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EXTRAORDINARY

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## **NOTIFICATION**

No.C.18012/12/2002-FST, the 9<sup>th</sup> April, 2003. In exercise of the powers conferred by section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 Of 1981), the Governor of Mizoram is pleased to make the rules namely (The Mizoram Air Prevention and Control of Pollution) Rules, 2002.

The Rules shall come into force from the date of their publication in the Mizoram Gazette.

G.P. Shukla,

Secretary to the Govt. of Mizoram,  
Environment & Forest Department.

## CHAPTER – 1

### PRELIMINARY

#### 1. Short title and commencement.

- (1) These rules may be called the Mizoram Air (Prevention and Control of Pollution) Rules, 2002
- (2) They shall come into force from the date of publication in the Official Gazette

#### 2. Definitions -

In these rules, unless there is anything repugnant in the subject or context -

- (a) “The Act” means the Air (Prevention and Control of Pollution) Act, 1981;
- (b) “Board” means the Mizoram State Pollution Control Board constituted under section -4;
- (c) “Chairman” means the Chairman of the Board;
- (d) “Committee” means the committee constituted under sub-section (1) of section 11;
- (e) “Consent” means the sanction of the authority of the Board for the control of air pollution;
- (f) “Consent fee” means the fees charged by the Board for the grant of consent by the Board;
- (g) “Form” means a form set out in the rules;
- (h) “Government” or “State Government” means the State Govt. of Mizoram;
- (i) “Investment” means the amount of capital invested in the industry on capital works including land, building, machinery and equipment;
- (j) “Member” means a member of the Board;
- (k) “Member Secretary” means the Member Secretary of the Board;
- (l) “Schedule” means schedule appended to these rules;
- (m) “Section” means a section of the Act;
- (n) “State Air Laboratory” means a laboratory established as specified under sub-section (1) of section 28;
- (o) “Year” means financial year commencing on the first day of April;
- (p) Word used and not defined herein but defined in the Act shall have the meaning respectively assigned to them as in the Act.

## CHAPTER - II

### Procedure for transaction of business at the Board Meetings.

#### 3. Meeting.

- (1) The place, date and time of meeting shall be fixed by the Member Secretary with the approval of the Chairman.
- (2) A notice of each meeting indicating place, date and time of the meeting shall be sent by the Member Secretary to each member at least ten days before the date of meeting. However the Chairman may at any time call a meeting at short notice to transact any business which in his opinion is of an urgent nature.
- (3) A copy of the agenda of the meeting and where necessary, a copy of the explanatory note on the items of discussion shall be sent to each before the date fixed for meeting:

Provided that in case of a meeting for the consideration of the Budget Estimate for the ensuing financial year and the Revised Estimate for the current financial year the notice shall be accompanied by a copy of the draft estimate and by a note sufficient to explain the estimates.

- (4) No resolution of the Board passed in any meeting shall be invalid only on the ground of any defect in the service of notice or agenda of any meeting.

**4. Quorum**

One-half of the members including Chairman and Member Secretary shall form a quorum for any meeting.

**5. President of the meeting.**

The Chairman shall preside over every meeting of the Board and, in his absence the Members present in the meeting shall elect anyone among themselves to preside over the meeting.

**6. Adjourned Meeting.**

- (1) If at any meeting no quorum is present the Chairman or the Member who presides over the meeting, shall, subject-to the provision of sub-rule(2), adjourn the meeting to, such date and time as he thinks fit. At such adjourned meeting no quorum shall be necessary to transact the business of the meeting.
- (2) For an adjourned meeting not less than seven day's notice shall be given to all members including those who were absent from previous meeting fixed.

**7. Decisions to be taken by majority of notes.**

All items which come up before the meeting shall be decided by the majority of votes of the member present and each member shall have one vote. Voting by proxy shall not be permitted. The voting shall be by raising of hands.

**8. Casting vote.**

In the event of an equality of votes the Chairman or the Member Secretary presiding over the meeting shall have a Casting vote.

**9. Consideration of Additional subject.**

Nothing in these rules shall prevent any subject from being considered at the meeting although no notice of such subject has been circulated, provided the members present unanimously agree to consider that subject.

**10. Minutes of Meeting.**

- (1) The minutes of every meeting and the resolutions passed thereat and also the names of the members attended the meeting shall be recorded and record shall be kept in a minute book to be maintained for that purpose by the Member Secretary.
- (2) Copies of the minutes so recorded shall be circulated to all members before the next meeting.

**11. Confirmation of Minutes of the Meeting.**

- (1) The minutes of every meeting shall be laid before the next meeting for confirmation.
- (2) If any objection is raised by a member to the confirmation of minutes or any point thereof on any ground the president of the meeting shall in any case of doubt, put the matter to vote.
- (3) On confirmation, the minutes of the meeting shall be sent to the Government.

**12. Maintaining Order at Meeting.**

The president of the meeting shall preserve order at the meeting for the purpose of endorsing his decision.

**13. Constitution of Committees or Sub-Committees.**

- (1) The Board shall form such committees or sub-committees consisting of its members and also non-official experts or persons as may be necessary to help its efficient working or for specified purpose and periods as felt necessary.
- (2) The Chairman of such committees or sub-committees shall be a person nominated by the Board.
- (3) The purpose and nature of work that may be entrusted to the committees shall be prescribed by the Board.
- (4) The Committees shall meet as frequently as the business demands and at places and time as may be fixed by the Chairman of the committee.
- (5) For the purpose of the meeting of the committees minimum of three members including the Chairman and Member-Secretary of the committees shall form the quorum.
- (6) In the absent of quorum in earlier meeting the next meeting convened shall function even without quorum provided the Chairman and Member Secretary remain present and the decisions taken thereat shall be treated as duly taken by the Committee.
- (7) The meeting of the committee shall be conducted by its Chairman or in his absence as per Rule-5, and the decisions taken thereat shall be incorporated in the Agenda for the next meeting of the Board.
- (8) The Committee shall neither pass any resolution nor draw any minutes, but shall submit to the Board its recommendations or report pertaining to the subject for which the Committee is appointed by the Board.

**14. Sitting fee to the members.**

In attending a meeting of the Board or of a Committee of the Board, each member shall be entitled to a sitting fee of rupees two hundred for each day he attends such meeting and in a meeting of the Committee of the Board, each member shall be entitled to a sitting fee of one hundred rupees for each day he attends such meeting provided he shall not draw additional sitting fee for attending a meeting of the Committee, if he, on the Same day attends the meeting of the Board or any other Committee.

**15. Fees and allowances to members of Committee and Sub-Committees other than the Members of the Board for attending its meeting:**

The Members of the committee or a sub-committee (other than the members of the Board) shall be entitled to such fees, and allowances as are admissible to the

members of the Boards for attending the meeting of the Board or for attending to any other work assigned to them by the Board.

**16. Temporary Association of persons with the Board for particular purposes.**

- (1) The Board may associate itself with any persons, possessing special; technical knowledge or experience for advising it or attending to any work on its behalf for the purpose of efficient performance of any of its functions under the Act.
- (2) Any person so associated, who is required to attend a meeting of the board may be paid such fees and allowances as are admissible of the Board under these rules.

**17. Appointment, duties and termination of appointment of Consulting Engineer or Scientist.**

- (1) For the purpose of assisting the Board in the performance of its functions, the Board may appoint Consulting Engineer or Scientist to the Board for a specified period not exceeding six months:

Provided that the Board may extend the period of appointment for a further period of three month;

Provided further that if the services of the Consulting Engineer or Scientist considered necessary for a period of more than the period mentioned above, the Board shall seek the concurrence of the State Government for such appointment.

- (2) The Consulting Engineer or Scientist shall discharge such duties and perform such functions as are assigned to him by the Board and it will be his duty to advise the Board on all technical/scientific matters to him by the Board.
- (3) The Consulting Engineer or Scientist shall not disclose any information either given by the Board or obtained during the performance of the duties either from the Board or otherwise, to any person other than the Board without the written permission of the Board.
- (4) The Consulting Engineer or Scientist may undertake tours for the performance of the duties entrusted to him by the Board with approval of the Member Secretary and such tours would be governed by the rules of the Board.
- (5) The Board may pay the Consulting Engineer or Scientist, suitable emoluments or fees depending on the nature of work and the qualifications and experience of the Consulting Engineer or Scientist:

Provided that the Board shall not appoint any person as Consulting Engineer or scientist without the prior approval of the State Government if the emoluments or fees applicable to him exceed rupees five thousand per month.

- (6) Notwithstanding the appointment of a Consulting Engineer or Scientist for a specified period under these rules, the Board shall have the right to terminate the services of the Consulting Engineer or Scientist before the expiry of the specified period of the contracted assignment, if in the opinion of the Board the consulting Engineer or the Scientist is not discharging his duties properly or to the satisfaction of the Board or such course of action is necessary in the public interest.

## **CHAPTER - III**

### **Terms and conditions of Service and Scale of pay of the Chairman and Member Secretary**

- 18.** (1) The Chairman and the Member Secretary shall be appointed by the Governor.
- (2) The Chairman shall be given the scale of pay or a fixed pay per month and other terms and conditions of service including allowances payable to him shall be such as may be specified in his order of appointment.
- (3) The Member Secretary shall be paid a monthly salary in the Scale of Rs.10,000-325--15,200 per month. The other terms and conditions of service of Member Secretary including allowances payable to him, shall be, as far as may be, the same as are applicable to an officer of corresponding status of the State Government:

Provided that when the Chairman and/or Member Secretary is a Government Officer deputed on foreign service, the terms and conditions of pay, special pay, deputation allowance, conveyance allowance etc. shall be governed by rules and regulations of his Parent Department.

- (4) The power to grant leave to the Chairman and Member Secretary shall not vest with the State Government.
- (5) The Member Secretary shall be entitled to such leave as is admissible to Group A Officer of the Government. The Chairman shall be the authority to grant casual leave to the Member Secretary.

**19. The other terms and conditions of service of a Member of the Board other than the Chairman and Member Secretary.**

- (1) All official or non-official members of the Board when they undertake journeys in connection with meetings of the Board or Committees and Sub-Committees shall be entitled to travelling allowance and the rate of the traveling allowance shall be as follows:-
- (a) for member of the Board who is a Salaried Officer of the State Government, Central Government, a local authority or a public sector undertaking at the rates admissible to him under the travelling allowances rules governing his employment.
- (b) for non-official members of the Board at the rates as admissible to the Member Secretary to the Board

Provided that if a member of the Board is a member of Parliament or a member of the State Legislature, his travelling allowances shall be governed by the rules regulating their respective travelling allowance and daily allowance.

- (2) In case of official members, they shall not draw any travelling allowance from the Board if they draw the same for the same journeys from the Government.
- (3) (a) The Board may, at the request of a member grant him an advance against traveling allowances not exceeding 75% of the estimated amount of expenses for journey to be undertaken by him.
- (b) The amount so granted as advance shall be recoverable in full from the amount of travelling allowance payable to him.

- (4) A bill for travelling allowance, daily allowance or as the case may be, conveyance allowance claimed under this rule shall be countersigned when such allowance is claimed:
- (a) by the Chairman and Member Secretary, by the Chairman.
  - (b) by any other members, by the Chairman or the Member Secretary.

#### **CHAPTER - IV**

#### **Powers and duties of the Chairman and Member Secretary**

##### **20. Powers and duties of the Chairman.**

- (1) The Chairman shall have overall control of the functions and activities of the Board.
- (2) The Chairman may undertake tours outside the State including foreign Countries with the prior approval of the State Government.
- (3) The Chairman, on behalf of the Board shall have full powers in matters of appointment, promotion, confirmation, transfer, disciplinary proceeding and termination of services of the officers and employees of the Board.
- (4) The Chairman shall exercise all such powers as are delegated to Head of the major State Government Department. In case where powers are not specified than already delegated, the sanction of the Board shall be necessary.
- (5) Subject to overall sanctioned budget provision, the Chairman shall have full powers to approve and sanction all estimates.

##### **21. Powers and duties of the Member Secretary.**

The Member Secretary shall be subordinate to the Chairman and shall, subject to the control of the Chairman:-

- (a) be in charge of all the confidential papers of the Board, shall be responsible for preserving them;
- (b) produce such papers whenever so directed by the Chairman or by the Board;
- (c) make available to any member of the Board, for his perusal any record of the Board;
- (d) be entitled to call for the services of any officers or employees of the Board and files, papers, documents for study from any department of the Board, as also to carry out inspection of any department at any time including checking of accounts, vouchers, bills and other records and stores pertaining to the Board or regional offices thereunder;
- (e) make all arrangements for holding meeting of the Board and meetings of the Committees or Sub-Committees constituted by the Board;
- (f) sign such order or constructions which are to be issued by the Board;
- (g) authorize, sanction or pass all payments against allotments made or estimates sanctioned subject to formal delegation of withdrawal and disbursement provided therein;
- (h) write and maintain confidential reports of all Group A and Group B Officers of the Board and shall get them reviewed and accepted by the Chairman;
- (i) countersign the confidential reports of all Group C employees of the Board.
- (j) sanction the annual increments of Group A and Group B Officers of the Board after obtaining the approval of the Chairman:

Provided that the annual increment of other employees of the Board other than Group B Officers shall be sanctioned by officers authorized in this behalf by the Member Secretary;

- (k) have full powers for according technical sanction to all estimates;
- (l) exercise such other powers and perform such other function as may be delegated to him from time either by the Chairman or by the Board.

## **CHAPTER - V**

### **Creation of posts and appointment of the officers and employees.**

#### **22. Creation and abolition of post.**

The Board may create such posts as it considers necessary for the efficient performance of its functions and may abolish any post so created:

Provided that for creation of and appointment to post in the pay scale maximum of which is above Rupees 15,200/- per month, the Board shall obtain prior sanction and approval of the State Government.

#### **23. Recruitment of staff.**

- (1) Recruitment to all posts under the Board shall be made-
  - (a) by direct recruitment,
  - (b) by promotion,
  - (c) by re-employment of retired Government servant on contract service whenever found necessary.
- (2) Recruitment to all posts under the Board shall ordinarily be made subject to fulfillment of such standards as may be laid down from time to time for posts by the Board or as per standard for post of corresponding status under the State Government.

#### **24. Scale of pay, allowances, travelling allowance and daily allowance, leave, etc. of staff.**

- (1) Scale of pay for post shall be such as may be specified at time of creation of post.
- (2) The employees of the Board shall be entitled to dearness allowance, travelling allowance, house rent allowance, medical allowance and other allowances at the rate as are applicable to the Government employees in the posts carrying corresponding scales of pay.
- (3) The employees of the Board shall be governed by the leave rules applicable to Government employees.
- (4) For purpose of re-imbursment of medical expenses and grant of leave and advance etc. employees of the Board shall be governed by the rules as are applicable to Government employees.
- (5) Employees of the Board shall be governed by the same rules in respect of scale of pay etc. as are prescribed by the State Government for its employees of corresponding status unless otherwise specified by the Board at the time of creation. The Board may introduce the scheme of contributory provident fund and other schemes for the benefit of its employees with approval of the Government.



## CHAPTER - VI

### Function of the Board

#### 25. Application for consent.

- (1) An application for obtaining consent of the Board shall be made to the Board in FORM "A-I"
- (2) In the case of the existing industries the person/persons will make the application giving all particulars of his premises producing the emission within three months of the constitution of the Board. This limit may be extended by the Board from time to time according to exigencies.
- (3) In the case of improvements to the existing facilities the person/persons shall make an application for the consent of the Board which be deemed as a new application.
- (4) In the case of improvements, the person/persons shall submit the application giving the details of manufacturing process etc. indicated in the consent forms along with application and designs of emission control facilities that are to be provided.
- (5) The application forms may be obtained from the office of Mizoram State Pollution Control Board on payment of Rupees one hundred as application form fee.
- (6) The application form should be duly accompanied by the prescribed consent fees as per following schedule or as may be prescribed by the Government from time to time.

#### **Industries having an investment of -**

- |  |                 |
|--|-----------------|
| (a) Rs. 5 crores or more                           | = Rs. 15,000.00 |
| (b) Rs.1 crore or more but less than Rs. 5 crores  | = Rs. 7,500.00  |
| (c) Rs. 50 lakhs or more but less than Rs 1 crore  | = Rs. 3,500.00  |
| (d) Rs. 10 lakhs or more but less than Rs 50 lakhs | = Rs. 1,000.00  |
| (e) Rs. 1 lakh or more but less than Rs 10 lakhs   | = Rs. 500.00    |
| (f) Minimum fee                                    | = Rs. 200.00    |
- (7) On receipt of the application form by the Board, the Board may examine the proposed site or existing site and ask for any such detail which may not have been elaborated in the application form.
  - (8) The date on which complete information connected with application forms has been received by the Board shall be the date of receipt of application form for calculating the periods of 4 months for the purpose of sub-section (4) of section 21.
  - (9) The Board shall after being satisfied of examination grant the consent to the application with or without any condition in the FORM - "A-2" appended to these rules.
  - (10) The applicant shall confirm to the consent given by the Board and abide by instruction that are given in the consent.
  - (11) The applicant shall submit periodical information and other reports if so desired in the consent given by the Board.
  - (12) Where consent is given, subject to the condition of providing measures by the applicant for controlling the emission to conform to the standard, the applicant shall complete such requirements within the stipulated time.

## 26. Annual consent

- (1) The Board shall have the right to revise its decision regarding the consent.
- (2) The Board may alter, modify or include any particular conditions in the consent which has to be implemented by the applicant.
- (3) In order to maintain a clean condition of a natural environment, the Board will have the right to inspect any premises and collect samples.
- (4) The Board may also make surprise checks of premises and the applicant shall render all assistance to such officers, authorised by the Board in the performance of the inspections.
- (5) The applicant shall pay an annual consent fee to the Board as per following schedule or as may be prescribed by the Government from time to time.

### **Industries having an investment of :-**

(a) Rs. 5 'crores or more	= Rs. 5,000.00
(b) Rs. 1 crore or more but less than Rs. 5 crores	= Rs. 2,500.00
(c) Rs. 50 lakhs or more but less than Rs 1 crore	= Rs. 1,000.00
(d) Rs. 10 lakhs or more but less than Rs 50 lakhs	= Rs. 500.00
(e) Rs. 1 lakh or more but less than Rs 10 lakhs	= Rs. 250.00
(f) Minimum fee	= Rs. 100.00

- (6) With a view to keeping a constant check on the quality of emissions discharged into natural environment the Board will do continuous monitoring of samples at fixed or suitable points in the chimneys or stacks as deemed necessary. They may also make such surprise checks and inspections and the applicant shall render all assistance for such inspections.
- (7) In case of emergency when air quality of the environment suddenly deteriorates the applicant shall co-operate with the Board and if necessary close-down certain operations to prevent and control pollution in the environment as a temporary measure under orders of the Board.

## 27. Procedure for making enquiry into application for consent.

- (1) On receipt of any application for consent under section 21, the Board, as per sub-section(3) of section 21, may take any such enquiry as it may deem fit and for any such enquiry, depute any of its officers, accompanied by any assistants as may be necessary, to visit the premises of the applicant, to which such application relates, for the purpose of verifying the correctness or otherwise of the particulars furnished in the applications or for obtaining such further particulars or information as such officer may consider necessary. Such officer for that purpose inspect any place that he considers necessary.
- (2) Such officer shall before visiting any premises of the applicant for the purpose of inspection under sub-rule(1) above, give notice to the applicant of his intention to do so in FORM - B. The applicant shall accord such officer all facilities that such officer may very legitimately require for the purpose.
- (3) An officer of the Board may, for carrying out an inspection under sub-rule(1) above require that applicant to furnish to him orally or in writing such additional information or clarification, or to produce before him such

documents as he may consider necessary for the purpose of investigation of the applicant and may for the purpose summon the applicant or his authorised agent to the office of the Board.

**28. The Manner in which samples of air or emission may be taken and the Power to take sample.**

- (1) The Board or any officer empowered by it on this behalf shall have power to take for purpose of analysis samples of air from any chimney, flue or duct plant, vessel or any other sources and outlets, exhaust pipe, stationary or mobile under sub-section (1) of section 26.
- (2) The procedure used for sampling air or emission from any chimney, flue or duct plant, vessel or any other sources and outlets, exhaust pipe, stationary or mobile, the instruments used for sampling and the method of measuring air pollutants shall be such as maybe specified by the Board to suit the situation.

**29. Form of notice.**

A notice under sub-section (3) of section 26 shall be in FORM -C.

**30. Form of Report of Board's Analyst.**

When a sample of any air or emission has been sent for analysis to the laboratory established or recognised by the Board, the Board Analyst appointed under sub-section (2) of section 29 shall analyse the samples and submit to the Board a report in triplicate in FORM - D.

**31. State Air laboratory under section 28 of the Act.**

- (1) The State Air laboratory shall analyse any samples of air or emission received by it from any officer authorised by the Board for the purpose and the findings shall be recorded in triplicate.
- (2) The state government while specifying the laboratory/laboratories under sub-clause (b) of clause (1) of section 28 of the Act may inspect them in advance and shall so specify after having satisfied about their competence and sufficient of personnel and equipment and other respect. The report of such specified laboratories will be treated as strictly confidential under Official Secrets Act, 1923 and will be submitted to the Board by the analyst, details of which will not be disclosed to any other person without specific permission by the Board.

**32. Fees for report.**

The fees for such reports shall be such as may be fixed by the Government from time to time.

**33. The form of report of Government Analyst.**

When a sample of any air or emission has been sent for analysis and is received by the State Air Laboratory from any officer authorised by the Board for the purpose of analysis, the Government Analyst appointed under sub-section( 1) of section 29 shall analyse the sample and submit to the Board a report in triplicate in 'the FORM- E.

### **34. Qualification of Government Analyst or Board Analyst.**

Person possessing the following qualification are eligible for appointment as Government Analyst or as Board Analyst under sub-section (1) or sub-section(2), as the case may be, of section 29 namely :-

- (a) Master Degree in Chemistry or equivalent or Bachelor degree in Chemical Engineering or Bio-chemical Engineering;
- (b) Five years experience in Air/Water Pollution and Control or related activities alongwith experience in Laboratory analysis.
- (c) Notwithstanding anything contained in clauses (a) and (b), persons possessing Doctorate degree in Chemistry or Master Degree in Chemical Engineering or Bio-chemical Engineering and such person having evidence of published papers in the field shall prevail over those persons who has no such qualifications.

### **35. Appellate Authority.**

- (1) The (Appellate ) Authority shall consist of three well experienced persons nominated by the Government, namely :-
  - (a) One member be nominated from among Additional District Magistrates(Judicial);
  - (b) One from experienced engineer serving/retired from the rank of not less than-a Chief Engineer, or a private Engineer or Consultant of similar status and experience in respect of matters relating to the prevention and control of air pollution;
  - (c) One from serving/retired Director of Health Services with experience on health aspects of environmental pollution. Educational-Qualification of Appellate Officers:--Minimum educational qualification of appellate officers should be graduate in science with chemistry, or a graduate in engineering or medicine with a sound knowledge in public Health/Environmental Science and Technology;
  - (d) As regards the Additional District Magistrate(Judicial) this minimum qualification will not apply.
- (2) The member of Appellate Authority shall be entitled for sitting fee and traveling allowance, daily allowance as may be prescribed by the Government at the time of their nomination and appointment;

Provided that serving Government official shall be entitled for travelling allowance and daily allowance only as per rules governing his employment.

- (3) The form and the manner in which appeal may be preferred and the fees payable:
  - (a) Every appeal against any order made by the Board under the Act shall be in FORM -F.
  - (b) The fee payable for an appeal shall be Rs. 500/- only.
  - (c) Every appeal shall be filed in quadruplicate and shall be accompanied by:
    - (i) authenticated copy of the order appealed against and
    - (ii) a challan receipt for Rs,500/- only evidencing payment of fee far the appeal.
- (4) The appeal shall be prescribed either personally or by duly authorized agent or by registered post to the Appellate Authority.
- (5) On receipt of the appeal, the Appellate Authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorized agent presenting it, as the case may be.

- (6) The Appellate Authority shall as soon as may after the appeal is filed before it, fix a date for hearing of the appeal and have notice of the same to the appellant and to the Member Secretary in FORM - G. Along with the notice, copies of the appeal and its enclosures shall be forwarded to the Member Secretary.
- (7) Where the material on record is insufficient to enable the Appellate Authority to come to a decision on the appeal, the Appellate Authority may call for such further materials as may be necessary to take a decision in the matter from the persons concerned.
- (8) Whereon the date fixed for hearing or any date to which the hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal; is called for hearing, the, appeal shall be liable to be dismissed.
- (9) Where an appeal is dismissed under sub-rule(1), the appellant may, within thirty days from the dismissal of the appeal, apply to the Appellate Authority for the restoration of the appeal and if it is shown to the satisfaction of the Appellate Authority that the Appellant had not received intimation of the date of hearing of the appeal or was prevented, by any cause sufficient in the opinion of the Appeal Authority, from appearing when the appeal was called for hearing, the Appellate Authority may restore the Appeal to file and proceed with the appeal.
- (10) The order passed by the Appellate Authority on the appeal shall be in writing and shall State clearly the points before it for determination, the decision thereon, and the reasons for arriving such decision.
- (11) A copy of the order passed in appeal shall be supplied by the Appellate Authority to the appellant and to Member Secretary free of cost.

## **CHAPTER – VII**

### **FUNDS AND ACCOUNTS OF THE BOARD**

#### **36. Fund of the Board**

- (1) The Board shall have a fund to be called 'The Mizoram State Pollution Control Board Fund' to which all moneys received by the Board shall be credited.
- (2) The fund of the Board shall be operated by Member Secretary of the Board or in his absence by any officer of the Board who may be so empowered by the Board or its Chairman.

#### **37. Maintenance of Account with Banks.**

- (1) The Board shall maintain account with any nationalised Bank as it may decide.
- (2) The Account of the Board shall be operated by the Member Secretary who will sign all cheques and payments orders of any amount,
- (3) The Member Secretary shall receive all moneys paid to the Board and credit the same to the account in the Bank. He may at any time retain in his hand a sum not exceeding five thousand rupees to meet the current expenditure of urgent nature.

#### **38. Maintenance of Cash Book.**

- (1) A cash book shall be maintained by the Member Secretary in FORM H-I.
- (2) The Member Secretary shall immediately, bring into account in the cash book all money received or spent by the Board.

**39. Revised and Budget Estimate.**

- (1) In the month of August each year and not later than the 15<sup>th</sup> of the month an estimate of the receipt and of the expenditure of the Board for the ensuing year commencing on the 1<sup>st</sup> of April next and the Revised Estimates of receipt and expenditure of the Board for the current year shall be prepared by the Member Secretary in Forms H-II, H-III, H-IV and H-V and laid before the Board.
- (2) Such estimates shall make provision for the fulfilment of the liabilities of the Board and for effectively carrying out its objects shall include on its receipt side, beside all receipts ordinarily anticipated, grant likely to be made by the State Government.
- (3) The Board shall consider the estimate so submitted to it and shall forward the same to the Government with such modifications as the Board may deem fit by the 1<sup>st</sup> of October every year.

**40. Re-appropriations and emergent expenditure.**

No expenditure which is not covered by a provision in the sanctioned budget estimates or which is likely to be in excess over the amount provided under any head, shall be incurred by the Board with out provision being made, by re-appropriation from some other head under which saving are firmly established and available.

**41. Power to incur expenditure.**

The Member Secretary shall have powers to incur expenditure against allotments made in the budget estimates sanctioned by the Board and against sanctioned estimates from out of the funds of the Board subject to observance of the general financial rules of the State Government.

**42. Annual Accounts.**

The Annual Accounts of the Board shall be prepared by the Member Secretary in Forms H-VI, H-VII, H-VIII, H-IX and H-X immediately after the close of the year.

**43. Annual Audit of the Accounts.**

- (1) The Accounts of the Board shall be audited annually as soon as possible at the close of the financial year by an auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956 to be appointed by the State Government on the advise of the Comptroller and Auditor General of India.
- (2) The Member Secretary shall, at the-time of audit, cause to be produced all accounts registers, documents and subsidiary papers which may be required by the auditor for the purpose and shall also provide-facilities to the auditor for inspection of office or offices of the Board if the auditor considers such inspections necessary.
- (3) The auditor shall sent a copy of his report with an audited copy of the accounts to the State Government.
- (4) The State Government may if it so thinks makes its comments on the audited accounts and sent it to the Chairman.
- (5) On receipt of such comments, the Chairman shall place the audited accounts with comments of the State Government before the Board for consideration and shall inform the State Government the action taken by the-in the matter.

## **CHAPTER - VIII**

### **Annual Report**

**44. Submission of Annual Report.**

The Annual Report of Board under section 35 of the Act shall be prepared in FORM - I and shall be submitted to the State Government before 30th June every year.

## **CHAPTER - IX**

**45. Complaint to courts.**

Any person, who intends to make complaints under this Act of an alleged offence to the court must give-notice in writing of not less than 60 days to the Board. The Board willn make available, the relevant reports in its possession on demand of such person, provided that the Board may refuse to provide such reports where in its opinion, such action is likely to go against the public interest.