

JHARKHAND STATE ROAD DEVELOPMENT FUND RULES, 2012

cue Government of Jharkhand Road Construction Department C). Ranchi, Dated File No. RCD/Misc.-6-186/06(ansh).....; In exercise of the powers conferred under section 13(i) of the Jharkhand State Road development fund, 2011 (Jharkhand Act. 09,2011), the Governor of Jharkhand is pleased to make the following rules; "JHARKHAND STATE ROAD DEVELOPMENT FUND RULES, 2012" By the order of Governor of Jharkhand, Principal Secretary to Government, Road Construction Department Jharkhand, Ranchi Q!lâ ROAD CONSTRUCTION DEPARTMENT NOTIFICATION The 25th April, 2012 JHARKHAND STATE ROAD DEVELOPMENT FUND RULES, 2012 No. 2881 (S) - In exercise of the powers conferred by section 13 (i) of the Jharkhand State Road Development Fund Act, 2011 (JHARKHAND Act, 09, 2011), the Governor of State of Jharkhand hereby makes the following rules, namely:- 1. Short title and commencement. - (1) These rules may be called the Jharkhand State Road Development Fund Rules, 2012. (2) It shall deem effective from the date specified by notification in the official Gazette

2. Definition.- (1) In these rules, unless the context otherwise requires,- (a) 'Act' means the Jharkhand State Road Development Fund Act, 2011. (b) 'Governing Body' means Governing Body constituted under section 10 (ii) of the Jharkhand State Road Development Act, 2011 (c) 'Project' means proposals for development of any State Road or any other road selected by the Governing Body in view of its significance to the road network. (d) 'Section' means a section of the Act. (e) 'State' means the State of Jharkhand. (f) 'State Government' means Government of Jharkhand. (2) Words and expressions used in these rules, but not defined, shall have the same meaning as assigned to them in the Act

3. Point of levy of Cess- (1) **The first point in the series of sales shall mean the first sale by a registered dealer in the State or such point in the series as may be notified by the State Government.** (2) The last point in the series of sales shall be the sale in such series by a registered dealer to a consumer or to an unregistered dealer or to a registered dealer for purposes other than resale within the State. (3) The multiple point in the series of sales shall mean the sale in such series in the State by every registered dealer. (4) Unless otherwise specifically directed by the State Government by a notification, the Cess payable under section 3 of the Act shall be at the first point in the series of successive sales in the State. 1 (5) The Cess under the Value Added Tax (VAT) System shall be paid at the point in the series of sales within the State, as may be notified by the State Government.) **4. Constitution of the Fund.-** The Proceeds of the Fund would be appropriated into the Public Account of the State and shall be classified as State Roads and bridges Fund

- 5. Accounting procedure for contribution to the Fund and for its utilization, (I) The amount of Cess as collected under section 3 of the Act, would be credited into the Government Treasury in the following Receipt Head in**



Form -I - 0045 00-112- Other Taxes and Duties on Commodities and Services. Receipts from Cesses under other ACT 01, Jharkhand State Road Development Fund 01- Receipt 01 Receipt (004500112010101) (2) The following expenditure head, the appropriate budget provision would be made so that funds may be transferred, from the Consolidated Fund of the State to the Jharkhand State Road Development Fund:- 3054 80 797 (02) Roads & Bridges General Reserve Fund/To Deposit Accounts/ From internal From State Road Development Fund/To internal (3) The proceeds of the said Fund would be transferred to the appropriate expenditure head, at such intervals as may be resolved by the Governing Body, on the basis of actual receipts, duly verified by the Commercial Taxes Department and the Government Treasury. (4) The total expenditure would be made from the relevant Budget Head of the Department (already existing budget heads) following the procedure outlined in the Jharkhand State Financial Rules and Public Works Accounts Code

6. Appropriation of the Fund.- The State Government may appropriate , allocate, and disburse proceeds of the funds, as it considers necessary, for the implementation of the Road projects in the State

7. Constitution of the Governing Body.- (1) For the management of the State Road Development Fund, a Governing Body shall be constituted by the State Government under sub-section (ii) of Section 10 of the Act. (2) The Governing Body shall consist of the following members, namely:- (a) the Chief Minister- ex officio who shall be the Chairman of the Governing Body; (b) the Minister in charge of Road Construction Department — ex officio who shall be the Vice Chairman of the Governing Body; 2 (c) the Minister in charge of Finance-ex-officio; (d) the Minister in charge of Planning —ex-officio; (e) the Chief Secretary-ex-officio; (f) the Development Commissioner-ex-officio; (g) the Principal Secretary/ Secretary of Finance-ex-officio; (h) the Principal Secretary/ Secretary of Planning-ex-officio; (i) the Principal Secretary/ Secretary of Road Construction-ex-officio; (j) the Engineer-in-Chief of Road Construction-ex-officio- Member Convenor (k) three persons nominated by the Government from among the heads of financial institutions engaged in the business of infrastructure, Scheduled Banks or technical or engineering personnel working in institutions or professional bodies and academic and research institutions of national level

8. Term of office and other conditions of service of members of the Governing Body:- (1) **Subject to the above said provisions of sub-section (k) of section 7, a nominated member shall hold office initially for a period of three years which may be extended by the Government for a further period not exceeding two years at a time, provided such member continues to be eligible for being a nominated member at the time of such extension.** (2) A person shall be disqualified for being nominated or for being a member if he — (b) (c) (d) (O is above the age of 65 years; or has been convicted and sentenced to imprisonment for an offence, which in the opinion of the Government, involves moral turpitude; or is an undischarged insolvent; or is of unsound mind and stands so declared by a competent court; or has been removed or dismissed from the service of the financial institution, Scheduled Banks or National level institution , as the case may be ; or has, in the opinion of the Government, such financial or other interests in the projects being taken up or contemplated for financing from the Fund as is likely to affect prejudicially the discharge by him of his functions as a Member. (3) Each nominated member may be paid remuneration by the Fund such sum as may be determined by the Governing Body from time to time for attending each (4) The Governing Body may pay or reimburse out of the Fundi traveling, lodging evE boarding and other incidental expenses incurred by or on account of a nominated member in connection with participating the meetings of the Governing Body. (5) A nominated member if called upon and willing to render extra services to the Governing Body may be paid additional remuneration as may determined by the Body. (6) The ex-officio members shall not be entitled to be paid out of the Fund any fee or remuneration in connection with participation in the meetings of the Governing Body or other meetings. (7) If any vacancy arises in the Governing Body by reason of death, resignation or otherwise of a member, the same shall be filled by the Government as soon as possible. (8) Nomination of the non official members may be terminated on three months notice by either side without assigning any reason thereof. Provided the Governing Body reserves the right not to accept the resignation tendered by the nominated member. Provided further that the Governing Body may, in special circumstances, waive the stipulation of three months notice

9. Meetings of the Governing Body (1) The Governing Body shall meet at least once in six months at such time and place as the Chairman may decide.(2) A meeting of the Governing Body shall be convened by its Convener. (3) Every notice of a meeting of the Governing Body shall specify the place and the day and hour of the meeting, and shall contain a statement of the business to be transacted at such meeting. (4) Every meeting of the Governing Body shall be presided over by the Chairman, or in his absence, by its Vice Chairman, or in the absence of both, by a member chosen by the members present at the meeting. (5) No business other than that specified in the notice shall be transacted at a meeting, except with the consent of the Chairman. (6) All decisions by the Governing Body shall be taken by the majority vote of the members present and voting. (7) The Governing Body may associate with itself, in such manner and for such purposes as may be prescribed by regulations, any person whose assistance or advice the Governing Body, may desire to have in the performance of any of their functions under this Act, and the persons so associated shall have the right to take part in the meetings of the Governing Body, relating to that purpose but shall not be entitled to vote. (8) The Governing Body shall cause to be maintained minute books recording 4 therein the proceedings of every meeting along with the names of members present. (9) It shall be necessary for at least one third the number of members to be present for a meeting of the Governing Body

10. Powers & Functions of the Governing Body The Governing Body shall exercise the following powers and discharge the following functions: (1) (i) **Formulate and recommend to the State Government operational policies and procedures to facilitate management of the Fund.**(ii) Draw up long term and annual operating plans. (iii) Recommend to the State Government allocation of the fund for the projects under these rules. (iv) Identify various options for Projects, consider and recommend financing plans and implementation schedules for selected Projects. (v) Ensure development, construction, repair, rehabilitation, up-gradation, improvement, operation and maintenance of Projects with implementing agencies or any other persons. (vi) Monitor implementation of Projects and provide necessary advice and guidance to ensure that Projects are implemented as per schedule and quality stipulations. (vii) Authorize disbursement of funds to implementing agencies, consultants or any other persons appointed for implementing the objectives of the Fund pursuant to the operational policies and procedures. (viii) Act as a focal point for information and suggestions from various road users and formulate investment policies of the Fund accordingly. (ix) Create strategic alliances/associations with domestic and international experts in the transportation sector to introduce and nurture modern technologies and managements practices in the road sector. (x) Commission feasibility studies, traffic and detailed engineering surveys and other studies/surveys in order to create a shelf of projects for future application of the Fund. (xi) Recommend to the State Government for grant of subsidy or other capital support for State Road Development Projects. (xii) Recommend to the State Government securitizing of future receipts into the Fund for leveraging loans to be taken for State Road Development projects. (xiii) Arrange to furnish Utilization Certificates and such other documents and reports as may be required by State Government, Lenders, Grant making agencies and other allied agencies. (xiv) The Governing Body may assign the discharge of the day to day affairs including operation of the account opened in any Nationalised or Scheduled Bank or in such other Financial Institutions as may be decided by the Governing Body to the Executive Committee of the State Highways Authority of Jharkhand. 5 (xv) The Governing Body may also assign such other functions to the Executive Committee of the State Highways Authority of Jharkhand as are not inconsistent with the provisions of the Act. (xvi) Subject to such restrictions, conditions and limitations as may be imposed by the Governing Body, the Executive Committee of the State Highways Authority of Jharkhand shall also exercise all or any of the powers and functions of the Governing Body (2) **Borrowing Powers :** (i) The Governing Body may, with the consent of the State Government or in accordance with the terms of any general or special authority given to it by the State Government, borrow money from any source by the issue of bonds, debentures or such other instruments as it may deem fit for discharging all or any of its functions. (ii) Subject to such limits as the State Government may, from time to time, lay down, the Governing Body may borrow temporarily by way of overdraft or otherwise, such amounts as it may require for discharging its functions. (iii) The State Government may guarantee in such manner as it thinks fit the repayment of the principal and the payment of interest thereon with respect to the borrowings made by the Fund under sub-section (1). (3) **Preparation and Submission of Annual Report and Annual Account:** (i) The Governing Body shall prepare, as soon as may be, after the commencement of each

financial year:- (a) the Annual Report; and (b) the Annual Accounts as the state Government may in consultation with the Accountant General of Jharkhand, direct. (ii) The Annual report shall include an account of the activities during the previous financial year on the following matters namely:- (a) a statement of corporate and operational goals and objectives; (b) annual targets and physical and financial terms set for various activities in the back-ground of clause (a) above together with a brief review of the actual performance with reference to those targets; (c) an administrative report on the activities of Fund during the previous financial year and an account of the activities which are likely to be taken up during the ongoing financial year; (d) a summary of the actual financial results during the previous financial year and year of report, as indicated by way of statement of (i) income and expenditure (ii) sources and application of funds and (iii) cash flow. (e) important changes in policy and specific measures either taken or proposed to be taken, which have influenced or are likely to influence functioning of the Fund ; 6 (f) new projects or expansion schemes contemplated together with their advantages, financial implications and programme for execution; and (g) report on such other miscellaneous subjects as deemed fit by the Governing Body or as the State Government may direct. (iii) The Annual Report shall be placed for adoption in the meeting of the Governing Body and shall be signed by the Chief Executive officer of the Executive Committee of the State Highways Authority of Jharkhand or in his absence by two members of the Executive Committee State Highways Authority of Jharkhand authorized for the purpose by the Chief Executive officer and authenticated by fixing the common seal of the Governing Body and required copies thereof shall be submitted to the State Government by the 30th day of September. (iv) The Annual Accounts, after approval of the Governing Body, shall be signed on behalf of the Governing Body by the Chief Executive officer of the Executive Committee of the State Highways Authority of Jharkhand or in his absence by two members of the Executive Committee of the State Highways Authority of Jharkhand authorized for purpose by the Governing Body and authenticated by affixing the common seal of the Governing Body and shall be forwarded for audit to the Accountant General, Jharkhand not later than 30th day of June of each calendar year or by such date as extended by the State Government. (v) The Audit Officer shall audit and report on the Annual Accounts and certify whether in his opinion the annual account contains all particulars and are properly drawn up to as to exhibit a true and fair state of affairs of the Fund and in case he has called for any information from the Fund, whether it has been given and whether it is satisfactory. (vi) The Executive Committee of the State Highways Authority of Jharkhand on behalf of the Governing Body shall be bound to give information and explanation in its annual report containing, inter-alia, duly audited accounts or in an addendum thereto on every reservation, qualification or adverse remarks contained in the Auditor's report duly signed by its Chief Executive Officer of the Executive Committee of the State Highways Authority of Jharkhand or in his absence by two members of the Executive Committee of the State Highways Authority of Jharkhand so authorized by the Governing Body and authenticated by affixing common seal of the Governing Body. (vii) The Annual Accounts and the auditor's report thereon along-with the annual report shall be submitted to the State Government by thirtieth day of September or by such date as extended by the State Government. (viii) Annual Report, Annual Account and Auditors report, as soon as they are received, will be placed by State Government before the State Legislature. (ix) Cost of Audit:- The expenditure incurred in connection with the annual audit of accounts pertaining to the funds, shall be arranged to be paid out of the Fund within three months from the date on which the demand is made by the Accountant General. 7 (4) Manner of investment of fund: All money standing at the credit of the Fund which can not immediately be applied for the purposes specified in sub- section (iii) of Section 8 of the Jharkhand State Road Development Fund Act 2011 (Jharkhand Act, 09, 2011) shall be deposited in any Nationalized or Scheduled Bank specified in the First Schedule to the banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (5 of 1970) or the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980 (40 of 1980) or in such Financial Institutions as may be decided by the Governing Body

**10. Submission of Utilisation certificate: The executing agency shall furnish the utilization certificate
in**



Form-II along with the quarterly progress report based on which further installment of funds shall be released to the extent of expenditure incurred and the physical progress of the work: 11.

Progress reports and review:- The executing agency shall submit quarterly progress report of all works sanctioned from the fund for the quarters ending June, September, December and March every year duly filled in Form-III & IV and such report shall reach the Governing Body within one month from the date of ending of each quarter, and the executing agency shall send completion report or certificate duly verified by the audit as soon as the works are completed. The physical progress as well as expenditure shall be reviewed and discussed with executing agency on quarterly basis

12. Administrative department.- The Road Construction Department (RCD) would serve as the Administrative department and the Secretariat for all matters pertaining to the operation of these Rules

13. Protection of acts done in good faith:- No suit, prosecution or other legal proceedings shall lie against the Governing Body or any member of the Governing Body or the Executive Committee of the State Highways Authority of Jharkhand for anything which is done or intended to be done in good faith in pursuance of the provisions of the Jharkhand State Road Development Fund Act ,2011 and the Jharkhand State Road Development Fund Rules, 2012 or any amendments thereafter

14. Power to relax :- Where the State Government is of the opinion that it is necessary or expedient to do so, it may, for reasons to be recorded in writing, relax any of the provisions of these rules



15. Interpretation:- If any question arises relating to the interpretation of these Rules, it shall be referred to the State Government.(By the order of Governor of Jharkhand) (N. N. Siha) Principle
Secretary to Government Road Construction Department Government of Jharkhand, Ranchi 8



FORM VAT GOVERNMENT OF JHARKHAND In yellow colour Challan under Jharkhand State Road Development Fund Act,2011(Jharkhand Act,09,2011) and Jharkhand State Road Development Fund Rules,2012 (See Sub-section and (ii) of Section 3, And sub-rule (5) of Rule 3 of) *Serial no * *1.

ORIGINAL (to be sent by the Treasury Officer to the Circle or Sub-Circle to which the payment relates) 2. DUPLICATE (to be retained in the Treasury) 3. TRIPLICATE (To be returned to the dealer (depositor) for his own use) 4. QUADRUPLICATE [To be returned to the dealer (depositor) for being forward/attached with the Return to be furnished before the Appropriate Commercial Taxes Authority]. "0045- Other Taxes and Duties on Commodities and Services -00-112- Receipts from Cesses Under Other Act-01, Jharkhand State Road Development Fund -01- Receipt -01 Receipt(004500112010101 FOR THE MONTH ENDING Name of Circle / Sub-Circle to which the payment relates Payment of Cess Name of the Treasury / Sub-Treasury.... District Treasury Challan No.. for the month ending of collection register Name and Branch of the State Bank of India / Other Schedule Bank* Name/Address TIN of the dealers by whom or on whose behalf money is Tendered. Enter the details of the Bank Instrument, if any. If cash; indicate as "CASH". Name of the dealer- TIN Rupees (in words) Payment on account of Cess: Admitted- Assessed- Interest-Penalty- Total Amount (in figures) Signature of the person or depositor FOR USE OF THE TREASURY received payment of Rs (Rupees Date of Entry Treasurer Accountant)only. Treasury Officer Agent or Manager of Bank FORM-II (See rule 10) UTILISATION CERTIFICATE crores/lakhs It is to certify that out of an amount of Rs released from the Jharkhand State Road Development Fund vide letter no an amount of dated crores/lakhs has been spent on works selected by the Governing Rs Body of the Jharkhand State Road Development Fund. It is further certified that expenditure has been incurred on sanctioned works only and has not exceeded the sanctioned cost of individual works. (Authorised representative of the Executing agency) Not below the rank of FORM-III (See rule 11) Progress Report of Works executed from Jharkhand State Road Development Fund Report for the Quarter Ending.... Sl No 1 Name Length(Km)/M Amount AA of the for bridges) Work of No A/A(Rs. and Amount of Technical sanction Physical Progress in % Letter no and Date of sanction 2 3 In lakhs) 4 date 5 6 10 7 Up to the end of the previous year 8 During the yaer 9 Total progress up to the end of the Quarter 10 Signature Not below the rank of the Executive Engineer FORM-IV (See rule 11) Expenditure Report of Works Executed from the Jharkhand State Road Development Name of the Executing Agency: Sl No 1 Name Amount of of the Assistance Work approved 2 for the work 3 Progressive total of funds released up to the end of the previous financial year 4 Total expenditure incurred against the work up to the end of previous financial year 5 11 Fund Expenditure from ISt April of the year under report to the end of the previous month 6 Month: Expenditure Total of during the columns 5,6 and month to which the 7 report relates 7 Remarks (if any) Signature Not below the rank of the Executive Engineer