

NOTIFICATION

No.DC/L/VII/3/2002/2579 – In pursuance of Paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the Khasi Hills Autonomous District Council is hereby published for general information: -

THE KHASI HILLS AUTONOMOUS DISTRICT COUNCIL (MEMBER'S PENSION) ACT, 2002.

(Passes by the Khasi Hills Autonomous District Council on the 24th June, 2002.

(Received the Assent of the Governor on 9th April, 2006)

(Published in the Gazette of Meghalaya (Extraordinary) issued on 12th April, 2006.

AN

ACT

To provide for the payment of pensions to persons who have served as members of the District Council.

Be it enacted in the Fifty Third Year of the Republic of India as follows: -

1. Short title and commencement: - (a) This Act may be called the "Khasi Hills Autonomous District Council (Member's Pension) Act, 2002".

(b) It shall deem to have come into force with effect from the date of publication of the results of the General Election to the Khasi Hills Autonomous District Council, 1999, that is, the 15th of March, 1999.

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

- (a) "Executive Committee" means the Executive Committee of the "Khasi Hills Autonomous District Council.
- (b) "Member of District Council" means a member of the Khasi Hills Autonomous District Council.
- (c) "Term of Office" means the period beginning with the date of publication of the notification of election or nomination as member of the District Council and ending with the date on which his seat becomes vacant.

3. Pension payable to Member: - (1) with effect from the commencement of this Act there shall be paid a pension of Rs. 5000/- (Rupees Five Thousand) only per mensem to every person who has served as member of District Council and whose term of office is not less than five years whether continuous or not:

Provided that in the event of early holding of elections where any person has served as such member for a period failing short of five years he shall always be deemed to have served for a complete period of five years if such period falls short by not more than three months:

Provided further, that when any person has served as a Member of the District Council for a period exceeding five years, there shall be paid to him an additional pension of rupees two hundred per mensem for every year in excess of the five, so, however that in no case shall the total pension payable exceed rupees eight thousand per mensem.

(2) In computing the number of years for the purpose of sub-section (1) the period during which a person has served as Chief Executive Member, Deputy Chief Executive Member, Executive Member, Chairman or Deputy Chairman of the District Council or as Leader of Opposition of the District Council shall also be taken into account.

4. Pension to be held in abeyance or to be reduced in certain circumstances: - (1) Where any person entitled to pension under section 3;

- (a) is elected to the office of the President 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 District Council; or
- (c) is employed on a salary under the District Council;

Such person shall not be entitled to any pension under Section 3 for the period during which he continues to hold such office, or continues as such member or is employed:

Provided that, where the salary payable to such person for being so employed is less than the pension payable to him under Section 3, such person shall be entitled only to received the balance as pension under that Section.

(2) Notwithstanding anything contained in the Act, any pension admissible for services rendered under the Union or State or any public undertaking or autonomous bodies, such pension shall not be deducted for the purpose of drawing pension under this Act.

5. Power to make Rules: - (1) The Executive Committee may by notification make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generally of the foregoing power, such rules may provide for: -

- (a) the form in which and the authority to which an application for pension shall be made;
- (b) the certificates to be furnished along with an application for pension;
- (c) the declaration to be made at the time of drawing pension;
- (d) any other matter necessary for proper implementation and enforcement of this Act.

6. Decision on question relating to pension: - If there is any doubt or dispute as to whether a person is entitled to pension or as to the amount of pension or as to the period for which he shall be entitled to pension under this Act, the matter shall be referred to the Executive Committee and its decision shall be final.

STATEMENT OF OBJECT AND REASONS

Whereas it was found necessary to provide amenities to persons who had served as members of the District Council by way of payment of monthly pensions;

Hence this Act.

Certified that the above Act was passed by the Khasi Hills Autonomous District Council on the 24th June, 2002.

H. MARWEIN,
Chairman, Khasi Hills Autonomous District Council, Shillong.

No. _____

I assent to this Act

Dated Shillong.
The 9th April, 2006,

M.M. JACOB,
GOVERNOR OF

MEGHALAYA