTAVA
Under Secy.. to the Govt. of Mizoram
Law & Judicial.

ORDER

No. L.J.D. 24/72/19 the 29th. April— In exercise of the powers conferred by sub-Section (5) of Section 7 of the Government of Union Territories Act. 1963 (20 of 1963), the Administrator of the Union Territory of Mizoram, with the approval of the President, hereby makes the following Order, namely :—

1. **Short title and commencement**— (1) This Order may be called, "The Salaries and Allowances of the Speaker and Deputy Speaker of Legislative Assembly (Mizoram) Order 1972."

(2) It shall come into force at once.

2. **Definitions**— In this Order, unless the context otherwise requires—

(a) "Speaker" means the Speaker of the Legislative Assembly of the Union territory of Mizoram.

(b) "Deputy Speaker" means the Deputy Speaker of the Legislative Assembly.

(c) Words and expressions not defined herein and defined in the Salaries and Allowances of Ministers (Mizoram) Order, 1972 shall have the meaning respectively assigned to them in that Order.

3. **Salaries and allowances of the Speaker**— The Speaker shall be paid such salary, conveyance allowances, travelling and daily allowances and shall be entitled to such amenities regarding residence, motor car and repayable advance for purchase of motor car as are provided for a Minister other than a Chief Minister and a Deputy Minister under the Salaries and Allowances of Ministers (Mizoram) Order, 1972.

4. **Speaker and Deputy Speaker not to practise any profession**— The Speaker and Deputy Speaker shall not practise any profession or engage in any trade or receive any money for employment other than their duties as Speaker or Deputy Speaker, as the case may be.

5. Salaries and allowances of the Deputy Speaker.— The Deputy Speaker shall be paid such salary, conveyance allowances and travelling and daily allowances and shall be entitled to such amenities regarding residence and motor car and repayable advance for purchase of motor car as are provided for a Deputy Minister under the Salaries and Allowances of Ministers (Mizoram) Order, 1972.

6. Medical Treatment etc. to Speaker and Deputy Speaker.— The Speaker and Deputy Speaker and the members of their families shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, applicable to Class I Officers serving in connection with the administration of the Union Territory.

7. Speaker and Deputy Speaker not to draw any salary as member.— The Speaker and Deputy Speaker shall not be entitled to receive any sum out of funds provided by the Assembly by way of salary or allowances in respect of their membership of the Assembly.

8. Notification respecting appointment of Speaker etc. be conclusive evidence thereof.— The date on which any person became, or ceased to be, a Speaker or Deputy Speaker shall be published in the Official Gazette of the Union Territory and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, the Speaker or Deputy Speaker, as the case may be, on that date for all the purposes of this Order.

S. P. Mukerjee
 Lt. Governor (Administrator)
 of the Union Territory of Mizoram.

ORDER

No. LJD. 24/72/20 the 29th April, 1972.— In exercise of the powers conferred by section 17 of the Government of Union Territories Act, 1963 (20 of 1963), the Administrator of the Union Territory of Mizoram, with the approval of the President, hereby makes the following Order, namely :—

1. Short title and commencement.— (1) This Order may be called “The Salaries and Allowance of Members of Legislative Assembly (Mizoram) Order, 1972.”

(2) It shall come into force at once.

2. Definitions.— In this Act, unless the context otherwise requires,

(a) “the Act” means the Government of Union Territories Act, 1963 (20 of 1963);

(b) “Administrator” means the Administrator of the Union Territory of Mizoram ;

(c) “Assembly” means the Legislative Assembly of the Union Territory of Mizoram ;

(d) “Committee” means a committee of the Assembly ;

(e) “Controlling Officer” means the Secretary of the Assembly ;

(f) “day” means a period of 24 hours beginning at midnight ;

(g) “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 ;

(h) “form” means a form appended to the Second Schedule ;

(i) "member" means a member of the Assembly, but save as otherwise expressly provided in this Order, does not include—

(i) a Minister as defined in the Salaries and Allowances of Ministers (Mizoram) Order, 1972; and

(ii) the Speaker and the Deputy Speaker as defined in the Salaries and Allowances of the Speaker and Deputy Speaker of Legislative Assembly (Mizoram) Order, 1972.

(j) "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, for the purpose of attending such session or sitting or for the purpose of attending such other business and includes, except in the case of a 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 the case of a 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 residence, 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 a 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 Committee or other business;

(k) "Schedule" means a Schedule appended to this Order;

(l) "term of office" in relation to a member means the period beginning with the date when such member takes his seat in the Assembly and ending with the date on which his seat becomes vacant;

(m) "the Union Territory" means the Union Territory of Mizoram; and

(n) "usual place of residence" in relation to a member means the place where the member personally resides or works for gain within the Union Territory.

3. **Salaries and allowances.**— A member shall be entitled to receive a salary at the rate of rupees two hundred and fifty per month and a conveyance allowance of rupees one hundred per month during the whole of his term of office and daily allowance at the rate of rupees twenty five for each day during any period of residence on duty.

Explanation.— Daily allowance shall be admissible to a member for each day during any period of residence on duty irrespective of the time of arrival or departure.

4. **Travelling allowance.**— () There shall be paid as travelling allowance to each member in respect of every journey performed by him for the purpose of attending a session of the Assembly or a meeting of a Committee or for the purpose of attending to any other business connected with his duties as a member, from his usual place of residence to the place where the session or the meeting 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, such amount as would be admissible in respect of journeys on tour to a First Grade Officer serving in connection with the administration of the Union Territory.

(2) Notwithstanding anything contained in sub-paragraph (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 amount 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.

5 Travelling allowances for intermediate journey— Where 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 Union Territory he shall be entitled to receive travelling allowance in respect of such journey to such place and for the return journey under paragraph 4 :

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

6. Allowances during short intervals between termination of one session and commencement of another session, etc.— Where the interval between the adjournment of the Assembly or, as the case may be, one sitting of a Committee and the re-assembly of that Assembly or the next sitting of the Committee at the same place do not exceed three 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 place daily allowance at the rate specified in paragraph 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 or a sitting of the Committee, as the case may be, and the provisions of paragraph 5 shall apply accordingly.

7. Special provisions.— In the special circumstances specified in the First Schedule, this Order shall apply subject to the provisions of that Schedule.

8. Procedure.— The provisions of the Second Schedule shall apply in respect of claims for salary and allowances.

9. Medical treatment etc. to members.— A member and his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, applicable to Class I Officers serving in connection with the administration of the Union Territory.

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.

FIRST SCHEDULE

(see paragraph 7)

1. Admissibility of travelling allowance where a member is provided with free transit for the whole or any part of the journey.— No travelling allowance under paragraph 4 of this Order shall be claimed by the member in respect of any journey or part thereof performed by him in conveyance provided at the expense of Government or a Local Fund, but he shall be entitled to draw an allowance at the rate of

rupees three only per diem where the duration of such journey lasts for not less than six hours on any day :

Provided that the provisions of this paragraph shall not apply to the journey performed on any Railway.

Note.— The amount of rupees three 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 paragraph 3 of this Order which is allowed to him where admissible for each day during any period of residence on duty.

2. Admissibility of travelling allowance where the place, from which a member performs his journey or to which he returns, is not usual place of residence.— (1) Where a member performs a journey for the purpose of attending a session of the Assembly or a meeting 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 journey from the place 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 rates specified in paragraph 4 of this Order ; and
- (b) daily allowance for each day during any period of residence on duty at

the other place at the rate specified in paragraph 3 of this Order.

3. Regulation of the payment of daily and travelling allowance.— (1) Notwithstanding that a member has not taken his seat in the Assembly to which he is elected or nominated, he shall be entitled to receive travelling allowance for the journey performed by him for 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 of Committee for visiting any place in the Union Territory, no travelling or daily allowance will be admissible.

Explanation.— If a member comes back on the seventh day, 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 paragraph 5 of this Order and in sub-paragraph (2) of this paragraph does not include the period of three days immediately preceding the commencement of 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 a 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 paragraph 5 of this Order 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 a 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 allowance 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.

(7) Where a member is provided with free board and lodging at the expense of the Government or a Local Fund, he shall be entitled to receive only one-half of the daily allowance admissible to him under paragraph 3 of this Order. 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 paragraph.

SECOND SCHEDULE

(See paragraph 8.)

Procedural provisions.— (1) Every member shall as soon as possible after he is elected or nominated, declare his usual place of residence to the Controlling Officer and any subsequent change in the usual place of residence so declared shall be notified to the Controlling Officer in Form A appended to this Schedule.

(2) A member who claims any travelling or other allowances under this Order 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 this 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, has failed to make payment of such dues, recovery thereof may be effected from the salary or travelling or daily allowance bills of such member.

FORM 'A'

I have changed my usual place of residence from to with effect from..... due to

..... (here state the reasons)

I may henceforward be allowed travelling allowances from.....

Signature

Constituency No.

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 the Legislative Assembly.

Constituency No.

Station Dated/

the

FORM 'B'

Departure and Return Journey Certificate. The Certificate may kindly be filled in, 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 paragraph 4 of the Salaries and Allowances of Members of Legislative Assembly (Mizoram) Order, 1972, leaving—

..... (Place) on the (Date), I arrived (Place) on the (Date).

*Strike out if not applicable

Under Secretary to the Government. of Mizoram :

S. P. Mukerjee
Lt. Governor (Administrator)
of the Union Territory of Mizoram.