

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 22nd January, 2015

No.1-Leg./2015.-The following Act of the Legislature of the State of Punjab received the assent of the President of India on the 13th Day of January, 2015, is hereby published for general information:-

THE PUNJAB DEVELOPMENT FUND ACT, 2014
(Punjab Act No. 1 of 2015)

AN
ACT

to enable the Department of Excise and Taxation to discharge its social responsibility since it collects substantial revenue from the sale of liquor and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fifth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Development Fund Act, 2014. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In this Act, unless the context otherwise requires,-

Definitions.

- (a) "Board" means the Punjab Development Fund Board established under section 3;
- (b) "Department" means the Department of Excise and Taxation, Punjab;
- (c) "Fund" means the Punjab Development Fund, constituted under section 5;
- (d) "prescribed" means prescribed by rule made under this Act;
- (e) "regulations" means the regulations made by the Board;
- (f) "section" means a section of this Act; and
- (g) "State Government" means the Government of the State of Punjab in the Department of Excise and Taxation.

Establishment of
the Board.

3. (1) The State Government shall establish a Board for the purpose of this Act with the following composition:—

- (a) the Excise and Taxation Minister; : Chairperson
- (b) the Chief Parliamentary Secretary, : Member
Excise and Taxation;
- (c) the Chief Secretary to Government of : Member
Punjab
- (d) the Financial Commissioner (Taxation); : Member
- (e) the Principal Secretary, Finance Department; : Member
and
- (f) the Excise and Taxation Commissioner. : Member
Secretary

In addition to the above, the Board may co-opt three more members from various fields.

(2) The Board shall be a body corporate known by the aforesaid name having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name, sue or be sued.

(3) The Board may by resolution delegate to the Chairperson such of its powers for the conduct of its affairs, as it may consider necessary or desirable.

Powers of the
Chairperson.

4. The Chairperson shall have the powers of general superintendence and control in the conduct of the affairs of the Board. The Chairperson shall preside over the meetings of the Board, as well as exercise and discharge the powers and functions of the Board vested in him in accordance with this Act.

Constitution of
the Development
Fund.

5. (1) The State Government shall constitute a Fund to be known as the Punjab Development Fund.

(2) The Fund shall be maintained, operated and audited in such manner, as may be prescribed.

Objectives of the
Development
Fund.

6. The Fund shall be applied for the following purposes:—

- (a) for creation of community assets of durable nature;
- (b) for welfare schemes concerning persons as defined in the Punjab Value Added Tax Act, 2005;

- (c) any other purpose, as may be decided by the Board; and
- (d) 20% of the amount for de-addiction and the Punjab Cultural Heritage Maintenance and Development.

7. The source of funds shall be, as decided in the Excise Policy for the year 2014-15 and successive policies thereafter.

Revenue Streams
for the
Development
Fund.

8. (1) The Board may from time to time, with the prior approval of the State Government, make regulations not inconsistent with this Act and the rules framed thereunder for carrying out the purpose of this Act.

Power of the
Board to make
regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for specifying procedure to transact the business at the meeting of the Board.

9. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Powers of the
State Government
to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make such rules as may provide for any other matter which has 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 House of the State Legislature, while it is in session, for a total period of fourteen days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rules, or the House agrees, that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of 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 or omitted to be done under that rule.

10. (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 the Ordinance, as may appear to be necessary for removing the difficulty:

Powers to remove
difficulties.

Provided that no order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before the Legislative Assembly.

Protection for
action taken in
good faith.

11. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government or Board in respect of anything which is done or intended to be done in good faith under this Act and rules or regulations made thereunder.

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.