



सत्यमेव जयते

(ANNEXURE-10)

**The Mizoram Gazette
EXTRA ORDINARY
Published by Authority**

RNI No.27009/ 1973

Postal Regn. No.NE-313(MZ) 2006-2008

Vol - XLV Aizawl, Friday 9.9.2016, Bhadrapada 18, S.E:1938, Issue No.357

NOTIFICATION

No.H.12018/179/07-LJD, the 8th September, 2016. The following Act is hereby
published for
General information.

The Mizoram Road Fund (Amendment) Act, 2016

(Act No.7 of 2016)

{ Received the assent of the Governor of Mizoram on the 31st August, 2016 }

THE MIZORAM ROAD FUND (AMENMENT) ACT, 2016

AN

ACT

to amend the Mizoram Road Fund Act, 2007

It is enacted in the Legislative Assembly of Mizoram in the sixty sixth year of the
Republic of India as follows :

CHAPTER-I Preliminary

1. Short title, Extent and Commencement :

- 1) This Act shall be called "The Mizoram Road Fund (Amendment) Act, 2016.
- 2) It shall have the like extent as the Principal Act.
- 3) It shall come into force from the date of its publication in the Official Gazette.

2. Definitions :

In this Act, unless the subject or context otherwise requires-

- a) "Administration" means the Mizoram Road Fund Administration;
- b) "Board" means the Mizoram Road Fund Board constituted under this Act;
- c) "Bye-law" means a bye-law made by the Board under this Act;
- d) "Collecting Agent" means any person or agency entrusted with the collection of a user fee or toll;
- e) "Core Roads Network" means road notified by the Government from time to time as roads of economic or social importance to Mizoram.
- f) "Fuel" means petrol, diesel, gas and like products to be used in the propulsion of motor vehicles;
- g) "Fund" means the Mizoram Road Fund established by this Act;
- h) "Government" means the Government of the State of Mizoram.
- i) "Member Secretary" means the Member Secretary of the Board.
- j) "Minister" means the Minister of the Government responsible for the public works;
- k) "Motor vehicles" means a vehicle propelled along a road by mechanical power;
- l) "Notification" means an instrument published in the official Gazette and "notified" has a corresponding meaning;
- m) "NGO" means a Non-Government Organization;
- n) "Prescribed" means prescribed by Rules;
- o) "PWD" means the Public Works Department;
- p) "Rehabilitation" means improving or strengthening a road without substantially changing its standard or classification;
- q) "Repair and Maintenance" means works to bring a road up to standards previously specified for it by the road agency;
- r) "Road" means a place in Mizoram, other than a national highway declared under the national Highways Act 1956 (Central Act No. 48 of 1956), that is open to or used by the public for passage with vehicles, and includes bridges, culverts, drains and other things that facilitate such passage;
- s) "Road Agency" means a person or body responsible for carrying out repair and maintenance;
- t) "Rules" means rules made by the Government under this Act;

3. PURPOSES OF THE ACT :

The purposes of the Act are to contribute to the social and economic advancement and safety of the people of Mizoram by -

- a) establishing the Mizoram Road Fund to make better provision for the rehabilitation, maintenance and repair of roads, giving priority to the core network; and

- b) providing for the appointment of a Road Fund Board to administer the Fund, formulate and co-ordinate road planning, approve the road funding program and make recommendations to the Government on road network, road safety and traffic management policies and strategies for the State.

CHAPTER – 2

Road Fund Board

4. INSTITUTION AND COMPOSITION OF THE BOARD :

- 1) After the commencement of this Act, the Government shall, by notification, constitute a Board to be called “the Mizoram Road Fund Board.”
- 2) The Board shall be a body corporate –
 - a) having perpetual succession and a common seal;
 - b) being capable in law of –
 - i. suing and being sued in the name of the Board;
 - ii. purchasing taking, holding, selling, leasing, taking on lease, changing or disposing of real or personal property for the purposes of this Act; and
 - iii. doing or suffering all other acts or things” which a body corporate may be law do or suffer.
- 3) The office of the Board shall be located in Aizawl at the place to be decided by the Board.

- 4) The Board shall consist of the following members, namely-

<u>MEMBERS</u>	<u>DESIGNATION</u>
a) The Minister, PWD	Chairman
b) Chief Secretary	Vice Chairman
c) Principal Secretary/Secretary/ Commissioner, PWD	Member Secretary
d) Financial Commissioner/ Secretary	Member
e) Prin. Secretary/Commissioner, Planning	Member
f) Secretary, Law & Judicial Deptt.	Member
g) Secretary, Transport Department	Member
h) Secretary, Land Revenue & Settlement Deptt.	Member
i) Engineer-in-Chief, PWD	Member
j) Commissioner, AMC	Member
k) Inspector General of Police	Member
l) CE/Road, PWD	Member
m) CE/Highway, PWD	Member
n) CE/Building, PWD	Member
o) Director, Transport Department	Member
p) Commissioner Taxation	Member
q) 3 Representatives from stake holders	Nominated members
r) 4 Representatives from NGOs	Nominated members”

- 5) The Chairman of the Board shall, by notification, identify the stake holder organizations and NGOs and invite them to nominate a representative to be a member of the Board.
 - 6) Nominated members of the Board shall hold office for a period of three years or during the pleasure of the Government.
 - 7) Any nominated member may, at any time resign by submission of a letter of resignation to the Chairman of the Board and shall cease to be a member upon his death or upon withdrawal of his nomination by the organization that nominated him.
 - 8) The Board shall meet at such time and place as the chairman may decide and shall observe such rules of procedure in regard to the transaction of business at its meetings, including the quorum, as may be prescribed.
 - 9) At the discretion of the Chairman, the Board may adopt a resolution under an out of session procedure if a copy of a document containing the resolution is circulated to all members and a majority of them provide a signed and dated acceptance of the resolution to the Member Secretary.
-
- 10) The Board may, subject to the rules (if any), associate with itself any person whose assistance or advice the Board may desire to have in performance of any of its functions under this Act; but such a person shall have no right to vote on matters at a Board meeting.
 - 11) The Board shall be assisted by a Secretariat consisting of staff deputed from road agencies and with responsibility for carrying out administrative and technical tasks for the Board and Executive Committee, as may be directed by the Executive Committee from time to time.
- 5. Powers, duties and functions of the Board :**
1. The Board shall have the following powers, duties and functions, namely –
 - a. To administer and manage the road fund;
 - b. To recommended collection of such fees and charges including toll fees for services and benefits in relation to the use of roads vested in or entrusted to it at such rates and in such manner, as may be prescribed;
 - c. To formulate integrated annual programme for rehabilitation, repair and maintenance of the road giving priority to core road network;
 - d. To provide funds to the road agency for such rehabilitation, repair and maintenance of the roads;
 - e. To formulate road safety and traffic management policies and strategies for the State of Mizoram;
 - f. To co-ordinate road sector agencies where the implementation to Government road policy involves more than one agency;
 - g. To develop and monitor key performance indicators for the core road network;
 - h. To approve road programme proposals from road agency seeking funding from the Road Fund, subject to the agency prioritizing its programmes on a cost-benefit basis;

- i. To recommended improvement of arrangements for collecting road user charges to minimize avoidance and evasion;
 - j. To recommended to the Government from time to time, appropriate levels of road user charges, fines, penalties, levies or any other sums to be collected under this Act and paid into the Fund;
 - k. To undertake any other activities entrusted by the Government in furtherance of the objectives for which the Road Fund Act is established.
 - l. To approve Core Road Network to be maintained.
2. The Board may form an Executive Committee to perform such functions as may be determined by the Board, and, unless the Board decides otherwise, the Executive Committee shall –
- a) have a majority of members with experience in road financing or management;
 - b) carry out the following functions-
 - i. the seeking of proposals from road agencies;
 - ii. the receipt and review of submissions from road agencies;
 - iii. recommending to the Board of the programme for rehabilitation and maintenance of roads and variation to that programme;
 - iv. advice to road agencies of the programme and variations approved by the Board;
 - v. the monitoring of the delivery of the Board approved programmes by the road agencies;
 - vi. the provision of annual and periodic reports as required by the Board.
 - vii. recommending the Core Road Network proposed by the Road Agencies for approval to the Board;

CHAPTER – 3 THE ROAD FUND

6. Establishment of Fund :

- 1) As soon as may be after constitution of the Board, there shall be established a Fund to be called “The Mizoram Road Fund”.
- 2) The Fund shall consist of the following :
 - a) grants received by the Government from Government of India for the rehabilitation or repair and maintenance of roads.
 - b) fees, fines and other amounts collected by the Government under the Mizoram Highways Act, 2002 and any other funds collected by PWD.
 - c) an amount to be appropriated from the Consolidated Fund of the State within one month from the commencement of this Act, and thereafter in accordance with the Appropriation Acts, shall be an amount equal to any cess on diesel and petrol, any road and road transport related taxes and fees collected under this Act at the end of the preceding year. The rates or amount of collections under this Act shall be decided by the Government from time to time.

- d) toll fees on bridge or busy roads as may be notified by the Government.
- e) any grant, aid, bequest, subsidy, donation, gift, subscription, loan or other sums lawfully received by the Board.

7. Accounts and Audit :

- (1) All moneys mentioned in sub-section (2) of section 6 above and forming part of the Fund shall be deposited in any Scheduled Bank or State Co-operative Bank as may be decided by the Board and the said account shall jointly be operated by the Vice-Chairman and Member Secretary of the Board in such manner as may be specified by the Board.
- (2) The Board shall maintain such books of accounts and other books in relation to its accounts and prepare annual statement of accounts which shall be audited by the Auditor appointed by the Board with prior approval of the Government.

8. Collecting Agent :

The following Departments or Agencies shall be entrusted as collecting agents for collecting user fees, taxes/ surcharges, tolls, fines etc., as may be decided by the Government or the Board from time to time as shown against their name.

1) Transport Department including Road	Road based fees & taxes Tax, driving license fees, vehicles Registration fees, wheel Taxes, national and tourist permit fees.
2) Taxation Department	Cess on diesel and petrol.
3) Public Works Department roads and	Toll fees on selected bridges and fines.
4) Home Department	Fees from Traffic fines.
5) Environment, Forest & Climate Change Dept.	Royalty on forest products
6) Geology & Mineral Resources Dept	Royalty on Minerals
7) Aizawl Municipal Corporation	Fees from vehicle parking