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#### **N O T I F I C A T I O N**

No.H.12018/2/99-PAD, the 10th March, 2000. In exercise of the powers conferred by section 19 read with sections 16 and 17 of the Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly Act, 1999 (Act No. 5 of 1999), the Governor of Mizoram is pleased to make the following Rules, namely :-

#### **THE MIZORAM LEGISLATIVE ASSEMBLY (MEMBER'S DEATH GRATUITY AND FAMILY PENSION) RULES, 2000 :**

**1. Short title and commencement :-**

- (1) The rules may be called the Mizoram Legislative Assembly ( Member's Death Gratuity and Family Pension) Rules, 2000.
- (2) They shall be deemed to have come into force on the 1st day of August, 1999.

**2. Definitions - In these Rules, unless the context otherwise requires :-**

- (a) 'Act' means the Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly Act, 1999 (Act No. 5 of 1999).
- (b) 'Death Gratuity' means the Death Gratuity as defined and quantified in section 16 of the Act.
- (c) 'Director' means the Director of Accounts and Treasuries, Mizoram.
- (d) 'Family' means the family of a member, as defined in section 2(d) of the Act.

- (e) 'Family Pension' means the Family Pension as defined and quantified in section 17 of the Act.
- (f) 'Form' means a form appended to these Rules.
- (g) 'Member' means a Member of the Mizoram Legislative Assembly as defined in section 2 (g) of the Act and includes a former member for the purpose of family pension under section 17 of the Act.
- (h) 'Secretary' means the Secretary to the Mizoram Legislative Assembly.

3. Obtaining of claims for death gratuity and family pension :-

(1) Where the Secretary has received an intimation about the death of a sitting or former member of the Mizoram Legislative Assembly during his term of Office, he shall ascertain whether Death Gratuity or Family Pension or both, as the case may be, is/or are payable in respect of the deceased member.

(2) (a) Where the family of the deceased member is eligible for the Death Gratuity under section 16 of the Act, the Secretary shall ascertain -

(i) If the deceased member had nominated any person or persons to receive the gratuity in Form 1.

(ii) If the deceased member had not made any nomination, or the nomination made does not subsist, the person or persons to whom the gratuity is payable in terms of section 16 of the Act.

Provided that the preference amongst other members of the deceased member's family, than the surviving spouse for the purposes of payment of death-gratuity under section 16 of the Act shall be determined from the arrangement of such members in the definition of family provided in section 2(d) of the Act.

Provided further that in case any one of such other members of the deceased member's family than the spouse, is granted a legal heirship certificate by a competent court of law, he or she shall be treated as the First-Preference members of the family for the purpose of payment of death gratuity under these Rules.

(b) The Secretary shall, then, intimate the person concerned in Form II or Form III, as may be appropriate, for making a claim in Form IV.

(c) On receipt of the claim or claims in Form IV, the Secretary shall determine after such verification as he deems necessary, the eligibility or otherwise for the grant of death gratuity to the person or persons claiming for the same, and then send it in original to the Director along-with any other documents and details of government dues lying outstanding against the deceased member, after retaining one copy of such verified claim and its enclosures.

(3) Where the family of a deceased member is eligible under section 17 of the Act for the family pension -

(a) The Secretary shall intimate the widow or widower in Form V for making a claim in Form VI ; and

(b) Where the deceased member is survived only by a child or children, the legal guardian so declared by a competent court of law, in case of minor child or children, or such child or children may submit a claim in Form VI to the Secretary ;

(c) On receipt of the claim or claims in Form VI, the Secretary shall determine after such verification as he deems necessary, the eligibility or otherwise for the sanction of family pension to the person or persons claiming for the same, and then send it in original to the Director alongwith any other documents or details of outstanding dues lying against the deceased member, after retaining one copy of such verified claim and its enclosures.

4. Sanction, drawal and disbursement of provisional family pension and gratuity:-

(1) After the documents referred to in rule 3 have been sent to the Director the Secretary shall draw provisional family pension not exceeding the maximum amount specified in section 17 of the Act and hundred percent of the death gratuity as specified in section 16 of the Act.

(2) For the purpose of this rule, the Secretary shall adopt the following procedure, namely -

(a) he shall issue a sanction-letter in favour of the claimants endorsing a copy thereof to the Director and indicating therein the amount of provisional family pension and hundred per cent of the death gratuity as determined.

(b) he shall indicate in the sanction - letter the amount recoverable out of the gratuity under rule 3(2)(c).

(c) after issue of the sanction-letter, he shall draw -

(i) the amount of the provisional family-pension; and

(ii) the amount of hundred per cent of the death gratuity after deducting therefrom the dues mentioned in clause(b) above, in the same manner as pay and allowances of Secretariat are drawn by him.

(3) The Secretary shall disburse the provisional family pension including arrears, if any, and the death gratuity immediately after the same have been drawn under sub-rule(1).

(4) The payment of provisional family-pension may continue for a period of six months from the date following the date of death of the member unless the period is extended under this rule.

(5) The Secretary shall inform the Director -

(a) as soon as the death gratuity has been paid to the claimant or claimants; and

(b) as soon as the provisional family pension has been paid.

(6) The mode of payment of provisional family pension or of gratuity or of both shall be such as may be decided by the Secretary.

5. Authorisation of final pension and balance of gratuity by the Director of Accounts and Treasuries. -

(1) On receipt of the documents referred to in rule 3, the Director of Accounts & Treasuries shall, within a period of three months from the date of receipt of the documents, apply the requisite checks, perform his part in the Forms IV and V and assess the final amounts of family pension and death gratuity.

Provided that in case the final assessment could not be completed by the Director within the period aforesaid, the disbursement of the provisional family pension rule 4 shall continue.

(2) The payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased.

(3) Arrears of family pension, if any, in respect of the period for which provisional family pension was drawn and disbursed by the Secretary shall also be authorised by the Director.

(4) The act of reported to the Secretary by the Director, and the documents which are no longer required shall also be returned to him.

Provided that in case of excess payment of provisional family pension, it shall be open to the Director to adjust the excess amount in instalments by short payments of family-pension payable in future.

(5) Manner of payment of death-gratuity and family pension. - Except as otherwise provided in these Rules, a death-gratuity shall be paid in lumpsum and a family-pension shall be paid monthly.

6. Repeal and Savings

(1) On the commencement of these rules, every rule, regulation or order including office memorandum (hereinafter referred to as the old rule) in force before such commencement, shall, in so far as it provides for any of the matters contained in these rules, ceased to operate.

(2) Notwithstanding such cessation of operation, anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

P. Chakraborty,  
Secretary to the Govt. of Mizoram,  
Parliamentary Affairs

## FORM - I

### NOMINATION FOR DEATH GRATUITY

When the MLA has a family and wishes to nominate one member, or more than one member, thereof.

I ..... hereby nominate the person/persons below who is/are member(s) of my family and confer on him/them the right to receive, to the extent specified below, any gratuity the payment of which may be authorised by the Government of Mizoram in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Original nominee(s)				Alternate nominee(s)	
Name and address of nominee/nominees (1)	Relationship with the MLA (2)	Age (3)	Amount of share of gratuity payable to each* (4)	Name, address, relationship and age of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the MLA or the nominee dying after the death of the MLA but before receiving payment of gratuity. (5)	Amount or share of gratuity payable to each** (6)

This nomination supersedes the nomination made by me earlier on ..... which stands cancelled.

NOTE : (i) The M.L.A. shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

- This column should be filled in so as to cover the whole amount of the gratuity.
- \*\* The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominee (s)

(ii) Strike out which is not applicable.

Dated this.....day of.....2000 at.....  
witnesses to signature :

1. ....

2. ....

Signature of M. L. A.

(To be filled by the Secretary to the Mizoram Legislative Assembly)

Nomination by.....Signature of Secretary to the Mizoram Legislative

Designation..... Assembly

Office.....

Date.....

Proforma for acknowledging the receipt of the nomination form by the Secretary to the Mizoram Legislative Assembly.

To.

.....

.....

.....

Sir,

In acknowledging the receipt of your nomination, dated the.....  
/cancellation dated the.....of the nomination made earlier in respect  
of gratuity in Form.....I am to state that it has been  
duly placed on record.

Signature of the Secretary  
to the Mizoram Legislative,  
Assembly.

Place.....

Dated the.....

- NOTE : The M. L. A. is advised that it would be in the interest of his nominee if copies of the nominations and the related notice and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

### FORM—II

Form of letter to the member or members of the family of a deceased Member of Legislative Assembly where valid nomination for the grant of the death gratuity exists.

To.

— — — — —  
 — — — — —  
 — — — — —

Subject :— Payment of death gratuity in respect of the late Pi/Pu—————

Sir/Madam,

I am directed to state that in terms of the nomination made by the late Pi/Pu————— (Designation) Member of Legislative Assembly a death gratuity is payable to his/her nominee (s). A copy of the said nomination is enclosed herewith.

2. I am to request that a claim for the grant of the gratuity may be submitted by you in the enclosed Form 7.

3. Should any contingency have happened since the date of making the nomination, so as to render the nomination invalid, whole or in part, precise details of the contingency may kindly be stated.

Yours faithfully,

Secretary to the  
Mizoram Legislative Assembly.

## FORM—III

Form of letter to the members of the family of a deceased Members of Legislative Assembly where valid nomination for the grant of the death gratuity does not exist.

To.

— — — — —  
 — — — — —  
 — — — — —

Subject :— Payment of death gratuity in respect of the late Pi/Pu—————

Sir/Madam,

I am directed to say that in terms of Rule 3 of the Mizoram Legislative Assembly (Member's Death Gratuity and Family Pension) Rules, 2000, a death gratuity is payable to the following members of the family of late Pi/Pu—————(Designation) Members of Legislative Assembly in equal share :—

- |       |  |
|-------|--|
| (i)   | Wife/husband including judicially separated wife/husband : |
| (ii)  | Sons   including step-children and                         |
| (iii) | Unmarried daughters   adopted children                     |

2. In the event of there being no surviving member of the family as indicated above, the gratuity will be payable to the following members of the family in equal shares :—

- |       |   |
|-------|---|
| (i)   | Widowed daughters including step-daughters and adopted daughters :  |
| (ii)  | Father   including adoptive parents in  |
| (iii) | Mother   case of individuals whose personal law permits adoption  |
| (iv)  | brother below the age of eighteen years and unmarried and widowed sisters including step-brothers and step-sisters; |
| (v)   | married daughters; and  |
| (vi)  | children of a pre-deceased son.   |

3. It is requested that a claim for the payment of gratuity may be submitted in the enclosed Form IV as soon as possible.

Yours faithfully,

Secretary to the  
Mizoram Legislative Assembly.



## FORM - IV

Form of application for the grant of death gratuity on the death of Member of Legislative Assembly

(To be filled in separately by each claimant and in case the claimant is minor, the Form should be filled in by the guardian on his/her behalf. Where there are more than one minor, the guardian should claim gratuity in one Form on their behalf)

1. (i) Name of the claimant in case he is not minor \_\_\_\_\_

(ii) Date of birth of the claimant \_\_\_\_\_

2. (i) Name of the guardian in case the claimants are minors \_\_\_\_\_

(ii) Date of birth of the guardian \_\_\_\_\_

3. (i) Name of the deceased Member of Legislative Assembly in respect of whom gratuity is being claimed \_\_\_\_\_

(ii) Date of death of Member of Legislative Assembly \_\_\_\_\_

(iii) Constituency from where the Member of Legislative Assembly was elected \_\_\_\_\_

4. Relationship of the claimant/guardian with the deceased Member of Legislative Assembly \_\_\_\_\_

5. Full postal Address of the claimant/guardian \_\_\_\_\_

6. (i) Where gratuity is claimed by the guardian on behalf of minors, the names of the minors, their ages, relationship with the deceased Member of Legislative Assembly \_\_\_\_\_

Serial No.	Name	Age	Relationship with the deceased Member of Legislative Assembly	Postal Address
------------	------	-----	---	----------------

1.  
2.  
3.  
4.  
5.

(ii) Relationship of the guardian with minor \_\_\_\_\_

7. Place of payment of Pension and Gratuity (Treasury, Sub-Treasury, Public Sector Bank Branch, or the Pay and Account Office) \_\_\_\_\_

Signature/Thumb impression  
of the claimant/guardian

8. Tow specimen signature or left hand thumb and finger impressions of the claimant/guardian duly attested

( To be furnished in a separate sheet )

9. Attested by -

	Name	Full Address	Signature
(i)	_____	_____	_____
(ii)	_____	_____	_____

10. Witnessed :

	Name	Full Address	Signature
(i)	_____	_____	_____
(ii)	_____	_____	_____

### FORM - V

Form of letter to the widow/widower/family of a deceased Member of Legislative Assembly/an Ex-Member of Legislative Assembly for grant of Family Pension

No. \_\_\_\_\_  
Government of Mizoram

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subject :- Payment of Family Pension, in respect of late Pi/Pu \_\_\_\_\_

Sir/Madam,

I am directed to state that in terms of Rule 3 of the Mizoram Legislative Assembly (Member's Death Gratuity and Family Pension) Rules, 2000, a family pension is payable to you as widow/widower/family of the late Pi/Pu \_\_\_\_\_ Member of Legislative Assembly/Ex-Member of Legislative Assembly.

2. You are advised that a claim for the grant of Family Pension, may be submitted to the enclosed Form VI.

3. The Family Pension will be payable till your death or re-marriage, whichever event occurs earlier. In the event of your death or marriage, the Family Pension, shall be granted to the child or children, if, any, through the guardian.

Yours faithfully,

Secretary,  
Mizoram Legislative Assembly.

### FORM--VI

Form of application for the grant of Family Pension on the death of a Member of Legislative Assembly/an Ex-Member of Legislative Assembly.

1. Name of the applicant \_\_\_\_\_
  - (i) Widow/widower \_\_\_\_\_
  - (ii) Guardian if the deceased person is survived by child or children \_\_\_\_\_
2. Name and age of surviving widow/widower and children of the Member of Legislative Assembly/Ex-Member of Legislative Assembly.

Serial No.	Name	Relationship with the deceased person	Date of birth by Christian era.
1.			
2.			
3.			
4.			
5.			
6.			

3. Name and No. of the PPO of the deceased pensioner.

\_\_\_\_\_

4. Date of death of the Member of Legislative Assembly/Ex-Member of Legislative Assembly \_\_\_\_\_

5. Constituency from where the Member of Legislative Assembly was elected \_\_\_\_\_

6. If the applicant is guardian, his date of birth and relationship with deceased Member of Legislative Assembly/Ex-Member of Legislative Assembly.

\_\_\_\_\_

6.A If the applicant is a widow/widower the amount of service pension which she/he may be in receipt on the date of death of the husband/wife \_\_\_\_\_

7. Full address of the applicant \_\_\_\_\_

8. Place of payment of Pension and Gratuity (Treasury, Sub-Treasury or Public Sector Bank Branch and Pay and Accounts Office) \_\_\_\_\_

9. Enclosures :

(i) Two specimen signature of the applicant, duly attested (To be furnished in the two separated sheets).

(ii) Two copies of passport size photographs of the applicant, duly attested.

(iii) Two slips each bearing left hand thumb and finger impression of the applicant, duly attested.

(iv) Descriptive Roll of the applicant, duly attested, indicating (a) height and (b) personal marks, if any, on the hand, face, etc. (Specify a few conspicuous marks, not less than two, if possible) (To be furnished in duplicate).

(v) Certificate (s) of age (in original with two attested copies) showing the dates of birth of the children. The Certificate should be from the Registrar of death and birth. (This information should be furnished in respect of such child or children, the particulars of whose date of birth are not available with the Head of Office).

10. Indicate whether family pension is admissible from any other source—Military or State Government and/or Central Government and/or Autonomous District Councils of Mizoram.

11. Signature or left Hand Thumb Impression of the applicant \_\_\_\_\_

12. Attested by :

	Name	Full Address	Signature
(i)	_____	_____	_____
(ii)	_____	_____	_____

13. Witnesses :

	Name	Full Address	Signature
(i)	_____	_____	_____
(ii)	_____	_____	_____

**NOTE :-** Attestation should be done by two Members of Legislative Assembly or Gazetted Government Servants or two or more persons of respectability in the town, Village or Pargana in which the applicant resides.