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#### NOTIFICATION

**No.H.12018/201/09-LJD, the 1<sup>st</sup> November, 2017.** The following Ordinance is hereby published for general information.

**The Mizoram Parliamentary Secretaries (Appointment,  
Salaries, Allowances and Miscellaneous Provisions)  
(Repeal) Ordinance, 2017**

(Ordinance No. 2 of 2017)

Promulgated by the Governor of Mizoram on the Sixty Eight  
year of the Republic of India

#### **An Ordinance**

to repeal the Mizoram Parliamentary Secretaries (Appointment, Salaries, Allowances, and Miscellaneous Provisions) Act, 2009

**WHEREAS** the Mizoram Parliamentary Secretaries (Appointment, Salaries, Allowances, and Miscellaneous Provisions) Act, 2009 came into force on 29<sup>th</sup> December, 2008 retrospectively;

**AND WHEREAS** PIL No. 51/09 was filed in the Hon'ble Gauhati High Court wherein the Constitutional validity of the Mizoram Parliamentary Secretaries (Appointment, Salaries, Allowances, and Miscellaneous Provisions) Act, 2009 was challenged and the Hon'ble Gauhati High Court has in its Order dt.06.11.2009 deferred the hearing of the matter so that it can have the benefit of the decision of the Hon'ble Supreme Court on the matter since similar enactments in Assam & Nagaland are under challenge in the Hon'ble Supreme Court;

**AND WHEREAS** the Hon'ble Supreme Court in its Judgment & Order dated 26<sup>th</sup> July 2017 in Transferred Case (civil) No. 169 of 2006 Bindangshu Roy (Dead) through LRs Vs State of Assam & Another has

declared the Assam Parliamentary Secretaries (Appointment, Salaries, Allowances and Miscellaneous Provisions) Act, 2004 as unconstitutional;

**AND WHEREAS** the Legislative Assembly is not in Session and the Governor of Mizoram deems it expedient to immediately repeal the Mizoram Parliamentary Secretaries (Appointment, Salaries, Allowances, and Miscellaneous Provisions) Act, 2009 in light of the ruling of the Hon'ble Supreme Court in Transferred Case (civil) No.169 of 2006 Bindangshu Roy (Dead) through LRs Vs State of Assam & Another, and in the process of being a responsible Government which upholds the Rule of Law;

**NOW, THEREFORE**, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Mizoram is pleased to promulgate the following Ordinance, namely :-

1. Short title and commencement :
  - (1) This Ordinance may be called the Mizoram Parliamentary Secretaries (Appointment, Salaries, Allowances, and Miscellaneous Provisions) (Repeal) Ordinance, 2017
  - (2) It shall commence from the date of its publication in the Official Gazette.
  
2. Repeal and Savings :
  - (1) The Mizoram Parliamentary Secretaries (Appointment, Salaries, Allowances, and Miscellaneous Provisions) Act, 2009 is hereby repealed.
  - (2) Such repeal shall be without prejudice to anything done in pursuance of the Act so repealed and anything done in the official discharge of their duties by the Parliamentary Secretaries.

**Marli Vankung,**  
Secretary,  
Law & Judicial Deptt.  
Govt. of Mizoram.