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#### NOTIFICATION

No. H. 11018/3/2022-PWD(E), the 20<sup>th</sup> March, 2023. The following draft rules, which the Government of Mizoram proposes to make in exercise of the powers conferred by section 12 of the Mizoram Road Fund Act, 2007 and in supersession of the Mizoram Road Fund Rules, 2017 except as respect things done or omitted to be done before such supersession, are hereby notified, as required by the said section 12 of the Mizoram Road Fund Act, 2007 for information to all persons likely to be affected thereby and notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty five days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public.

Objections and suggestions, if any may be addressed to the Commissioner & Secretary, Government of Mizoram Public Works Department, Mizoram Secretariat Complex, MINECO, Aizawl.

Objections and suggestions, which may be received from any person or organization with respect to the said draft notification before expiry of the period specified above, will be considered by the State Government.

K. Lalthawmmawia,  
Commissioner & Secretary to the Govt. of Mizoram,  
Public Works Department.

#### DRAFT NOTIFICATION THE MIZORAM ROAD FUND RULES, 2023

In exercise of the power conferred by section 12 of the Mizoram Road Fund Act, 2007, and in supersession of the Mizoram Road Fund Rules, 2017, except as respects things done or omitted to be done before such supersession, the Government of Mizoram is pleased to make the following rules, namely :-

1. Short title, extent and Commencement .-
  - (1) These Rules may be called 'The Mizoram Road Fund Rules, 2023.
  - (2) It shall extend to the whole of the state of Mizoram.
  - (3) It shall come into force with effect from the date of publication in the Official Gazette.

## 2. Definition .-

- (1) In these rules, unless the context otherwise requires -
  - a) "Act" means "The Mizoram Road Fund Act, 2007" (Amended in 2016 and 2023);
  - b) "Board Secretariat" means " The Mizoram Road Fund Board Secretariat (MRFBS) headed by the Chief Executive Officer."
  - c) "Chairman" means the Chairman of the Board or of the Executive Committee, as the case may be;
  - d) "Member" means member of the Board or of the executive Committee, as the case may be;
  - e) "Nominated member" means a member of the Board nominated pursuant to sub-section (4) of section 4 of the Act, and member of the Executive Committee nominated pursuant to section 4(g) of these rules.
  - f) "Stakeholder" means any group or individual who can affect or can be affected by the actions, decisions, policies or goals of the Board or of the Executive Committee.
  - g) "Vice Chairman" means the Vice Chairman of the Board or of the Executive Committee, as the case may be.
- (2) Words and expressions used, but not defined in these rules, but defined in the Act, shall have the same meaning as respectively assigned in the Act.

## 3. Meeting of the Board .-

- (1) The Board shall meet at least once in six months at such time and place as the Chairman may decide.
- (2) A meeting of the Board shall be called / notified by the Member Secretary.
- (3) Notice of not less than seven clear days shall ordinarily be given of each meeting of the Board and such notice shall be sent to every member including nominated member at his usual address on the records of the Board.
- (4) Every notice of a meeting of the Board shall specify the place and the date and hour of the meeting, and shall contain a statement of the business to be transacted at such meeting.
- (5) The agenda papers for the meeting shall be circulated to all the members including nominated members at least five clear days before the date of the meeting.
- (6) Notwithstanding anything contained in sub-rules (3), (4) and (5), the Chairman may on a written request made by two or more members or otherwise, convene an emergency meeting of the Board at a shorter notice but no business other than business for which the same is convened shall be transacted there at.
- (7) Every meeting of the Board shall be presided over by the Chairman, or in his absence, by its Vice-Chairman, or in the absence of both, by a member chosen by the members present at the meeting.
- (8) No business other than that specified in the notice shall be transacted at a meeting, except with the consent of the Chairman.
- (9) The quorum of the transaction of the business at a meeting of the Board shall be one half of the total number of members of the Board for the time being (any fraction contained in that one half being rounded off as one); Provided that no such quorum shall be complete unless at least two of the nominated members are present.
- (10) All decisions by the Board shall be taken by the majority vote of the members present at the time of voting and the Chairman shall not have a casting or a second vote.
- (11) A resolution in writing circulated to all the members at their usual addresses on the record of the Board and approval and signed by the majority of such members which includes the Chairman or the Vice- Chairman and at least one nominated member, shall be valid and effectual and shall deemed to be the resolution passed by the Board on the date on which it is concurred and signed by the last signatory to the resolution.

Provided that there were any dissenting member requires in writing that any resolution deemed to have been passed under this sub-rule shall be placed before a meeting of the Board, the resolution shall not be deemed to be valid and effectual as aforesaid, unless the same is passed at such meeting.

- (12) The Board may associate with itself any person whose assistance or advice the Board may desire to have in performance of any of its functions under the Act:

Provided that such a person shall have no right to vote on matters at a Board meeting.

- (13) The Board shall cause to be maintained minute books recording therein the proceedings of every meeting along with the names of the members present.
- (14) The minutes of a meeting of the Board shall be circulated as soon as possible after the meeting, but not later than thirty days, for the information of the members, and shall be placed before the next meeting of the Board for discussion, if necessary, and shall bear the signature of the presiding member of such meeting.
- (15) Every member who is in any way, whether directly or indirectly, concerned or interested in any matter to be discussed at the meeting of the Board shall disclose the nature of his concern or interest to the Board. Such member shall not participate in the deliberation or decision of the Board with respect to that matter and his presence shall not be counted for the purpose of quorum.

4. Composition of the Executive Committee .-

- (1) There shall be an Executive Committee for the Board consisting of the following members, namely. -
- (a) The Principal Secretary / Secretary of Public Works department shall be the Chairman of the Executive Committee;
  - (b) The Engineer-in-Chief, PWD shall be the Member/ Vice-Chairman of the Executive Committee;
  - (c) The Chief Executive Officer of the Board Secretariat shall be Member Secretary of the Executive Committee;
  - (d) The Additional Secretary (Budget), Finance Department shall be the member of the Executive Committee;
  - (e) The Chief Engineer (Roads), PWD shall be member of the Executive Committee;
  - (f) The Chief Engineer (Highways), PWD shall be member of the Executive Committee;
  - (g) The Chief Engineer (Buildings & Other Departments), PWD shall be member of the Executive Committee;
  - (h) One member each nominated by the Board from amongst the nominated members from stakeholders and from NGO's shall be member of the Executive Committee.

5. Meetings of the Executive Committee.-

- (1) The Executive Committee may meet as frequently as may be necessary but at least once in each quarter at such time and place as the Chairman may decide.
- (2) A meeting of the Executive Committee may be convened by the Vice- Chairman in absence of the Chairman.
- (3) Notice of not less than four to seven clear days shall ordinarily be given of each meeting of the Executive Committee.
- (4) The quorum for the transaction of business at a meeting of the Executive Committee shall be one half of the total number of members of the Executive Committee (any fraction contained in that one half being rounded off as one).

Provided that no quorum shall be complete unless at least one of the members nominated by the Board from among the nominated Members is present.

- (5) Save as otherwise provided in this rule 5, the provisions of rule 3 applicable to the meetings of the Board shall apply mutatis mutandis to the meetings of the Executive Committee.
6. Utilization of fund.-  
In addition to the purpose specified in section 3 of the Act and in these rules, the amount standing to the credit of the Fund may be utilized for the following purposes:-
- (a) To make payments to the Secretariat of the Board for carrying out the task entrusted to it by the Board;
  - (b) To make payments to consultants and / or experts appointed by and on behalf of the Board or the Executive Committee for assistance in discharge of their functions under the Act;
  - (c) To make payments for collection of toll fees from road users.
7. Term of office and other conditions of service of the members of the Board.-
- (1) Subject to the provisions of sub-sections (5), (6) and (7) of section 4 of the Act, a nominated member shall hold office initially for a period of three years which may be either curtailed or extended by the Government for further periods not exceeding three years at a time, provided such member continues to be eligible for being a nominated member at the time of such extension.
  - (2) A nominated member shall cease to be a member if:-
    - (a) He does no longer belong to the organization that nominated him Or
    - (b) His nomination has been withdrawn by the organization that nominated him
  - (3) A nominated members shall be disqualified if he:-
    - (a) Has been adjudged as insolvent; or
    - (b) Has been convicted and sentenced to imprisonment for an offence, which in the opinion of the Government involves moral turpitude; or
    - (c) Is of unsound mind and / or has become physically incapable of acting as a member; or
    - (d) Has, in the opinion of the Government, such financial or other interests in the functioning of the Board as is likely to affect prejudicially the discharge by him of his functions as member.
  - (4) Each nominated member may be paid such honorarium out of the Fund as may be determined by the Board from time to time for attending each meeting of the Board.
  - (5) The Board may pay or reimburse out of the fund travelling, lodging, boarding and other incidental expenses incurred by or on account of a nominated member for attending the meetings of the Board.
  - (6) The provisions of sub-rule (4) and (5) shall apply mutatis mutandis to the meetings of the Executive Committee attended by the nominated members who are members of the Executive Committee.
  - (7) The ex-officio members shall not be entitled to be paid out of the Fund any fee or remuneration in connection with attending meetings of the Board or the Executive Committee or other meetings.
  - (8) If any vacancy arises in the Board by reason of death, resignation or otherwise of a member, the same shall be filled by notification by the Government as soon as possible.
8. Powers of the Chairman of the Board.-  
The Chairman shall have the powers of general superintending and control in the affairs of the board and shall, in addition to presiding over the meetings of the Board, exercise and discharge such other powers and functions of the Board, as may be assigned to him by the Board or the Government.

9. Suspension or removal of Chairman of the Board or any other member from office.-
- (1) No member, including Chairman, shall be suspended or removed from office except in accordance with the provisions of sub-rule 2 below.
  - (2) The Government may remove from Office of the Chairman or any member, if he:-
    - a) Has been adjudged as insolvent; or
    - b) Has been convicted of an offence which, in the opinion of the Government; involves moral turpitude; or
    - c) Has become physically or mentally incapable of acting as a member; or
    - d) Has acquired such interest as is likely to affect prejudicially his functions as a member; or
    - e) Has abused his position as to render his continuation in office prejudicial to the public interest; or
    - f) Has consistently failed to discharge his duties or has been absent from the meetings of the Board for three times continuously:

Provided that no chairman or other member shall be removed from office under sub-clause (d), (e) or (f) unless the Government, after holding an inquiry by any person appointed or authority constituted for the purpose and as per the procedure as may be prescribed in this behalf, is satisfied that such person ought on such ground or grounds be removed.

- (3) In the event of inquiry instituted under sub-rule (2) above, the Government may suspend such Chairman or other member against whom inquiry has been instituted for a period not exceeding six months if the Government deems it so necessary in public interest.
10. Appointment and Conditions of service of employees of the Board Secretariat .-
1. The staff of the Board Secretariat shall be drawn on deputation from the road agency from time to time as per technical and administrative needs of the Board; and their remuneration and other conditions of service shall be regulated as per the government rules and procedures.
  2. Normally, the deputation of staff from the road agency will be for a period of three years which term may be extended by two more years with the consent of the road agency.
  3. The staff of the Board secretariat will work under overall supervision of the Chief Executive Officer of the Board Secretariat.
11. Conditions of engagement of consultant / experts for providing assistance to the Board and the Executive Committee .-
- (1) Subject to the provisions of sub-section (10) of section 4 of the Act, the board or the Executive Committee may engage suitable person(s) for providing assistance or advice on any matter having bearing on the performance of the Board's functions.
  - (2) The remunerations, fees and out of pocket expenses and other conditions for such persons as are engaged under sub-rule (1) above may be fixed by the Executive Committee from time to time, keeping in view the nature of assignment, its duration and experience of the person concerned.
12. Inventory of roads and condition and traffic surveys.-
- (1) The road agency shall maintain road inventory registers, Circle / Division- wise, of all the roads in a suitable format duly approved by the Engineer-in- Chief, PWD (Road Agency).
  - (2) The road registers referred to in sub-rule (1) shall be updated regularly every year by each concerned Executive Engineer of the road agency. The updated inventory shall be submitted to the Board Secretariat through the Engineer-in-Chief of the Road Agency not later than May of each financial year.

- (3) The road agency shall be required to undertake road condition and traffic surveys of the core road and inspection of bridges in accordance with the guideline laid down by the Indian Roads Congress or as directed by the Board; and include the results of such surveys and inspections as part of the Annual Report of the Board.
- (4) The Board Secretariat shall work out and review Guidelines/norms from time to time for Normal Maintenance of roads which shall be approved by the Board.

13. Procedure for identification and prioritization of works.-

- (1) The road agency shall formulate an annual maintenance operations plan (AMOP) Circle / Division-wise, which will identify the rehabilitation and maintenance works on the road network including roads in urban areas taking into account the inventory and condition of roads and bridges and anticipated traffic and submit it to the Board Secretariat not later than the end of September every year.
- (2) If all the works so identified, as per sub-rule (1) above, cannot be sanctioned by the Board due to shortage of resources in the Fund, the Executive Committee shall prioritize the list of works in the AMOP for release of funds;

Provided that priority shall always be given to such works as are essential for safety of structure and traffic on the road net-work.

- (3) The Board may verify proposal and perform random checking at site. Verification may be done before construction and after completion by random selection of the roads if it is considered necessary.
- (4) Provision for Road safety measures up to 10% of the Annual Maintenance Fund may be utilized depending upon the requirement at any particular site.

14. Keeping of records, audit, progress reports and review .-

- (1) The road agency shall keep systematic accounts and records and get them audited in accordance with the State accounting principles and in such form and detail as will clearly identify the nature of maintenance works.
- (2) The road agency shall prepare monthly progress reports (MPR), Circle / Division-wise, in Form-I of all the works under AMOP sanctioned from the Fund. MPR may also be submitted for any other works sanctioned from the Fund other than AMOP as may be desired by the Board and/or the Board Secretariat from time to time. The MPR shall reach the Secretariat of the Board within fifteen days of each month. Further, the road agency shall send completion certificates duly verified by the by the concerned Superintending Engineer, PWD as per Form-II, as soon as the works are completed. The Completion certificates duly verified shall be accompanied by Geo- tagged photographs as follows .-
  - a) For permanent structures, minimum of 2 (two) Geo-tagged photographs before and after the maintenance work is done, showing the location / chainage.
  - b) For road works, minimum of 2 (two) Geo-tagged photographs, at the same location, before and after the maintenance work is done for every 1 (one) kilometer.
- (3) The physical progress as well as expenditure incurred on works will be reviewed by the Board at its meetings convened from time to time.

- (4) Monthly Progress Report (MPR) shall be submitted through proper channel. Nevertheless, copy of the MPR so administered through proper channel along with any attachment/enclosure thereto shall also be submitted to Mizoram Road Fund Board Secretariat by the concerned Division of the Road Agency.

15. Interpretation.-

If any question arises relating to the implementation of these rules, the same shall be referred to the Government for its decisions; and the decision of the Government thereon shall be final.