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## NOTIFICATION

No. LJD. 126/82/15, the 1st September, 1982. The following Act of the Mizoram Legislative Assembly, which received the assent of the President, is hereby published for general information.

Mizoram Act No. 4 of 1982.

The Mizoram Salaries and Allowances of Members of the Legislative Assembly (Amendment) Act, 1982.

(Received the assent of the President on the 10th August, 1982).

J. W. Sundara Raj,  
Secy. to the Govt. of Mizoram,  
Law etc. Deptt.

## AN ACT

further to amend the Mizoram Salaries and Allowances of Members of the Legislative Assembly Act, 1973.

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

Short title and commencement 1. (1) This Act may be called the Mizoram Salaries and Allowances of Members of the Legislative Assembly (Amendment) Act, 1982.  
(2) It shall be deemed to have come into force on the 1st day of January, 1982.

Amendment of long title 2. In the Mizoram Salaries and Allowances of Members of the Legislative Assembly Act, 1973 (hereinafter referred to as the principal Act), in the long title, for the words "salaries and allowances," the words "salaries, allowances and pension" shall be substituted. 3 of 1974

Amendment of section 1 3. In section 1 of the principal Act, in sub-section (1), for the words "Salaries and Allowances," the words "Salaries, Allowances and Pension" shall be substituted.

Amendment of section 3 4. In section 3 of the principal Act,—  
(a) for the words "three hundred and fifty," the words "four hundred and fifty" shall be substituted;  
(b) for the word "thirty," the word "forty" shall be substituted.

Insertion of  
new section  
8 B

5. After section 8 A of the principal Act, the following section shall be inserted, namely:—

Pension

"8 B (1) With effect from the 1st day of January, 1982 there shall be paid a pension of two hundred rupees per mensem to every person who has served for a period of five years, whether continuous or not, as a member:

Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of fifty rupees per mensem for every year in excess of five, so, however, that in no case the pension payable to such person shall exceed four hundred rupees per mensem.

(2) Where any person entitled to pension under sub-section (1),—

(i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union territory; or

Central Act  
19 of 1966

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966; or

(iii) is employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member or is so employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed, or where the remuneration referred to in clause (iii) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government or any local authority, under any law or otherwise, then —

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1),

such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section.

1 of 1974

2 of 1974

(4) In computing the number of years, for the purposes of sub section (1), the period during which a person has served as a Minister as defined in the Mizoram Salaries and Allowances of Ministers Act, 1973 or as Speaker or Deputy Speaker as defined in the Mizoram Salaries and Allowances of the Speaker and Deputy Speaker Act, 1973, or both, by virtue of his membership in the Assembly shall also be taken into account."

Insertion of new  
section 9 A.

6. After section 9 of the principal Act, the following section shall be inserted, namely:—

Power to make  
rules.

"9 A. (1) The Government may, by notification in the Mizoram Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram, while it is in session, for a total period of seven days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Legislative Assembly of Mizoram agrees in making any modification in the rule or the Legislative Assembly of Mizoram agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

J. W. Sundara Raj.  
Secy. to the Govt. of Mizoram.  
Law etc. Deptt.