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NOTIFICATION

NO.LA/ACCT/3/2017/16, the 18th October, 2017. In exercise of the powers conferred by Rule 4 of the Mizoram Legislative Assembly Secretariat (Recruitment and Conditions of Service) Rules, 1995 as amended from time to time, the Hon. Speaker is pleased to accept the Report and recommendations of the Fourth Report of Assembly Pay Committee, 2017 for redesignation of the post of Secretary of Mizoram Legislative Assembly (PB-4 37400-67000+GP 9500) to the post of Commissioner and Secretary with a pay of PB-4 (37400-67000+GP 10000).

Ngurthanzuala,
Secretary,
Mizoram Legislative Assembly.

FOURTH REPORT OF THE ASSEMBLY PAY COMMITTEE, 2017

REPORT

The accountability of the Executive to the Legislature is a basic principle of a Parliamentary Democracy without which there cannot be an efficient and transparent Government. Every State Legislature, irrespective of its size, has a distinct sanctity and importance because of its distinct nature of works and not the volume. There is no denying the fact that the Legislature of a State in its present status is hard to be portrayed as a body to which the Executive is accountable in administrative and financial matters. As a result, the possibility of the sanctity and importance of the Legislature dwindling in the eyes of the Executive looms large in the horizon. Under the circumstances, upgradation of the Legislature of a State to a status higher than the one it has been enjoying is the need of the hour. In order to upgrade the status of the Legislature, upgradation of the post of Secretary of the Legislature is the first prerequisite.

2. The All India Conference of Presiding Officers and Secretaries of Legislative Bodies in India, being aware of this fact, had been engaging its expertise in the discussion of the subject for some years. The Conference, in its meeting held in Delhi in 1998 adopted a resolution for upgradation of the status of Secretary of State Legislatures in India in terms of rank and pay in the pattern of Parliament and re-designation of the post as Principal Secretary. The resolution has

already been implemented by most State Legislatures. However, the resolution has not been implemented by Mizoram State Legislature till date.

3. In exercise of the powers conferred by Article 187 of the Constitution of India, the Government of Mizoram has made separate rules for the employees of the Mizoram Legislative Assembly Secretariat i.e. The Mizoram Legislative Assembly Secretariat (Recruitment and Conditions of Service) Rules, 1995. Since then, recruitment and conditions of service of the Mizoram Legislative Assembly has been governed by separate rules. Thus, the officers and staff of the Mizoram Legislative Assembly have been appointed by the Hon'ble Speaker and the Secretary by the Hon'ble Governor on the recommendation of the Hon'ble Speaker. The position and authority of the Hon'ble Speaker in the matter of recruitment, terms and conditions of service of the officers and staff have ever since been recognized by rules and conventions.

4. The budget estimates of Mizoram Legislative Assembly and its Secretariat, prepared by the Assembly Secretariat are scrutinized by a Budget Committee constituted under Rules 285 to 287 of the Rules of Procedure and Conduct of Business in Mizoram Legislative Assembly under the Chairmanship of the Deputy Speaker, and submitted to the Hon'ble Speaker for his approval. After the approval of the Hon'ble Speaker, the estimates are forwarded to Finance Department for incorporation in the State Budget as a matter of course. The estimates are not subject to scrutiny by the Finance Department or any other Committee of the Government. If the Finance Department has any observation to make, it shall be submitted to the Hon'ble Speaker for his consideration. In the event of any difference of opinion between the Committee and the Finance Department, the decision of the Hon'ble Speaker in consultation with the Leader of the House shall be final.

5. Owing to the independent nature of the Assembly Secretariat, the question of revision of pay scale of officers and staff of the Secretariat was kept outside the purview of the State Pay Commission constituted from time to time and the rules made thereof. {Para 5.28 of the Fitment Committee, 2009 and Rule 2 (2) (i) of the Mizoram (Revision of Pay) Rules, 2010 }

6. Legislative Assemblies discharge specialized function and the job requirements are quite distinct from those of the State Government or other bodies. The pay structure, designation, etc may not be identical with those of other Departments under the Government of Mizoram and other bodies. The upgradation of the post of the Secretary, Mizoram Legislative Assembly to that of the post of Commissioner and Secretary will also necessitate the filling up of the said upgraded post from the Officers of the Legislative Assembly itself who are well versed and experienced in parliamentary practices, procedures and legislative matters. The appointment of Officers other than that of the Legislative Assembly cadres to the post of Commissioner and Secretary would defeat the very purpose and underlying concept of the need for upgradation of the post of Secretary. The then Lok Sabha Speaker Mavalankar, while considering the conditions of services of both Secretariat of Lok Sabha and Rajya Sabha had rightly observed in 1948

"Every officer, subordinate or otherwise, serving in the Secretariat of the Legislature must be in a position to carry out his duties without fear or favour of the Executive Government, and obviously this cannot be done if persons in the employ of the Legislature Secretariat have to look upon such bodies as Selection Board, consisting of the officers and nominees of the Executive Government, for their chances and career in the Secretariat of the Legislature."

7. Convinced of the urgent need for the said upgradation, the Hon'ble Speaker constituted an Assembly Pay Committee to examine the matter thoroughly and take steps for early implementation

of the resolution adopted by the All India Conference of Secretaries of Legislative Bodies in India. The Committee held a sitting on 5.10.17 wherein the matter was thoroughly examined with members freely expressing their views and opinions.

8. During the sitting, relevant information like resolutions adopted by the All India Conference of Presiding Officers and Secretaries of Legislative Bodies in India held in 1998 and the orders issued by other State Legislatures for the upgradation of the post of Secretary in their respective Legislative Assemblies to that of the post of Principal Secretary were examined and considered. The Minutes of the Executive Committee Meeting of the North East Region Commonwealth Parliamentary Association held on 15.01.2005 at 7:30 P.M. at Circuit House, Agartala, Tripura on the eve of the 8th Annual Conference of the NERCPA held at Agartala, Tripura during 16–17 January, 2005 attended by 17 (seventeen) members and 1 (one) Observer was also examined in details by the members. The said minutes had stated that the following resolution would be adopted by the 8th Annual Conference of North East Region Commonwealth Parliamentary Association to be held at Agartala on 16th and 17th January, 2005 :

“ The resolution passed by the Gandhinagar Conference of the All India Conference of Secretaries of Legislative Bodies held at Delhi on 21.9.1998 regarding independent and separate Secretariat for State Legislature is again pursued vigorously by this Conference. It is further resolved that all State Legislatures of North East States should initiate step to upgrade the status of the Secretary of State Legislature by re-designating the post of Secretary as Principal Secretary in terms of rank and pay on the pattern of Parliament except Sikkim L.A. which had already re-designated the post as Principal Secretary”.

9. The Assembly Pay Committee is of the opinion that the resolution adopted by the All India Conference of Presiding Officers and Secretaries of Legislative Bodies in India was of utmost necessity taking into consideration the three pillars of Parliamentary democracy i.e. the legislature, the executive, and the judiciary. The Committee also opines that the legislature, which is a distinct and separate entity should be accorded due sanctity and importance .

10. **Keeping in view the relevant factors outlined in the preceding paragraphs the Committee recommends that the post of Secretary of Mizoram Legislative Assembly (PB-4 37400-67000+GP 9500) be re-designated to the post of Commissioner and Secretary with a pay of PB-4 (37400-67000+GP 10000)**

11. The proposed re-designation of the post of Secretary, Mizoram Legislative Assembly as Commissioner and Secretary with said upgradation of pay shall not be construed as revision of pay and will be applicable only to the Secretary, Mizoram Legislative Assembly .

R. Lalrinawma,
Deputy Speaker
&
Chairman,
Assembly Pay Committee