

MADHYA PRADESH RAJMARG NIDHI ADHINIYAM, 2012.

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CHAPTER 1 PRELIMINARY 1. (1) This Act may be called the Madhya Pradesh Rajmarg Nidhi Adhiniyam, 2012. (2) It extends to the whole of the State of Madhya Pradesh. (3) It shall come into force on such date as the State Government may, by notification appoint

2. In this Act, unless the context otherwise requires,—(a) (b) (c) (d) (e) (f) (h) (i) (j) "Authority" means the Madhya Pradesh Road Development Corporation Limited established by the Government under the Companies Act, 1956 (1 of 1956); "Executive committee" means the Executive Committee constituted under Section 5; "Concession Agreement" means agreement between the concessionaire and Authority or a statutory body specifically authorized by the State Government for the purpose whereby the concessionaire undertakes to finance, construct, maintain and operate a road or infrastructure facility; "concessionaire" means a person with which a concession agreement is entered into by the authority or a statutory body specifically authorised by Government for the purpose; 'construction" includes new construction, reconstruction, rehabilitation, repair and/ or maintenance; "development cost" means initial cost incurred on the development of any road or infrastructure facility project before it is offered to a person for implementation and includes cost incurred on data collection, pre-feasibility studies or feasibility studies; "Fund" means the Madhya Pradesh Highway Fund established under section 3; "Government" means the Government of Madhya Pradesh: "Highway" means any road, way or land declared as highway under section 3 of the Madhya Pradesh Rajmarg Adhiniyam, 2004 (No. 11 of 2005), and includes all land appurtenant to Highway, whether demarcated or not, acquire for the purpose of the Highway; all bridges, culverts, tunnels, causeways, carriageways and other structure constructed on or across such roads; and all trees, railings, fences, post paths, sions, signals, kilometer stone and other road furniture or accessories and Material on such roads; "infrastructure projects" means projects for construction of infrastructure undertaken by authority including highways; fqi@ö 25 2012 (k) "person" includes a body corporate, a company, a firm or an association of individuals whether incorporated or not; (l) "prescribed" means prescribed by rules made under this Act; (m) "premium" means amount payable by concessionaire to the Authority determined at the time of bidding of the project; 'regulations" means regulations made by the Authority under this Act; (n) (0) "rules" means rules made by the Government

under this Act; (p) "state" means the State of Madhya Pradesh; CHAPTER 11 418 (7) Establishment of MADHYA PRADESH HIGHWAY FUND Fund. 3. (1) There shall be established a Fund to be called the Madhya Pradesh Highway Fund. (2) There shall be credited to the Fund (a) all moneys received from the Central Government for construction or maintenance of Highways directly to the Authority except the Authority charges or the reimbursement of direct costs incurred by the Authority which is towards the day-to-day expenditure of Authority for the concerning project; (b) the contribution or grant or loan or advance if specifically credited to Fund by the State; (c) all payments of .premium made by the concessionaire as per the concession agreement to Authority; (d) all returns on investments made out of the Fund. (e) proceeds towards encashment of performance security or bid security by Authority for default of concessionaires or bidders; (f) any other amount authorised for credit to the Fund under the provisions of this Act or rules made thereunder or any other law for the time being in force; (g). amount already standing as a credit in the accounts of Authority pertaining to the heads mentioned in clause (a) to (f) shall form the initial corpus of the Fund. (3) All Ilioneys specified in sub-section (2) and forming part of the Fund shall be deposited in a separate account in any nationalised or scheduled Bank, or in such other financial institution as may be decided by the Executive Committee and the said account shall be operated by the Member Secretary of the Executive Committee in such manner as may be specified by regulations: Provided that the Member Secretary may invest any sum not required for immediate use in such securities or debentures as may be approved by the Executive Committee. 418 (8) Utilization Fund Constitution and composition of the Executive committee. Powers and functions of the Executive Committee. 25 2012 4. The amount standing to the credit of the Fund may be utilised for all or any of the following purposes, namely: (a) for providing financial assistance to a concessionaire on behalf of Authority in respect of a Highway or infrastructure projects; (b) for meeting any development cost of highway or infrastructure project; (c) for defraying the administrative expenses of the Executive Committee; (d) for maintenance and repair of highways; (e) for project preparation, pre tender activities, cost towards utility shifting, land acquisition; (f) for payment of charges to Authority for various activities performed under, this Act or under the Madhya Pradesh Rajmarg Adhiniyam, 2004 (No. 11 of 2005), for development and maintenance of the highways in the State

CHAPTER 111 CONSTITUTION, COMPOSITION, POWERS AND FUNCTIONS OF EXECUTIVE COMMITTEE 5. (1) There shall be constituted an Executive Committee for administration of the Fund. (2) The Executive Committee shall consist of the following ex-officio members namely:— (a) the Chief Secretary to the Government of Madhya Pradesh who shall be the Chairman of the Executive Committee; (b) the Secretary in-charge, Government of Madhya Pradesh, Finance Department; (c) the Secretary In-charge, Government of Madhya Pradesh, Public Works Department; (d) Managing Director, Madhya Pradesh' Road Development Corporation - Member Secretary. (3) The Executive Committee shall meet at such time and place as the Chairman of the Executive Committee may decide and shall observe such rules of procedure in regard to transaction of business at their meetings including quorum as may be prescribed by regulations. (4) All matter in a meeting of the Executive Committee shall be decided by a majority of the members present and voting

6. The Executive Committee shall have the following powers and functions, namely: (a) to take such Ineasures as may be necessary to raise funds for highway and infrastructure projects; (b) to sanction funds for construction of Highway and other infrastructure projects to be financed out of the Fund.25 2012 7. The Member Secretary shall (a) discharge functions assigned by the Executive Committee. (b) administer the Fund for carrying out the mandate given by the Executive Committee

CHAPTER IV MISCELLANEOUS 8. (1) The Executive Committee shall cause to be maintained such books of accounts and other books in relation to the Fund and prepare an annual statement of accounts and balance sheet in such form and in such manner as may be specified in the regulations. (2) The accounts of the Fund shall be audited by such auditor appointed by the Executive Committee. (3) The accounts of the Fund as certified by the auditor together with the audit report thereon shall be forwarded annually to the Government and it shall cause the same to be laid annually before the Legislative Assembly

9. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything not inconsistent with this Act or the rules made thereunder, which appears to them necessary for the purpose of removing the difficulty: Provided

that no order shall be made under this section after the lapse of two years from the date of commencement of this Act.10. (1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for . (a) the procedure for functioning of the Executive Committee and conduct of its meetings; (b) any other matter which is required to be, or may be. prescribed. (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly

11. The Executive Committee may,by notification in the Gazette, make regulations for the purpose of carrying into effect the provisiqns of this Act

12. In the event of dissolution of the Fund, the Government shall be successor of all assets standing in the credit of the Fund at the time of dissolution.418 (9) Powers functions of the Me m be r Secretary. Accounts audit. Removal difficulties. and of Power to make rules. Power to make regulations. Successor of the fund.

