

Rajasthan Road Development Act, 2002

RAJASTHAN

India

Rajasthan Road Development Act, 2002

Act 5 of 2002

- Published on 11 February 2002
- Commenced on 11 February 2002
- [This is the version of this document from 11 February 2002.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Road Development Act, 2002(Act No. 5 of 2002)[Received the assent of the Governor on the 28th day of April, 2002]An Act to provide for development of, and private participation in the development of, roads in the State and matters connected therewith and ancillary thereto.Be it enacted by the Rajasthan State Legislature in the Fifty-third Year of the Republic of India, as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Rajasthan Road Development Act, 2002.(2)It shall extend to the whole of the State of Rajasthan.(3)It shall be deemed to have come into force on and from 11th February, 2002.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"development" includes construction, maintenance, upgradation, strengthening, widening, improvement:(b)"local body" means and includes a Municipality, a Panchayati Raj Institution, an Urban Improvement Trust or Jaipur Development Authority:(c)"person" includes a firm, whether registered or not, or an association of persons whether incorporated or not;(d)"road" includes-(i)all lands appurtenant thereto,(ii)all approach roads, bridges, flyovers, culverts, tunnels, causeways, carriage-ways and other structures on, over, along or across such roads, and(iii)all fences, trees, posts and boundary, two hundred-metre and kilometer stones of such road,but does not include a National Highway.

3. Roads to vest in the State.

- All roads developed by the State Government, whether by itself or under an agreement entered into under section 5, shall, subject to other provisions of this Act, vest in the State.

4. Fees for service or benefits rendered.

(1)The State Government may, by notification in the Official Gazette, levy fees, at such rates as may be prescribed, for services or benefits rendered in relation to the use of roads or any section thereof developed after the commencement of this Act:Provided that if the State Government is of the opinion that it is expedient in the public interest so to do, it may, by like notification, specify any road or section thereof in relation to the use of which fees shall not be leviable under this sub-section.(2)Such fees when so levied shall be collected in accordance with the rules made under this Act.

5. Power to enter into agreement for development of roads.

(1)The State Government may enter into an agreement with any person or any local body in relation to the development of any road or section thereof:Provided that where the State Government has not initiated any scheme for development of any road or section thereof and any proposal is received from any person or local body unsolicited or suo moto, it may after considering the same, invite competitive proposals by public notice and the original proposer shall be given priority.(2)Notwithstanding anything contained in section 4, the person or the body referred to in sub-section (1) shall be entitled to collect and retain the whole or such portion of the fees leviable under section 4 and for such period, as may be agreed upon between the State Government and such person or body, having regard to the expenditure involved in the development of road and collection of the fees, interest on the capital invested, reasonable return on the investment and the volume of traffic.(3)The person or body referred to in sub-section (1) shall have powers to regulate and control the traffic in accordance with the provisions contained in Chapter VIII of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) on the road or section thereof forming subject matter of the agreement entered into under sub-section (1).

6. Offenses and Penalty.

(1)Whoever-(i)Avoid or evades, or attempts to avoid or evade the fees leviable under this Act, or(ii)Obstructs any person authorised to undertake the development of any road or to collect any fees under this Act, in discharging his duties imposed under the provisions of this Act or rules made thereunder, or(iii)contravenes any of the provisions of this Act or of rules made thereunder,shall, on conviction, be liable to pay a fine of not less than one thousand rupees but which may extend to live thousand rupees and in default to pay the fine, be liable to be sentenced for a term not exceeding three months:Provided that the court may, for any adequate or special reasons to be mentioned in the judgment, impose a fine less than one thousand rupees.(2)No Magistrate shall take cognizance of an offense under this section otherwise than on a complaint made by a person authorised to undertake the development on a road or collect the fees leviable under this Act or any other officer authorised in this behalf by the State Government.

7. Offenses by Companies.

(1)Where an offense under this Act has been committed by a company, every person who at the time the offense was committed, was in charge, and was responsible to the company for this conduct of the business of the company, as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offense was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offense.(2)Notwithstanding anything contained in sub-section (1) where an offense under this Act has been committed by a company, and it is proved that the offense was committed with the consent or connivance of, or is attributable to, any neglect on the part of any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offense and shall be liable to be proceeded against and punished accordingly.Explanation. - For the purposes of this section.-(i)"company" means any body corporate and includes a firm or other association of individuals: and(ii)"Director" in relation to a firm, means a partner in the firm.

8. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.(2)Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature while it is in session.

9. Power to make rules.

(1)The State Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)All rules made under this Act shall be laid, as soon as may be after they are made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which they are so laid or in the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

10. Repeal and Savings.

(1)Rajasthan Road Development Ordinance, 2002 (Ordinance No. 01 of 2002) is hereby repealed.(2)Notwithstanding such repeal, all actions taken or orders made under the said Ordinance shall be deemed to have been taken or made under this Act.NotificationsNotification No. F. 8(50)

PW/2001/Part I, dated 20.2.2002 Rajasthan Gazette, Extraordinary, Part IV-C(II), dated 8.3.2002, Page 477(1) as amended by Notification published in Rajasthan Gazette Extraordinary Part-IV(ga) (II) dated 1-1-2003 Page 499]In exercise of the powers conferred by sub-section (1) of Section 4 of the Rajasthan Road Development Ordinance, 2002, the State Government hereby specify, with effect from the date of publication of this Notification in the Rajasthan Gazette, that the fee rates as specified in Schedule given below, shall be levied and chargeable from all persons, incharge of vehicles using all such permanent bridges including their approaches, bye passes, tunnels including their approaches and any section of road which has been developed, constructed, reconstructed, improved or repaired, strengthened, widened, lying on roads under the control and management of the Public Works Department, which have been constructed at the expenses of the State Government or at the expense of any person or body or association of individuals whether incorporated or not, or at the expense of both, that is to say the State Government or any such person or body or association, subject to the following conditions, namely:-

- 1. Fee shall be levied on such facilities/projects which would be constructed or developed after the commencement of the Rajasthan Road Development Ordinance, 2002.**
- 2. All permanent bridges, the cost of construction whereof does not exceed 50 lacs rupees and all bye passes, tunnels including their approaches and any section of road which has been constructed, reconstructed, improved or repaired, the cost of construction whereof does not exceed 75 lacs rupees, shall be exempted from levy of fee.**
- 3. The State Government may enter into an agreement with any person or any local body in relation to the development of any road or section thereof. The person or any local body with whom agreement has been made, shall be entitled to collect and retain the whole or such portion of the fees leviable as per Schedule and for such period as may be agreed upon, having regard to the expenditure involved in development of road and collection of the fees, interest on the capital invested, reasonable return on the investment and the volume of the traffic.**
- 4. In case of vehicle has to cross the facility/construction more than once i.e. to and fro will be treated as one unit for charge of fee, for which the user shall have the option to pay one and half times the fee. This option shall be confined to journeys undertaken on the same day.**

5. For the vehicle, monthly pass may be obtained by paying 30 times of the one time fee, mentioned in the Schedule for using the facility/construction.

6. If within a distance of 30 Kms. on a road there are two or more bridges or tunnels and within a distance of 50 Kms. on a road there are two or more bye passes or any section of a road which has been constructed, re-constructed, improved or required, no fee shall be payable on more than one facility.

7. Vehicles of Defense Department, Vehicles of Police Department, Fire Fighting Vehicles, Ambulances, Funeral Vans, Post and Telegraph Department Vehicles, Central and State Government vehicles, Vehicles of Hon'ble Supreme Court and High Courts, Vehicles of Union Public Service Commission, State Public Service Commission, Vehicle of Lok Ayukta, Panchayat Samities and Local Bodies Vehicles and private light vehicles of sitting members of Parliament and Members of Legislature Assembly shall be exempted from levy of fee.

8. The part proportionate fee shall be allowed to be levied only after construction by more than 50 percent road length proposed in the project as per agreement, provided minimum 50 Kms. road length is constructed.

Schedule

[Rate of Fee]

S. No.	Categories of Vehicles	Fees rates per vehicle per trip for bridges, tunnels and those bye passes and roads whose length is upto 20Kms. (in Rs.)	Fees rates per trip/Kms.
			Payable after rates stated in Col. 3, for those bye passes and roads whose length is more than 20 Kms. For upto first 20 Kms. the fixed rates of Col.3 shall be applicable (Rs. per Km.)
1	2	3	4
	(a) Tractors with trolleys carrying non-agricultural produce		
1.	(No Tax is payable by tractor trolleys carrying agricultural produce and registered for such purpose).	3.00	0.08
		10.00	0.25

	(b) Tempo, Cars, Taxies, Private Cars, Jeeps		
2.	Motor lorries, Buses, Minibuses and other heavymachinery e.g. earth moving machinery.	25.00	0.64
3.	(a) Trucks with registered laden weight upto 5(five) tones	34.00	0.84
	(b) Trucks with registered laden weight more than 5 (five) tones.	51.00	1.27
4.	Multi-axle trucks/trailers.	84.00	2.11

Note. - 1. This shall be charged for laden and un-laden Trucks.

2. The fee rates mentioned in the above table will increase by 40% (Forty percent) on 1st November, 2004. The fee rates will be fixed to the nearest upon i.e. if the fraction is 50 paise or less than this will be ignored and if fraction is more than 50 paise then the rate shall be fixed to next rupee.

3. Fee rates after 1st November 2004 shall be increased by 10% in every 2 years rounding of to the nearest of multiple of Rs. 5/-, provided that, the 1st revision would be made effective from 01.04.2007, with 10% increase only.

Notification Notification No. F 8(50)/PW/2001/Part-I, dated 31.3.2015-Rajasthan Gazette, Extraordinary, Part IV-C(II), dated 6.4.2015, pp. 7(4) to 7(7), S.O. 6] In exercise of the powers conferred by sub-section (1) of Section 4 of the Rajasthan Road Development Ordinance, 2002, the State Government hereby specify, with effect from 1.4.2015, that the fee rates as specified in Schedule given below, shall be levied and chargeable from all persons, in charge of vehicles using all such permanent bridges including their approaches, bye passes, tunnels including their approaches and any section of road which has been developed, constructed, reconstructed, improved or repaired, strengthened, widened, lying on roads under the control and management of the Public Works Department, which have been constructed at the expenses of the State Government or at the expense of any person or body or association of individuals whether incorporated or not, or at the expense of both, that is to say the State Government or any such person or body or association, subject to the following conditions, namely: -

1. Fee shall be levied on such facilities/projects which would be constructed or developed after the commencement of the Rajasthan Road Development Ordinance, 2002.

- 2. All permanent bridges, the cost of construction whereof does not exceed 50 lacs rupees and all bye passes, tunnels including their approaches and any section of road which has been constructed, reconstructed, improved or repaired, the cost of construction whereof does not exceed 75 lacs rupees, shall be exempted from levy of fee.**
- 3. The State Government may enter into an agreement with any person or any local body in relation to the development of any road or section thereof. The person or any local body with whom agreement has been made, shall be entitled to collect and retain the whole or such portion of the fees leviable as per Schedule and for such period as may be agreed upon, having regard to the expenditure involved in development of road and collection of the fees, interest on the capital invested, reasonable return on the investment and the volume of the traffic.**
- 4. In case of vehicle has to cross the facility/construction more than once i.e. to and fro, such journey will be treated as one unit for charge of fee, for which the user shall have the option to pay one and half times the fee. This option shall be confined to journeys undertaken on the same day.**
- 5. For all the vehicle, monthly pass may be obtained by paying 30 times of the one time fee, mentioned in the Schedule for using the facility/construction.**
- 6. If within a distance of 30 Kms on a road there are two or more bridges or tunnels and within a distance of 50 Kms on a road there are two or more bye passes or any section of a road which has been constructed, reconstructed, improved or repaired, no fee shall be payable on more than one facility.**
- 7. Vehicles of Defence Department, Vehicles of Police Department, Fire Fighting Vehicles, Ambulances, Funeral Vans, Post and Telegraph Department Vehicles, Central and State Government vehicles, Vehicles of Hon'ble Judges of the Supreme Court and High Courts, Vehicles of Union Public Service Commission, State Public Service Commission, Vehicle of Lok Ayukta, Vehicles Panchayat Samities and Local Bodies, private light vehicles of sitting members of Parliament, Member of Legislature Assembly, Ex-Member of Legislative Assembly and light motor vehicles of Accredited Journalists used by themselves, shall be exempted from levy of fee.**

8. Part proportionate fee shall be allowed to be levied only after construction of more than 50 percent road length proposed in the project as per agreement, provided minimum 50 Kms road length is constructed.

Schedule 2

(Rate of Fee)

S. No.	Categories of Vehicles	Fee rates per vehicle per trip for bridges, tunnels and those bye passes and roads whose length is upto 20Kms (in Rs.)	Fees rates per trip/Kms. Payable after rates stated in Col. 3, for those byepasses and roads whose length is more than 20 Kms. For upto first 20 Kms. the fixed rates of Col.3 shall be applicable (Rs. per Km.)
1.	2.	3.	4.
1.	(a) Tractors with trolleys carrying non-agricultural produce (No Tax is payable by tractor trolleys carrying agricultural produce and registered for such purpose).	6.77	0.17
	(b) Tempo, Cars, Taxies, Private Cars, Jeeps	22.54	0.56
2.	Motor lorries, Buses, Mini-buses and other heavy machinery e.g. earthmoving machinery.	56.38	1.45
3.	(a) Trucks with registered laden weight up to 5 (five) tones	76.67	1.89
	(b) Trucks with registered laden weight more than 5 (five) tones.	114.98	2.28
4.	Multi-axle trucks/trailers.	189.40	4.76

Note. - 1. This shall be charged for laden and un-laden Trucks.

2. The fee rates mentioned in the above table will fixed after rounding of to the nearest of multiple of Rs. 5.00.

3. The above mentioned rates will be applicable from 1.4.2015. Next revision will be due i.e. w.e.f. 1.4.2017 @ 10% increase, rounded off to the nearest multiple of Rs. 5.00.

4. This is applicable for project agreements made under Rajasthan Road Development Act, 2002 only.

5. For project agreements before the Rajasthan Road Development Act, 2002 rate of fee can be revised with mutual consent, as per relevant clauses of agreement.