



The Mizoram State Legislature Members (Removal of Disqualification) Act, 1975

Act 8 of 1975

Keyword(s):
Compensatory Allowance, Office of Profit

Amendments appended: 6 of 2006, 10 of 2019

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THE MIZORAM UNION TERRITORY LEGISLATURE MEMBERS' (REMOVAL OF
DISQUALIFICATIONS ACT, 1975
ACT NO. 8 OF 1975

[27th December, 1975.]

An Act to provide for the removal of certain disqualifications for being chosen as and for being a member of the
Mizoram Legislative Assembly.

Preamble.—Whereas it is expedient to provide in accordance with the provisions of article 191 (1) (a) of the Constitution of India that the holders of the offices hereinafter mentioned shall not be disqualified for being chosen as, and for being, a member of the Mizoram Legislative Assembly:

It is hereby enacted in the Twenty-fifth (25th) Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Mizoram Union Territory Legislature Members' (Removal of Disqualifications) Act, 1975.

(2) It extends to the whole of Mizoram.

(3) It shall be deemed to have come into force on the 10th May, 1972.

2. Removal of certain disqualifications.—A person shall not be and shall be deemed never to have been disqualified or being chosen as or for being, a member of the Mizoram Legislative by reason of the fact that he holds any of the offices specified in the Schedule appended hereto.

—————
SCHEDULE

1. Any office held by a Minister of State or Deputy Minister for the Union or for any State specified in the First Schedule to the Constitution of India.

2. The office of the Parliamentary Secretary to the Government of India or to the Government of Mizoram.

3. The office of the Chief Whip, Deputy Chief Whip or Whip in Parliament or in the Mizoram Legislative Assembly.

4. The ¹[office of the Chief Executive Member, Executive Member, Chairman], Vice-Chairman or Member of any Autonomous District Councils and the President, Vice-President or member of any Village Council constituted in Mizoram under any existing law or Regulation.

5. The office of the Government Pleader or Public Prosecutor.

6. The office of the part-time, Professor, Lecturer, Instructor or teacher in Government Educational Institutions.

7. Medical practitioner rendering part-time service to Government.

8. The office of Chairman, Vice-Chairman, or Member of any Committee, Board or Authority appointed by the Government of India or the Government of any State or Union territory specified in the First Schedule to the Constitution of India.

9. Any office under the Government which is not a whole-time office remunerated either by salary or fees.

10. Any office held in the Territorial Army or National Cadet Corps.

11. Any office held in Auxiliary Air Force or Air Defence Reserve.

1. Subs. by the Mizoram Union Territory Legislature Members' (Removal of Disqualifications) Amendment Act, 1986 (Mizoram Act 5 of 1986), s. 2.



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NOTIFICATION

No. H. 12018/170/06-LJD/4, the 15th May, 2006. 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 State Legislature Members (Removal of Disqualification)
(Amendment) Act, 2006

(Act No. 6 of 2006).

[Received the assent of the Governor of Mizoram on 12th May, 2006]

AN

ACT

to amend the Mizoram Union Territory Legislature Members (Removal of Disqualification) Act, 1975, (Act no. 8 of 1975) (hereinafter referred to as the Principal Act).

It is enacted by the Legislature Assembly of the State of Mizoram in the Fifty-seventh year of the Republic of India as follows -

1. **Short title and commencement** - (i) This Act may be called the Mizoram State Legislature Members (Removal of Disqualification) (Amendment) Act, 2006.
 (2) It shall be deemed to have come into force on the 20th day of February, 1987.
2. **Amendment of short title of the Principal Act** - In the short title of the Principal Act, the words 'Union Territory' shall be substituted by the word 'State'.
3. **Insertion of a new section after section 1 of the Principal Act** - After section 1 of the Principal Act, the following new section shall be inserted, namely -
 "1A. Definitions - In this Act, unless the context otherwise requires, -
 (a) "Authority" means any committee, council, board, or any other body of one or more persons whether statutory or not, set up by Central Government or any State Government.
 (b) "compensatory allowance" means such sum of money as the State Government may determine, as being payable to the holder of an office by way of travelling allowance, daily allowance, sitting allowance, conveyance allowance in lieu of conveyance, sumptuary allowance in the form of honorarium or otherwise, or house rent allowance for the purpose of performing the functions of that office, and includes any such other sum of money or amenities as may be declared by the Government to form part of the compensatory allowance.
4. **Amendment of the Schedule to the Principal Act** - (1) In article 1 of the Schedule, after the word "India", the punctuation mark shall be substituted by the punctuation mark, comma, and thereafter the following clause shall be added, namely - "including those others and Advisers to the Chief Minister, who have been assigned the rank of such Minister, Minister of State or Deputy Minister of Mizoram by a public notification.

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- (2) After article 1 of the Schedule, the following new article shall be inserted, namely. -
“1A. The office of the Leader of Opposition in the Mizoram State Legislative Assembly”.
- (3) Article 4 of the Schedule of the principal act shall be omitted.
- (4) Article 5 of the Schedule shall be substituted by the following, namely -
“5. The office of Advocate General, additional Advocate General, Government Advocate, Public Prosecutor, Additional Public Prosecutor, Assistant Government Advocate or Assistant Public Prosecutor, or Notary”.
- (5) In article 6 of the Schedule, after the word “Institutions”, the punctuation mark shall be substituted by the punctuation mark, comma, and thereafter the following shall be added, namely -
“including those others who have been permitted under the relevant University Statute or Regulations to contest the elections for, and to be elected, as MLA, provided that they are on leave or lien without any kind of pecuniary benefits from those offices save and except normal pensionary entitlements”.
- (6) Article 8 of the Schedule shall be substituted by the following, namely -
“8. Subject to the provisions of section 10 of the Representation of the People Act, 1951 (Central Act no. 18 of 1951), the Office of the Chairman, Deputy or Vice Chairman, Director or member of any statutory or non-statutory Corporation, Authority or Company, constituted or appointed by the Government of India or the Government of any State or Union Territory specified in the First Schedule to the Constitution of India, if the holder of such office is not entitled to any remuneration other than compensatory allowance”.

Sd/-
CHAWNGTINTHANGA
Deputy Secretary to the Govt. of Mizoram
Law & Judicial Department