



The Mizoram (Pension for Members of the Defunct Mizo District Council and Defunct Pawi-Lakher Regional Council) Act, 1994

Act 7 of 1994

Keyword(s):
Pension, Defunct Council, Member of Council

Amendments appended: 8 of 2005, 9 of 2013

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The Mizoram Gazette

EXTRA ORDINARY

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NOTIFICATION

No.H.12018/42/94 LJD, the 20th April, 1994. 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. 7 of 1994

The Mizoram (Pension for members of the defunct Mizo District Council and of the Pawi-Lakher Regional Council) Act, 1994.

(Received the assent of the Governor of Mizoram on the 12th April, 1994

AN
ACT

to provide for the pension to the members of the defunct Mizo District Council and of the defunct Pawi-Lakher Regional Council in the State of Mizoram.

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

Short title and commencement 1. (1) This Act may be called the Mizoram (Pension for members of the defunct Mizo District Council and of the defunct Pawi Lakher Regional Council) Act, 1994.

(2) It shall be deemed to have come into force on the 30th day of April, 1972.

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

(a) "Council" means the defunct Mizo District Council and the defunct Pawi-Lakher Regional Council of Mizoram;

(b) "Government" means the Government of Mizoram;

(c) "member" means a member of the defunct Mizo District Council and a member of the defunct Pawi-Lakher Regional Council who had taken an oath of allegiance to the Constitution of India; and

(d) "State" means the State of Mizoram.

Grant of Pension to members 3. There shall be paid a pension the amount of which is as 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) are 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 any 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,

(3) Where any person entitled to pension 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 State or the House of the people or any Legislative Assembly of 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 for the period during which he continued to hold such office or as such member, or is so employed or continues to be entitled to such remuneration.

(4) Where the salary payable to such person for holding such office or being such member or so employed or otherwise the renumeration payable to such is in either case less than the pension payable to him, such person shall be entitled only member, or is so employed or continues to be entitled to such to receive the balance as pension.

(5) Where any person entitled to pension is also entitled to any pension from the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any local authority, under any law or otherwise, the-

(a) Where the amount of pension to which he is entitled under such law or otherwise is equal to or in excess of that to which he is entitled as a Member, such person shall not be entitled to any pension, and

(b) Where the amount of pension to which he is entitled under such law or otherwise is less than that to which he is entitled as a Member, such person shall be entitled to pension only of an amount which falls short of the amount or pension to which he is otherwise entitled as a member.

Sanction and payment of the fund 4. The District Council Affairs Department of the Government shall sanction and pay the pension funds under this Act.

Power to make rules 5. (1) The Government may, by notification in the Mizoram Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram, while it is in session, for a total period of seven days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following session or the successive sessions aforesaid, the Legislative Assembly of Mizoram agree that the rule, be made or should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be. However that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and Saving 6. (1) The Mizoram (Pension for Members of the defunct Mizo District Council and of the Pawi-Lakher Regional Council) Ordinance, 1993 (No. 1 of 1994) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Mizoram (Pension for Member of the Mizo District Council and of the Pawi Lakher

Regional Council) Ordinance, 1993 shall be deemed to have been done or taken under this Act.

Dr. H.C. Thanhranga,
Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs Deptt.

CERTIFICATE

This Bill was passed by the Mizoram Legislative Assembly on 22. 3. 1994. I certify the Bill as a money Bill.

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VAIVENGA,
Speaker
Mizoram Legislative Assembly.

MIZORAM LEGISLATIVE ASSEMBLY L. A. BILL NO. 5 OF 1994.

A BILL

to provide for the pension to the members of the defunct Mizo District Council and of the defunct Pawi-Lakher Regional Council in the State of Mizoram.

[J. LALSANGZUALA
MINISTER FOR PARLIAMENTARY AFFAIRS]

[As passed by the Mizoram Legislative Assembly on the 22nd March, 1994.]

H. L. CHUNGA,
Secretary,
Mizoram Legislative Assembly.

The Mizoram (Pension for Members of the Defunct Mizo District Council and the Defunct Pawi--Lakher Regional Council) (Third Amendment) Act, 2005.

**Bill No. 6 of 2005
Act No. 8 of 2005
Passed on 23.03.2005**

An Act

to further amend the Mizoram (Pension for members of the Defunct Mizo District Council and of the Pawi-Lakher Regional Council) Act 1994 (hereinafter referred to as the Principal Act.)

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 (Pension for members of the Defunct Mizo district Council and of the Defunct Pawi-Lakher Regional Council (Third Amendment) Act, 2005.
(2) It shall come into force from the date of publication in the Mizoram Gazette.

Amendment of section 3 of the Principal Act

2. The existing sub-section (3) of Section 3 of the Principal Act shall be substituted by the following:

"(3) where any member entitled to pension under section 3(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 Section 3(1) in addition to such other pension".

Amendment of section 3A

3. In section 3A of the Principal Act, proviso to clause (c) of sub section 2 shall be deleted.



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NOTIFICATION

No. H. 12018/42/94-LJD, the 12th August, 2013. 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 (Pension for Members of the Defunct Mizo District Council and of the Defunct Pawi-Lakher Regional Council) (Amendment) Act, 2013.

(Act No. 9 of 2013)

{Received the assent of the Governor of Mizoram on the 25th July, 2013}.

AN

ACT

to amend the Mizoram (Pension for Members of the Defunct Mizo District Council and of the Defunct Pawi-Lakher Regional Council) Act, 1994 (Act No. 7 of 1994) (hereinafter referred to as the Principal Act)

It is enacted by the Mizoram Legislative Assembly in the Sixty fourth year of the Republic of India as follows :-

Short title, extend and commencement

- 1) This Act may be called the Mizoram (Pension for Members of the Defunct Mizo District Council and of the Defunct Pawi-Lakher Regional Council) (Amendment) Act, 2013.
2) It shall come into force from the date of publication in the Mizoram Gazette.

Amendment of Section 3(1)

2. Sub-Section (1) of Section 3 of the Principal Act shall be substituted by the following, namely :-

"Grant of Pension : to Member

With effect from the date of commencement of this Act and subject to other provisions of the Act, there shall be paid a life-long pension of ^ 15,000/- (Rupees fifteen thousand) per month with an annual increment at the rate of 5% Simple interest and upto a maximum amount of ^ 22,000/- (Rupees

twenty two thousand) only to every member who had served for any period whether for five years or less or more.

Provided that in no case increment previously earned under the existing Act should be taken into account for calculation of Pension".

Amendment of : 3. Section 3A of the Principal Act, shall be substituted by the following, namely :-
Section 3 A

“Family Pension : The family of a deceased member shall be entitled to receive a family pension at the rate of Rs. 6,000/- (Rupees six thousand) per month with an annual increment at the rate of 5% Simple Interest and upto a maximum amount of Rs. 10,000/- (Rupees ten thousand) per month w.e.f. the date of commencement of the Amendment Act of 2013 and subject to the provision contained hereinafter.

Provided that in no case increment previously earned under the existing Act should be taken into account for calculation of family pension".

P. Singthanga,
Secretary,
Law & Judicial Department,
Govt. of Mizoram.