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NOTIFICATION

NO.H. 12018/42/94—LJD, the 1st November, 1996 : 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.9 of 1996 "The Mizoram (Pension for the Defunct Mizo District Council and of the Defunct Pawi, Lakher Regional Council) (Amendment) Act, 1996" passed by the Mizoram Legislative Assembly on the 24th October, 1996.

AN ACT

to amend the Mizoram (Pension for the Defunct Mizo District Council and of the defunct Pawi—Lakher Regional Council) Act, 1994 (Mizoram Act No. 7 of 1994).

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

Short title and commencement 1. (1) of the defunct Mizo District and of the defunct Pawi—Lakher Regional Council) (Amendment)

(2) This shall come into force at once.

Amendment of Section 2. 2. For section 2 of the Mizoram (Pension for the defunct Mizo District Council and of the defunct Pawi—Lakher Regional Council) Act, 1994 (hereinafter referred to as the principal Act, the following section shall be substituted, namely—

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

(a) “Council” means the defunct Mizo District Council or the defunct Pawi—Lakher Regional Council of Mizoram, as constituted under the Sixth Schedule to the Constitution but later ceased to exist either under paragraph 20A or under paragraph 20B of the said Schedule, as the case may be;

(b) “Government” means the Government of Mizoram;

(c) “Member” means a member of the defunct Mizo District Council or a member of the defunct Pawi—Lakher Regional Council, who had taken an oath of allegiance to the Constitution of India as such member, as required under the relevant provisions of the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951 or of the Pawi—Lakher Autonomous Region (Constitution and Conduct of Business of the Regional Council) Rules, 1963, as the case may be.

(d) “State” means the State of Mizoram.

**Amendment
of Section 3**

For section 3 of the principal Act, the following section shall be substituted, namely —

Grant of Pension to members 3. (1) There shall be paid a pension at the rate of prescribed under sub-section (2), to any person who had served for a period of five years or for any period shorter than five years;

(a) as a member of the defunct Mizo District Council, or

(b) as a member of the defunct Pawi—Lakher Regional Council.

(2) The amount of pension payable under sub-section (1) shall be as follows:—

(a) On and from the 30th day of April, 1972, there shall be paid a pension of one hundred fifty rupees per mensem to every member;

(b) On and from the 1st day of April, 1977, there shall be paid a revised pension of two hundred rupees per mensem to every member;

(c) On and from the 1st day of April, 1982, there shall be paid a revised pension of three hundred rupees per mensem to every member;

(d) On and from the 1st day of April, 1987, there shall be paid a revised pension of five hundred rupees per mensem to every member and;

(e) On and from the 1st day of April, 1992, there shall be paid a revised pension of eight hundred rupees per mensem to every member.

(f) On and from the 1st day of January, 1996, there shall be paid a revised pension of one thousand rupees per mensem to every member.

(3) Where any person entitled to pension under sub-section (1) is elected to 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 becomes a member of the Council of States or the House of the People, or any Legislative Assembly or State or Union Territory or any Legislative Council of State, or is employed on a salary under the Central Government or any State Government or any Corporation owned or controlled by the State Government or any Local Authority or becomes otherwise entitled to remuneration from such Government or Local Authority, such person shall not be entitled to any pension under sub-section (1), for the period during which he continued to hold such office or the remain as such member or is so employed or continues to be entitled to such remuneration, if so disentitled under such other laws governing such other employments or appointments as the case may be.

(4) Where any such member entitled to pension under sub-section (1) is also entitled to any other pension in his capacity as a retired member of the Legislative Assembly of Mizoram or of the Parliament or otherwise, such person shall be entitled to receive the pension under sub-section (1) in addition to such other pension.

Provided that a member shall not be entitled to pension under sub-section (1) and to any other pension for the same period or simultaneously, under any of the Acts or Rules made by the District Councils of Chakma, Lai or Mara Autonomous Districts for the purposes of pension for such members.

Insertion of
new section
3A

4. After the amended section 3 of the principal Act, the following new section shall be inserted, namely—

“Family pension 3A.(1) When a member dies on or after the date of commencement of this Act and was on the date of death in receipt of pension under this Act, the family of such deceased member shall be entitled to Family Pension the amount, every month, equal to the amount of pension last drawn by the deceased member.

(2) The period for which the family pension is payable shall be as follows:—

(a) in the case of a widow or widower, upto the date of death or re-marriage, whichever is earlier;

(b) in the case of a son, until he attains the age of twentyfive years or until he starts earning his livelihood, whichever is earlier; and

(c) in the case of an unmarried daughter, until she attains the age of twenty five years or until she gets marrie or until she starts earning her livelihood, whichever is earlier.

Provided that the family of such a member shall not be entitled to any pension under this Act, if they are entitled to the similar benefit under any other Act or rules.

(3) All residuary matters relating to family pension for a member under this Act shall be governed by rule 54 of the Central Civil Services (pension) Rules, 1972 as amended from time to time and as applied to Mizoram.

Amendment of section 4. 5. For section 4 of the principal Act, the following section shall be substituted, namely :—

“Disbursement of pension 4. The Parliamentary Affairs Department of the Government shall sanction and disburse the pension to the members under this Act, on suitable allocation of fund by the Government every financial year”.

P.Chakraborty,
Secretary,
Law & Judicial Deptt.
Govt. of Mizoram.