

Punjab Infrastructure Development (General) Rules, 1998

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Rule

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Punjab Infrastructure Development (General) Rules, 1998Published vide Punjab Government Notification No. G.S.R. 80/P.O.7/98/Section 3/98, dated 10th November 1998Government of Punjab Department of FinanceNo. G.S.R.80/P.O.7/98/Section 3/98. - In exercise of the powers conferred by section 9 read with section 3 of the Punjab Infrastructure Development Ordinance, 1998 (Punjab Ordinance No. 7 of 1998) the Governor of Punjab is pleased to make the following rules, namely :-

1. Short title and commencement.

(1)These rules may be called the Punjab Infrastructure Development (General) Rules, 1998.(2)These rules shall come into force on and with effect from the date of their publication in the official gazette.

2. Definitions.

- In these rules, unless the context otherwise requires :- (a)"Chairman" means the Chairman of the Board;(b)"Ordinance" means the Punjab Infrastructure Development Ordinance, 1998; and(c)"Vice-Chairman" means the Vice-Chairman of the Board.The words and expression used in these rules but not defined, shall have the same meaning as assigned to them in the Ordinance.

3. Establishment of the Board.

(1)There shall be a Board to be called the Punjab Infrastructure Development Board for

development of infrastructure in the State of Punjab.(2)[The Board, established in terms of sub-rule (1), shall consist of a Chairman, Vice-Chairman and the following other members, namely :-

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| (1) Chief Minister, Punjab | .. Chairman |
| (2) Finance Minister, Punjab | .. Vice-Chairman |
| (3) Minister of Housing and Urban Development | .. Member |
| (4) Minister of Power | .. Member |
| (5) Minister for Public Works | .. Member |
| (6) Minister for Industries | .. Member |
| (7) Chief Secretary | .. Member |
| (8) Secretary | Department of Public Works |
| (9) Secretary Planning | .. Member |
| (10) Principal Secretary, Finance | .. Member-Secretary |
| (11) Managing Director | .. Members |
| (12) Three technical experts to be nominated by the Government | .. Members" ; and] |

[Substituted vide Punjab Government Gazette No. G.S.R. 46/P.A.1/99/Sections 9 and 3/Amendment (1)/2000.](3)The Board established in terms of sub-rule (2) shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of this Ordinance, acquire, borrow and raise commercial loans and hold property and shall by 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)The Board shall have its headquarter at Chandigarh.(6)[The Government shall constitute an Executive Committee; of the Board, comprising of the following :-

1. Chief Secretary to the Government of Punjab ;

2. Principal Secretary/Secretary to Government of Punjab, Department of Finance ;

3. Principal Secretary to Chief Minister ;

4. Principal Secretary/Secretary to Government of Punjab, Department of Planning ;

5. Principal Secretary/Secretary to Government of Punjab, Department of Industries and Commerce ;

6. Managing Director of Punjab Infrastructure Development Board (Convenor);

7. Administrative Secretary of the concerned Department (if any project is being considered).

8. Chief Engineer, Public Works Department (Buildings and Roads), Special Invitee for the projects pertaining to Roads and Bridges sector.]

4. Functions and Powers of the Board.

(1)The Board shall be the apex body in the State for overall planning for infrastructure development in the State. It will carry out in depth analysis of the existing infrastructure to identify infrastructure bottlenecks against faster growth, identify a shelf of infrastructure project, prioritising and sequencing of such projects in the State.(2)The Board shall attract private investment in infrastructure sectors in view of the limited financial resources of the state and lay down the policies for the purposes.(3)The Board will ensure to state Government's approach and policy in various infrastructure sectors like,(i)Power;(ii)Information Technology;(iii)Transportation - Roads including road transport, railways, airways and water transport;(iv)Ports and port handling facilities, warehousing and containerisation;(v)Water supply and sewerage disposal and treatment, urban roads, street lighting, solid waste management, parks and urban mass transit systems;(vi)Industrial parks and Modern Industrial Townships; and(vii)Irrigation and other Agricultural Infrastructure; and(viii)Any other Infrastructure area to be decided by the Board.(4)For meaningful participation of private sector in infrastructure projects, the Board shall formulate clear and transparent policies to ensure that project risks are clearly demarcated and allotted to different stake holders. It will formulate policy guidelines to identify explicit concessions which will be offered to such project developers so that the projects may become economically viable.(5)The Board shall help set-up transparent regulatory framework in different infrastructure sectors so that Build-operate and Transfer like projects are easier to negotiate and implement. This will include policy governing user charges from those using various infrastructure facilities created with the help of private sector.(6)The Board shall take significant equity position in projects to crowd in commercial equity and debt and once the projects become viable, disinvest and reinvest in new projects in the nature of venture capital.(7)The Board shall help the Government in managing and administering the Infrastructure Fund to be constituted by the Government.(8)The Board shall create Special Purpose Vehicles (SPV's) to be used for funding infrastructure projects.(9)The Board shall decide policy and various matters relating to the involvement of Public Sector Undertakings like Punjab State Industrial Development Corporation, Punjab Small Industries and Export Corporation, Punjab Agro-Industries, Corporation, Punjab State Cooperative Supply and Marketing Federation, Punjab Financial Corporation, Punjab State Warehousing Corporation, Punjab Mandi Board and Punjab Energy Development Agency etc. in infrastructure projects to be implemented through private investment.(10)The Board shall create a Punjab Infrastructure Initiative Fund to carry out pre-feasibility reports on commercially viable infrastructure projects. The Punjab Infrastructure Initiative Fund may have contributions from the Punjab Infrastructure Fund,

Budgetary resources from State Public Undertakings and multilateral lending agencies and Financial Institutions.(11)The Board shall also decide about the question of ownership, sharing of income, maintenance and ultimately transfer to the State all infrastructure facilities created.(12)The Board shall establish linkages with national and international financial and lending institutions and obtain their cooperation in the field of infrastructure development.

5. Finance, Accounts and Audit.

(1)Subject to the rules made under this Ordinance 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 its approval.(2)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 sent to the Government within a period of three months from the date of the closure of the Financial Year.(3)The Board may make such regulations as it may deem fit for custody and delineating the procedures with regard to borrowing, investment and operation of the fund.

6. Officers and Employees of the Board.

(1)The Board shall have a [Managing Director or Joint Managing Director] [Substituted for the words 'Chief Executive Officer' by Punjab Government Gazette No. G.S.R. 46/P.A.1/99/Sections 9 and 3/Amendment (1)/2000, dated 25.5.2000.] to be appointed by the Government to assist the Board in its day to day functioning and shall be under the administrative control of the [Chairman or Vice Chairman] [Substituted for the words 'Member Secretary' vide Punjab Government Gazette No. G.S.R. 46/P.A.1/99/Sections 9 and 3/Amendment (1)/2000, dated 25.5.2000.].(2)The Board may, with the approval of the Government create such other posts and appoint such officers and other employees thereon, as it may consider necessary for the efficient discharge of its functions.(3)The conditions of service of officers and other employees referred to in sub-rules (1) and (2) and their functions and duties shall be such, as may be regulated by the regulations made by the Board.(4)The [Managing Director or Joint Managing Director] [Substituted for the words 'Chief Executive Officer' by Punjab Government Gazette No. G.S.R. 46/P.A.1/99/Sections 9 and 3/Amendment (1)/2000, dated 25.5.2000.] shall exercise general powers of supervision over all other employees of the Board.

7. General.

- All contracts and agreements on behalf of the Board shall be signed by the [Managing Director or Joint Managing Director] [Substituted for the words 'Chief Executive Officer' by Punjab Government Gazette No. G.S.R. 46/P.A.1/99/Sections 9 and 3/Amendment (1)/2000, dated 25.5.2000.] of the Board after due sanction from the competent authority and no contract signed by any employee other than the [Managing Director or Joint Managing Director] [Substituted for the words 'Chief Executive Officer' by Punjab Government Gazette No. G.S.R. 46/P.A.1/99/Sections 9 and 3/Amendment (1)/2000, dated 25.5.2000.] shall be valid and binding on the Board.[Added vide Punjab Government Gazette No. G.S.R. 46/P.A.1/99/Sections 9 and 3/Amendment (1)/2000,

dated 25.5.2000.]