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NOTIFICATION

No. C. 31025/3/2009/DCA/C, the 28th April, 2010. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules made by the Chakma Autonomous District Council as approved by the Governor of Mizoram is hereby published for general information namely :-

The Chakma Autonomous District Council (Transaction of Business) Rules, 2009. [vide Governor of Mizoram's approval dt. 10.9.2009].

P. Chakraborty,
Commissioner & Secretary,
Government of Mizoram,
District Council Affairs Department

**THE CHAKMA AUTONOMOUS DISTRICT COUNCIL
(TRANSACTION OF BUSINESS) RULES, 2009.**

(Received approval of the Governor of Mizoram on 10.09.2009)

Rules

to provide for smooth running of the functions of the different departments under Chakma Autonomous District Council.

And whereas it is expedient to make rules for smooth and effective functioning of the different departments under Chakma Autonomous District Council.

Be it enacted by the Chakma Autonomous District Council in the fifty ninth Republic Day of India as follows :-

1. (1) These Rules may be called the Chakma Autonomous District Council (Transaction of Business) Rules, 2009.
- (2) They shall come into force at once.
2. In these Rules unless the context otherwise requires.
 - (a) "District Council" means the Chakma Autonomous District Council constituted under the sixth Schedule to the constitution of India.
 - (b) "Executive Committee" means the Executive Committee of the Chakma Autonomous District Council formed under Chakma Autonomous District Council (CCB etc.) Rules.
 - (c) "Executive Members" means the Member of the Executive Committee appointed as such by the Governor.
 - (d) "Chief Executive Member" means the Chief Executive Member of the Chakma Autonomous District Council.
 - (e) "Executive Secretary" means the Secretary to the Executive Committee.
 - (f) "Department" means a Department of the Chakma Autonomous District Council as specified in the 1st schedule.
 - (g) "Governor" means the governor of Mizoram.
 - (h) "Departmental head" means head of the department.

PART - I

Allocation and Disposal of Business

3. The business of the Chakma Autonomous District Council shall be transacted in the different departments specified in the First Schedule.
4. The Chief Executive Member shall allot among the Executive Members, the business of the Chakma Autonomous District Council by assigning one or more departments to the charge of an Executive Member.
5. Each Department of the Chakma Autonomous District Council shall consist of the one group - 'A' officer who shall be the administrative head of that department.
Provided that :-
 - (a) More than one Department may be placed in charge of the same officer.
6. In matters of interpretation of the expression, 'Decision' or 'orders' or 'approval' the Chakma Autonomous District Council mentioned in any rules, regulations, orders, or instruction for notification for the time being in force shall mean the decision of the Executive Committee or the Chief Executive Members or the concerned Executive Members.

7. Subject to the orders of the Chief Executive Members under rule 14, all case referred to in the second schedule to this Rules shall be brought before the Executive Committee in accordance with the provisions of the Rules contained in Part-II.
 8. The Executive Member in-charge of the department shall be responsible for the disposal of business pertaining to his department and departmental head of the department shall assist and carry out the instruction of the Executive Member in charge in this regard.
 9. (1) No department shall without previous consultation with the Executive committee authorize any orders which -----
 - (a) Either immediately or by their repercussion, will affect the finance of the District Council, or which, in particulars -----
 - (i) Involve any grant of land or assessment of Revenue or concession, grant, lease or license of mineral of Forest rights or a right to water or any easement or privilege in respect of such concession;
 - (ii) In any way involved any relinquishment of Revenue; or
 - (b) Relate to the numbers or grading of Cadre of post or the emoluments or other conditions of service or post;
 - (c) Involved the addition of a post in Public services in the variation of emoluments of any post; Provided that all Group - 'A' post or Post on fixed Pay which is equivalent or more than that of the starting of Group-A scale of pay per month shall be created in consultation with the department of General Administration and Finance & Accounts.
 - (d) Involve expenditure for which no provisions have been made in the appropriation Act or which is in excess of the provision made in the Act.
 - (e) Involve the sanction of an allowances or special or personal pay for any post or class of post or to any employees to the Chakma Autonomous District Council.
 - (2) No re-appropriation shall be made by any department other than Finance Department except in accordance with General or specific delegation as the Executive Committee may have made.
 - (3) Except to the extent that powers may have been delegated to the departments under rules approved by the Executive Committee, every order of an administrative department conveying a sanction to be enforced in audit shall be communicated to the audit authorities by the Finance department.
 - (4) Nothing in this rule shall be constructed as authorizing any department including the Finance Department to make re-appropriation from one grant specified in the appropriation Act to another such grant.
10. Orders or instruments made or executed by or on behalf of the Chakma Autonomous District Council shall be expressed to be made or executed in the name of the Executive Committee.
11. Every order or instrument of the Chakma Autonomous District Council shall be expressed to be made in the name of the Executive Committee and shall be signed by the Chief Executive Member or other member of the Executive Committee or any Officer(s) authorized by the Chief Executive Member by and order in this behalf and such signature shall be deemed to be the proper authentication of such order or instrument.

PART - II

Procedure of the Executive Committee

12. The Executive Secretary, or such other officer as the Chief Executive Member may appoint, shall be the Secretary to the Executive Committee.
13. All cases referred to in the second schedule shall, after consideration by the Executive Member be sent to the Executive Secretary for obtaining orders of the Chief Executive Member for bringing it up for consideration at a meeting of the Executive Committee or for circulation of the case under Rule 14 herein.
14. The Chief Executive Member may direct that any case referred to in the second schedule or otherwise may instead of being brought up for decision at the Executive Committee be circulated to the

Executive Member for their opinion. The Chief Executive Member may refer such matter for discussion at a meeting, if he may consider necessary.

15. In cases, which are circulated for opinion under Rule 14, every Executive Member shall communicate his opinion by a date specified in the Memorandum of meeting for circulation. In case any Executive Member fails to communicate his opinion, the Secretary to the Executive Committee shall bring the matter to the notice of the Chief Executive Member for further direction. The Chief Executive Member may return the case to the Secretary to the Executive Committee with orders. The Secretary to the Executive Committee will then pass it on to the concerned departmental head for taking steps for the implementation of the decision or for issuance of the orders accordingly.
16. When it has been decided to bring a case before the Executive Committee the department to which the case belong shall, unless the Chief Executive Member otherwise directs, prepare a memorandum indicating with sufficient precision on the silent fact of the case and the points for decision. Executive Committee memorandum having any financial implication shall be accompanied by financial memorandum obtained from Finance department. Such memorandum and such other papers as are necessary to enable the case to be disposed off shall be circulated to the Executive Members.
17. In cases, which concern more Executive Members than one, the Executive Member shall attempt by previous discussion to arrive at an agreement. If an agreement is reached, the memorandum shall contain the joint recommendation of the Executive Members, - and if no agreement is reached, the memorandum shall state the points of differences and the recommendations of each of the Executive Member concerned shall be submitted to the Chief Executive Member for his decision.
18.
 - (1) The Executive Committee shall meet at such place and time as the Chief Executive Member may direct.
 - (2) After an agenda paper showing the cases to be discussed at a meeting of the Executive Committee has been approved by the Chief Executive Member, copies thereof, together with copies of such memorandum as have not been circulated under Rule 16 shall be sent by the Secretary to the Executive Committee to the Chief Executive Member and other Executive Members so as to reach them two clear days before the date of such meeting. The Chief Executive Member may waive the said period of two days.
 - (3) Except with the permission of the Chief Executive Member, no cases shall be placed on the agenda of a meeting unless papers relating thereto have been circulated as required by Rule 16.
 - (4) If any Executive Member is on tour, the Secretary to the Executive Committee shall bring the matter to the notice of the Chief Executive Member before meeting of the Executive Committee for appropriate instructions. The Chief Executive Member may direct for a report from the concerned head of department for consideration of the Executive Committee.
 - (5) The Chief Executive Member may direct the Executive Secretary to obtain the opinion of Law department as regards the proposal before the Executive Committee.
 - (6) The Chief Executive Member or in his absence any other Executive Member nominated by him shall preside at a meeting of the Executive Committee.
 - (7) The Secretary to the Executive Committee shall attend the meeting of the Executive Committee and shall prepare a record of the decision, He shall after approval of the Chief Executive Member, prepare the record of decision of the Executive Committee for communication to other Members of the Executive Committee and concerned department.
19. When a case has been decided by the Executive Committee after discussion at a meeting, the Executive Member concerned shall take action to give effect to the decision. If however, any deviation is proposed to be made from that decision, the case shall be submitted to the Chief Executive Member by the Executive Member concerned and further action will be taken according to any direction of the Chief Executive Member.

PART - III
Departmental Disposal of Business
A. GENERAL

20. Experts as otherwise provided by any other Rule, cases shall ordinarily be disposed off by or under the authority of the Executive Member in charge of the department who shall give such directions as he thinks fit for the disposal of case in his department. Copies of such important instructions shall be brought to the notice of the Chief Executive Member.
21. Whenever a matter concerns two departments, the fact shall be specifically brought to the notice of the Executive Members concerned. There-upon, the Executive Member of department concerned shall hold discussion and try to arrive at an understanding. The Executive Member may, however, direct that the discussion may be held by the concerned departmental heads. Such decision shall be recorded and placed before the Executive Members concerned. In case of any difference of opinion, the matter shall be put up before the Chief Executive Member for appropriate orders.
22. (1) The Chief Executive Member may call for records of any case relating to any department.
(2) The Chief Executive Member may, in consultation with the Executive Member in-charge of the department, pass such orders in any case as he consider necessary or may direct that the matter shall be placed before the Executive Committee.
(3) The Chief Executive Member may pass orders in a case relating to any department when the case is referred to him by the Executive Member in-charge of the department.
(4) The Chief Executive Member, in the absence of the Executive Member in-charge of the department may, in a matter of urgent public importance relating to any department, pass such orders as he consider necessary or expedient.
23. If a question arises as to the department to which a case properly belongs, the matter shall be referred for the decision of the Chief Executive Member.
24. All communications received from the government of India/Mizoram (including those from the Prime Minister and other Minister of the Union, Chief Minister of Mizoram or others Minister of the government of Mizoram) other than those of routine or unimportant nature shall be placed by the Executive Secretary to the Executive Member in-charge and the Chief Executive Member for information
25. Any matter likely to bring the Chakma Autonomous District Council into controversy with the government of Mizoram or any other state government or government of India shall be brought to the notice of the Chief Executive Member and the Executive Member in-charge forth with by the Executive Secretary.
26. The following classes of cases shall be submitted to the Chief Executive Member before the issue of orders.
 - (1) Appointment, transfer, posting and deputation of all categories of employees under Chakma Autonomous District Council. Such proposal should be routed through the Executive Secretary.
 - (2) Constitution of different Committees.
 - (3) Cases, which effect the relation of the Chakma Autonomous District Council with the government of Mizoram.
 - (4) Important cases which affect or likely to affect the interest of the minority communities under Chakma Autonomous District Council.
 - (5) Proposals in regards to the matter in connection with the 6th schedule of the constitution of India.
 - (6) Resignation/termination/dismissal/Disciplinary action of all categories of employees under Chakma Autonomous District Council. Such proposals should be routed through the Executive Secretary.
 - (7) All other policy and important matters.
 - (8) Councils budget/Planning and any other matter relating to financial involvement.

EXECUTIVE SECRETARY

27. (1) The Executive Secretary as the head of the administrative machinery, responsible to ensure the efficient functioning of the Chakma Autonomous District Council administration shall be kept informed and apprised of all important decision who shall bring all such decisions or information to the notice of the Chief Executive Member.
- (2) All cases of appointment, posting, deputation, termination, compulsory retirement, removal, planning & development, financial matters, correspondences with state or central government and all other important matters shall be put up by the heads of department to the Executive Secretary who shall put them up before the Chief Executive Member through the concerned Executive Member for orders.
- (3) When a matter is required to be placed before the Chief Executive Member, the heads of department shall place the matter before the Executive Member in-charge through the Executive Secretary.

The matter shall then be placed before the Chief Executive Member for orders accordingly. In matters required to be disposed of by the Executive Member concerned, the departmental head shall place the same before the Executive Member concerned for orders under Rule 20 of these Rules.

FINANCE & ACCOUNTS DEPARTMENT

28. The Finance and Accounts department shall have the following functions namely :-
- (1) It shall in consultation with the General Administration and Control department frame Rules regulating the pay, of persons in the service of the Chakma Autonomous District Council and Rules regulating the number, grading or cadre and emoluments of posts under Chakma Autonomous District Council and also be responsible for seeing that these Rules are properly applied.
- (2) It shall advise on the financial aspects of all transactions relating to loans granted by the Chakma Autonomous District Council/state/central government.
- (3) It shall be responsible in laying down appropriate financial rules for guidance of other departments who are responsible in proper maintenance of accounts by themselves and by the establishments subordinate to them. Finance and Accounts department may take such action as may be appropriate to enforce such accountability.

Such financial rules shall be placed before the Executive Committee for approval.

- (4) It shall prepare an estimate of the total receipts and disbursement of the Chakma Autonomous District Council in each year and shall be responsible during the year for watching the state of the Chakma Autonomous District each balances or for the ways or means and operation.
- (5) In connection with the budget and with supplementary estimates :-
- (a) It shall prepare a statement of estimated revenue and expenditure to be laid before the Chakma Autonomous District Council session in each year and any supplementary estimates or demands for excess grant, which may be submitted to the vote of the Legislature/ Councilors or as the case may be, laid before the Legislature.
- (b) For the purpose of such preparation it shall obtain from the departments concerned materials on which to base its estimates, and it shall be responsible for the correctness of the estimate framed on the materials supplied; and
- (c) It shall examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimate, and shall decline to provide in estimates for any schemes which has not been so examined.
- (6) On receipt of a report that a financial rule has been contravened or a financial irregularity has been committed, it shall take steps to enforce the rule or to stop or rectify the irregularity.

- (7) It shall lay before the committee on Public Accounts the report of the auditor General of India relating to the appropriation accounts of the Chakma Autonomous District Council and shall bring to the notice of the Committee all expenditure which has not been duly authorized and any financial irregularities; and
- (8) It shall advise the departments responsible for collection of revenues regarding the progress of collection or the methods of collection employed.

GENERAL ADMINISTRATION & CONTROL DEPARTMENT

29. (1) The General Administration & Control department shall be responsible for seeing that the rules and principles relating to service in general and properly followed.
- (2) The General Administration & Control department shall be consulted for advice by other departments in matter relating to frame set of service rules and general principles relating to service.
- (3) The approval of the Chief Executive Member shall be obtained in the following matters.
 - (a) Relaxation of any service rules;
 - (b) Relaxation of any general service condition; and
 - (c) Creation of any gazetted or non-gazetted post or payment of additional remuneration to any employees.

PLANNING & DEVELOPMENT DEPARTMENT

30. (1) The Planning and Development department shall be responsible for working out a strategy of development, laying down the guidelines for the departments regarding the drawing up of departmental programmes and schemes and working an economic, administrative and organizational appraisal of the plans and programmes of various departments.
- (2) The Planning and Development department shall be consulted for advice by other departments in matters relating to plan formulation or the general principles relating to planning.

Provided it shall be open to the Planning and Development department to prescribe, by general or special order, case in which such consultation with it may not be necessary.

RURAL DEVELOPMENT DEPARTMENT

31. The Rural Development department shall implement all Rural Development Schemes whether sponsored by central government or otherwise under the guidance and supervision of the Chief Executive Member or the Executive Member concerned. The departmental head shall seek guidance from the concerned Executive Member in this regard from time to time or shall be responsible in all respects as to the planning, evaluation, execution, due and national expenditure of funds provided in this purpose.

SUPPLEMENTARY

32. The Heads of the department concerned is, in each case, responsible for the proper transaction of business and the careful observance of these Rules and when he consider that there has been any material departure from them he shall personally bring the matter to the notice of the Executive Member in-charge.

Notwithstanding anything contained herein, the Executive Committee or the Chief Executive Member may relax the Rules in the interest of public or smooth functioning of the affairs of the Chakma Autonomous District Council.

The matter in regard to which the rules are silent or adequate provision has not been made, the heads in the department shall obtain appropriate directions from the Chief Executive Member or the Executive Member concern through the Executive Secretary.

FIRST SCHEDULE
LIST OF DEPARTMENT

1. General Administration & Control Department.
2. Local Administration Department.
3. Arts & Culture Department.
4. Information Public Relation Department.
5. Land Revenue & Settlement Department.
6. Sports & Youth Services Department.
7. Taxation Department.
8. Planning & Development Department.
9. Road & Transport Department.
10. Water Transport Department.
11. Environment & Forest Conservation Department.
12. Finance & Accounts Department.
13. District School Education Board.
14. Education & Human Resources Department.
15. Co-operation Department.
16. Social Welfare Department.
17. Sericulture Department.
18. Adult Education Department.
19. Law & Judicial Department.
20. Legislative Department.
21. Agriculture Department.
22. Public Health Engineering Department.
23. Public Works Department.
24. Industry Department.
25. A.H & Vety. Department.
26. Soil & Water Conservation Department.
27. Rural Development Department.
28. Relief & Rehabilitation Department.

SECOND SCHEDULE
(SEE RULE)

1. Proposals for creation of any category of post.
2. Proposal for appointment/promotion of any category of post.
3. Proposal for sanction of advance increment/additional remuneration to any employee.
4. Proposal for making or amending rules/regulations, the recruitment and condition of services of the Chakma Autonomous District Council employees.
5. Annual Accounts.
6. Proposal for the making and amending any rules.
7. Any proposal involving any action for the dismissal, removal or suspension of any categories of employees.
8. Report of the Departmental Promotion Committee/ Selection Committee on its works and any action proposed to be taken thereto.

9. Proposal for imposition of a new tax or any change in the method of assessment or the pitch of any existing tax or land revenue of the Chakma Autonomous District Council.
10. Proposal involving the alienation either temporary or permanent, or of scale, grant or lease of any movable or immovable or the abandonment or reduction of revenue.
11. Proposals involving any major policy or practice.
12. Proposals to vary or reverse a decision previously taken by the Executive Committee.
13. Cases required by the Chief Executive Member to be brought before the Executive Committee.
14. The financial statements to be laid before the council session.

Sd/-
Chief Executive Member,
Chakma Autonomous District Council,
Kamalanagar : Mizoram