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NOTIFICATION

No. H. 12018/86/99-LJD/46, the 22nd July, 2004. 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 Salaries, Allowances and Pension of Members of the Legislative Assembly (Second Amendment) Act, 2004.

(Act No. 7 of 2004).

Received the assent of the Governor of Mizoram on the 13th July, 2004.

AN

ACT

to further amend the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly Act, 1999 as earlier amended by the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly (First Amendment) Act, 2002.

It is hereby enacted by the Mizoram Legislative Assembly in the Fifty-fifth year of Republic of India as follows :-

Short title and commencement : 1. (1) This Act may be called the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly (Second Amendment) Act, 2004.

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

Amendment of Section 2

2. In sub-clause (ii) of clause (h) under Section 2 of the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly Act, 1999 (hereinafter referred to

as the Principal Act), the words "not exceeding two days" between 'residence' and 'immediately succeeding' shall be substituted by the words "not exceeding one day".

3. Under sub-clause (ii) of clause (l) of Section 2 of the Principal Act, a new proviso shall be inserted, namely -

"Notwithstanding anything contained in sub-clause (i) & (ii) of clause (l) of Section 2 for the purpose of salaries, allowances and other amenities, the term of Office of a member means a period beginning with the date a member takes oath or affirmation to be such a member and ending with the date on which his seat becomes vacant or dissolution of the Assembly, whichever is earlier".

Amendment of Section 12 :

4. The whole provision of Section 12 of the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly Act, 1999 except the Explanation shall be substituted by the following, namely -

"Vehicle

12. (1) A member may be provided a vehicle, the cost of which shall be determined by the General Purposes Committee of the Mizoram Legislative Assembly and communicated to the Government from time to time. A member shall purchase the vehicle within three months from the date of drawal of money and the registration document shall be produced to the Secretary, Legislative Assembly.

(2) A co-terminus Driver shall be provided on production of the vehicle so purchased alongwith the registration document".

Amendment of Section 15

5. The whole provision of Section 15 of the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly Act, 1999, as amended, shall be substituted by the following, namely -

" Pension

15. (1) There shall be paid a pension of five thousand rupees per mensem to every member who has served for any period as a member :

- (a) of the erstwhile Assam Legislative Assembly from any constituency forming part of the present State of Mizoram, or
- (b) of the Legislative Assembly of the Union Territory of Mizoram; or
- (c) of the Legislative Assembly of the State of Mizoram.

(2) Notwithstanding anything contained in sub-section (1), a member who had been elected three times or more before the commencement of this Act shall be entitled to draw a sum of Six thousand five hundred rupees per month as an initial pension amount.

(3) Where any person has been re-elected after the commencement of this Act for another term, whether he has completed the term or not, he shall be entitled to an additional pension of one thousand five hundred rupees per term.

(4) (a) The pension shall be increased by 5 (five) percent annually at compound rate;

(b) In no case the pension payable to a member shall exceed ten thousand rupees.

(5) Where any person entitled to pension under sub-section (1)

(a) is elected to the 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 the Central Government 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 such 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.

(6) 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.

(7) 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 Minister Act, 1999, or as a Speaker as defined in the Mizoram Salaries and Allowances of the Speaker and the Deputy Speaker Act, 1999 or as a Leader of the Opposition as defined in the Mizoram Salaries and Allowances of the Leader of the Opposition Act, 1999 or as the Government Chief Whip as defined in the Mizoram Salaries and Allowances of Government Chief Whip and Deputy Government Chief Whip Act, 1999 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".

Amendment of sub-section (1)
of section 17

"Family Pension

6. In sub-section (1) of section 17 of the Principal Act, as amended, for the words, namely, "family pension of two thousand rupees per mensem" the words, namely "family pension of two thousand five hundred rupees per mensem" shall be substituted.

Amendment of section 18 :

7. Second proviso to Explanation under section 18 of the Principal Act shall be deleted.

Insertion of a new Section :

8. A new Section shall be inserted after Section 21, namely :

" Interpretation

22. If any doubt arises as to the interpretation of any of the provisions of this Act, the decision of the Speaker shall be final".

Renumbering of Section

9. The existing section 22 be renumbered as section 23.

Sd/- P. Chakraborty,
Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs,
Aizawl.