

## **Rajasthan Road Development Act, 2002**

### **5 of 2002**

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## **Rajasthan Road Development Act, 2002**

### **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 five 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 :-**

(I) 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.