



The Punjab Roads and Bridges Development Board Act, 1998

Act 22 of 1998

Keyword(s):

Board, Bridge, Fund, Plan Road, National Highway

Amendment appended: 3 of 2006

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

□

PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS,
PUNJAB
Notification
The 27th July, 1998

No. 27-Leg/98 – The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 21st July, 1998 and is hereby published for general information: -

THE PUNJAB ROADS AND BRIDGES DEVELOPMENT

BOARD ACT, 1998

(Punjab Act. No. 22 of 1998)

AN
ACT

To provide for the establishment of the Punjab Roads and Bridges Development Board with a view to improve the quality of Roads and Bridges infrastructure in the State of Punjab.

But it include by the Legislature of the State of Punjab in the Forty-ninth Year of the Republic of India as follows: -

1. (1) This act may be called the Punjab Roads and Bridges Development Board Act, 1998.

Short title and commencement

- (2) It shall come into force at once.

2. In this Act, unless there is anything repugnant to the context: -

definition

- (a) “Board” means the Punjab Roads and Bridges Development Board established under section 3;
- (b) “bridge” means a permanent or temporary bridge on a plan road and shall include such other permanent or temporary bridges or Ferry services as may, from time to time, be undertaken for construction or improvement by the Government;
- (c) “Fund” means the Punjab Roads and Bridges Development Board Fund constituted under section 7;
- (d) “Government” means the Government of Punjab I the Department of Public Works (Building and Roads);
- (e) “National Highway” means a National Highway specified in the Schedule appended to the National Highways Act, 1956 (Central Act No. 48 of 1956);
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “plan road” means a road or part of a road other than a National Highway or a link road and shall include such other road or part of a road, as may from time to time be undertaken for construction or improvement by the Government;

(h) “regulation” means regulations made by the Board under this Act;and

(i) “section” means section of this Act.

- (3) (1) The Government may, by notification, for exercising the power conferred on and performing the functions and duties assigned to the Board by or under this Act establish the Punjab Roads and Bridges Development Board.

Establishment of Board, its constitution power and duties

(2) The Board established in terms of sub-section (1), shall consist of a Chairman, Vice-Chairman and the following other members, namely: -

(i)	Chief Minister, Punjab	Chairman
(ii)	Minister Public Works (B & R)	Vice-Chairman
(iii)	Chief Secretary	Member
(iv)	Secretary Excise and Taxation	Member
(v)	Secretary Finance	Member
(vi)	Secretary Planning	Member
(vii)	Secretary Transport	Member
(viii)	Secretary Public Works (B&R)	Member Secretary
		and
(ix)	Chief Engineer of Public Works (Incharge of Roads and Bridges)	Member

(3) The Board constituted in terms of sub-section (2), shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act to acquire, borrow and raise commercial loans and hold property and shall be the said name, sue and be sued.

(4) The Government shall exercise general superintendence and control over the Board and its employees and may call for such information, as it may deem necessary.

(5) Subject to the rules made under this Act, an estimate of annual income and expenditure of the Board for the ensuing Financial Year shall be got prepared by the Member-Secretary of the Board and shall be submitted to the Board for approval.

(6) An annual statement of income and expenditure of the Board shall be got prepared by the Member-Secretary and after obtaining approval of the Board; the same shall be set to the Government within a period of three months from the date of the Financial Year.

4. The accounts of the Funds constituted under the sub-section (1) of section 7, shall be audited by the Local Fund Examiner, Punjab.

Audit

5. (1) The Board may with the approval of the Government, create such posts and appoint such officers and other employees thereon, as it may consider necessary for the efficient discharge of its functions.

Officers and employees of the Board

(2) The conditions of service of officers and other employees referred to in sub-section (1), and their functions and duties shall be such as may be regulated by the regulations made by the Board.

6. (1) Notwithstanding any provision to the contrary contained in any other law for the time being in force and subject to the rules made under this Act, there shall be levied for the purposes of this Act, a fee at a rate not exceeding the per cent to be notified by the Government on the duty leviable under the Punjab Excise Act, 1914, and the taxes leviable under the Punjab General Sales Tax Act, 1948 and the Punjab Motor Vehicles Taxation Act, 1924.

Levy and collection of fee

(2) The fee levied under sub-section (1), shall be collected by the Department concerned in the prescribed manner.

(3) The proceeds of the fee levied under sub-section (1), shall be transferred by the Department concerned directly to the Fund.

(4) The arrears of fee levied under sub-section (1), shall be recoverable as arrears of land revenue.

7. (1) There shall be constituted a Fund to be called the Punjab Roads and Bridges Development Fund, which shall vest in the Board established under section 3.

Constituting of Funds

(2) The Fund constituted under sub-section (1), shall be administered by the Member-Secretary of the Board under the superintending and control of the Board. The Fund shall have the following contribution, namely: -

- (i) the amount of fee levied and collected under section 6;
- (ii) an annual grant of one hundred crores of rupees from the State Government with an annual increase of ten percent every year ;
- (iii) the income accrued to the Department of Public Works (B & R) from various uses of land belonging to it;
- (iv) all type of toll taxes collected by the Department of Public works (B & R);
- (v) all funds deposited by the Punjab Rural Development Board, the Punjab Mandi Board, Market Committees, Municipal Corporation, Municipal Council, Nagar Panchayats, Gram Panchayats, Panchayat Samitis and Zila Parishad.
- (vi) all contributions received from the Government of India like Central Roads Funds, Railway safety Funds from the Scheme for Economic and Inter-State importance Projects, Special Area Assistance Scheme or any other Scheme approved by the Government of India for Roads and Bridges infrastructure State of Punjab;
- (vii) additional income to the Department of Public Works (B&R) from road side advertisement, petrol pumps and weigh bridges leases including any other miscellaneous receipt after the commencement of this Act;
- (viii) donation and private contributions ; and
- (ix) any other funds, which the State Government may subsequently decide to contribute to the funds.

8. The Fund shall be applied on Plan Roads for the purposes specified as under:-

- i construction of new roads ;
- ii improvements like raising, widening and strengthening of the existing roads ;
- iii replacements of old and unsafe bridges ;
- iv construction of new bridges ;
- v repair and maintenance of roads ; and
- vi any other purpose to the improvement of roads and bridges infrastructure as may be considered necessary by the Board.

Purpose for which the funds may be applied

9. No Suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government of the Board in respect of anything, which is in good faith done or intending to be done in purpose of this Act, rules and regulations made or any order issued thereunder.

Protection of action taken in good faith

10. (1) The Government may, by notification, make rules for carrying out the purpose of this Act.
(2) Without prejudice to the generality of the foregoing power such rules may provide for: -

Power to make rules

- (a) The preparation and submission for sanction of an estimate of annual income and expenditure under sub-section(5) of section3;
- (b) The manner in which the fee shall be collected under sub-section (2) of section 6 ; and
- (c) any other matter which has to be or may be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is before the House of State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive session and if, before the expiry of the session in which it is so laid or the successive session as aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall; thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

11. (1) The Board may from time to time with the previous approval of the Government, make regulations not inconsistent with this Act and rules made thereunder for the purpose of giving effect to the previous of this Act.

Power to make regulations

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for :-

- (a) transacting business at the meeting of the Board, and
- (b) the conditions of service of the officers and other employees of the Board and their functions and duties under sub-section (2) of section 5.

12. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order make such provision including any adaptation or

Power to remove differences

modification of any provision of this Act, as appears to the Government to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

- 13 (1) The Punjab Roads and Bridges Development Board Ordinance 1998 (Punjab Ordinance No. 5 of 1998), is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.

Repeat and Saving

S.S. GREWAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification

The 6th February, 2006

No. 3-Leg./2006.—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 9th January, 2006, and is hereby published for general information :—

**THE PUNJAB ROADS AND BRIDGES DEVELOPMENT BOARD
(AMENDMENT) ACT, 2005
(Punjab Act No. 3 of 2006)**

AN

ACT

further to amend the Punjab Roads and Bridges Development Board Act, 1998.

BE it enacted by the Legislature of the State of Punjab in the Fifty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Roads and Bridges Development Board (Amendment) Act, 2005.

Short title and commencement.

(2) It shall come into force at once.

2. In the Punjab Roads and Bridges Development Board Act, 1998 (hereinafter referred to as the principal Act), in section 2,—

Amendment of section 2 of Punjab Act No. 22 of 1998.

(a) for clause (b), the following clauses shall be substituted, namely :—

“(b) ‘bridge’ means a permanent or temporary bridge on a plan road and shall include such other permanent or temporary bridges or road overbridges or road underbridges or ferry services, as may from time to time be undertaken for construction or improvement by the Government ;

(bb) ‘concession’ includes any right or interest granted to a concessionaire in relation to any aspect of an infrastructure project, as well as any subsidy, subvention, grant or other similar financial incentive granted by the State Government to secure the viability and commercial efficacy of infrastructure project;”;

(b) after clause (d), the following clauses shall be inserted, namely :—

“(dd) ‘heritage building’ means a building declared as such by the State Government ;

(ddd) ‘infrastructure project’ means the construction or development or maintenance of any road or bypass or bridge or road overbridge or road underbridge or heritage building;”;

- (c) in clause (h), the word "and" shall be omitted; and
- (d) in clause (i), for the sign ".", the sign ";" shall be substituted and thereafter, the following clauses shall be added namely :—
 - (j) "State" means the State of Punjab ; and
 - (k) the words and expressions used, but not defined in this Act, shall have the same meaning as assigned to them under the Punjab Mechanical Vehicles (Bridges and Roads Tolls) Act, 1998 (Punjab Act 13 of 1998)."

3. In the principal Act, in section 3,—

Amendment of
section 3 of Punjab
Act No. 22 of
1998.

(A) in sub-section (2),—

- (i) in clause (viii), the word "and" shall be omitted ; and
- (ii) after clause (ix), the following clauses shall be added, namely :—
 - (x) two expert, who have knowledge and standing in the field of highway engineering or traffic management, to be nominated by the Chairman ; and ..Members
 - (xi) two expert, who have knowledge and standing in the field of infrastructure development, banking, financing or economics to be nominated by the Chairman." ; and ..Members

(B) after sub-section (6), the following sub-sections shall be added, namely :—

"(7) There shall be an Executive Committee of the Board, which shall consist of a Chairman and the following other members, namely :—

- (i) Minister for Public Works, (B&R), Punjab .. Chairman
- (ii) the Chief Secretary to Government of Punjab .. Member
- (iii) the Principal Secretary to Government of Punjab, Department of Finance .. Member
- (iv) the Principal Secretary to the Chief Minister, Punjab .. Member

- (v) the Secretary to Government of Punjab, .. Member
Department of Planning ; and
- (vi) the Secretary to Government of Punjab, .. Member-
Department of Public Works Secretary
- (vii) two members of the Board, to be nominated .. Members
by the Chairman.

(8) The Executive Committee shall exercise such powers and perform such functions, as may be delegated to it by the Board.

(9) The Board may, constitute other committees to exercise such powers and perform such functions, as it may provide by regulations.”

4. In the Principal Act, after section 3, the following section shall be inserted, namely :—

Insertion of new
section 3-A in
Punjab Act 22 of
1998.

“3-A. In addition to the powers and duties mentioned in section 3,
Additional powers and functions of the Board. the Board shall exercise the powers and perform the following functions and duties as mentioned below :—

- (a) to aid and advise the Government in formulation and implementation of policies, schemes, projects and programmes for improving the quality of road network and bridges in the State ;
- (b) to promote efficiency and cost effectiveness in development, constuction, repair, renovation, rehabilitation, improvement, expansion, alteration, replacement, operation and maintenance of roads and bridges in the State ;
- (c) to promote private participation and public private partnership in the infrastructure projects including heritage buildings ;
- (d) to undertake on its own or on behalf of the Government, the infrastructure projects, including heritage buildings with private participation on build operate and transfer basis or any other basis as may be agreed upon between the parties with the approval of the Government and for this purpose to award or grant any rights, privileges, financial incentives, benefits, leases or concessions, as the case may be, subject, however, to the condition that such award or grant shall be made on the basis of the competitive bidding or any other method, which the Government may, by order, specify ;

- (e) to determine the terms and conditions of concessions, loans and contractual arrangements including preparation of all the necessary documents, bids, tender documents, concession Agreements and other contracts including various contractual arrangements with the advice or assistance of internal or external consultants ;
- (f) to acquire, hold, develop or construct any property, moveable or immovable and to licence, lease, exchange, sell or otherwise permit the use of any such property for any infrastructure projects undertaken by the Board on its own or on behalf of State Government with private participation on the basis of any models of contract specified in Schedule II of the Punjab Infrastructure (Development and Regulation) Act, 2002 or on any such other basis, as the Government, may, by order, specify ;
- (g) to undertake restoration, upkeep, maintenance and operation of any heritage building, entrusted to it by the Government ;
- (h) to undertake any other work or function, assigned to it by the Government in furtherance of the objectives of this Act ; and
- (i) to perform functions and to do actions incidental or consequential or which are more effectual in the discharge of functions and duties and in the exercise of powers, conferred under this Act.”.

5. In the principal Act, in section 7, in sub-section (2), in clause (iii) for the words “belonging to it”, the words “belonging to it or the land, which has been entrusted to it by the State Government for any public purpose” shall be substituted.

Amendment of
section 7 of Punjab
Act 22 of 1998.

6. In the principal Act, in section 11, in sub-section (2), for clauses (a) and (b), the following clauses shall be substituted, namely :—

Amendment of
section 11 of
Punjab
Act 22 of
1998.

“(a) transacting business at the meetings of the Board ;

(b) the conditions of service of the officers and other employees of the Board and their functions and duties under sub-section (2) of section 5; and

(c) the exercise of powers and performance of functions of the committees, constituted under sub-section (9) of section 3.”.

7. (1) The Punjab Roads and Bridges Development Board (Amendment) Ordinance, 2005 (Punjab Ordinance No. 13 of 2005), is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

H. S. BHALLA,

Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.