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### **NOTIFICATION**

**No.A.12018/1/2005 – FST the 30<sup>th</sup> July, 2021.** In exercise of the powers conferred by sub-section (2)(e) of Section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the Government of Mizoram is pleased to make the following rules regulating the qualifications, terms and conditions of service of the Chairman, Mizoram Pollution Control Board, namely:-

1. Short title and commencement.-
  - (1) These rules may be called the Mizoram Pollution Control Board (Qualifications, Terms and Conditions of Service of Chairman) Rules, 2021.
  - (2) They shall come into force from the date of their publication in the Official Gazette.
2. Definitions.-

In these rules, unless the context otherwise requires:-

  - (a) “State” means the State of Mizoram;
  - (b) “Government” means the Government of Mizoram;
  - (c) “Board” means the Mizoram Pollution Control Board;
  - (d) “Chairman” means the Chairman of the Board and includes acting Chairman appointed by the Government;
3. Qualifications and mode for appointment of Chairman
  - (1) An advertisement shall be published inviting applications from persons of high standing, intellectual ability and reputation possessing
    - (a) (i) Bachelor’s Degree from a recognized University; and  
(ii) A person having special knowledge or practical experience in respect of matters relating to environmental protection or a person having knowledge and experience in administering institutions dealing with the matters relating to prevention and control of water pollution and the maintaining or restoring of wholesomeness of water; or
  - (b) A person who has been a District Judge for at least 10

years with a degree in Environmental Science or Environmental Law from a recognized University; or

- (c) An Advocate who has been practising in the District Court & High Court for at least 10 years with a degree in Environmental Science or Environmental Law from a recognized University.
- (2) A Search-cum-Selection Committee with the following composition shall recommend a panel of three suitable candidates for the post of Chairman:  
 Chairman : Chief Secretary, Mizoram  
 Member : Secretary, DP&AR or his representative.  
 Member : Secretary, Environment, Forest & Climate Change Department  
 Member : Senior most IAS Officer in Mizoram Segment.
- (3) The panel recommended by the Committee may consist of persons from amongst those who have applied in response to the advertisement mentioned in sub-rule (1) above along with other eligible persons whom the Committee may consider suitable.
- (4) The State Government shall appoint anyone of the candidates recommended by the Search-cum-Selection Committee.
4. Term of office.-
- (1) The Chairman of the Board shall hold office for a term of three (3) years from the date on which he enters upon his office or until he attains the age of 65 years, whichever is earlier:  
 Provided that :
- a) the Chairman of the Board may, by writing under his hand, addressed to the Government, resign his office.
- b) a person who holds office as a Chairman of the Board shall on the expiration of his term of office, be ineligible for re-appointment to that office.
- (2) The Chairman who, on the date of his appointment to the Board, was in the service of the Central or any State Government, Corporation, University, a local body or any other body wholly or substantially owned or controlled by any State Government or Central Government, on his appointment to the Board shall be deemed to have retired from such service with effect from the date he takes over as Chairman of the Board.
- (3) If the office of the Chairman of the Board becomes vacant or if a Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed as Chairman to the vacant office has entered office thereof or, as the case may be, until the Chairman has

resumed his duties, be performed by an ex-officio Member of the Board as the Government may appoint for the purpose.

5. Removal of Chairman :-
- (1) The Chairman of the Board shall only be removed from his office by an order of the State Government on the ground of proven misbehaviour after providing an opportunity of being heard to the said Chairman in this behalf.
  - (2) Notwithstanding anything contained in sub-rule (1) above, the Government may by order remove from office the Chairman of the Board if the Chairman or such other Member, as the case may be.-
    - a) is adjudged an insolvent; or
    - b) engages during his term of office in any paid employment outside the duties of his office; or
    - c) is, in the opinion of the Government, unfit to continue in the office by reason of infirmity of mind or body.
  - (3) If the Chairman of the Board is or becomes in anyway concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefitor emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-rule (1), be deemed to be guilty of misbehaviour.
6. Salaries & Allowances
- (1) There shall be paid to the Chairman a salary equivalent to a Secretary to the Government of Mizoram along with such other allowances, at such rates as admissible to Government servants under the Government of Mizoram from time to time.
  - (2) The Chairman who at the time of his appointment as such, was in the service of or has retired from the service of the Government of India or of any State or of a local body, or of any other body wholly or substantially owned or controlled by the Government, may opt for drawing pay in the scale which he was drawing on the date of his retirement in lieu of the scale of pay prescribed as above for the Chairman. Option once exercised shall be final:  
  
Provided that the option of drawing of pay exercised by the Chairman in lieu of the scale of pay prescribed for the Chairman shall remain valid only till the period of three years from the date on which he enters upon his office or till he attains the age of 65 years, whichever is earlier.
  - (3) If the Chairman, at the time of his appointment is in receipt of a pension, has received or has become

entitled to receive any pension and other retirement benefits in respect of any previous service under the Government of India or a State Government or a University, a local body, or any other local body wholly or substantially owned or controlled by the State Government. His pay in respect of the service in the Board shall be reduced:

- a) by the amount of that pension during the service under the Board.
- b) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

EXPLANATION: For the purpose of this rule,

- i) service under any similar Mizoram Pollution Control Board shall be considered as service under the Government;
- ii) the term "University" shall include any institution for higher education wholly or substantially financed by the Central Government or any State Government or both, and deemed to be a University under Section 3 of the University Grants Commission Act, 1956.
- iii) the term "any other local body wholly or substantially owned or controlled by the State Government" shall include a Government Company as defined in the Companies Act, 1956, and any other statutory body, whether incorporated or not, in which the Central Government or any State Government or both, has a controlling interest in the share or other capital thereof, or has directly through its nominees substantial control over its working.

7. Leave admissible.-
  - (1) The Chairman, if any, may be granted Earned Leave, Half Pay Leave, Commuted Leave on Medical Ground and Extraordinary Leave.
  - (2) The admissibility of leave as specified in sub-rule (1) above shall be regulated as per the provisions of the Central Civil Service (Leave) Rules, 1972 as applicable to the employees under the Government of Mizoram.
  - (3) The power to grant or refuse leave to the Chairman of the Board and to revoke or curtail the leave granted to him shall vest in the State Government.
  - (4) The Chairman shall be paid cash equivalent of leave salary in respect of earned leave for his service in the

Board at his credit at the time of his ceasing to hold such office as a Chairman or a Member respectively.

Provided that if the Member is further appointed as Chairman, the leave at the credit of the Member, shall be carried forward and can be availed of during his tenure as the Chairman.

- (5) The payment of cash equivalent of leave salary under sub-rule (4) shall not exceed the amount of cash equivalent of leave salary for 300 days of earned leave.
- (6) The cash equivalent of leave salary admissible under sub-rule (5) shall be payable to a Chairman at the time of his ceasing to hold his office and shall be paid in one lump sum as a one-time settlement.

8. Pension and retirement benefits.-

- (1) The Chairman of the Board who, at the date of his appointment as such, was in the service of the Government of India or any State Government, shall, within a period of six months from the date of his appointment, be permitted to elect to draw his pension and other retirement benefits admissible to him under the pension rules applicable in his previous service OR elect to count his service in the Board as qualifying service for the purpose of pension under the pension rules applicable in his previous service, as the case may be.

Provided that if the Chairman has opted to count his service in the Board as qualifying service for the purpose of pension under the pension rules applicable in his previous service, his pension will be calculated based on the last pay drawn by him as the Chairman of the Board, as the case may be.

- (2) Subject to the provisions of these rules, a Chairman who, before appointment to the Board was not in the service of the Government of India or of any State or of a local body, or of any other body wholly or substantially owned or controlled by the Government, shall, on ceasing to hold office, be paid a pension at the rate of 1/40th of the last pay drawn per month for each year of qualifying service as Chairman subject to minimum nine months qualifying service. The duration of service of a person as a Chairman shall be computed in terms of completed years but if the service rendered is six months or more, an additional benefit of half year's pension shall be allowed.
- (3) No pension under these rules shall be payable to a Chairman if he has been removed from office of the Board.
- (4) Pension under these rules shall be payable to the Chairman for life.

- (5) The Chief Controller of Accounts, Accounts & Treasuries shall be authorized to settle payment of pension and other retirement benefits in respect of officers and staff of the Board.
9. Option to subscribe to Provident Fund.-  
The Chairman shall be eligible to contribute to General Provident Fund under normal rules at his request, provided that the Chairman is expected to serve in the Board for a period exceeding one year.
10. Travelling Allowance.-
- (1) The Chairman who, at the date of his appointment, was in the service of the Government of India or of a State Government or of a local body or any other body wholly or substantially owned or controlled by the State Government shall for his journey to join his appointment as such, draw travelling allowances as on transfer as per rules applicable to him in his previous service.
- (2) The Chairman who, at the date of his first appointment, is not in the service of the Government of India or any State Government, or of a local body or any other body wholly or substantially owned or controlled by the State Government shall be entitled to travelling allowances as on transfer as admissible to officer of the Government of Mizoram of his equivalent grade from the station of his normal stay.
- (3) The Chairman, while travelling on duty or on tour, shall be entitled to travelling and daily allowances at the rate admissible to officer of the Government of Mizoram of his equivalent grade.
- (4) The Chairman shall, on vacating his office, be entitled to travelling allowances as on transfer as admissible to officers of the Government of Mizoram of his equivalent grade from the station of his duty to the station of his normal stay/home town:  
Provided that no such travelling allowances shall be admissible to the Chairman if he has been removed from office.
11. House Rent Allowances.-
- (1) The Chairman shall be entitled to Government accommodation of the same category and under the same terms and conditions applicable to a Secretary to the Government of Mizoram respectively.
- (2) When a Chairman does not want to avail Government accommodation, he shall be entitled to house rent allowance at the rate and under the same terms and conditions determined by the Government for officers of equivalent grade.
12. Conditions of Service in residuary matters.-  
In respect of any matter for which provision is not made by these in rule, the conditions of service of a person serving as a Chairman of the Board or its staff

shall be governed by rules and orders for the time being applicable to such classes of Government servants under the Government of Mizoram.

13. Interpretation.- If any doubt arises about the interpretation of any of these rules, the interpretations of the Government shall be final.
14. Power to relax.- Where the Government is satisfied that the operation of these rules causes undue hardship in any particular case, he may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of the rules to such extent and subject to such exceptions and conditions as he may consider necessary for dealing with the case in a just and equitable manner.

By order and in the name of the Governor,

Liandawla,  
Secretary to the Govt. of Mizoram.