The Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly (Second Amendment) Act, 2004

Act 7 of 2004

Keyword(s):
Member of Legislative Assembly, Salary, Allowance, Pension

Amendments appended: 5 of 2010, 18 of 2019
The Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly (Second Amendment) Act, 2004

Bill No. 7 of 2004
Act No. 7 of 2004
Passed on 13.07.2004

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 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 (t) of Section 2 of the Principal Act, a new proviso shall be inserted, namely –

“Notwithstanding anything contained in sub-clause (i) & (ii) of clause (t) 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-terminous 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 the other 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 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 as 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 person during which a person has served as a Minister as defined in the Manipur Salaries and Allowances of Ministers 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 Chief Whip as defined in the Mizoram Salaries and Allowances of the Chief Whip Act, 1999, or any two of such capacities shall be taken into account.

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 mensum” the words, namely, “family pension of two thousand five hundred rupees per mensum” shall be substituted.

7. Second proviso to Explanation under Section 18 of the Principal Act shall be inserted after Section 21, namely:

8. A new Section shall be inserted after Section 22, namely:

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.

Amendment of sub-section (1): "Family Pension"

Amendment of Section 17: "Family Pension"

Insertion of a new Section

"Interpretation"

Renumbering of Section

Section 23.
NOTIFICATION

No. H. 12018/86/99-LJD, the 23rd April, 2010. 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 Member of the Legislative Assembly (Fourth Amendment) Act, 2010.

Act No. 5 of 2010
(Received the assent of the Governor of Mizoram on 8.4.2010)

1999 (Act No. 5 of 1999).

It is enacted by the Mizoram Legislative Assembly in the Sixty-First year of the 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 (Fourth Amendment) Act, 2010.

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

Amendment of Section 7

2. Section 7 of the Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly Act, 1999 shall be substituted by the following, namely -

"Travelling facilities : 7. A member and his family/relative shall be entitled to travel in any mode of transport within India, whether separately or together subject to the reimbursement of not exceeding Rs. 1,00,000/- (Rupees one lakh) only in a financial year. Final payment for the cost of such travel shall be made on production of relevant ticket(s) or any other documentary proof”.

Sd/-
Commissioner/Secretary,
Law & Judicial Department
Govt. of Mizoram.
NOTIFICATION

No. H. 12018/86/2011-LJD/26, the 9th December, 2019. The following Act is hereby published for general information.

"The Mizoram Salaries, Allowances and Pension of Members of the Mizoram Legislative Assembly (Amendment) Act, 2019

(Act No. 18 of 2019)
(Received the assent of the Governor of Mizoram on 27.11.2019)

Secretary,
Law & Judicial Deptt.,
Govt. of Mizoram

THE MIZORAM SALARIES, ALLOWANCES AND PENSION OF MEMBER OF THE LEGISLATIVE ASSEMBLY (AMENDMENT) ACT, 2019

A N ACT

Further to amend the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly Act, 1999.

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

1. (1) This Act may be called the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly (Amendment) Act, 2019.
(2) It shall be deemed to have come into force on the 1st day of April, 2019.
(3) Amendment of Section 5 shall be deemed to have come into force from the 9th Mizoram Legislative Assembly.
Amendment of Section 3 -

2. In section 3 of the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly Act, 1999 (hereinafter referred to as the Principal Act) (1) for the words “forty thousand rupees per mensem” the words “eighty thousand rupees per mensem” shall be substituted. (2) For the words “daily allowances of Rs. 750/- (within the State) and Rs. 1,000/- (outside the State) per day” the words, bracket and figures, “daily allowances of Rs. 1,000/- (within the State) and Rs. 2,000/- (outside the State) per day” shall be substituted.

Amendment of Section 4 -

3. In section 4 of the Principal Act, for the words and figures “five thousand rupees per mensem” the words and figure “eight thousand rupees per mensem” shall be substituted.

Amendment of Section 5 -

4. In section 5 of the Principal Act, for the words “a sum of Rs. 1,00,000/- in the first year” the words and figures “a sum of Rs. 2,00,000/- in the first year” shall be substituted.

Amendment of Section 6 -

5. In Section 6 of the Principal Act, for the words and figures “Constituency Allowance of Rs. 10,000/-, Contingency Allowance of Rs. 5,000/- and Family Allowance of Rs. 5,000/-” the words and figures “Constituency Allowance of Rs. 40,000/-, Contingency Allowance of Rs. 14,000/- and Family Allowance of Rs. 8,000/-” shall be substituted.

Amendment of Section 14 -

6. In clause (a) of sub-section (1) of section 14 of the Principal Act, for the words “ten lakh” the words “twenty lakh” shall be substituted.

Amendment of section 15 -

7. 1) In section 15 of the Principal Act, in sub-section (1) for the words “twenty thousand” the words “forty thousand” shall be substituted.

2) In sub-section (2) for the words “a member who has been elected three times or more before the commencement of this Act shall be entitled to draw a sum of twenty five thousand rupees per month as an initial pension amount” the words and figures, “if a member had been elected two terms or more, a sum of Rs. 5,000/- per term shall be added to the initial pension of Rs. 40,000/- irrespective of the number of terms a member is elected” shall be substituted.

3) In sub-section (3) for the words “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 five thousand rupees per term” the words “The maximum amount of pension shall not exceed Rs. 70,000/ -” shall be substituted.

Amendment of section 16 -

8. In section 16 of the Principal Act, for the words “ten lakh” the words “fifteen lakh” shall be substituted.

Amendment of Section 17 -

9. In sub-section (1) of section 17 of the Principal Act, for the words “family pension of ten thousand rupees per mensem” the words and figures, “family pension of 50% of the last pension received by the Ex-MLA or if a sitting
MLA dies, 50% of the pension that would have been received by him shall be substituted.

In para 1 of the Schedule of the Principal Act, for the words “seven hundred fifty rupees (within the State) and one thousand rupees (outside the State)” the words “one thousand rupees (within the state) and two thousand rupees (outside Mizoram)” shall be substituted.

In para 2 of the Schedule of the Principal Act, for the words and figures, “Rs 750/- (within the State) and Rs. 1000/- (outside the State)” the words and figures “Rs. 1000/- (within the state) and Rs. 2000/- (outside the State)” shall be substituted.