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## NOTIFICATION

**No. H. 12018/135/04 - LJD/60, the 23rd April, 2008.** 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 Youth Commission Act, 2008

(Act No. 8 of 2008)

[Received the assent of the Governor of Mizoram on 4th April, 2008]

AN

ACT

It is enacted by the Mizoram Legislative Assembly in the fifty ninth year of the Republic of India as follows -

### CHAPTER - I PRELIMINARY

#### 1. Short Title, Extent and Commencement

- 1) This Act may be called **The Mizoram Youth Commission Act, 2008.**
- 2) It shall extend to the whole of the State of Mizoram.
- 3) It shall come into force on such date as the Government may by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

#### 2. Definitions :-

In this Act, unless the context otherwise requires :-

- 1) 'Act' means the Mizoram Youth Commission Act, 2008;
- 2) Commission means the Mizoram Youth Commission;
- 3) 'Government' means the Government of Mizoram;
- 4) 'Governor' means the Governor of Mizoram;
- 5) 'Prescribed' means prescribed by rules made under this Act;
- 6) 'Rule' means Rules framed under the Act;
- 7) 'Youth' means a person between 13 and 35 years of age.

**CHAPTER – II**  
**THE STATE COMMISSION FOR YOUTH**

**3. Constitution of the Youth Commission –**

- 1) The Government shall, by notification in the Official Gazette, constitute the Mizoram Youth Commission with its Headquarters at Aizawl.
- 2) The Commission shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract, and by the said name sue and be sued.
- 3) The Commission shall consist of –
  - a) a Chairperson and
  - b) such number of members not exceeding five as may be determined by the Government.

Provided that the Commission shall have the right to co-opt any expert as Member(s) having specialized attributes in the field of youth welfare as it may consider necessary for carrying out the purpose of this Act.

Provided further that the co-opted Member shall have no right to vote in the meeting of the Commission.

- 4) The Chairperson and other Members of the Commission, having committed to the cause of Youth Welfare and Development, shall be appointed by the Governor.
- 5) One Member-Secretary, shall be appointed by the Governor in consultation with the Commission.

Provided that the Government may depute its Officer having sufficient experience and interest in the field of Youth Welfare, as Member-Secretary.

**4. Terms of office and conditions of service:-**

- 1) The Chairperson and other Members of the Commission shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for reappointment until he attains the age of sixty five years.
- 2) The general superintendence, direction and management of the affairs of the Commission shall vest in the Chairperson, who shall be assisted by the other Members of the Commission and may exercise all such powers and do all such acts and things which may be exercised and done by the Commission without being subjected to directions by any outside authority,

3) The Chairperson or any other Member of the Commission may at any time,  
by writing under his hand addressed to the Governor, resign his office.

4) In the event of any vacancy in the office of Chairperson and/or any other Member of the Commission by reason of death, removal or resignation, such vacancies shall be filled up by such appointment by the Governor and the Chairperson or any other Member, as the case may be, so appointed shall hold office for the remaining term of his predecessor.

5) The Governor may, by order, remove from office the Chairperson or any other Member of the Commission if he –

a) is adjudged as an insolvent; or

b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or

c) is, in the opinion of the Governor, unfit to continue in office by reasons of infirmity of mind or body; or

d) is absent from three consecutive meetings of the Commission without obtaining permission from the Commission, when it relates to a Member, or from the Governor, when it relates to the Chairperson.

Provided that no person shall be removed under this section unless he has been given reasonable opportunity of being heard by the Governor.

6) The Salaries and/or allowances payable to and the other terms & conditions of service, of the Chairperson and other Members shall be such as may be prescribed.

**5. Officers and other employees of the Commission-**

1) The Government shall provide the Commission with such officers and other employees as may be necessary for the efficient functioning of the Commission under this Act.

2) The salaries and allowances payable, to and the other terms and conditions of service of, the officers and other employees appointed under this Act shall be such as may be prescribed.

**6. Salaries and Allowances to be paid out of grants –**

The salaries and/or allowances payable to the Chairperson and other Members of the Commission and the administrative expenses including salaries, allowances and pensions payable to the Officers and other employees referred to in section 5 shall be paid out of the grants referred to in sub-section (1) of section 12.

7. **Vacancies etc. not to invalidate proceedings of the Commission –**  
No act or proceeding of the Commission shall be questioned or shall be invalid merely on the ground of the existence of any vacancy or defect in the Constitution of the Commission.
8. **Procedure to be regulated by the Commission -**
- 1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.
  - 2) The Commission shall regulate its own procedure.
  - 3) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission, duly authorized by the Chairperson in this behalf.

### CHAPTER –III POWERS AND FUNCTIONS OF THE COMMISSION

9. **Functions of the Commission –**
- 1) Subject to the provisions of this Act, it shall be the duty of the Commission to guide, assist, promote and develop the welfare of the Youth of the State and perform such functions as the Government may assign from time to time.
  - 2) Without prejudice to the generality of the provision of sub-section (1), the Commission shall also discharge and perform all or any of the following duties and functions namely –
    - a) to evaluate the progress of development of the Youth in the State.
    - b) to inculcate and educate among the Youth the dignity of labour and hard work.
    - c) to coordinate and liaise one or more departments with the other for securing better education and employment opportunities.
    - d) to develop and harness the potential of the Youth in order to attain optimum level of skill and to become economically self-reliant and productive.
    - e) to undertake promotional and educational research so as to suggest to the Government better ways of ensuring employment opportunities and to minimize lack of access to medical, management, vocational and technical education to achieve marketable quality in such stream of higher studies.

- f) to advise the Government in the planning process for the socio-economic development of the Youth;
- g) to explore the scope and potential of the Youth in the field of music, fine arts, sports and academic pursuits so as to make them attain high degree of accomplishment;
- h) to train, assist, encourage and guide them while seeking employment within India and abroad;
- i) to advise the Government in any other matter as may be referred to it from time to time.

**10. Powers of the Commission –**

- 1) The Commission may, for the purpose of carrying out the provision of this Act, utilize the services of-
  - a) any officers of the Government with the permission of the Government.
  - b) Any officers of the State- owned corporations and local bodies with the consent of such Corporations or bodies and with the concurrence of the Government.
- 2) The Commission shall, while performing its functions under section 9. have all the powers of a Civil Court trying a suit and in particular, in respect of the following matters namely –
  - a) summoning and enforcing the attendance of any person from any part of the state and examining him on oath;
  - b) requiring the discovery and inspection of any document;
  - c) receiving evidence on affidavits;
  - d) requisitioning any public record or copy thereof from any office of the Government;
  - e) issuing Commissions for the examination of witnesses and documents; and
  - f) any other matter as may be prescribed.
- 3)
  - a) the Commission may advise all Government Departments to make fund provisions for the purposes of sustained and well-meaning development of the youth in the state.
  - b) the Commission shall explore the possibility of finding resources for building up of infrastructures and youth employment generation in addition to find grants received from Government.

4)The Commission shall coordinate and liaise with all the departments mentioned in sub-section (3)(a) for the programmes and schemes concerning development of Youth with regard to training in different trades and other facilities in such departments.

**11. Protection of actions taken in good faith –**

No suit, prosecution or other legal proceeding shall lie against any Member of the Commission or any officer or any other employee of the Commission in respect of anything which is in good faith done in pursuance of this Act or rules or orders made thereunder.

**CHAPTER – IV  
FINANCE, ACCOUNT, AUDIT AND REPORT**

**12. Grants by the Government -**

(1) The Commission shall have its own fund in form of grant-in-aid received from the State Government through its Nodal Department i.e Sports & Youth Services Department and all receipts by the Commission shall be credited thereto and all payments by the Commission shall be met therefrom.

(2) The Government shall make available to the Commission, by way of grant, from the Consolidated Fund of the State such sum of money as it may think sufficient for carrying out the purpose of this Act.

**13. Accounts and Audit -**

1) The Commission shall maintain proper accounts and other relevant records. and prepare annual Statement of Accounts in such form as may be prescribed.

2) The accounts of the Commission shall be audited by such authority as may be prescribed.

**14. Annual Report -**

The Commission shall, as soon as maybe, after the end of each financial year, prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report giving a full account of its activities, financial position and programmes undertaken during the previous financial year and submit a copy thereof to the Government.

15. **Annual report and audit report to be laid before State Legislature -**  
The Government shall cause the annual report together with a memorandum of action taken on the advice tendered by the Commission under section 9 and the reasons for non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received, before the Legislative Assembly of Mizoram.

#### **CHAPTER-V MISCELLANEOUS**

16. **Power to make rules -**
- 1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
  - 2) In particular and without prejudice to the generality of the foregoing power under sub-section (1), such rules may provide for all or any of the following matters namely:-
    - a) salaries and allowances payable to and other terms and conditions of services of the Chairman, Members, Officers and other employees of the Commission;
    - b) allowances for attending meeting of the Commission by the co-opted members of the Commission;
    - c) allowances and other benefits payable to other officers engaged for duties under sub-section (a) and (b) of section 9 of the Act;
    - d) the form of the budget of the Commission and the manner of preparing the same;
    - e) the summoning and holding of the meeting of the Commission, the time and place, conduct of such meeting and the number of members necessary to form a quorum thereof;
    - f) the power and functions of the Secretary of the Commission;
    - g) any other matter which is required to be or may be prescribed.
  - (3) Every Rule made under this Act shall, as soon as possible after it is made be laid before the Legislative Assembly of Mizoram.

**17. Chairperson, Members and employees of the Commission to be public servants-**

The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**18. Act to override other laws :-**

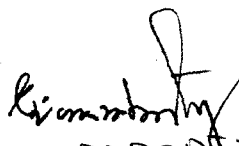
The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law of the state or the time being in force.

**19. Power to remove difficulties :-**

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Official Gazette, make provisions, not inconsistent with the provision of the Act as may appear to them to be necessary or expedient, for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of Mizoram.

**20. Interpretation :-** If any doubt arises as to the interpretation of any of that provision of these Act, and the Rule made thereunder, the decision of the Government shall be final.

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(P. CHAKRABORTY)  
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Aizawl