

## **PUNJAB STATE ROAD SAFETY COUNCIL RULES 2008**

### **1. Definitions:**

In these Rules unless the context otherwise requires, the following words shall have the meanings assigned to them namely:-

- a) The 'Council' shall mean the THE PUNJAB STATE ROAD SAFETY COUNCIL;
- b) The 'Chairman' shall mean the Chairman of the Council;
- c) The Executive Committee means the Executive Committee constituted by the Government under Notification No.14/7/2003-272/568 dated 18.01.2008 and as may be re-constituted by the Council under rule 6 of these Rules;
- d) The "President" shall means the President of the Executive Committee.
- e) The 'Secretary' means the Secretary of the Executive Committee appointed under Article 6.4 of these rules.

### **2. Use of Council Funds:**

The income and property of the Council howsoever and from wherever derived shall be applied solely towards the promotion of the objects of the Council.

Provided that nothing herein contained shall prevent the payment, in good faith, of proper remuneration to any person for any services rendered to the Council or for travelling, halting or other similar charges, nor prevent the payment of interest on money borrowed or of reasonable and proper rent for premises let out by any such persons as aforesaid.

### **3. Chief Executive Officer:**

The Chief Executive Officer (CEO) will be an officer of the Punjab Government, not below the rank of Additional Secretary in the State Government. He will ensure implementation of the decisions of the Council and of the Executive Committee in accordance with the Memorandum and Rules and bye-laws of the Council. The CEO shall perform all such duties and functions which may be assigned to him by the Council/ its Executive Committee. The CEO will have a Secretariat and other office infrastructure to assist him in the performance of duties and functions entrusted to him by the Council/ its Executive Committee. The Secretariat may recruit staff either directly or by deputation from the State Government on terms and conditions to be determined by the Executive Committee.

#### **4. Meeting of the Council:**

The Council may meet as often as necessary and in any event not less than once in each year. The meetings will be convened by the Chairman.

- 4.1 The quorum for a meeting of the Council shall be one third of the total strength of members after deducting there from the number of members, if any, whose places may be vacant at the time.
- 4.2 Decisions at the meetings shall normally be taken by consensus. If, in any case it becomes necessary to put any issue for voting by the members, then the decision shall be taken by majority.
- 4.3 The Council may prescribe rules for the conduct of meetings and proceedings.
- 4.4 The Council shall function notwithstanding any vacancy amongst its members or any defects in its constitution. No net or proceedings of the Council shall be invalid or called in question in any manner whatsoever by reason solely of the existence of any vacancy or any defects in its constitution.

#### **5. Council Funds:**

All funds by way of gifts, donations, contributions, cess, grants, accident relief fund and all other incomes of the Council and investments of any kind whatsoever into which the same or any part thereof may be converted or varied from time to time and such as may be acquired by the members or come to their hands by virtues of These Presents or by operation of levy or otherwise howsoever in relation to These Presents (herein referred to as "Council Funds") shall vest in the Council.

- 5.1 The Council shall open and maintain in the name of the "Punjab Road Safety Council" a banking account or accounts, in such bank or banks as may from time to time be determined and shall forthwith pay or cause to be paid the rents, income, profits, dividends and all other moneys and income forming part of the Council Funds to the credit of any such account or accounts. Such account or accounts shall be operated upon according to such procedure and manner as may from time to time be authorized by a resolution of the Executive Committee.

#### **6. Executive Committee:**

There shall be an Executive Committee for carrying on the management and administration of the COUNCIL having such powers and functions as are necessary for the purpose from time to time including power

to spend money out of the Council Funds as may be required for the management and administration of the Council.

- 6.1 The Executive Committee shall consist of not less than 5 and not more than 7 Members nominated by the Government/ Council.
- 6.2 The Terms of office of the Members of the Executive Committee shall be three years.
- 6.3 The Minister for Transport shall be the President of the Executive Committee.
- 6.4 The first CEO of the Executive Committee shall be Principal Secretary Transport, Punjab. The CEO shall also function as the Secretary of the Executive Committee.
- 6.5 Notwithstanding anything contained in this rule, the first Executive Committee for the time being, of These Presents shall be as notified by the Government of Punjab.
- 6.6 The Executive Committee shall function notwithstanding any vacancy amongst its members or any defects in its constitution. No act or proceeding of the Executive Committee shall be invalid or called in question in any manner whatsoever, by reason solely of the existence of any vacancy amongst its members or any defect in its constitution.

## **7. Powers And Functions Of The Executive Committee:**

Subject to the provisions of these Presents and subject to such directions as may be given by the Council from time to time, the Executive Committee shall hold full responsibility for the management and administration of the COUNCIL and shall do all such acts, deeds and things as are necessary for the purpose. Without prejudice to the generally of the foregoing, the Executive Committee shall have the authority:

- (a) To prepare and execute specific plans and programmes from time to time for the furtherance of the objects of the COUNCIL and for its efficient management and administration;
- (b) To prepare on cause to prepare the annual budget of income and expenditure;
- (c) To appoint with or without remuneration and on such terms and conditions. If any think proper any committee or persons or agents to function on temporary or regular basis under the control supervision and direction of the Executive Committee for execution of the plans, programmes and activities of the COUNCIL and may within the limits of their own powers vest

them with all such powers including power to incur all such expenditure as may be necessary for the purpose;

- (d) To sue and defend all legal proceedings on behalf of the COUNCIL and to settle, compromise or compound in or out of court, all suits, actions and others proceedings whatsoever;
- (e) To adjust or settle all accounts relating to the Council funds and do all act deeds and things (including appointment of auditors) necessary therefore;
- (f) To purchase, hire, take on lease and construct properties for the purpose of carrying out the business of the Council;
- (g) Subject to the prior approval of the Council, to borrow moneys, to raise loans in the open market or otherwise, on such terms and conditions as may be deemed fit and for the purpose enter into agreements, assurances and other deeds in relation thereto for giving security for such loans and interest thereon;
- (h) To maintain any immovable properties for the time being forming part of the COUNCIL in such manner as it shall think fit including improvements, repairs or alterations thereof and to grant to renew leases of any description in respect of such properties;
- (i) To sell assign or otherwise dispose of any movable or immovable property for the time being forming part of the COUNCIL;
- (j) To frame Rules and Regulations and By-laws for the efficient administration and management of the Council;
- (k) To enter into legal and other agreements or contracts on behalf of the Council for carrying out the objects of the Council;
- (l) To prescribe the salaries, allowances, remuneration and rules thereof applicable to the different categories and grades of employees of the COUNCIL from time to time;
- (m) To authorize the Chief Executive Officer to issue general or specific orders or regulating functioning of the COUNCIL and its offices, consistent with the Rules, Regulations, By-laws and decisions of the Executive Committee;
- (n) To do all lawful acts, deeds and things as are incidental, ancillary and conducive to the objects of the Trust.

## **8. Executive Committee Meetings:**

The Executive Committee shall meet as often as necessary. The Executive Committee shall frame its own Regulations for the conduct of its proceedings and such Regulations may be amended, altered or revised from time to time as may be deemed expedient provided that the regulations so framed not be inconsistent with any provisions herein contained or with any rules, regulations, resolutions or directions of the Council.

## **9. Executive Committee To Submit Reports:**

All important decisions taken by the Executive Committee shall, from time to time, be reported by the Secretary at the ensuing meeting of the Council.

- 9.1 The Executive Committee shall prepare or cause to be prepared through the Chief Executive Officer. Annual Report and Accounts of the COUNCIL for each financial year from 1<sup>st</sup> April of the year to 31<sup>st</sup> March of the ensuing year, audited by properly qualified auditors, being a chartered accountant within the meaning of the Chartered Accountants Act, 1949 (Act No. 38 of 1949) and submit the same for approval and adoption by the Council. The approved Annual Report and audited Accounts shall be distributed to all the existing members of the COUNCIL and shall be submitted to the Government of Punjab with the required number of copies thereof;

## **10. Allowances To Trustees:**

The Trustees as well as members of the Executive Committee are entitled to be paid or reimbursed out of the Council Funds, all expenses as may be incurred by them or on their behalf, in the execution of affairs of the Council.

## **11. Power And Functions Of The Chief Executive Officer:**

The Chief Executive Officer shall implement or cause to be implemented, the decisions of the Executive Committee. The officers and staff of the Secretariat shall be under the day to day administrative control, supervision and direction of the CEO. The CEO shall exercise all such powers and authority for the purpose of executing the decisions of the Council/ its Executive Committee and also for the conduct and management of the offices of the Council provided that the exercise of such powers and authority shall not be inconsistent with or in violation of the rules, regulations, directions or orders, as may be laid down or issued by the Council and the Executive Committee from time to time.

## **12. Amendment Of Memorandum Of Association:**

The objects and other terms of this Memorandum may be amended, altered or modified by a majority of 2/3rd members of the COUNCIL present and voting at a meeting specially convened by the Chairman

for the purpose. Such amendments, alterations or modifications shall come into effect only with the prior written approval of the Government of Punjab.

**13. Dissolution:**

In the event of the dissolution of the Council, all the movable and immovable properties of the Council shall revert to the Government of Punjab.

**14. Jurisdiction Of Courts :**

The competent courts in the district of Mohali/ Chandigarh shall have exclusive jurisdiction to decide any question regarding the interpretation and construction of this Memorandum or administration of the Council and the related matters. In the event of such courts having any claim or dispute against or by the Council or any other matters connected therewith the competent courts in the district of Mohali/ Chandigarh shall have jurisdiction to entertain, try and determine such claim or dispute to the exclusion of any other court or courts.