

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 ..Members
standing in the field of highway
engineering or traffic management,
to be nominated by the Chairman ;
and

(xi) two expert, who have knowledge and ..Members
standing in the field of infrastructure
development, banking, financing or
economics to be nominated by the
Chairman.” ; and

(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.