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NOTIFICATION

No. D. 21012/2/97-TRP, the 24th November, 2004. In pursuance of the approval of the Meeting of Council of Minister held on 5.11.2004 and in repellant of all previous Guidelines for Condemnation & Disposal of Govt. Vehicles, with all amendments issued by this Deptt. from time to time, the Governor of Mizoram is pleased to make the Mizoram condemnation and Disposal of Govt. vehicles Rules, 2004 to be issued separately in a book form.

R.K. Thanga,
Commissioner & Secretary,
Transport Department.

THE MIZORAM

CONDEMNATION AND DISPOSAL

OF

GOVERNMENT VEHICLES RULES, 2004

No. D.21012/2/97-TRP Dated, the 23rd November, 2004.

PREAMBLE :

It has been noticed that some government Departments and Autonomous Bodies used to keep their off-roaded vehicles for a long time without submitting proposals to the Secretary, Vehicle condemnation board for condemnation of such off-roaded vehicles. In some cases, the Department/autonomous bodies do not off-road their old vehicles, but keep them as serviceable by incurring huge amount of money for repairs. In some other cases, the Department/Autonomous bodies submitted proposals for condemnation of their vehicles prematurely with the intention of purchasing new vehicle. It has also been no-

ticed that some Departments/Autonomous bodies used to dispose of their good conditioned vehicles to retiring officers on direct sale basis without obtaining approval of the Condemnation Board.

With a view to avoid such irregularities and ensuring uniform system and procedures in the matter of condemnation and disposal of vehicles belonging to government Departments and various Autonomous Bodies, the Governor of Mizoram is pleased to make the following rules, namely :-

1. SHORT TITLE, COMMENCEMENT AND APPLICATION.

(1) These Rules may be called the Mizoram (Condemnation and Disposal of Government vehicles) Rules, 2004.

(2) They shall come into force from the date of their publication in Official Gazette.

(3) They shall apply to the vehicles of all Department and Autonomous Bodies under the State Government of Mizoram.

2. DEFINITIONS.

In these Rules, unless the context otherwise requires :

(a) "AUTONOMOUS BODIES" means and include all the bodies having functional autonomy whether it is a corporate bodies or otherwise and such other Government undertaking of the State Government of Mizoram.

(b) "BOARD" means the Vehicle Condemnation Board constituted by the Government under sub-rule (1) of rule 8.

(c) "DEPARTMENT" means all the Departments included in the Schedule appended to the Government of Mizoram Allocation of Business rules 1987, as amended from time to time, and included all Autonomous Bodies under the State Government of Mizoram.

(d) "GOVERNOR" means the Governor of Mizoram;

(e) "GOVERNMENT" means the State Government of Mizoram;

(f) "VEHICLE" means all kinds of Vehicles belonging to Government Department and various Autonomous bodies. For the definitions of Light Motor Vehicle, Medium Motor Vehicle and Heavy Motor Vehicle, the definition in the Motor Vehicle Act 88 shall be deemed as the definition under these rules.

3. MINIMUM LIFE AND DISTANCE COVERED.

(1) Only those vehicles which have covered both minimum life and distance as prescribed below shall be proposed for condemnation:—

Sl.No	Type of Vehicle	Minimum life	Minimum distance Covered
1.	Heavy & Medium Vehicles	8 years	1,60,000 Kms
2.	Light Motor Vehicles	6 years	1,30,000 Kms
3.	Two/Three Wheelers	5 years	70,000 Kms

(2) The Departments proposing condemnation of vehicles should ensure that the above conditions are fulfilled. The concerned departments after having been satisfied with the above conditions shall make a request to the Secretary, Vehicle Condemnation Board Aizawl to detail Motor Vehicle Inspector (s) or any other Technical qualified personnel under Transport Department to carry out detail Technical Inspection of the vehicle and to submit report as per Annexure-I. The Departments concerned shall place all necessary documents before the Motor Vehicle Inspector (s) or other Technical qualified personnel under Transport Department and render all possible help for the Inspection. Only after the said Technical report is obtained the Department should submit a proposal for Condemnation of Vehicles along with a report as per Annexure I&II to the Secretary, Vehicle Condemnation Board for placing the same before the Vehicle Condemnation Board. In case where a vehicle has not covered the above prescribed minimum life and distance, justifications for Condemnation should be furnished.

4. PREMATURE CONDEMNATION.

(1) In case where a vehicle has met with an accident before covering the minimum life and distance prescribed at sub-rule (1) of rule 3 and has been damaged beyond economical repair, reports from the Police and Technical Inspection Report from Motor Vehicle Inspector (s)/any other Technical qualified personnel under Transport Department in connection with the accident shall be obtained. A certificate to the effect that the case has been settled shall also be obtained from the appropriate authority and forwarded to the Secretary, Vehicle Condemnation Board along with the proposal for condemnation, reports from the Police and Technical Inspection report Stated above. However, in case where the Department proposes to condemn the vehicle during pendency of settlement of the case, clearance from Police or court of Law shall be furnished. Further, if the case is not referred to Police or court of Law, reasons thereof shall be furnished along with the proposal.

(2) In case where premature condemnation is proposed due to non-suitability of any vehicle for road and climatic condition of Mizoram, a certificate to that effect shall be obtained from Mechanical Engineer, not below the rank of Superintending Engineer in the Public Works Department and a copy of such certificate should be furnished along with the proposal. The Department should also mention whether the possibility of fixing responsibility for purchase of such vehicles has been examined or not, and if so, to what extent.

(3) In respect of Vehicles requiring premature condemnation, the departments should, after obtaining the recommendation of the Board for such premature Condemnation, refer the case to the concerned Administrative

Department. The Administrative Department shall take a decision on such proposal in consultation with the Finance Department and convey its decision to the concerned Head of Department.

(4) Any case which does not conform to the above conditions shall not be proposed for condemnation.

5. TIME LIMIT.

The department having vehicle(s) for condemnation should submit the proposal(s) within 3 (three) months from the date of off-roading the vehicle(s). During these 3(three) months and till the vehicle(s) is (are) finally disposed of, the off-roaded vehicles should be kept in safe custody by the concerned Head of Department, to avoid pilferage and further deterioration of the vehicles. In case the department fails to submit proposal within 3 (three) months from the date of off-roading the vehicle(s), detail reason and justification should be furnished.

6. RATE OF DEPRECIATION.

Rate of Depreciation is fixed at 20% for all types of Vehicles.

7. CALCULATION OF BOOK VALUE.

For calculation of Book Value, Reducing Balance of Written down Value Method shall be used.

Example :-

Total/Capital Cost	=	Rs. 1,00,000.00
Period of use	=	8 years (For Heavy Motor Vehicle)
Rate of Depreciation	=	20% (For all types of Vehicles)

Book Value at the end of 1st year	=	80, 000. 00
1, 00, 000. 00-(1, 00,000. 00X0. 2)		
Book Value at the end of 2nd year	=	64, 000. 00
80, 000. 00-(80, 000.00X0. 2)		
Book Value at the end of 3rd year	=	51, 200. 00
64, 000. 00-(64, 000. 00X0. 2)		
Book Value at the end of 4th year	=	40, 960. 00
51, 200. 00-(51, 200. 00X0. 2)		
Book Value at the end of 5th year	=	32, 768. 00
40,960. 00-(40, 960. 00X0. 2)		
Book Value at the end of 6th year	=	26, 214. 00
32, 768. 00-(32, 768. 00X0. 2)		
Book Value at the end of 7th year	=	20, 971. 00
26, 214. 00-(26, 214. 00X0. 2)		
Book Value at the end of 8th year	=	16, 277. 00
20, 971. 00-(20, 971. 00X0. 2)		

Thus, Book Value at the end of useful life is Rs.16, 277.00

8. BOARD MEMBER

(1) There shall be a Vehicle Condemnation Board consisting of the following members :—

- (i) Commissioner and Secretary of Transport — Chairman
 - (ii) Director of Transport — Member Secretary
 - (iii) S.E. (PWD) (Mechanical Division) or his representative — Member
 - (iv) Deputy Secretary, Finance — Member
- (2) The Vehicle Condemnation Board shall meet at least once in three months to consider proposals, if any, for condemnation of Government Vehicles.

9. POWER OF THE BOARD.

Once a Vehicle, other than those requiring premature condemnation, is recommended by the Condemnation Board, it shall be treated as has been condemned and no separate condemnation by the Head of Department concerned is required.

10. PROCEDURE FOR DISPOSAL OF CONDEMNED VEHICLES.

- (1) All categories of condemned vehicles shall be disposed of by respective Head of Department by public auction on "as is where is" basis. Reserved price shall not be less than the market value in Annexure-I and Book value assessed under rule 7 which ever is higher.
- (2) In case the highest bidder fails to deposit the amount in Treasury within the prescribed time limit, the Head of Department concerned shall make the offer to the second highest bidder without referring to the Administrative Department and so on.
- (3) Once a person produces the Treasury Challan in proof of deposit of the prescribed amount the Head of Department concerned shall issue release order of the vehicle to the allottees asking him to lift the vehicle within a prescribed limit of time, failing which he will be required to pay a fine of Rs. 50.00 (rupees fifty) per day from the date of expiry of the prescribed time limit.
- (4) The condemned vehicles shall be disposed of within two weeks of their condemnation. Wide publicity through newspapers shall be given about the date and time of the auction of the vehicles.

11. DISPOSAL OF CONDEMNED VEHICLES BELOW MARKET VALUE AND BOOK VALUE.

If the condemned vehicle cannot be disposed of even at the Market value or Book Value, concerned Head of Department will refer the case to the concerned Administrative Department for appropriate decision.

12. INTERPRETATION.

If any question arises relating to the interpretation of these rules, it shall be referred to the Governor whose decision thereon shall be final.

13. POWER TO RELAX.

Where the Governor is of the opinion that it is necessary/expedient to do so, he may, by order and for reasons to be recorded in writing, dispense with or relax any of the provisions of these rules to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

14. REPEAL & SAVING.

On the commencement of these rules, Guidelines for condemnation and disposal of Government Vehicles notified under Notification 2/97-TRP dt. 12.8.1997 shall stand repealed:

Provided that anything done or any action taken under the said guidelines so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.

J.H. Ramfangzauva,
Secretary to the Govt. of Mizoram,
Transport Department.

ANNEXURE I TECHNICAL INSPECTION REPORT

Vehicle Registration No Type of Vehicle
Chassis No Engine No
Year of Manufacture
Date of Inspection
Place of Inspection
Name of Department
Date of Purchase Cost of Vehicle
Total Expenditure for Repair
Date of Last repair Amount Expenses

A. CONDITION OF VEHICLE (At the time of Inspection)

Sl.No.	Name of Parts	Condition/Remarks
1.	Engine	...
2.	Chassis	...
3.	Body and Hood	...
4.	Gear Box Assembly	...

5.	Differential Assy. (Front & Rear)...	.....
6.	Steering linkages	.....
7.	Suspension System	.....
8.	Electrical System	.....
9.	Battery	.....
10.	Seats	.....
11.	Wheels & Tyres	.....
12.	Other Items, if any	.....

Signature of Inspecting Officer
 Name

Designation

B. PROBABLE MARKET VALUE (to be calculated based on parts available in the vehicle)

Sl.No.	Name of Parts	Approximate Market Value
1.	Engine	.....
2.	Chasis	.....
3.	Body & Hood	.....
4.	Gear box Assembly	.....
5.	Differential Assembly (Front & rear )	.....
6.	Steering linkage	.....
7.	Suspension System	.....
8.	Electrical System	.....
9.	Battery	.....
10.	Seats	.....
11.	Wheels & Tyres	.....
12.	Other parts if any i.e. Scrapped value etc.	.....
	Grand Total	.....

C. REMARKS : Certified that :-

1. After careful inspection of this vehicle and in consideration of the history of the repair done. I am of the opinion that it is fit/no longer fit for economical repair (Score out whichever is not applicable).

2. I recommended/do not recommended condemnation of this vehicle. (Score out whichever is not applicable).

Signature of Inspecting Officer
 Name
 Designation.....

ANNEXURE-I

PARTICULARS OF VEHICLE TO BE FURNISHED BY THE CONCERN
HEAD OF DEPARTMENT

- | | | | | | | |
|---------------------------------|-----|-----|-----|-----|-----|-----|
| 1. Type of Vehicle | ... | ... | ... | ... | ... | ... |
| 2. Maker | ... | ... | ... | ... | ... | ... |
| 3. Regn. No. | ... | ... | ... | ... | ... | ... |
| 4. Name of Department | ... | ... | ... | ... | ... | ... |
| 5. Year of Manufacture | ... | ... | ... | ... | ... | ... |
| 6. Date of Commission | ... | ... | ... | ... | ... | ... |
| 7. Purpose of Vehicle | ... | ... | ... | ... | ... | ... |
| 8. Chasis No./Engine No. | ... | ... | ... | ... | ... | ... |
| 9. Original Cost | ... | ... | ... | ... | ... | ... |
| 10. Date of off-road | ... | ... | ... | ... | ... | ... |
| 11. Total Distance covered | ... | ... | ... | ... | ... | ... |
| 12. Total Amount of Repair Cost | ... | ... | ... | ... | ... | ... |
| 13. Location of Vehicle | ... | ... | ... | ... | ... | ... |
14. Brief history of Vehicle (Briefly mention the manner of utilisation of the vehicle during its life & the cause of off-road)

The Vehicle is hereby proposed for condemnation.

Signature of Head of Department.

SEAL