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NOTIFICATION

No. H. 12019/1/2002-PAD, the 31st May, 2004. In exercise the powers conferred by sub-section (1) of section 19 of the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly Act, 1999 (Act No. 5 of 1999), the Governor of Mizoram is pleased to make the following rules further to amend the Mizoram Legislative Assembly (Member's Death Gratuity and Family Pension) Rules, 2000 (hereinafter referred to as Principal Rules) namely :-

- Short title and commencement

1. (1) These rules may be called the Mizoram Legislative Assembly (Member's Death Gratuity and Family Pension) (Amendment) Rules, 2004.
- (2) They shall be deemed to have come into force on and from the first day of April, 2002

Amendment of rule 3

2. In rule 3 of the principal Rules, -
 - (a) in clause (c) of sub-rule (2) for the words "and then send it in original to the Director alongwith any other documents and details of government dues lying outstanding against the deceased member, after retaining one copy of such verified Claimed and its enclosures", the word "and, by order, shall sanction the amount of Death Gratuity payable to the claimant in Form VII" shall be substituted.
 - (b) (i) in sub-rule (3), after the words "for the family pension", the following clauses shall be inserted namely -

(a) "The Secretary shall ascertain if the deceased member had nominated any person or persons to receive family pension, in Form No. IA.

(b) If the deceased member had not made any such nomination, or the nomination made does not subsist, the person or persons to whom the family pension is payable in terms of Section 17 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 family pension under Section 17 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 member of the family for the purpose of payment of death, gratuity under these Rules.

ii) The existing clauses (a), (b) and (c) shall be renumbered as clauses (c), (d) and (e) respectively.

iii) in renumbered clause (e), for the words "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" the words "and, by order, shall sanction the amount of Family Pension to the claimant in Form VIII" shall be substituted.

Amendment of rule 5

3. In the principal Rules, for rule 5, the following rule shall be substituted, namely -

"5. Authorisation for Payment of Final Family Pension :

(1) On receipt of the order sanctioning final Family Pension under rule 3, the Director Accounts & Treasuries shall prepare Family Pension Payment Order and forward the same to the Treasury Officer mentioned in the application under rule 3.

- (2) Each pension payment Order shall be in two halves, of which one shall be known as the disburser's half and it shall be kept in the Treasury at which the payment is to be made, in such manner that the pensioner shall not have access thereto and the other to be delivered to the Secretary, Legislative Assembly who shall arrange personal appearance of the Family Pensioner for receipt of the first payment of Family Pension.
- (3) In issuing the Pension Payment Order, Director, Accounts & Treasuries shall attach to each half of the order a specimen signature of the Pensioner if he can sign his name or the thumb and finger impressions of the left hand of the Family Pensioner, if he cannot sign his name.
- (4) The Secretary, Legislative Assembly shall produce the Family Pensioner's portion before the Treasury Officer whenever he claims payment of Family Pension and no payment shall be made if he fails to produce it.
- (5) Each payment of Family Pension shall be entered on the reverse of both the halves of the Pension Payment Order, both entries being attested at the time of payment under the signature of the Treasury Officer.
- (6) The Treasury Officer shall ensure that all necessary deduction and adjustments as may be indicated by the Director, Accounts & Treasuries are made while making payment of Family Pension.
- (7) The payment of Family Pension shall be effective from the date specified in the order. The Family Pension shall become due for payment only on the expiry of the month to which it relates.
- (8) In the event of the death of the Family Pensioner, the amount of the Family pension due till the date of his death including unpaid arrears shall be paid to the eligible claimants.
- (9) Family Pension or Death Gratuity sanctioned to any person under these Rules, is liable to be cancelled or modified if it is found that there has been any error in the calculation of the period of his eligibility for the grant of Family Pension and Death Gratuity under the Act.

- (10) Except as otherwise provided in these Rules, a Death Gratuity shall be paid in lumpsum and a Family Pension shall be paid monthly".

Insertion of a new rule

4. In the principal Rules, in between rule 5 and rule 6, a new rule which shall be known as rule 5A shall be inserted as follows :-

"5A Recovery of Dues - : Dues, if any, towards housing loan, motor vehicle advance and arrears of the Member's hostel rent, guest charges, trunk call and phonogram charges, lose of library books or any other dues to the Legislative Assembly Secretariat from the pensioner when he was a Member shall also be recovered from the Pension payable to him or from the Family Pension payable to his family, as the case may be".

Substitution of various Forms

5. In the Principal Rules, the Form No. I as appended to the Rules shall be substituted by a new Form-I as appended to these Amendment Rules.

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

FORM - 1

NOMINATION FOR DEATH GRATUITY

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

I _____ hereby nominate the person mentioned below who is a member of my family and confer on him/her the right to receive death gratuity which may be authorised by the Govt. of Mizoram in the event of my death during my term of office.

Name and Address of spouse	Date of birth	Name and Address of first preference	Relationship with member
1	2	3	4

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

NOTE : The MLA shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this _____ day of _____ 200__ at _____

Witnesses to signature :

1. _____

2. _____

Signature of M.L.A.

FORM - VII

SANCTION ORDER*See Rule 3 (2)(c)*

Under the provision of Section 16 of the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly Act. 1999, read with sub-rule (2)(c) of Rule 3 of the Mizoram Legislative Assembly (Member's Death Gratuity and Family Pension) Rules, 2000. sanction is hereby accorded for lumpsum payment at Rs. 2,00,000/- (Rupees two lakhs) only to Pi/Pu _____ member, Mizoram Legislative Assembly, as Death Gratuity to his/her _____

The expenditure is debitable to the head

2071	-	Pension and Other Retirement Benefit
01	-	Civil
111(1)	-	Pension to Legislators

Secretary,
Mizoram Legislative Assembly.

Memo No. LA/ESTT Dated Aizawl, the

Copy to :-

1. The Treasury Officer, Aizawl South/Aizawl North/Lunglei/Kolasib/Champhai/Lawngtlai/Serchhip/Mamit/Saiha.
2. Persons concerned
3. The Accountant General, Mizoram etc. Shillong.
4. Sanction Guard File

Deputy Secretary,
Mizoram Legislative Assembly.

FORM - 1(A)

NOMINATION FOR FAMILY PENSION

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

I _____ hereby nominate the person mentioned below who is a member of my family and confer on him/her the right to receive my family pension which may be authorised by the Govt. of Mizoram in the event of my death.

Name and Address of spouse	Date of birth	Name and Address of first preference	Relationship with member
1	2	3	4

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

NOTE : The MLA shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this _____ day of _____ 200__ at _____

Witnesses to signature

1. _____

2. _____

Signature of MLA

FORM - VIII

SANCTION ORDER*See Rule 3(3)(c)*

The undersigned having satisfied that Pi/Pu _____ Ex-MLA has served as Member of Assam/Mizoram Legislative Assembly during the following periods :-

From _____	To _____

hereby ordered the grant of Family Pension of Rs. _____/- (Rupees _____) only per mensem which shall be increased by five percent annually at compound rate to a maximum of seven thousand rupees to Pi/Pu _____ wife/husband of Pi/Pu _____, Ex-MLA which may be accepted by the Director, Accounts & Treasuries, Aizawl as per amendment made in the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly (First Amendment) Act, 2002.

The grant of this Family Pension shall take effect from _____

There are no dues/dues recoverable from the pensioner on account of -

- (a) Housing loan sanctioned Rs. _____
(Sanctioned vide No. _____)
- | | |
|-----------------------|-----------|
| (1) Principal balance | Rs. _____ |
| (2) Interest balance | Rs. _____ |
| (3) Penal interest | Rs. _____ |
| Total | Rs. _____ |
- (b) Car advance sanctioned Rs. _____
(Sanctioned vide No. _____)
- | | |
|-----------------------|-----------|
| (1) Principal balance | Rs. _____ |
| (2) Interest balance | Rs. _____ |
| (3) Penal interest | Rs. _____ |
| Total | Rs. _____ |

The Family Pension herein sanctioned is payable at _____ Treasury and chargeable to :

- | | | |
|--------|---|---------------------------------------|
| 2071 | - | Pension and Other Retirement Benefits |
| 01 | - | Civil |
| 111(1) | - | Pension to Legislators. |

Secretary,
Mizoram Legislative Assembly.

Dated _____

Memo No. LA/ESTT/ _____

- Copy to :
1. The Director, Accounts & Treasuries, Aizawl.
 2. The Treasury Officer, Aizawl 'S'.
 3. Person concerned.
 4. Guard file.

Secretary,
Mizoram Legislative Assembly.