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NOTIFICATION

No.H.12017/55/99-LJD/Pt/71, the 29th November, 2000. The following Central Ordinance is hereby published for general information.

R.Lalthazuala,
Deputy Secretary to the Govt. of Mizoram,
Law and Judicial Department.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 1st November, 2000/Kartika 10, 1922 (Saka)

THE CENTRAL ROAD FUND ORDINANCE, 2000
No. 5 OF 2000

Promulgated by the President in the Fifty-first Year of the Republic of India

An Ordinance to give statutory status to existing Central Road Fund governed by the Resolution of Parliament passed in 1988, for development and maintenance of national highways and improvement of safety at railway crossings, and for these purposes to levy and collect by way of cess; a duty of excise of customs on motor spirit commonly known as petrol, high speed diesel oil and for other matters connected therewith.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

CHAPTER I

PRELIMINARY

- | | | |
|----|---|---------------------------------------|
| 1. | (1) This Ordinance may be called the Central Road Fund Ordinance, 2000. | Short title, extent and commencement. |
| | (2) It extends to the whole of India. | |
| | (3) Save as otherwise provided in this Ordinance, it shall come into force at once. | |

Definitions

2. In this Ordinance, unless the context otherwise requires,—

(a) “appointed day” means the date on which the Fund established under sub-section (1) of section 6;

(b) “cess” means a duty in the nature of duty of excise and customs, imposed and collected on motor spirit commonly known as petrol and high speed diesel oil for the purposes of this Ordinance;

(c) “Fund” means the Central Road Fund established under sub-section (1) of section 6;

(d) “national highways” means the highways specified in the Schedule to the National Highways Act, 1956 or any other highway declared as national highway under sub-section (2) of section 2 of the said Act;

48 of 1956

(e) “National Highways Authority of India” means an authority constituted under sub-section (1) of section 3 of the National Highways Authority of India Act, 1988;

68 of 1988.

(f) “prescribed” means prescribed by rules made under this Ordinance.

CHAPTER II

CENTRAL ROAD FUND

Levy and
collection
of cess.

3. (1) With effect from such date as the Central Government may, by notification in Official Gazette, specify, there shall be levied and collected, as a cess, a duty of excise and customs for the purposes of this Ordinance, on every item specified in column (2) of the Schedule, which is produced in or imported into India and—

(a) removed from a refinery or a factory or an outlet; or

(b) transferred by the person, by whom such item is produced or imported, to another person,

at such rates not exceeding the rate set forth in the corresponding entry in column (3) of the Schedule, as the Central Government may, by notification in the Official Gazette, specify:

Provided that until the Central Government specifies by such notification respect of petrol and high speed diesel oil (being items specified in the Schedule), the cess on petrol and high speed diesel oil under this sub-section shall be levied and collected at the rate of rupee one per litre:

Provided further that the additional duty of customs and the additional duty of excise on petrol levied under sub-section (1) of section 103 and sub-section (1) of section 111, as the case may be, of the Finance (No.2) Act, 1998 and the additional duty of customs and the additional duty of excise on high speed diesel oil levied under sub-section (1) of section 116 and sub-section (1) of section 133, as the case may be, of the Finance Act, 1999 shall be deemed to be a cess for the purposes of this Ordinance from the date of its levy and the proceeds thereof shall be credited to the Fund.

21 of 1998.

27 of 1999.

(2) Every cess leviable under sub-section (1) on any item shall be payable by the person by whom such item is produced, and in the case of imports, the cess shall be imposed and collected on items so imported and specified in the Schedule.

(3) The cess leviable under sub-section (1) on the items specified in the Schedule shall be in addition to any cess or duty leviable on those items under any other law for the time being in force.

(4) The provisions of the Central Excise Act, 1944 and the rules made thereunder and the provisions of the Customs Act, 1962 and the rules made thereunder, as the case may be, including those relating to refunds and exemptions from duties shall, as far as may be, apply in relation to the levy and collection of cess leviable under this section and for this purpose, the provisions of the Central Excise Act, 1944 and of the Customs Act, 1962 as the case may be, shall have effect as if the aforesaid Acts provided for the levy of cess on all items specified in the Schedule. 1 of 1944
52 of 1962.

4. The proceeds of the cess levied under section 3 shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Fund from time to time, after deducting the expenses of collection, for being utilised exclusively for the purposes of this Ordinance. Crediting of Cess to Consolidated Fund of India.

5. The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants or loans sums of money as the Central Government may consider necessary in the Fund. Grants and Loans by the Central Government.

6. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Ordinance, a Fund to be called "Central Road Fund". Establish-ment of Central Road Fund.

(2) The Fund shall be under the control of the Central Government and there shall be credited thereto-

(a) any sums of money paid under section 4 or section 5;

(b) unspent part of the cess, being already levied for the purposes of the development and maintenance of national highways ;

(c) the sums, if any, realised by the Central Government in carrying out its functions or in the administration of this ordinance;

(d) any fund provided by the Central Government for the development and maintenance of State roads;

(3) The balance to the credit of the Fund shall not lapse at the end of the financial year.

7. The Fund shall be utilised for the— **Utilisation of the Fund.**

(i) development and maintenance of national highways ;

(ii) development of the rural roads ;

(iii) development and maintenance of other State roads including roads of inter-State and economic importance ;

(iv) construction of roads either under or over the railways by means of a bridge and erection of safety works at unmanned rail-road crossings; and

(v) disbursement in respect of such projects as may be prescribed.

8. (1) The concerned departments of the Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the profit and loss account and the balance-sheet in respect of allocations of their shares of fund in such form, as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. **Accounts and audit.**

(2) The accounts of the Fund shall be audited by Comptroller and Auditor-General of India at such intervals as may be specified by him.

CHAPTER III

MANAGEMENT OF CENTRAL ROAD FUND

9. (1) The Central Government shall have the power to administer the Fund and shall **Powers of Central Government to Administer the Fund.**

(a) take such decisions regarding investment on projects of national highways and expressways as it considers necessary;

(b) take such measures as may be necessary to raise funds for the development and maintenance of the national highways;

(c) allocate and disburse such sums as are considered necessary, to the concerned departments responsible for the development and maintenance of—

(i) national highways;

(ii) rural roads;

(iii) State roads; and

(iv) construction of roads either under or over the railways by means of a bridge and erect suitable safety works at unmanned rail-road level crossings.

Functions of the Central Government. 10. The Central Government shall be responsible for the—

(i) administration and management of the share of Fund allocated to the development and maintenance of the national highways;

(ii) co-ordination and complete and timely utilization of all sums allocated out of the Fund

(iii) sanction of schemes for State roads of inter-State and economic importance in such manner as may be prescribed;

(iv) formulation of criteria on the basis of which the specific projects of State roads of inter-State and economic importance are to be approved and financed out of share of State roads;

(v) release of funds to the States for specific projects and monitoring of such projects and expenditure incurred thereon;

(vi) formulation of the criteria for allocation of the funds for such projects which are required to be implemented by the National Highways Authority of India, and also for other projects for the development and maintenance of the national highways;

(vii) allocation of share of funds to each State and Union Territory specified in the First Schedule to the Constitution;

(viii) allocation of—

(a) fifty per cent of the cess on high speed diesel oil for the development of rural roads in such manner as may be prescribed; and

(b) the balance amount of fifty per cent of cess on high speed diesel oil and the entire cess collected on petrol as follows:—

(i) an amount equal to fifty seven and one half per cent of such sum for the development and maintenance of national highways;

(ii) an amount equal to twelve and one half per cent for the construction of road either under or over the railways by means of a bridge and erection of safety works at unmanned rail-road crossings; and

(iii) the balance thirty per cent. on development and maintenance of roads other than national highways and out of this amount, ten per cent. that is three per cent of the total share of State roads shall be kept as reserve by the Central Government for allocation to states for implementation of State road schemes of inter-State and economic importance to be approved by the Central Government in terms of clauses (iii) and (iv) of this section.

Administration of States share of the Fund.

11. (1) The share of the fund to be spent on development and maintenance of roads, other than national highways, as specified under sub-clause (b) of clause (viii) of section 10, after deducting the reserve kept by the Central Government for State road schemes of inter-State and economic importance, shall be allocated to various States and Union territories in such manner as may be decided by the Central Government.

(2) The portion of the fund allocated for expenditure in the various States and Union territories shall be retained by the Central Government until it is actually required for expenditure.

(3) If in the opinion of the Central Government, the Government of any State or the administration of any Union territory has at any time—

(a) failed to take such steps as the Central Government may recommend for the regulation and control of motor vehicles within the State or the Union territory; or

(b) delayed without reasonable cause the application of any portion of the fund allocated or re-allocated, as the case may be, for expenditure within the State or Union territory,

the Central Government may resume the whole or part of any sums which it may have at that time held for expenditure in that State or the Union Territory.

(4) All sums resumed by the Central Government from the account of any State Government or Union territory administration as aforesaid shall be re-allocated between the credit accounts of the defaulting and other State Governments and Union territory administrations in the ratio of the main allocation for the financial year preceding the year in which the re-allocation is made.

(5) The balance to the credit of the Fund in respect of any allocation shall not lapse at the end of the financial year.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) specify the projects in respect of which the funds may be disbursed under section 7;

(b) the manner in which the accounts shall be maintained and the annual statement of accounts may be prepared including the profit and loss account and the balance sheet under sub-section (1) of section 8;

(c) the manner in which the schemes for development and maintenance of State roads of inter-State and economic importance are to be formulated and sanctioned under section 10;

(d) any other matter for which rule is to be made, or may be, prescribed.

13. Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is session, for a total **Rules made under this Ordinance**

period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

14. With effect from the appointed day the Central Road Fund governed by the Parliamentary Resolution dated the 13th May, 1988 (hereafter referred to in this section as the existing Fund) shall be deemed to be the Fund established under this Ordinance and,—

(a) all schemes relating to development and maintenance of national highways and State roads sanctioned under the existing Fund in so far as such schemes are relatable to the schemes under this Ordinance, shall be deemed to be the schemes sanctioned under this Ordinance;

(b) all funds accrued under the existing Fund including assets and liabilities shall be transferred to the Fund established under this Ordinance.

THE SCHEDULE

(See section 3)

Sl. No.	Name of item	Rate of duty
(1)	(2)	(3)
1	Motor spirit commonly known as petrol	Rupee one per litre
2	High speed diesel oil	Rupees one per litre

K. R. Narayanan,
President.

Subhash C. Jain,
Secy. to the Govt. of India.