



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

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

VOL - XLVI Aizawl, Wednesday 12.7.2017 Asadha 21, S.E. 1939, Issue No. 337

NOTIFICATION

No.B.13017/44/2012-UD&PA, the 4th July, 2017. In exercise of the powers conferred by Section 352 - A of the Mizoram Municipalities Act, 2007 (Second Amendment Act, 2015) (Act No. 5 of 2015), the Governor of Mizoram is pleased to notify the Mizoram Municipal Appellate Tribunal Rules, 2017 for general information.

Dr. C. Vanlalramsanga,
Secretary to the Govt. of Mizoram,
Urban Development & Poverty Alleviation Department.

THE MIZORAM MUNICIPAL APPELLATE TRIBUNAL RULES 2017

In exercise of the power conferred by section 352-A of the Mizoram Municipalities Act, 2007, (Second Amendment Act, 2015)(Act No. 5 of 2015), the Government of Mizoram hereby makes the following Rules, namely:-

Chapter -1
Preliminary

1. Short title, extent and commencement:-

- (1) These rules may be called the “Mizoram Municipal Appellate Tribunal Rules, 2017.”
- (2) It shall have the like extent as the Principal Act.
- (3) They shall come into force from the date of their publication in the Mizoram Gazette.

2. Definitions:-

- (1) In these rules, unless the context otherwise requires:-
 - (a) ‘Act’ means the Mizoram Municipalities Act, 2007;
 - (b) ‘Appeal’ means an appeal preferred under sub-section(l) of section 352-B of the Act;
 - (c) ‘Award’ means an award passed by the Tribunal in accordance with provision under these Rules;
 - (d) ‘Bench’ means bench of Tribunal.
 - (e) ‘Chairman’ means Chairman of the Municipal Appellate Tribunal appointed under these Rules;
 - (f) ‘Member’ means member of the Municipal Appellate Tribunal appointed under these Rules;
 - (g) ‘Nodal Department’ means the Department in charge of administering municipalities in Mizoram;
 - (h) ‘Registrar’ means Registrar of the Appellate Tribunal and includes an officer of such Appellate Tribunal who is authorized by Chairman to function as Registrar.
 - (i) ‘Registry’ means Registry of the Appellate Tribunal;
 - (j) ‘Selection Committee’ means Selection Committee for appointment of Chairman and Members of Appellate Tribunal; and
 - (k) ‘Tribunal’ means the Mizoram Municipal Appellate Tribunal constituted under sub-section (1) of section 352 - A of the Act.
- (2) All other words and expressions used herein but not defined in these rules shall have the same meaning as respectively assigned in the Principal Act.

Chapter - II
Constitution of Municipal Appellate Tribunal and Benches

3. Constitution of Appellate Tribunal .- The State Government may constitute a Municipal Appellate Tribunal.

4. Composition of Tribunal and Benches thereof.-

- (1) A Municipal Appellate Tribunal shall consists of a Chairman and such other members not exceeding five in number.
- (2) The jurisdiction, power and authority of the Tribunal shall be exercised by the Benches thereof.

- (3) The Chairman may constitute one or more separate benches, each bench comprising of two or more members, one of whom shall be a Judicial Member and may transfer to any such bench any appeal for disposal or may withdraw from any such bench any appeal before it is finally disposed of.
- (4) Where a separate bench is constituted, the Judicial Member shall exercise and perform all the powers and functions of the Chairman.
- 5. Qualifications of Chairman and Member of Tribunal.-**
- (1) For appointment as a Chairman, a person shall be.-
- (a) not below the rank of Secretary to the State Government either serving or retired; or
 - (b) a serving or retired District Judge having jurisdiction in the State of Mizoram; or
 - (c) existing member of the Tribunal; and
 - (d) not more than seventy years.
- (2) For appointment of Member of Tribunal, a person shall be-
- (a) Not below the rank of Joint Secretary to the State Government.
 - (b) a District Judge or Additional District Judge having jurisdiction in the State of Mizoram as Judicial Member; and
 - (c) not below the age of fifty-five years and not more than seventy years.
- 6. Sitting of Tribunal and Benches.-**
- (1) A Bench shall hold its sitting at the State Capital or such other place or places as may be determined by the Chairman.
- (2) A Tribunal sitting at the State Capital shall be considered as Principal Bench of the Tribunal. Other benches in Cities/Districts shall be considered as Bench of a District. Separate register of appeals with distinct registration code shall be maintained as in rule 15.
- 7. Terms of Chairman and Members of the Tribunal.-**
- (1) The term of Chairman and Members of the Tribunal shall be a period of three years, which may be extendable by two years, subject to the recommendation of the Selection Committee;
- (2) Chairman and Members may be eligible for the re-appointment for another term if the Selection Committee recommends it; and
- (3) A member may, if appointed as Chairman of the Tribunal shall enjoy full term of office as a Chairman.
- 8. Selection Committee.-** There shall be a Selection Committee to recommend appointment of Chairman and Members of the Tribunal consisting of :-
- (1) Chief Minister of Mizoram;
 - (2) Opposition Leader in the Mizoram Legislative Assembly;
 - (3) Minister-in-Charge, Nodal Department; and
 - (4) Chief Secretary, Government of Mizoram.
- Provided that if there is no Opposition Leader in the Mizoram Legislative Assembly, Leader of the largest opposition shall be a Member of the Selection Committee.
- 9. Remuneration.-** The Chairman and Members of a Tribunal shall be engaged in the scale of pay determined by orders of the Government in accordance with CCS (Fixation of pay of Re-employed Pensioner) Orders, 1986.

10. Resignation and Removal.-

- (1) The Chairman or any other Member may, by notice in writing addressed to the Secretary to the Government of Nodal Department resign from office.

Provided that the Chairman or other Member shall, unless he is permitted by the Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice.

- (2) The Chairman or any other Member shall not be removed from his office except by an order made by the Governor on the ground of proved misbehavior or incapacity after an inquiry by an Inquiry Commissioner appointed by the State Government in which such Chairman or other Member has been informed of the charges made against him and given a reasonable opportunity of being heard in respect of those charges.

11. Registry of the Tribunal.- The State Government may provide the Tribunal with a Registrar and other officers and staff for discharging the powers and functions of the Tribunal.**12. Territorial Jurisdiction.-** The State Government shall specify the territorial jurisdiction of the Tribunal.**Chapter-III****Powers and Functions of the Tribunal****13. Powers and Functions .-** The Tribunal shall have the following powers and functions, namely:-

- (1) registration of appeals;
- (2) require amendment of appeals in accordance with these Rules;
- (3) grant copies of documents of the proceedings to the parties;
- (4) dispose off all matters relating to appeals under these Rules;
- (5) requisition of records from the custody of the State Government or Municipal authorities;
- (6) require attendance of any authority under the State Government and Municipalities within the State for production of documents and material evidences; and
- (7) pass an award in accordance with these Rules.

Chapter - IV**Procedure of Hearing and Disposal of Appeals****14. Filing of Appeals .-** The procedure of filing of appeals shall be as follows :-

- (1) A memorandum of appeal shall be presented in the Registry or shall be sent by registered post addressed to Registrar of the Tribunal in Form-I appended to these Rules. An appellant shall pay the requisite fee prescribed in Rule 15 either in Cash or by Demand Draft. An appeal sent by post shall be accompanied by a fee in the form of Demand draft.
- (2) A memorandum of appeal sent by post shall be deemed to have been presented on the day it is received in the Registry.
- (3) Every memorandum of appeal shall be accompanied by a certified copy of the order against which the appeal is preferred.
- (4) Every appeal shall be filed within a period of forty-five days from the date of service of copy of order and shall be accompanied by a copy of the said aggrieved order.

- (5) The medium of language used in appeal and application to the Tribunal shall be either in English or Mizo.

15. Registration of Appeals .-

(1) On receipt of an appeal, the same shall be registered in a register maintained by the Tribunal. Register of appeals shall be in Form-II appended to these Rules. The registry shall assign distinct registration number for each appeal.

(2) Distinct Registration Codes of the Districts in Mizoram shall be as follows:-

- | | | |
|-----|----------|-------------------------------------|
| (a) | Aizawl | : MAO1..... (Number) of(Year) |
| (b) | Lunglei | : MAO2..... (Number) of..... (Year) |
| (c) | Champhai | : MAO4..... (Number) of..... (Year) |
| (d) | Kolasib | : MAO5..... (Number) of..... (Year) |
| (e) | Serchhip | : MAO6..... (Number) of..... (Year) |
| (f) | Mamit | : MAO8..... (Number) of..... (Year) |

16. Fees for Appeals.- An appellant shall deposit prescribed amount of fee to the Tribunal. An appeal not supported by fee shall not be entertained. The Government may, by notification, prescribe the amount of fees.

17. Receipt for Payment of Fees.- On payment of requisite fee, an appellant shall be issued payment receipt in Form-III appended to these Rules.

18. Preliminary Hearing of Appeal.-

- (1) Notice of date and place of hearing of appeal;- The Registrar shall notify to the parties the date and place of preliminary hearing of appeal. Summon(s) shall be served to the parties concern in Form-IV appended to these Rules.
- (2) Dismissal of appeal :- The Tribunal, after considering the appeal or application and after hearing both parties, may summarily dismiss an appeal or application for reasons to be recorded in writing if the Tribunal is of the opinion that there are no sufficient grounds for proceeding therewith.

19. Examination of Witnesses and Evidences.-

- (1) If the Tribunal is of the opinion that there are sufficient grounds for proceedings therewith, the Tribunal shall issue summons for appearance of witness/witnesses and production of evidences as prescribed in Form-V appended to these Rules.
- (2) The Tribunal shall examine the parties and witness/witnesses under oath and the material evidences produced by both parties. The respondent shall submit Written Statement of Defense as prescribed in Form-VI appended to these Rules.
- (3) Oral evidences shall be recorded in a written form and documents provided shall be verified.

20. Disposal of Appeal.- After hearing and examining both the parties and the evidences adduced in the course of hearing, the Tribunal shall make decision and dispose the case. An appeal shall be disposed off within a time period of forty five days from the date of filing the appeal.

21. **Judgement of the Tribunal.-** Once the judgement has been pronounced by the Tribunal, the judgement shall be signed by the Chairman or such other Members who have taken part in the decision.

**Chapter V
Provision of Fund**

22. **Fund of the Tribunal.-** The Tribunal may be provided with funds by the Government for meeting expenses on salaries and administrative costs in the discharge of its functions. Registrar shall be designated as Head of Office under Delegation of Financial Power Rules.

23. **Revenue Receipt of the Tribunal.-** The revenue collected on account of appeals and other revenue receipts shall be deposited in an appropriate head of account of the State Government.

**Chapter VI
Miscellaneous**

24. **Power to remove difficulties.-**

(1) If any difficulty arises in giving effect to the provisions of these Rules, the State Government may, by order published in the Official Gazette make such provisions not inconsistent with the provisions of the Act and the Rules made thereunder as it appears to it to be necessary or expedient for removing the difficulty;

Provided that no order shall be made under this rule after the expiry of two years from the date of commencement of these Rules.

(2) Every order made under these Rules shall be laid, as soon as may be after it is made, before the Legislative Assembly of the State.

25. **Bar of Jurisdiction of Civil Court.-** Notwithstanding anything contained in these Rules, no Civil Courts shall entertain any appeal in any form whatsoever for adjudication of any matter relating to these Rules.

MIZORAM MUNICIPAL APPELLATE TRIBUNAL

.....BENCH

**FORM I
MEMORANDUM OF APPEAL**

[See Rule 14(1) of the Mizoram Municipal Appellate Tribunal Rules, 2017]

Name of Appellant(s)

VS

Name of Respondent(s)

1. Name of the Bench of the Appellate Tribunal
In which appeal is filed:
2. Address and Contact number of the Appellant:
3. Address and Contact number of the Respondent:
4. Details of subject matter of appeal:
5. Date of filing of an appeal:
6. Statement of facts:
7. Grounds of appeal:
8. Reliefs Claimed:

Signature of the Appellant(s)

MIZORAM MUNICIPAL APPELLATE TRIBUNAL

.....**BENCH**

FORM III

MONEY RECEIPT

[See Rule 17 of the Mizoram Municipal Appellate Tribunal Rules, 2017]

Date Receipt No.....

Received from Mr/Mrs/Miss.....

Son/Daughter/Wife of Resident of

..... a sum of Rupees.....

Only on account of Appeal before the Municipal Appellate Tribunal in respect of Registration No.....

Date:

Signature of the Authorized Officer
Municipal Appellate Tribunal

MIZORAM MUNICIPAL APPELLATE TRIBUNAL

.....**BENCH**

FORM IV

SUMMONS TO PARTIES

[See rule 18(1) of the Mizoram Municipal Appellate Tribunal Rules, 2017]

To

.....
.....
.....

Whereas Mr./Mrs./Miss.....

Son/Daughter/Wife of resident of

..... has filed an appeal/application against (Name)

.....resident of..... in the Municipal Appellate

Tribunal. You are hereby summoned to appear before the Tribunal in person to answer all material questions relating to the appeal at the place and time indicated below:

Date and time:/.....

Place :

Take notice that, in default of your appearance on the day aforementioned, the appeal will be heard and determined in your absence which will be binding upon the parties.

Given under my hand and seal of the Tribunal, this.....Day of..... 20.....

Date:

Signature of the Authorized Officer
Municipal Appellate Tribunal

Place:

MIZORAM MUNICIPAL APPELLATE TRIBUNAL

.....**BENCH**

**FORM V
SUMMONS TO WITNESS**

[See rule 19(1) of the Mizoram Municipal Appellate Tribunal Rules, 2017]

In the matter betweenAppellant(s) and
.....Respondent(s) in the Municipal Appellate Tribunal to
be heldon the day offor hearing of an
Appeal No..... of 20.....

To

Name and address of witness/witnesses:

- 1..... of
- 2..... of
- 3..... of

You are hereby informed to appear in person before the Municipal Appellate Tribunal on the
.....day of20... at (time) in the above mentioned hearing to give material evidences and
necessary documents specified.

Date and time :...../.....
Place :

Take notice that, in default of your appearance on the day aforementioned, the appeal will be heard
and determined in your absence which will be binding upon the parties.

Given under my hand and seal of the Tribunal, this.....Day of.....20.....

Date:
Place:

Signature of the Authorized Officer
Municipal Appellate Tribunal

MIZORAM MUNICIPAL APPELLATE TRIBUNAL

.....**BENCH**

FORM VI

NOTICE FOR WRITTEN STATEMENT OF DEFENCE

[See rule 19(2) of the Mizoram Municipal Appellate Tribunal Rules, 2017]

To

.....
.....
.....

Whereas Mr./Mrs./Miss
Son/Daughter/Wife of resident of
..... has filed an appeal/application against
informed/directed to submit a Written Statement of Defence on the charges registered against you in the
Appeal. Your written statement should be submitted on or before..... addressed to the
Registrar of the Tribunal.

Take notice that, in default of your submission of Written Statement, the appeal will be heard and determined
in the absence of your statement which shall be binding upon you.

Given under my hand and seal of the Tribunal, this Day of 20.....

Date:
Place:

Signature of the Authorized Officer
Municipal Appellate Tribunal