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NOTIFICATION

No.B-13015/25/05-LADC/VC, the 15th May, 2006. In exercise of the powers conferred by sub-section (1) of section 60 of the Aizawl Development Authority Act, 2005 (9 of 2005) read with sub-section (2) of that section, the Governor of Mizoram hereby makes the following rule namely-

1. **Short title and commencement** - (1) These rules may be called the Aizawl Development Authority Rules, 2005.

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

2. **Definitions** - In these rules, unless the context otherwise requires -

(i) "Act" means the Aizawl Development Authority Act 2005;

(ii) "Appellate Tribunal" means the Appellate Tribunal constituted under sub-section (1) of section 29 of the Act;

(iii) "Authority" means The Aizawl Development Authority constituted under section 3 of the Act;

(iv) "Government" means the Government of Mizoram,

(v) "Master Plan" means the Master Plan of Aizawl approved by the Government under sub-section (2) of section 9 of the Act.

(vi) "Zonal Development Plan" means the zonal development plan of a zone approved by the Government under sub-section (2) of section 9 of the Act.

3. Qualification and disqualification for being chosen as, and being, vice-chairman and members of the Authority -

- (1) A person to be appointed as vice-chairman of the Authority shall be of proven administrative ability and integrity.
- (2) Persons to be appointed as, town planner member and engineer member should also be of proven integrity with the necessary experience in their respective disciplines.
- (3) A person shall be disqualified for being chosen as, or for being, vice-chairman or member of the Authority
 - (a) if he is of unsound mind and stands so declared by a competent court; (b) if he is undischarged insolvent;
 - (c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
 - (d) if he is interested, directly or indirectly, in any business of development of land in Aizawl;
 - (e) if he is interested in any subsisting contract made with, or any work being done for, the Authority except as a shareholder (other than a director) in an incorporated company or as a member of a cooperative society ;
 - (f) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceeding in which the Authority is interested or concerned ;
 - (g) if he, having held any office in Government, has been dismissed for corruption or disloyalty to the State ;
 - (h) if he fails to pay any arrear of any kind due to him, otherwise than as an agent, receiver, trustee or an executor, to the Authority within three months after a notice in this behalf has been served upon him.
- (4) Notwithstanding anything contained in sub-rule (3), a person shall not be deemed to have any interest in a business or a contract or work such as is referred to in clause (d) or clause (e) of that sub-rule by reason only of his having a share or interest in -
 - (a) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or
 - (b) any agreement for the loan of money or any security for the payment of money only, or
 - (c) any newspaper in which any advertisement relating to the affairs of the Authority is inserted : or
 - (d) the sale to the Authority or to any officer or other employee of the Authority on behalf of the Authority, or of any article in which he regularly trades or the purchase from the Authority, or from any officer or other employee on behalf of the Authority, of any article of a value in either case not exceeding ten thousand rupees in the aggregate in any year during the period of the contract or work ; or

- (e) the letting out on hire to the Authority or the hiring from the Authority of any article of value not exceeding ten thousand rupees in the aggregate in any year during the period of the contract or work.

4. Salaries, allowances etc. of vice-chairman and members of the Authority-

(1) The salaries, allowances and conditions of service of the vice-chairman and whole time paid members of the Authority, including traveling and other allowances, shall be such as may be determined by the Government at the time of their appointment.

Provided that in respect of any matter which is not specifically so determined by the Government, the rules applicable to the other staff of the Authority shall also apply to the vice-chairman and whole time members of the Authority.

(2) A non-official member of the Authority shall be paid by the Authority-

- (i) daily allowance at the rate to be approved by the Authority for attending a meeting of the Authority. While approving the rate of such daily allowance, the rate normally given by the Government to non-official members of State-level Committees /Boards shall be taken into consideration, and
- (ii) travelling allowance as admissible to the officer's of the highest grade in Government.

Provided that in case of a Member of Legislative Assembly who is also a member of the Authority, the said daily allowance and travelling allowance will be admissible when the Assembly is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other source.

5. Control and restriction in relation to appointment of officers and other employees-

(1) The posts under the Authority shall be classified under Groups A, B, C and D on the lines of the classification of the Government employees of the State Government of Mizoram.

(2) No posts in Group 'A.' whether temporary or permanent, shall be created by the Authority without prior approval of the Government. The Authority shall have the power to create posts under Groups B, C and D.

(3) No post shall be created by the Authority except with the concurrence of the Finance Department of the Authority.

(4) The power to create posts shall not be delegated by the Authority to any person without prior approval of the Government.

(5) No post shall be created unless a careful assessment of the work load is made and the need for creation of the post is established.

(6) Appointment of officers and other employees of the Authority shall be made on the recommendation of a selection committee constituted for the purpose. Different selection committees may be constituted for different appointments.

(7) The Authority shall frame recruitment rules for each post

6. Fee to be paid on application for permission - Every application submitted under sub-section (1) of section 14 of the Act shall be accompanied by a fee specified below -

- (a) for development of land other than erection of a building as defined in sub-section (o) of section 2 of the Act, rupees two hundred per acre or part of an acre;
- (b) for building operations within the meaning of sub-section (o) of section 2 of the Act -

Sl.No.		For the First storey	For the second and subsequent stories
		Rupees	Rupees
1.	For a ground area upto 100 sq. mts.	50	100 per storey
2.	For a ground, area of more than 100 sq. mts. but not exceeding 250 sq.mts	100	200 per storey
3.	For a ground area of more than 250 sq.mts. but not exceeding 500 sq.mts.	200	400 per storey
4.	For a ground area of more than 500 sq.mts. but not exceeding 1000 sq.mts.	400	800 per storey
5.	For a ground area of more than 1000 sq.mts.	1000	2000 per storey

Explanannation :

- i) For the purpose of calculation of the fee, ground area shall mean the area of the portion which is proposed to be built upon including the internal courtyard.
- ii) For purposes of the above table, the basement, where provided, will be regarded as the first storey, the ground floor over the basement as the second storey and so on.
- iii) In case an application is rejected 5% of the fee due shall be retained and the balance shall be refunded to the applicant under the orders of Secretary of the Authority.
- (c) For material alterations in a building not covered by section 58(a) of the Act one-half percent of the cost of construction.

7. Sealing of development - (1) The order of sealing a development under sub-section (I) of section 28 of the Act shall be made in writing and shall be served upon the owner or the person at whose instance the development has been commenced or is being carried out or has been completed in the manner provided under section 45 of the Act.

(2) The sealing of a development shall be made in the following manner, namely -

- (i) affixing the office seal on the outer door or opening of the development after all the other outlets to the development have been properly bolted, locked, or encircled with rope, wire or wire-mesh;
- (ii) where doors and windows have not been fixed to the development or where the development is of such a nature that it cannot be encircled with rope, wire or wire-mesh, in that case such development shall be covered by wooden planks, iron or cement sheets and office seal affixed in a manner

that no person can enter into or upon the development without tempering the office seal, or

- (iii) where any development is found locked, the lock may be broken open or any door, gate or any other barrier caused to be opened and an inventory of the articles found in the premises shall, be taken in the presence of two witnesses.

8. Procedure for demolition of building - (1) The officer of the Authority empowered to remove unauthorised development by demolition, filling or otherwise under section 26 of the Act shall, before removing or causing to remove such unauthorised development, issue a notice to the owner thereof or to the person at whose instance the development has been commenced or is being carried out or has been completed calling upon such person to show cause, within a period not less than seven days and not more than thirty days as may be specified therein, as to why a direction be not issued that such development be removed by demolition or otherwise.

(2) Such notice shall be in Form 'A' appended to these rules and shall be served in the manner prescribed by section 45 of the Act.

(3) Where any objection or representation has been received before the expiry of the period specified in the notice under sub-rule (1) of this rule, the officer of the Authority empowered in this behalf shall fix a date, time and place for hearing the person or persons on whom notice has been served, in regard to such objection or representation.

(4) At the said hearing, if any, the person or persons making the objection or representation may, at the discretion of the empowered officer of the Authority, be permitted to present the case through a counsel/pleader.

(5) The empowered officer of the Authority shall after considering the objection or representation and hearing the party who has filed the objection or representation, give such direction as he deems fit and cause a copy of the said direction to be served on the person or persons on whom the show cause notice had been served.

(6) After consideration of the objection or representation submitted in pursuance of the notice under sub-rule (1) of this rule, and the points urged at the hearing mentioned in sub-rule (3) of this rule, and any other matter or information which may be in his possession or which may have come to his knowledge, the empowered officer of the Authority may either direct that the notice shall be withdrawn or direct an officer, who shall be named by him, to remove or cause to be removed the development by demolition or otherwise within such time as may be specified in the direction as within such extended time as the empowered officer of the Authority may, upon receipt of a request from the said officer in this behalf, allow.

9. Salary, allowances and conditions of service of the Presiding Officer of Appellate Tribunal - The salary, allowances and conditions of service of the Presiding Officer of the Appellate Tribunal shall be such as may be determined by the Government at the time of his appointment.

10. Conditions of service of the officers and employees of the Appellate Tribunal - The conditions of service of the officers and employees of the Appellate Tribunal shall be such as may be determined by the Government at the time of their appointment.

11. Form of appeal to the Appellate Tribunal - (1) An appeal to the Appellate Tribunal under sub-section (1) of section 30 shall be made in Form 'B' appended to these Rules.

(2) The appeal shall be accompanied by -

- (i) a certified copy of the order appealed against;
- (ii) statement of the value of the subject matter of the appeal, and
- (iii) documents along with a list thereof, on which the appellant wishes to place reliance during the course of the hearing before the Appellate Tribunal.

(3) The appellant shall deposit a sum of rupees one hundred on account of fees in the office of the Tribunal and attach a copy of the receipt along with the appeal.

12. Form of Annual Report - After the close of each financial year the Authority shall prepare and submit to the Government, not later than the 31st October next following, a report of its activities during the year. The report shall, as far as practicable, be compiled in the following chapters.

I INTRODUCTION.

II ADMINISTRATION-

- (1) The Authority
- (2) Meetings of the Authority and its Committees.
- (3) Operational Jurisdiction,
- (4) Office Organisation.

III THE PLANS -

- (1) The Master Plan
- (2) Zonal Development Plans.

IV. WORKS AND SCHEMES -

- (1) Programmes and targets.
- (2) Agency for execution.
- (3) Development schemes.
- (4) Other works and schemes.
- (5) Control over buildings and development operations within the Authority's jurisdiction.

V. LANDS AND BUILDINGS -

A - Management

- (1) Acquired properties.
- (2) Houses, markets, tenements and other properties.
- (3) Demand for collection of rents, damages and other revenues.
- (4) Enforcement of conditions of lease deeds/agreements.

B - Disposal of lands and buildings

- (1) Long-term leases.
- (2) Temporary leases.

VI. FINANCE AND ACCOUNTS -

- (1) Budget estimates.
- (2) Accounts.
- (3) Income and expenditure.

- (4) Loans and debts.
- (5) Balance sheet and assets and liabilities.

VII. MISCELLANEOUS

- (1) Litigation.
- (2) Any other matter.

13. Sum of money to be kept in Current Account - (1) Such sum of money out of the fund of the Authority as shall not ordinarily exceed rupees ten lakhs at any one time may be kept in a current account with any nationalised bank or any other bank approved by the Authority for this purpose to be opened in the name of the "Vice Chairman, Aizawl Development Authority."

(2) The current account shall be operated upon by the Vice-Chairman or any paid member of the Authority or any officer of the Authority authorised by the Vice-Chairman, in this behalf.

(3) Any sum of money out of the fund of the Authority as in excess of the sum referred to in sub-rule (1) of this rule shall be invested, by the Vice-Chairman or any officer of the Authority authorised by the Vice-Chairman in this behalf with the permission of the Authority in such manner as may be approved by the Government.

14. Procedure for making reference to the Government - (i) Before making any reference to the Government under section 37 for settlement of the terms and conditions subject to which a local authority may be required to assume responsibility for maintenance of the amenities which have been provided by the Authority in respect of any area, the Authority shall, in respect of that area, prepare a statement which shall contain information on the following matters, namely -

- (a) description of the area with boundaries and gross area;
- (b) object of development;
- (c) description of specifications of the amenities provided by the Authority;
- (d) expenditure incurred by the Authority on such amenities (to be given separately for each amenity);
- (e) date of completion of the amenities mentioned in item(d) above;
- (i) description and specifications, if any, of the amenities not provided by the Authority along with the reasons for not providing such amenities but which, in its opinion, should be provided in the area by the local authority, and
- (g) terms and conditions on which the local authority may be required to assume responsibility for the maintenance of the amenities provided by the Authority and for the provision of the amenities which have not been provided by the Authority which, in its opinion, should be provided in the area.

(2) The Authority shall cause the statement referred to in sub-rule (1) to be sent to the local authority within whose local limits the area is situated and shall, by a notice, call upon such authority to assume responsibility for the maintenance of the amenities provided by the Authority and for the provision of further amenities, if any, which in its opinion, should be provided by the local authority in the area on the terms and conditions specified in the said statement.

(3) The said locality shall, within ninety days of the receipt of the notice referred to in sub-rule (2) or such further period as may be allowed by the Authority in its behalf, communicate to the Authority its acceptance of the responsibility for the maintenance and provisions of amenities or its refusal with reasons therefore.

- (4) The Authority shall consider the reply, if any, of the local authority and make such modification, if any, in the terms and conditions as the Authority may consider necessary.
- (5) If there is no agreement between the Authority and the local authority in respect of any of the terms and conditions, the Authority shall refer the matter to the Government.
- (6) Every reference to the Government under sub-rule (5) shall be accompanied by -
- (a) a copy of statement referred to in sub-rule (1) and of the notice referred to in sub-rule (2);
 - (b) plans and engineering estimates of the cost of the development of the area;
 - (c) the reply of the local authority received under sub-rule (3);
 - (d) statement of the modifications;
 - (e) the statement of the terms and conditions in respect of which there is difference between the Authority and the local authority.

15. The form of the Budget of the Authority and the manner of preparing the same - (1)

The Budget of the Authority in respect of the year next ensuing showing the estimated receipts and expenditure of the Authority shall be prepared in form prescribed by the Authority and approved by the Government and submitted to the Government by the 15th October each year. Such estimates shall be accompanied by the revised budget estimates for the current year. The budget shall be based on the account head given in form prescribed by the Authority and approved by the Government.

Explanation: 'Year' means the financial year beginning on the 1st of April and ending on the 31st - 3-March following.

- (2) All grants and appropriations lapse at the close of the year and unspent balances shall not be available for expenditure after the close of the year for the purpose for which the grant was sanctioned.
- (3) If, during the course of a year, it is found necessary to materially modify the budget estimates, a modified budget shall be prepared by the Authority and submitted to the Government. Such modified budget, if approved by the Government shall be treated as an original sanctioned estimate. If no modified budget is submitted, necessary changes in the estimates shall be made by re-appropriations, fresh allotments etc.
- (4) If the necessity for new or additional expenditure is fully established during the course of the year and the funds can not be provided by re-appropriation, it will be open to the Authority to make fresh allotments or to increase the existing allotments, provided funds can be made available for opening balances, additional allotment by Government etc. In respect of new schemes involving fresh borrowings, from Government, expenditure should not be incurred unless the scheme has been accepted in principle by the Government.
- (5) No expenditure which is not covered by provision in the sanctioned budget estimates or which is likely to cause excess over the amount provided under any head shall be incurred without provision being made by re-appropriation from some other head under which savings are ascertained or anticipated. Inevitable expenditure which can not be met by re-appropriation or which can be met only by additional allotment may be incurred with the previous approval of the Authority and, in emergencies, under the orders of the Vice-Chairman, a report of which shall be made to the Authority in its next meeting. In the latter case, proposal for re-appropriation or additional

allotment of funds should be made to the Authority as soon as possible explaining the circumstances in which the expenditure had to be incurred in anticipation of its sanction.

(6) The Authority may sanction re-appropriation of funds from one major head of account to another or within any major head.

(7) Proposals for re-appropriation shall be accompanied by a statement in Form 'C' appended to these rules. The explanation of proposed increases and decreases should be amplified, if necessary, while seeking sanction.

(8) Want of provision in the budget estimates or temporary exhaustion of budget allotment under any head shall not operate to prevent payment or refund of any amount due by the Authority or to prevent a record of any payment under its proper head of account. All liabilities incurred shall be liquidated without delay and in no circumstances shall a liability be allowed to stand over and above and be paid from the budget grant of the following year.

APPENDICES

FORM 'A'

[Rule 8(2)]

Notice under sub-rule (2) of Rule 8 of the Mizoram Development
Authority Rules, 2005

No.....

Dated Aizawl, the 200

To

.....
.....

Whereas it has come to my notice that on plot no./inwithin the
jurisdiction of the Village Council, the following development has been
commenced/is being carried on/has been completed, namely

And whereas such development has been commenced/is being carried on/has been completed in
contravention of the Master Plan of Aizawl/in contravention of the Zonal Development Plan of
Zone.without the approval or sanction of the competent authority under section 14 of the
Aizawl Development Authority Act, 2005 in contravention of the conditions subject to which ap-
proval or sanction under section 14 of the Aizawl Development Authority Act has been granted.

And whereas you are the owner of the said development/the person at whose instance the said
development has been commenced/is being carried on/has been completed.

Now, therefore, the undersigned hereby gives you notice, under rule 9 of the Aizawl Development
Rules, 2005 to show cause on or before the day of..... 200, as to why a
direction be not issued under sub-section (1) of section 26 of the Aizawl Development Authority
Act, 2005 that the said development be removed by demolition or otherwise.

If you fail to show cause by the date aforesaid, the matter will be decided ex parte.

.....
.....
(Signature, name, designation and
seal of the empowered officer of
the Authority)

FORM 'B'
[Rule 11(1)]
(Form of Appeal to the Appellate Tribunal)

Before Shri, Appellate Tribunal, Aizawl Development Authority.

Shri s/o
Resident of

Versus

Aizawl Development Authority

Appeal against the order dated passed by Shri (.....),
..... (designation of the officer) under sub-section (1) of section 30 of the
Aizawl Development Authority Act, 2005.

Sir,

The appellant submits as under:

1. That on (date), Shri has passed an order under section of the Aizawl Development Authority Act, 2005 .

2. That the appellant is aggrieved by the said order on the following grounds:-

- (i)
(ii)
etc.

3. That the appellant claims relief in the following manner

.....
.....

4. That a fee of Rs. 100 has been deposited vide receipt no.

Dated

Place

Signature of the appellant.

FORM 'C'
[Rule 17(7)]
Statement of proposed re-appropriation(s)

Heds of Budget estimates affected by the proposal	Actual expendi- ture upto date of the proposal	Amount in the sanctioned estimate	Proposed increase/ decrease	Amounts as they will stand after reappro-m	Reasons for increase/ decrease
1	2	3	4	5	6

(1) Heads under which
the proposed expen-
diture will fall

Total

(2) Heads under which
it is proposed to
reduce the grants

Total

Sd/-
R.K. THANGA
Commissioner & Secretary,
Local Administration Department,