

The Punjab Roads and Bridges Development Board Act, 1998

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Act 22 of 1998

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The Punjab Roads and Bridges Development Board Act, 1998 Punjab Act No. 22 of 1998 [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. An Act to provide for the establishment of the Punjab Roads and Bridges Development Board Act, 1998. Be it enacted by the Legislature of the State of Punjab in the Forty-ninth Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Punjab Roads and Bridges Development Board Act, 1998. (2) It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant to the context, -(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 Fund constituted under section 7; (d) "Government" means the Government of Punjab in 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. Establishment of Board, its constitution, powers and duties.

(1)The Government may, by notification, for exercising the powers 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.(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
(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 powers, subject to the provisions of this Act to 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)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 sent to the Government within a period of three months from the date of the closure of the Financial Year.

4. Audit.

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

5. Officers and employees of the Board.

(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.(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. Levy and collection of fee.

(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 ten 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.(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. Constitution of Fund.

(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.(2)The Fund constituted under sub-section (1), shall be administered by the Member-Secretary of the Board under the superintendence and control of the Board. The Fund shall have the following contributions, 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 per cent every year;(iii)the income accrued to the Department of Punjab Works (B&R) from various uses of land belonging to it;(iv)all types of toll taxes collected by the Department of Public Works (B&R);(v)all fund deposited by the Punjab Rural Development Board, the Punjab Mandi Board, Market Committees, Municipal Corporations, Municipal Councils, Nagar Panchayats, Gram Panchayats, Panchayat Samitis and Zila Parishads;(vi)all contributions received from the Government of India like Central Roads Fund, Railway Safety Fund, funds from the Schemes 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 advertisements, petrol pumps and weigh bridges leases including any other miscellaneous receipt after the commencement of this Act;(viii)donations and private contributions; and(ix)any other funds, which the State Government may subsequently decide to contribute to the Fund.

8. Purposes for which the Fund may be applied.

- 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)replacement of old and unsafe bridges;(iv)construction of new bridges;(v)repair and maintenance of roads; [***] [Omitted 'and' by Punjab Act No. 15 of 2018, dated 13.6.2018][(v-a) salary and other miscellaneous expenditure of the Board; and] [Inserted by Punjab Act No. 15 of 2018, dated 13.6.2018](vi)any other purpose pertaining to the improvement of roads and bridges infrastructure as may be considered necessary by the Board.

9. Protection of action taken in good faith.

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

10. Power to make rules.

(1)The Government may, by notification, make rules for carrying out the purposes of this Act.(2)Without prejudice to the generality of the foregoing power, such rules may provide for, -(a)the preparation and submission for sanction of an estimate of annual income and expenditure under sub-section (5) of section 3;(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 made, before the House of the 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 sessions and if, before the expiry of the session in which it is so laid or the successive sessions 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. Power to make regulations.

(1)The Board may, from time to time, with the previous approval of the Government, make regulations not inconsistent with this Act and the rules made thereunder for the purpose of giving effect to the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such regulations may provide for, -(a)transacting business at the meetings 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. Power to remove difficulties.

- 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 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. Repeal and Saving.

(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.