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NOTIFICATIONS

THE LAI AUTONOMOUS DISTRICT (SALARIES, ALLOWANCES AND PENSION OF MEMBERS) ACT, 1993.

AN ACT

to provide for the salaries, allowances and pension of Members of the Lai Autonomous District Council ;

Whereas it is expedient to provide for the salaries, allowances and pension of Members of the Lai Autonomous District Council.

It is hereby enacted by the Lai Autonomous District Council in the Forty-fourth year of the Republic of India as follows :—

Short title 1. (1) This Act may be called the Lai Autonomous District (Salaries, Allowances and Pension of Members) Act, 1993.

(2) It shall be deemed to have come into force with effect from the first day of September, 1992.

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

(a) “Committee” means a committee of the District Council ;

(b) “day” means a period of twentyfour hours beginning at midnight;

(c) “District Council” means the Lai Autonomous District Council established under the Sixth Schedule to the Constitution of India;

(d) "family" in relation to a Member means the wife or husband residing with him or her as the case may be, and the children (including the legally adopted children and step-children) residing with and wholly dependent on such members ;

(e) "Form" means a form appended to the second Schedule ;

(f) "he" and its gramatical variation stand for both man and woman ;

(g) "Member" means a Member of the Lai Autonomous District Council and it does not include the Chief Executive Member, Chairman, Executive Members, Deputy Chairman and Vice Chairman of Planning and Development Committee of the District Council, but includes for the purpose of pension including family pension only under section 10 ;

(h) "period of residence on duty" means the period during a member resides at a place where a session of the District Council or a sitting of a Committee is held or where any other business connected with his duties as such member is transacted, or for the purpose of attending such other business and includes, except in the case of member who ordinarily resides at the place where a session of the District Council or 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 District Council, a period of such residence, not exceeding two days immediately succeeding the date on which the District Council is adjourned sine die ;

(ii) in the case of a sitting of a Committee or any other business, a period of such residence not exceeding one day immediately preceding the commencement of the business of the Committee or other business and a period of such residence not exceeding one day immediately succeeding the conclusion of the business of the Committee or other business ;

(i) "Schedule" means a Schedule appended to this Act ;

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

(k) "usual place of residence" in relation to a member means the place where the member personally resides or works for gain within the Lai Autonomous District.

Salaries of 3. A member shall be paid a salary of one thousand five hundred members rupees per mensem during the whole of his term of office.

Daily allowances 4. A member shall be entitled to receive Daily Allowances of the one hundred fifty rupees for each day of the journey performed for attending a session of the District Council or for meeting of a Committee and also for each day of the period of residence on duty.

Constituency and contingency allowances 5. A member shall be paid constituency allowances of Rs. 2000/-per mensem with contingency allowances of Rs. 800/- per month.

Residence, etc. 6. A member shall be entitled without any payment to the use and maintenance of a furnished residence throughout his term of office as a member and for a period of 15 days immediately thereafter, and so long as such residence is not provided for he shall be entitled to a residence which rental charges shall be not more than one thousand rupees per mensem.

EXPLANATION.—For the purpose of this section—

(a) “Residence” includes the staff quarters and other building appurtenant thereto and the garden thereof;

(b) “Maintenance” in relation to a residence includes—

(i) provision of electricity upto 50 units per mensem and free supply of water;

(ii) free telephone calls upto 500 calls per quarter, and

(iii) payment of local rate and taxes;

(c) “Occupation of Member Hostel”—A member occupying the members Hostel not just staying a few days as a visitor shall not be entitled to the rental charge in lieu of furnished residence.

Travelling allowances 7. (1) There shall be paid travelling allowances to each member in respect of every journey performed by him for the purpose of attending a session of the District Council or a sitting to 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 sitting is to be held or the other business is to be transacted and for the return journey from such a place to his usual place of residence at the rate of one hundred fifty rupees per diem. This will not include touring in the constituencies without specific order by the Executive Committee.

(2) Where no Government accommodation is available outside the State, a Member on official duty shall be entitled to reimbursement of accommodation charge of single room in a Three Star Hotel in addition to the Daily Allowances subject to production of actual payment receipt.

(3) Notwithstanding anything contained in sub-section (1), a member who performs a journey by road between place connected by rail, either wholly or in part, may draw the road mileage on the scale mentioned in the sub-section (1) instead of the travelling allowances which would have been admissible to him if he had travelled by rails ;

Provided that the total allowances of travelling allowances 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 :

Provided further that a member shall be entitled to an advance of travelling and daily allowances in respect of the tour undertaken by him on official duties.

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| Special provisions | 8. | In the special circumstances specified in the First Schedule, the provisions of this Act shall apply subject to the provision of that Schedule. |
| Procedure | 9. | The provisions of the Second Schedule shall apply in respect of all claims for salaries and allowances. |
| Pension | 10. | There shall be paid a pension of one thousand rupees per mensem to any person who has served for a period of five years or for any period shorter than five years — |

(a) as member of the erstwhile Pawi-Lakher Autonomous Regional Council; or

(b) as member of the Pawi/Lai Autonomous District Council.

EXPLANATION.—

(1) This provision does not apply to a person who was elected as a member of Pawi-Lakher Regional Council from any constituency which does not form a part of the present District of the Lai Autonomous District.

(2) Where any person has served as aforesaid for a period exceeding five years an additional pension of hundred rupees per mensem is paid to him for every year but in no case the pension payable to such person shall exceed two thousand rupees per mensem and no arrear pension shall be admissible to any member.

(3) Where any person entitled to pension becomes a member of any Autonomous District Council or is employed on a salary under the Central Government or any Corporation owned or controlled by the State Government or any semi-Government or any local authority, such person is not entitled to any pension for the period during which he continued to hold such office or as such member or is so

employed or continues to be entitled to such remuneration when the salary payable to such person for holding such office or being such member or so employed or where the remuneration payable to such person is in either case less than the pension payable to him such pension shall be entitled only to receive the balance as pension.

(4) Where any person entitled to pension is also entitled to any pension from the Central 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 as a member, such person shall not be entitled to any pension 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 as a member such pension shall be entitled to pension only of an amount which falls short of the amount or pension to which he is otherwise entitled as a member

(5) In computing the number of years, for these purposes the period during which a person has served as a Chief Executive Member, or as a Chairman, or as a Executive Member, or as a Deputy Chairman or as Vice Chairman of Planning and Development Committee of the District Council or more than any of the aforesaid by virtue of his membership in the Pawi-Lakher Regional Council, shall also be taken into account.

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| Family pension | 11. When Member dies before the expiry of the term of his Office, his/her spouse be paid family pension of the same amount of pension for the deceased Member. |
| Travel by air | 12. A Member is entitled to travel by air on tour performing Official duties within India. |
| Medical treatment to Members | 13. A Member and the members of his family shall be entitled free of charge to accommodation in hospital maintained or recognised by the District Council and also to Medical treatment in accordance with Medical Attendance Rules as amended from time to time, applicable to first grade officer of the Government of Mizoram. |

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.

Repeal
and sa-
ving

14. (1) The Pawi Autonomous District Council (Salary and Allowances of Members) Rules, 1982 and all subsequent amendments thereof are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the rules so repealed shall, in so far as it is not inconsistent with the provision of this Act, be deemed to have been done or taken under this Act.

FIRST SCHEDULE (See section—7)

Regula-
tion of
payment of
Daily and
travelling
Allowances

- I. (1) Notwithstanding that a member has not taken his seat in the District Council to which he is elected or nominated, he shall be entitled to receive travelling allowances for the purpose of taking his seat in the Council.

(2) For absence for a period of two days or more during a session of the District Council or a sitting or Committee for visiting any place in the State of Mizoram, no travelling or daily allowances will be admissible.

EXPLANATION :—

If a member comes back on the second day, whether in the forenoon or in the afternoon his absence shall be treated as being less than two days.

(3) The term “during a session” or a sitting of a committee occurring in sub-para (2) of para 2 of First Schedule does not include the period of two days immediately preceding the commencement of the session and two days immediately succeeding the end of the session or one day immediately preceding the commencement of the business and one day immediately succeeding the conclusion of business of the committee.

(4) Travelling Allowances for return journey to the usual place of residence shall be admissible to a member who leaves the place of the session of the District Council or a sitting of a Committee during the continuance of such session or sitting within two days after the conclusion of business of the session or the sitting as the case may be, before finally returning to his usual place of residence.

(5) All cases regarding the admissibility of travelling allowances to a member who arrives at the place where a session of the District Council or a sitting of a Committee is held, without the knowledge of the postponement of the session or sitting including case of such members who arrives after the session or sitting is adjourned suddenly shall be determined by the Chairman of the District Council having regard to the circumstances of each case.

In case the member has performed such journey at his own expenses, he shall have to certify for the same as follows:— “Certified that I have not performed any part of the journey by a conveyance provided at the expenses of the District Council”.

(6) Where a member is provided with free boarding and lodging at the expense of any District Council he shall be entitled to receive only one half of the daily allowances admissible to him under section 7. If only boarding or lodging is provided he shall be entitled to receive three-fourths of the daily allowances admissible to him under that section.

SECOND SCHEDULE (See Section—9)

PROCEDURAL PROVISION :

(1) Every member shall, as soon as possible after he is elected, declare in form 'A' appended to Second Schedule his usual place of residence to the Secretary to the District Council and any subsequent change in the usual place of residence so declared shall be notified in the said form to the Secretary to the District Council.

(2) A member who claims any travelling or other allowances under this Act shall support his claims by a Certificate in the following form namely :—

“Certified that no Travelling Allowances in respect of the journey of daily allowances 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 District Council 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 District Council”.

(4) Ordinarily any non-Governmental dues outstanding against a member shall not be recovered from his Salaries and Allowances but where such dues are no account of certain service rendered to him in the course of his duties as a member, such as when he is on tour with a Committee, and the arrangement for such services have been made by or at the instance of Semi-Government institution of private parties at the request of Officers of the District Council, and where such member, in spite of repeated request had failed to make payment of such dues, recovery thereof may be effected from the salaries or daily allowances bills of such member.

FORM 'A'

My usual place of residence is

or

I have changed my usual place of residence from

to

with effect from.....due to

(here state the reason)

I may henceforward be allowed travelling allowances from

Signature

Constituency

Date

FORM 'B'

DEPARTURE AND RETURN JOURNEY CERTIFICATE

The Certificate may kindly be filled, signed and returned to the Secretary, Lai Autonomous District Council, as soon as possible, after the completion of the return journey.

(1) Certified that I performed the return journey under section 7 of Lai Autonomous District Council (Salaries, Allowances and pension of members) Act, 1993 leaving -

.....(Place) on the

.....(Date) I arrive at.....

.....(Place) on the

.....(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 District Council.

(3) Certified that I actually travelled by air from

.....

(Place) to

(Place) by
day/night service.

Payment of the supplementary bills is required at

.....(Station)

Station.....

Dated the.....

(Strike out if not applicable).

Member of Lai Autonomous District Council
Constituency.....

Certified that this Bill was passed by the Lai Autonomous District Council-in-session and in authentication whereof.

I give my signature this twenty-fifth day of November, one thousand nine hundred ninety three, Anno Domini.

Dated Lawngtlai,
the 25th Nov, 1994.

F. Rohnuna,
Chairman,
Lai Autonomous District Council,
Lawngtlai.

I assent to this Bill

Dated Aizawl,
the 24th feb. 1994.

P.R. Kyndiah
Governor Mizoram