



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

VOL. XXIV Aizawl, Friday, 5.5.1995, Vaisakha 15, S.E. 1917, Issue No. 105

NOTIFICATION

No. H. 12018/9/91-LJD, the 1st May, 1995. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Act No. 4 of 1995

The Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 1995

Received the assent of the Governor of Mizoram on the 19.4.1995.

AN ACT

further to amend the Mizoram Salaries, Allowances and Pension of the Members of the Legislative Assembly Act, 1987,

Be it enacted by the Legislative Assembly of the State of Mizoram in the Forty-Sixth Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called the Mizoram Salaries, Allowances and Pension of Members of Legislative Assembly (Amendment) Act, 1995.

(2) It shall come into force on the date of its publication in the Mizoram Gazette.

Amendment of section 4 B. 2. In the Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly Act, 1987 (Act No. 6 of 1987) as amended from time to time (hereinafter referred as the Principal Act), in clause (a) of section 4 B, for the words and figures "free travelling by first class train upto 20,000 kilometres two times in five years term within India," the words and figures "free any railway in first class air-conditioned coach or in first class if first class air-conditioned coach is not available, upto 40,000 kilometres within India during five years' term" shall be substituted.

EXPLA-
NATION

For the purposes of this section, the term "first class train" means the most comfortable and highest ranking coach in the particular train along the particular route. Therefore, a member and his family or a member and his attendants shall be entitled to avail the first class air-conditioned coach where there is any such compartment in the particular train and if there is no first class air-conditioned coach and only the second class air conditioned coach is available in the train, "the first class" shall include the second class air-conditioned coach also.

Amendment of section 12. 3. In the principal Act, in clause (b) of sub-section (1) of section 12, for the words "one lakh fifty thousand rupees or the anticipated price" the words "two lakhs fifty thousand rupees or the actual cost of vehicle" shall be substituted.

Amendment of section 14 and 14A. 4. In the principal Act, for section 14 and section 14A, the following sections shall be substituted, namely—

"Pension. 14 (1). There shall be paid a pension of one thousand rupees per mensem to any member who has served for a period of five years or for any period shorter than five years, whether continuous or not,—

(a) as a member of the erstwhile Assam Legislative Assembly from any constituency forming part of the present State of Mizoram, or

(b) as a member of the Legislative Assembly of the Union Territory of Mizoram, or

(c) as a member of the Legislative Assembly of the State of Mizoram:

(2) Where any person has served as aforesaid for any period exceeding five years, he shall be entitled to an additional pension of one hundred rupees, per mensem for every completed year in excess of five years, or a part thereof in case the completion of such term is prevented by earlier dissolution of the Assembly or cessation from the membership; but in no case the pension payable to such person shall exceed three thousand rupees per mensem.

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

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

- (b) 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
- (c) is employed on a salary under 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 (c) 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.

(4) Where any person entitled to pension under sub-section (1) is also entitled to any other pension, such person shall be entitled to receive the pension under sub-section (1) in addition to such pension.

(5) 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, 1987, or as a Speaker defined in the Mizoram Salaries and Allowances of the Speaker and the Deputy Speaker Act, 1987, or as a Leader of the Opposition as defined in the Mizoram Salaries and Allowances of Leader of the Opposition Act, 1991, or as the Government Chief Whip as defined in the Mizoram Salaries and Allowances of the Government Chief Whip Act, 1991, or has served in all or any two of such capacities by virtue of his membership in the Mizoram Legislative Assembly or in the Assam Legislative Assembly shall also be taken into account.

Death Gratuity 14 A, If a member dies during his term of office, his spouse shall be paid a death gratuity of fifty thousand rupees. If he has no surviving spouse at the time of his death, his other family member of the first preference, if any, shall be paid the said death gratuity.

Insertion of 5. In the Principal Act, after section 14 A, the following new section a new section shall be inserted, namely— "Family Pension. 14 B."

- (1) When a member dies before expiry of the term of his office, his spouse or if he has no surviving spouse at the time of his death, his other family member of the first preference, if any, shall be paid a family pension a sum of money equivalent to one-third of the pension of the member concerned subject to the limitation in sub-section (2).

(2) The period for which such family pension shall be payable to the widow or widower, son or daughter of a member shall be as follows—

(a) in the case of a widow or widower upto date of death or remarriage, whichever is earlier.

(b) in the case of a son, until he attains the age of twenty five years,

(c) in the case of an unmarried daughter, until she attains the age of twenty five years or until she get married whichever is earlier.

P.Chakraborty,
Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs Deptt.

CERTIFICATE

This Bill was passed by the Mizoram Legislative Assembly on the 3rd April, 1995. I certify the Bill as a Money Bill.

AIZAWL

The

VAIVENGA

Speaker

Mizoram Legislative Assembly.