

12. कार्यकारिणी को उप विधियां बनाने की शक्ति—

कार्यकारिणी को इस अधिनियम और इस नियमावली के उपबन्धों और राज्य सरकार के अनुमोदन के अधीन रहते हुये, अपने कारबार के संचालन को विनियमित करने के लिये उप विधियां बनाने की शक्ति होगी।

13. नियमों के प्रवर्तन में कठिनाईयों का दूर किया जाना—

नियमावली के प्राविधानों के प्रवर्तन में यदि कोई कठिनाई उत्पन्न होती है तो राज्य सरकार, आदेश द्वारा, कठिनाई दूर कर सकती है जो इस नियमावली से असंगत न हो।

आज्ञा से,

उमाकान्त पंवार,
सचिव।

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification no. 310/IX/195/2008, Dated December 30, 2008 for general information:

No. 310/IX/195/2008
Dated, Dehradun, December 30, 2008

NOTIFICATION

In exercise of the powers, conferred by section 8 read with clause (k) of sub-section (2) of section 28 of the Uttarakhand Motor Vehicles Taxation Reforms Act, 2003 (Uttaranchal Act No 12 of 2003), the Governor is pleased to make the following rules:--

THE UTTARAKHAND ROAD TRANSPORT ACCIDENT RELIEF FUND RULES, 2008

1. Short Title and Commencement--

(i) These Rules may be called the Uttarakhand Road Transport Accident Relief Fund Rules, 2008.

(ii) They shall come into force at once.

2. Definitions--

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

- 'Act' means the Uttarakhand Motor Vehicles Taxation Reforms Act, 2003;
- 'Chairman' means the Chairman of the Executive Committee of the Fund;
- 'Member Secretary' means the Member Secretary of the Relief fund;
- 'Year' means a period of twelve months commencing from first April of the year;
- 'State Government' means the State Government of Uttarakhand;
- 'Rules' means the Uttarakhand Motor Vehicles Taxation Reforms Rules, 2003;
- 'Fund' means the Uttarakhand Road Transport Accident Relief Fund, constituted under sub-section (1) of section 8 of the Motor Vehicles Taxation Reforms Act, 2003;
- 'Transport Commissioner' means the Transport Commissioner, Uttarakhand;

Note--The meaning of the words and expressions, used in these rules but not defined, shall be the same as assigned to them in the Uttarakhand Motor Vehicle Taxation Reforms Act, 2003 or the Uttarakhand Motor Vehicles Taxation reforms Rules, 2003.

3. Constitution of the Fund--

The fund shall be constituted by creating an amount equivalent to twentyoneth part of the surcharge, levied under sub-section (3) of section 6 and the additional tax levied under sub-section (1) and (2) of section 6 of the Act.

4. Entitlement to Relief--

(1) The suffered passenger or any other person or heirs of such passenger or any other person, suffering in an accident involving a public service vehicle, in respect of which the payment of the additional tax under sub-section (1) and (2) of section 6 or the surcharge under sub-section (3) of the said section has been made, shall be entitled to relief.

(2) The amount of relief under sub-rule (1) in case of each accident shall be such as specified in the Schedule, substituted for the purpose of sub-rule (2) of rule 30 of the Rules.

5. Administration of the Fund--

(1) There shall be an Executive Committee of Fund, which shall manage the affairs of the Fund and discharge the functions assigned to it by or under the Act or the Rule.

(2) The Executive Committee shall efficiently discharge its functions through the staff available in the office of the Transport Commissioner. The Executive Committee shall be constituted as follows:--

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|---|------------------|
| (i) Transport Commissioner-- | Chairman |
| (ii) Additional Transport Commissioner or the officer, not below the rank of Assistant Regional Transport Officer, posted at the Headquarters, in case Additional Transport Commissioner is not available or his post is vacant-- | Member Secretary |
| (iii) Regional Transport Officer of the concerned District-- | Member |
| (iv) Assitant Regional Transport Officer of the concerned District-- | Member |
| (v) Finance Controller of the Transport Department or any officer of the department belonging to Finance Service to be nominated by him-- | Member |

6. Meeting of the Executive Committee--

One week prior notice shall be necessary for the meeting of Executive Committee, constituted under sub-rule (2) of rule 6. Under emergent circumstances, meeting may be called by the Member-Secretary with the approval of the Chairman at short notice. Three members shall form the quorum for the meeting in which presence of the Chairman and member of the Finance Service shall be necessary.

7. Maintenance of the Fund--

The fund shall be maintained in the office of the Transport Commissioner, Uttarakhand, Dehradun.

8. Finances of the Fund--

(1) There shall be established a fund under the management and control of the Executive Committee, which shall be administered in accordance with the provisions of rule 31 of the Rules.

(2) The bank draft of the donation, received form the Public Institutions, Trusts, Corporate Bodies and Central and State Governments, surcharge levied under sub-section (3) of section 6 of the Act and an amount equivalent to twentyoneth part of the additional tax levied under sub-section (1) and (2) of section 6 shall be made available to the Chairman, Uttarakhand Road Transport Accident Relief Fund by the Taxation Officer, which shall be deposited in the Accident Relief Fund or in the Savings Bank Account, opened in the main branch of the State Bank of India, by the Additional Transport Commissioner authorized by the Chairman in this behalf.

(3) The Chairman, Uttarakhand Relief Fund according to rule 31 of the Rules, on receiving the recommendation of the concerned District Magistrate, shall sanction the amount of relief from

such Fund and shall make it available to the District Magistrate through Bank Draft, who shall disburse the amount among the persons entitled to relief. The interest accrued in the bank account shall be deemed to be the part of the said fund. Accordingly, the principal amount and its interest shall be utilized for the purposes, mentioned in rule 5 and 10 of the Rules.

9. Audit--

The Executive Committee shall appoint an Auditor for annual audit of the accounts of the Fund and fix his honorarium to be paid out of the Fund. The Auditor shall submit his report to the Executive Committee and forward a copy of the same to the State Government, which may issue directions on it as it may deem fit and the Executive Committee shall follow such directions.

10. Report--

The Executive Committee shall annually submit to the State Government a report on the administration of the affairs of the Fund by such time as the State Government may prescribe.

11. Power of the State Government to call for the Accounts and Information--

The State Government shall have the power to call for such information and accounts which in its opinion are necessary, for its reasonable satisfaction and the Executive Committee shall submit the accounts and information to the State Government, whenever required.

12. Power of the Executive Committee to make Byelaws--

Subject to the provisions of this Act, these Rules and approval of the State Government, the Executive Committee shall have the power to make byelaws for regularization of the conduct of its business.

13. Power to remove difficulties in enforcing the rules--

If any difficulty arises in enforcing the provisions of these Rules, the State Government may remove the difficulty by order, not inconsistent with these rules.

By Order,

UMAKANT PANWAR,
Secretary.