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UNIFIED METROPOLITAN TRANSPORT AUTHORITY BILL No. ___ OF 2015

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UNIFIED METROPOLITAN TRANSPORT AUTHORITY BILL

No. ____ 2015

[Date]

A Bill¹ to provide for the constitution of state level body to be known as Unified Metropolitan Transport Authority for the State of Madhya Pradesh and constitution of Unified Metropolitan Transport Authorities for urban areas at city level. The Bill further provides for notification of urban areas and the regulation of the development, operation, maintenance, management, tariff and provision of public transportation services within such urban areas.

Be it enacted by the Madhya Pradesh State Legislature in this the ____year of the Republic of India as under:

¹the National Urban Transport Policy, 2006, specifies as its main objective the need to ensure safe, affordable, quick, comfortable, reliable and sustainable access for the growing number of city residents to jobs, education, recreation and such other needs within cities, and further recognized that for urban areas to be able to support the required level of economic activity, easy and sustainable flow of goods and people must be provided

And whereas to achieve the objective of the National Urban Transport Policy, 2006 there is a need for

- *Establishing institutional mechanisms for strategic planning of all transport and mobility needs of the residents of the city;*
- *Establishing effective coordination amongst all transport and related organisations belonging to Central, State and private sector organisations;*
- *Establishing regulatory and enforcement mechanisms to ensure enhanced safety as well as equitable and environmentally friendly access and services to the transport system users;*

And whereas significant financial support from the Central and State Governments is required for investments in urban transport infrastructure and improving mobility in urban areas;

And whereas in order to have a comprehensive implementation of an integrated urban transport system in the notified urban areas, it is desirable to establish a Unified Metropolitan Transport Authority together with a Urban Transport Fund to be managed by such Authority and for purposes connected with the matters aforesaid.

**CHAPTER I
PRELIMINARY**

Section 1 Short title, extent and commencement

- (1) This Act may be called The Unified Metropolitan Transport Authority Act, 2015.
- (2) It shall come into force on such date and in such areas as the State Government may, by notification, in the Official Gazette, notify.

Section 2 Definitions

In this Act unless the context otherwise requires: -

- (a) **“Chairperson”** shall mean the Chairperson of the State Authority or the Chairperson of the City Authority as appointed under this Act;
- (b) **“Chief Executive Officer”** shall mean the Chief Executive Officer appointed under sub-section (1) of Section 9 of this Act;
- (c) **“City - Unified Metropolitan Transport Authority”** or **“C-UMTA”** shall mean city level Unified Metropolitan Transport Authority constituted under sub-section (5) of Section 3 of this Act;
- (d) **“City - Dedicated Urban Transport Fund”** or **“C-DUTF”** shall mean the Dedicated Urban Transport Fund of the City Authority created under Section 28 of this Act;
- (e) **“Chief Operating Officer”** shall mean the Chief Operating Officer appointed under sub-section (1) of Section 9 of this Act;
- (f) **“Central Government”** shall mean Government of India;
- (g) **“Comprehensive Mobility Plan”** shall mean the detailed plan document that defines the mobility plan for the urban area in synchronization with the development plan for such urban area and details out strategies and actions for achieving the objectives for enhancing mobility of the goods and people in such Urban Mobility Area.

- (h) **“Executive Board”** shall mean the executive board of the State Authority constituted under sub-section (4) of Section 3 of this Act;
- (i) **“Executive Committee”** shall mean the executive committee of the City Authority constituted under sub-section (9) of Section 3 of this Act;
- (j) **“Governing Board”** shall mean the governing board of the State Authority constituted under sub-section (3) of Section 3 of this Act;
- (k) **“Governing Committee”** shall mean the governing committee of the City Authority constituted under sub-section (8) of Section 3 of this Act;
- (l) **“Member”** shall mean a member of the State Authority or a member of the City Authority, as the case may be;
- {Explanation: Member shall mean member of the State Authority on being a member of the Governing Board or Executive Board as the case may be or a member of City Authority on being a member of Governing Committee or an Executive Committee as the case may be.}
- (m) **“Notification”** shall mean a notification published in the Official Gazette and the expression "notified" with its cognate meanings and grammatical variations, shall be construed accordingly;
- (n) **“Regulations”** shall mean the regulations made by the State Authority or the City Authority under this Act;
- (o) **“Rules”** shall mean rules made by the State Government under this Act;
- (p) **“Schedule”** shall mean any of the Schedules to this Act;
- (q) **“State Authority”** shall mean the Madhya Pradesh Unified Metropolitan Transport Authority constituted under Section 3 of the Act;
- (r) **“State Government”** or **“Government”** shall mean the government of Madhya Pradesh;

- (s) **“State - Dedicated Urban Transport Fund”** or **“S-DUTF”** shall mean the Dedicated Urban Transport Fund of the State Authority created under Section 27 of this Act;
- (t) **“Transport Investment Programme”** shall mean a detailed multi-year investment programme for Urban Transport for the Urban Mobility Area prepared in conjunction with the relevant urban transport implementation agencies;
- (u) **“Urban Mobility Area”** shall mean any area notified as an urban mobility area by the State Government in the official gazette for the purposes of this Act;
- (v) **“Urban Transport”** with its grammatical variations includes both transport vehicles and services available to the general public in urban areas, as well as private transport vehicles and services and includes all modes and means of transportation that fall within the categories specified under Schedule 1;
- (w) **“Urban Transport Ancillary Services”** with its grammatical variations, shall mean services required for operating and maintaining urban transport services specified under Schedule 1.

CHAPTER II

MADHYA PRADESH UNIFIED METROPOLITAN TRANSPORT AUTHORITY

Section 3 Unified Metropolitan Transport Authority in State and in Cities

- (1) The State Government may at any time after the commencement of this Act, by notification in the Official Gazette, constitute a state level authority to be called as the Madhya Pradesh Unified Metropolitan Transport Authority for the entire State of Madhya Pradesh.
- (2) The State Authority shall be a body corporate by the aforesaid name, shall have perpetual succession and a common seal with power to enter into contracts and to acquire, hold and dispose of property both movable and immovable and shall by the said name sue and be sued.
- (3) The State Authority shall consist of a Governing Board and an Executive Board. The Governing Board shall consist of following members, namely:

a)	Chief Minister of State of Madhya Pradesh	Chairperson
b)	Minister, Urban Development & Environment Department	Vice - Chairperson
c)	Minister, Transport Department	Member
d)	Minster, Finance Department	Member
e)	Minister, Public Works Department	Member
f)	Minster, Department of Housing and Environment	Member
g)	Minister, Revenue Department	Member
h)	Minister, Home Department	Member
i)	Minister, Public Relations Department	Member
j)	Chief Secretary, State Government of Madhya Pradesh	Member

k)	Principal Secretary, Urban Development & Environment Department	Member Secretary
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- (4) There shall be an Executive Board to assist the Governing Board in its day to day affairs and shall consist of the following members, namely:

a)	Chief Secretary	Chairperson
b)	Additional Chief Secretary, Home Department of Government of Madhya Pradesh	Member
c)	Principal Secretary, Urban Development & Environment Department	Member
d)	Principal Secretary, Transport Department	Member
e)	Principal Secretary, Finance Department	Member
f)	Principal Secretary, Public Works Department	Member
g)	Principal Secretary, Housing and Environment Department	Member
h)	Principal Secretary, Revenue Department	Member
i)	Principal Secretary, Public Relations Department	Member
j)	Police Director General	Member
k)	Mayors of respective cities	Member
l)	Divisional Commissioners of respective cities	Member
m)	Commissioner, Urban Development & Environment Department	Member Secretary

- (5) There shall be a City Authority for such Urban Mobility Area as notified in the official gazette by the State Government under this Act and to be known as City Level Unified Metropolitan Transport Authority (C-UMTA) or City Authority.

- (6) Each city, if deemed expedient by the State Government and notified in the official Gazette, shall have a City Authority.
- (7) The City Authority shall work and function under the supervision and control of the State Authority in fulfilling the objectives of this Act and shall perform such functions as the Act provides and shall exercise such powers as may be provided in this Act;
- (8) The City Authority shall consist of a Governing Committee and an Executive Committee. The Governing Committee shall consist of members and invitees, namely:

a)	Divisional Commissioner ²	Chairperson
b)	Mayor	Chairperson
c)	Inspector General of Police ³	Member
d)	Collector	Member
e)	Senior-most officer of Police in city	Member
f)	Commissioner, Municipal Corporation	Member Secretary
g)	Representation from Urban Development & Environment Department	Member
h)	Commissioner/ Deputy Commissioner - Housing Board	Special Invitee
i)	Commissioner/ Additional Commissioner/ Director -Department of Public Relations	Special Invitee
j)	Commissioner/ Additional Commissioner/ Joint Commissioner - Town and Country Planning	Special Invitee

² The District Collector to act as co-chairperson in case a city doesn't have Divisional Commissioner of its own.

³ Superintendent of Police to be a member in case a city doesn't have Inspector General.

k)	Managing Director - M.P.Madhya Kshetra Vidyut Vitran Co.	Special Invitee
l)	Chief Officer, Development Authority	Special Invitee
m)	Deputy Commissioner - Transport Department	Special Invitee
n)	Senior Representation from Railways	Special Invitee
o)	General Manager/ Representation from Bharat Sanchar Nigam Limited	Special Invitee
p)	Representative from Defense Ministry/Armed Forces	Special Invitee
q)	Airport Manager/ Nominee	Special Invitee
r)	Project Manager - National Highways Authority of India	Special Invitee
s)	Divisional General Manager State Highway Authority/ M.P. State Road Development Corp.	Special Invitee
t)	Superintendent Engineer, Public Works Department	Special Invitee
u)	Superintendent Engineer, Capital Project Administration	Special Invitee
v)	2-3 Specialists from Public Transport	Special Invitee
w)	Civil Society	Special Invitee

(9) The Executive Committee shall consist of members and invitees, namely:

a)	Collector	Chairperson
b)	Commissioner, Municipal Corporation	Chairperson
c)	CEO, SPV for Transport Corporation	Member Secretary

d)	Additional/ Deputy Superintendent of Police (Traffic)	Member
e)	Regional Transport Officer	Member
f)	District Officer, Department of Public Relations	Member
g)	2-3 Experts from Public Transport	Special Invitee

- (10) Members shall have the only right to vote in a meeting of the State Authority or the City Authority, as the case may be. No special invitee as provided in foregoing sections shall have the right to cast vote. Such invitees shall only have the right to attend such meetings and make their representation to the State Authority or the City Authority.
- (11) The State Government may by notification omit any member of the State Authority or City Authority, as the case may be, appointed or nominated by the State Government. Such notification shall be laid before the legislature of the State.
- (12) All decisions of the State Authority and City Authority shall be taken by majority.
- (13) The head office of the State Authority shall be at Bhopal, Madhya Pradesh;
- (14) No act or proceedings of the State Authority or City Authority shall be invalid by reason of the existence of the vacancy in or defect in the constitution of such Board or Committee.

Section 4 Members not to have certain interest

No Member of the State Authority or the City Authority shall have any share or interest, whether in his/her own name or otherwise, in any company or body corporate or an association of persons (whether incorporated or not) or a firm engaged in the business of Urban Transport or Urban Transport Ancillary Services.

Section 5 Term of Office and Condition of service of Members

- (1) The term of appointment, salary and allowances payable to, and the other conditions of service of the Chairperson and the Members of the State Authority and the City Authority shall be such as may be prescribed by the Rules and Regulations made under this Act.

- (2) The Chairperson and every Member shall, before entering upon his office, make and subscribe to an oath of office and of secrecy in such form and in such manner and before such authority as may be prescribed by the State Government.
- (3) In the event of the occurrence of a vacancy in the office of the Chairperson by reason of his/her death, resignation or otherwise, the Member based on hierarchy of appointment in the State Authority or City Authority, as provided in section 3 shall act as the Chairperson, until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.
- (4) When the Chairperson is unable to discharge his/her functions owing to absence, illness or any other cause, the Member based on hierarchy of appointment in the State Authority or the City Authority, as provided in section 3 shall discharge the functions of the Chairperson until the date on which the Chairperson resumes the charge of his/her functions.
- (5) The Chairperson or any Member ceasing to hold office as such shall not represent any person engaged in the commercial business of Urban Transport or Urban Transport Ancillary Services before the State Authority or City Authority, in any manner.

Section 6 Appointment, Resignation, Removal, or Suspension of Special Invitees as Members

- (1) Special Invitee Members in City Authority shall be appointed by the State Government through a notification in official gazette on recommendations of the specific departments in accordance with the rules framed under this Act.

The Special Invitee Members may, by notice in writing under his/her hand addressed to the State Government, resign his/her office:

PROVIDED that the Special Invitee Members shall, unless he/she is permitted by the State Government to relinquish his/her office earlier, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his/her successor enters upon his/her office or until the expiry of his/her term of office, whichever is the earliest.

- (2) Notwithstanding anything contained in sub-section (1), the State Government may, by order, remove the Special Invitee Members appointed or nominated by the State Government from his/her office if such Special Invitee Members, as the case may be,—
- (a) is, or at any time has been, adjudged as an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
 - (c) has acquired such financial or other interest as is likely to affect prejudicially his/her functions as a Special Invitee Members; or
 - (d) has so abused his position as to render his/her continuance in office prejudicial to the public interest; or
 - (e) has become physically or mentally incapable of acting as a Special Invitee Members.

PROVIDED that no Special Invitee Members as provided in this clause shall be removed from office under clause (c) or clause (d) unless the State Government, after holding an inquiry and providing a reasonable opportunity of hearing to the person removed from the office of the Special Invitee Members in accordance with such procedure as may be prescribed in this behalf, is satisfied that such person ought on such ground or grounds to be removed from such office.

- (3) Notwithstanding anything contained in sub-section (2), the State Government on recommendations of agencies such as the National Highway Authority, or Indian Railways appointing a Special Invitee under Section 3(8) may, by order, remove the Special Invitee nominated by the agency, as the case may be, from his/her office if such person , as the case may be,—
- (a) is, or at any time has been, adjudged as an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
 - (c) has acquired such financial or other interest as is likely to affect prejudicially his functions as a person ; or

- (d) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (e) has become physically or mentally incapable of acting as a special invitee.

PROVIDED that no Special Invitee Member shall be removed from office under clause (d) or clause (e) unless the Central Government, after holding an inquiry and providing a reasonable opportunity of hearing to the person removed from the office of a special invitee in accordance with such procedure as may be prescribed in this behalf, is satisfied that such person ought on such ground or grounds to be removed from such office.

- (4) If a casual vacancy occurs in the office of a nominated member, either by reason of death, resignation, removal or otherwise, such vacancy shall be filled up, as soon as may be, by the State Government and such nominated member will hold office only for the remainder of the term for which the person whose place he/she fills would have been a nominated member.

Section 7 Powers of Chairperson

- (1) The Chairpersons of the State Authority/City Authority , as the case may be, shall have the right to vote in case of equal number of votes are casted in a meeting of the State Authority/ City Authority.
- (2) The Chairpersons of the State Authority/City Authority shall have the powers of general superintendence, direction and control in respect of all administrative matters of the State Authority/City Authority respectively:

PROVIDED that the Chairperson may delegate such of his/her powers relating to administrative matters of the State Authority/City Authority, as he/she may think fit, to any other Member or officer of the State Authority/City Authority.

Section 8 Officers and Staff of the State Authority

- (1) The State Authority shall be supported by a cell of experts in accordance with the procedure and on terms and conditions specified by regulations, such number of experts, professionals or cell of such experts or professionals, of integrity, who have special knowledge of and experience in transportation engineering, urban planning, law, business or such other disciplines related to

urban transportation, as it deems necessary to assist the State Authority in the discharge of its functions.

- (2) The State Authority may from time to time engage such other officers or consultants as it deems necessary for the due and proper execution of its functions under this Act.
- (3) The salaries and allowances payable to and other terms and conditions of service of the officers and employees of the State Authority shall be governed by such conditions of services as may be determined by Regulations under this Act.

Section 9 Officers and Staff of the City Authority

- (1) The City Authority shall have a Chief Executive Officer who shall be appointed by the Executive Committee in consultation with the Governing Committee, and shall have the responsibility of implementation of the decisions of the City Authority and the general administration of the City Authority as may be prescribed by the regulations or as delegated by the City Authority.
- (2) There shall be a Chief Operating Officer to assist Chief Executive Officer of the City Authority who shall be appointed by the Executive Committee of the City Authority and shall have responsibility of implementation of the decisions of the City Authority and general administration as may be prescribed by regulation or delegated by the City Authority.
- (3) The City Authority shall be supported by a cell, in accordance with the procedure and on terms and conditions specified by regulations, such number of experts, professionals or cell of such experts or professionals, of integrity, who have special knowledge of and experience in transportation engineering, urban planning, law, business or such other disciplines related to urban transportation, as it deems necessary to assist the City Authority in the discharge of its functions.
- (4) The City Authority may from time to time engage such other officers or consultants as it deems necessary for the due and proper execution of its functions under this Act.
- (5) The salaries and allowances payable to and other terms and conditions of service of the Chief Executive Officer, Chief Operation and other officers and

employees of the City Authority shall be governed by such conditions of services as may be determined by regulations.

Section 10 Meetings of the State Authority

- (1) The State Authority shall meet at such times and places and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) may be prescribed in the regulations framed under this Act. Provided that the State Authority shall meet at least once in six months.
- (2) The Chairperson shall preside over the meetings of the State Authority.
- (3) If for any reason the Chairperson is unable to attend any meeting of the State Authority, a Member of the State Authority most senior in terms of the hierarchy of appointment in the State Authority as provided in section 3(3), present at the meeting shall preside at the meeting.
- (4) Subject to sub-section (1) of section 7, all issues which come before any meeting of the State Authority shall be decided by a majority. Chairman of the meeting shall have a casting vote.
- (5) Every Member who in any way, whether directly, indirectly or personally, has a conflict of interest relating to a matter to be decided at the meeting, shall disclose the nature of his/her interest and after such disclosure, the Member concerned or interested shall not attend that part of the meeting as it relates to that subject.
- (6) All orders and decisions of the State Authority shall be authenticated by the Chairperson or any other officer of the State Authority duly authorized by the Chairperson in this behalf.

Section 11 Meetings of City Authority

- (1) The City Authority shall meet at such times and places and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed in the regulations framed under this Act. Provided that the City Authority shall meet at least once in three months.

- (2) The Chairperson shall preside over the meetings of the City Authority.
- (3) If for any reason the Chairperson is unable to attend any meeting of the City Authority, a Member of the City Authority most senior in terms of the hierarchy of appointment in the City Authority as provided in section 3(8) or 3(9), as the case may be, present at the meeting shall preside at the meeting.
- (4) Subject to sub-section (1) of section 7, all issues which come before any meeting of the City Authority shall be decided by a majority Chairperson of the meeting shall have a casting vote as prescribed by the rules framed under this Act.
- (5) Every Member who in any way, whether directly, indirectly or personally, has a conflict of interest relating to a matter to be decided at the meeting, shall disclose the nature of his/her interest and after such disclosure, the Member concerned or interested shall not attend that part of the meeting as it relates to that subject.
- (6) All orders and decisions of the City Authority shall be authenticated by the Chief Executive Officer or any other officer of the City Authority duly authorized by the Chairperson in this behalf.

Section 12 Sub-Committees constituted by the State Authority or City Authority (for specific subject matters)

- (1) The State Authority or the City Authority may from time to time appoint sub-committees consisting of such members as it thinks fit and may associate with such sub-committee in such manner and for such period as required, any experts whose assistance or advice it may desire, and refer to such sub-committees for inquiry and report, any subject relating to the purposes of this Act.
- (2) The persons appointed as members of the sub-committee or persons associated with the sub-committee under sub-section (1) shall be entitled to receive such allowances or fees for attending the meetings of the sub-committee as may be determined by the State Authority/City Authority.
- (3) Every sub-committee appointed under sub-section (1) shall conform to any instructions that may, from time to time, be given to it by the State Authority/City Authority and the State Authority/City Authority may at any time alter the

constitution of any sub-committee so appointed or rescind any such appointment. The State Authority/City Authority shall nominate any one of the members as the chairperson of every such sub-committee.

- (4) The procedure to be followed by the sub-committees and all other matters relating to the sub-committees shall be such as may be specified by regulations.

CHAPTER III
DECLARATION OF URBAN MOBILITY AREA

Section 13 Establishment of Urban Mobility Area and alteration of their limits

- (1) The State Government may, by a notification in the Official Gazette, provide the Urban Mobility Area or exempt for the purpose of applicability of this Act for such term and condition as deem fit. Provided further, State Government may also include such areas, as deem fit in its discretion, adjacent or connected to the Urban Mobility Area considering potential traffic movement generated or to be generated in future from these areas. :

[Explanation: The State Government may by notification in the official gazette include such other areas, even if such area lie outside the territorial jurisdiction of a city or town, within the notified/to be notified Urban Mobility Area if it appears expedient to do so for having a sustainable urban transport system in a region.]

PROVIDED, *however*, that the State Government, may by notification include any development area within the Urban Mobility Area.

PROVIDED, *further*, no Military Cantonment or any part of its area required for military or defense purposes shall be included in such areas without the sanction of the Central Government.

PROVIDED, *further* that no area within the boundaries of a notified Special Economic Zone shall be included in such areas without the sanction of the Central Government.

- (2) A map showing the boundary of the Urban Mobility Area as established under this section shall be published in at least two English and two vernacular newspapers of the Urban Mobility Area and be advertised on the electronic media within the Urban Mobility Area.

CHAPTER IV
DUTIES, FUNCTIONS AND POWERS OF THE STATE AUTHORITY

Section 14 Duties and Functions of the Governing Board

(1) Notwithstanding anything contained in any other law for the time being in force, and in particular, and without prejudice to the foregoing power, the Governing Board functions include the following:

- | | | |
|---|----|--|
| Policy Formulation | a. | Formulation of policies (including policies relating to road and traffic safety) for development and regulation of urban transport and traffic throughout the State; |
| Comprehensive Mobility Plan & other plans | b. | Approve Comprehensive Mobility Plan submitted by the City Authority for an Urban Mobility Area; |
| Land Use coordination | c. | Integrate land-use and transport planning; |
| Identify needs | d. | Identify need for actions necessary to ensure sustainable public transport and traffic in the State; |
| Development of Urban transport | e. | Plan and provide directions for development of integrated facilities and systems for urban transport access; |
| State – Dedicated Urban Transport Fund | f. | Constitute a State – Dedicated Urban Transport Fund for the development and regulation of public transport and traffic services, and ensure availability of funds; |
| Review of Schemes | g. | Supervise and monitor traffic and public transport related schemes, plans, projects and other programmes in the State; |
| Centre of Excellence | h. | Establish a Centre of Excellence for facilitating a state of art training centre for imparting training, programmes, workshops etc. with such roles and scope as may be provided by regulations framed by the Governing Board; and |
| Any other task | i. | Any other work which the State Government may assign or the Governing Board suo-moto identifies for the State or a notified Urban Mobility Area for sustainable urban transport system in the system. |

- (2) The Governing Board may appoint any person/agency to perform any activities and/or works mentioned in relation to its functions provided in sub-section (1) above.

PROVIDED that such work or activities undertaken by any person or agency shall be subject to such restrictions, limitations, and conditions as may be laid down by the Governing Board, and shall also be subject to the supervision, control and revision by the Governing Board of the State Authority.

- (3) Subject to the provision of this Act, the Governing Board may from time to time incur expenditure and undertake works mentioned in sub-section (1) and (2) in the State.

The Governing Board shall ensure effective implementation of this Act in State for the purpose of this Act, and in this regard it shall also perform such functions and duties as the State Government may prescribe.

Section 15 Duties and Functions of the Executive Board

- (1) Notwithstanding anything contained in any other law for the time being in force, and in particular, and without prejudice to the foregoing power, the Executive Board's functions include the following:

- | | | |
|-------------------------------|----|--|
| Development and Regulation | a. | Ensure proper implementation and regulation of policies, proposals, orders, bye-laws, regulations, advisories, directions set by the Governing Board related to urban transport and traffic; |
| Review of Schemes | b. | Supervise and monitor traffic and public transport related schemes, plans, projects and other programmes in the State; |
| Assistance to Governing Board | c. | Assist the Governing Board in discharging all its functions and duties under this Act; |
| Standards and Guidelines | d. | Publish and issue standards and guidelines relating to the development and operation of urban transport facilities and services as approved by the Governing Board; |

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| Propose other function | e. | Propose/suggest any other function to Governing Board to ensure sustainability of public transport and traffic systems in cities; |
| Promotion of Technology | f. | Promote technology based solutions for traffic management, traffic surveillance, transport planning, design of transport systems and selection of mode of transport; and |
| Implementation of other work | g. | Discharge/perform any other function as directed by the State Government/ Governing Board from time-to-time. |

(2) The Executive Board may appoint any person/agency to perform any activities and/or works mentioned in relation to its functions provided in sub-section (1) above.

PROVIDED that such work or activities undertaken by any person or agency shall be subject to such restrictions, limitations, and conditions as may be laid down by the State Authority, and shall also be subject to the supervision, control and revision by the State Authority.

(3) Subject to the provision of this Act, the Executive Board may from time to time incur expenditure and undertake works mentioned in sub-section (1) and (2) in the State.

The Executive Board shall ensure effective implementation of this Act in State for the purpose of this Act, and in this regard it shall also perform such functions and duties as the State Government and the Governing Board of the State Authority may prescribe from time to time.

Section 16 Powers of the Governing Board of the State Authority

(1) Notwithstanding anything contained in any other law for the time being in force, with a view to efficient execution of its functions as set forth in this Act, the Governing Board shall have the powers to:

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| Management of Security | a. | Accept, acquire, hold, surrender, transfer or re-convey security (including security provided in a financing |
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arrangement) of any kind in any form whatsoever either in the name of the State Authority or through City Authority;

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| Power to deal in property | b. Purchase, lease, hold, construct, manufacture, maintain, sell, dispose of, or otherwise deal any property whatsoever (whether movable or immovable) or any part thereof required for or in connection with implementation of objects and purpose of this Act either in its name of the State Authority or through City Authority; |
| Coordination of agencies | c. Coordination among various agencies which are involved in public transport and traffic activities in the State; |
| Enforcement of Regulations | d. Ensure enforcement of regulations as prescribed from time to time under this Act; |
| Approval and Monitoring Power | e. Approve Comprehensive Mobility Plan, parking master plan, advertisement master plan, Transport Investment Programmes and other plans and sub-plans required for sustainable urban transport and to monitor and audit their compliance; |
| Performance audit | f. Prepare and review as appropriate performance related terms and conditions of services for its employees; |
| Safety Guidelines | g. Formulate, supervise and monitor safety guidelines; |
| Fund Use | h. Management of State Dedicated Urban Transport Fund (S-DUTF) for urban transport activities and ensure Audit of accounts and loans; |
| Dispute Resolution | i. Resolve disputes relating to urban public transport and traffic; |
| Delegation of Functions and Powers | j. Delegate any or all functions and powers to Executive Board of State Authority; and |
| To impose penalty | k. Impose penalty as prescribed under the Act or rules framed under this Act, for non-compliance of rules, regulations, directions, by-laws, orders, circulars etc. issued from time to time. |

- (2) The exercise of powers by the Governing Board of the State Authority under sub-clause (1) of Section 16 shall prevail over, and in the event of any conflict override, any rules, regulations, orders, directions, notifications or any other actions under any other law for the time being in force, that are inconsistent with such exercise of powers by the Governing Board of the State Authority.

Section 17 Powers of the Executive Board of the State Authority

- (1) Notwithstanding anything contained in any other law for the time being in force, with a view to efficient execution of its functions as set forth in this Act, the Executive Board of the State Authority shall have the powers to:

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| Power to Enter into Contracts | a. Enter into agreements, contracts, memorandum of understanding, arrangements, etc. according to the Rules and Regulations made under this Act; |
| Performance audit | b. Prepare and review as appropriate performance related terms and conditions of services for its employees; |
| Directions | c. Give directions to City Authority to achieve goals and purposes of this Act; |
| Delegation of Functions and Powers | d. Delegate any or all functions and powers to Governing Committee of City Authority. |

- (2) The exercise of powers by the Executive Board of the State Authority under sub-clause (1) of Section 17 shall prevail over, and in the event of any conflict override, any rules, regulations, orders, directions, notifications or any other actions under any other law for the time being in force, that are inconsistent with such exercise of powers by the Executive Board.

CHAPTER V DUTIES, FUNCTIONS AND POWERS OF THE CITY AUTHORITY

Section 18 Duties and Functions of the Governing Committee

- (1) Notwithstanding anything contained in any other law for the time being in force, and in particular, and without prejudice to the foregoing power, the Governing Committee's functions include the following:

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| Comprehensive
Mobility Plan &
other plans | a. Approve various plans, schemes, programmes under Comprehensive Mobility Plan as approved by State Authority; |
| Monitor and
Supervision | b. Monitor, supervise and review work of Executive Committee; |
| Transport
Investment
Programme | c. To achieve the goals of the approved Comprehensive Mobility Plan, preparation of a Transport Investment Programme for the Urban Mobility Area to provide guidance to the various agencies engaged in provision of the Urban Transport and the Urban Transport Ancillary Services to prepare their own investment programmes and projects in conformity with the overall Transport Investment Programme; |
| Implementation
of Policy | d. Implementation of rules, regulations, policies, directions, guidelines, by-laws, circulars, advisories, orders etc. issued by the State Authority from time to time; |
| Infrastructure
for transport and
traffic | e. Ensure necessary construction, development, implementation, maintenance and regulation of infrastructure for urban transport and traffic system; |
| Integration of
Fares | f. Ensure integration of fares of various transport systems in the Urban Mobility Area; |
| Integrated
Facilities | g. Ensure development, construction, repair, re-construction, and operation and management of any integrated or stand-alone transport infrastructure or facilities that aid and enhance the efficiency or service levels to the consumers, in the Urban Mobility Area, either suo-moto or through agencies appointed for this purpose; |
| Performance
Indicators | h. Prepare measures and publish service level benchmarks which shall act as performance indicators for urban transport services to augment and in accordance with the service level benchmarks published by the State Government/Ministry of Urban Development; |

Publication & Display of Information	i. Publication & display of information for the users of various urban transport services within the Urban Mobility Area with a view to promote consumer awareness on the integrated urban transport system;
Command Centre	j. Establish command and control centre for surveillance, management, supervision, control and regulation of urban traffic;
Collection of Information	k. Knowledge Management Centre for collation of information on urban transportation within Urban Mobility Area and provision of the same to the relevant agencies with a view to contributing to the national database on urban transport;
Capacity Building	l. Undertake activities for the purpose of capacity building and for advancing the skills of persons employed by the State Authority and City Authority or the efficiency of the equipment of the State Authority and City Authority or the manner in which the equipment is operated including the provision of facilities of training, education and research;
City-Dedicated Urban Transport Fund	m. Manage and Regulate City-Dedicated Urban Transport Fund;
Technology based solution	n. Promote technology based solutions for traffic management, traffic surveillance, transport planning, design of transport systems and selection of mode of transport, introduction of integrated smart card ticketing system, web based applications, help-lines systems etc.;
Coordination among agencies	o. Facilitate coordination among various city level agencies concerned with urban transport and its allied activities and with State Authority;
	p. Supervise, monitor, regulate and review works of Executive Committee; and
Other necessary works	q. Other necessary works for making urban public transport and traffic sustainable as mandated by the State Government/State Authority.

- (2) The Governing Committee of the City Authority may appoint any person/agency to perform any activities and/or works mentioned in relation to its functions provided in sub-section (1) above.

PROVIDED that such work or activities undertaken by any person or agency shall be subject to such restrictions, limitations, and conditions as may be laid down by the Governing Committee of the City Authority, and shall also be subject to the supervision, control and revision by the Governing Committee.

- (3) Subject to the provision of this Act, the Governing Committee may from time to time incur expenditure and undertake works mentioned in sub-section (1) and (2) in the Urban Mobility Area.

The Governing Committee shall ensure effective implementation of this Act in Urban Mobility Areas notified for the purpose of this Act, and in this regard it shall also perform such functions and duties as the State Government/State Authority may prescribe.

Section 19 Duties and Functions of the Executive Committee of the City Authority

- (1) Notwithstanding anything contained in any other law for the time being in force, and in particular, and without prejudice to the foregoing power, the Executive Committee's functions include the following:

Preparation and Implementation of Comprehensive Mobility Plan & other plans

- a. Prepare, execute and implement various plans, schemes, programmes including Comprehensive Mobility Plan (including but not limited to public transportation, and non-motorised transportation within the Urban Mobility Area as detailed in Section 24 of this Act, in conjunction with the area development plan and its revision/amendment from time to time to ensure integration of land use planning and transport planning on a regular basis);

Implementation of Policy

- b. Implementation of rules, regulations, policies, directions, guidelines, bye-laws, programmes, advisories, circulars issued by the State Government/Governing Board/Executive Board/Governing Committee from time to time;

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| Public Transport
Related schemes | c. | Submission of proposals of public transport and traffic related plans, programmes, projects, schemes of State Government and Governing Committee of City Authority; |
| Assistance to
Governing
Committee | d. | Provide assistance to Governing committee of City Authority in policy formulation and effective execution for public transport and traffic systems; |
| City-Dedicated
Urban Transport
Fund | e. | Manage City-Dedicated Urban Transport Fund; and |
| Other necessary
works | f. | Discharge any other duty/function assigned by the State Government/ State Authority/Governing Committee from time-to-time. |

(2) The Executive Committee of the City Authority may appoint any person/agency to perform any activities and/or works mentioned in relation to its functions provided in sub-section (1) above.

PROVIDED that such work or activities undertaken by any person or agency shall be subject to such restrictions, limitations, and conditions as may be laid down by the Executive Committee, and shall also be subject to the supervision, control and revision by the Executive Committee.

(3) Subject to the provision of this Act, the Executive Committee may from time to time incur expenditure and undertake works mentioned in sub-section (1) and (2) in the Urban Mobility Area.

The Executive Committee shall ensure effective implementation of this Act in Urban Mobility Areas notified for the purpose of this Act, and in this regard it shall also perform such functions and duties as the State Government/State Authority/Governing Committee of the City Authority may prescribe from time to time.

Section 20 Powers of the Governing Committee of the City Authority

(1) Notwithstanding anything contained in any other law for the time being in force, with a view to efficient execution of its functions as set forth in this Act, Governing Committee of the City Authority shall have the powers to:

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| Management of security | of | a. Accept, acquire, hold, surrender, transfer or re-convey security (including security provided in a financing arrangement) of any kind in any form whatsoever, but subject to such powers of the State Authority under Clause 1(a) of Section 16; |
| Power to deal in property | in | b. Purchase, lease, hold, construct, manufacture, maintain, sell, dispose of, or otherwise deal any property whatsoever (whether movable or immovable) or any part thereof required for or in connection with implementation of objects and purpose of this Act, but subject to such powers of the State Authority under Clause 1(b) of Section 16; |
| Direction to Executive Committee | to | c. Issue directions to the Executive Committee to perform such function/duty for development of sustainable urban transport system; |
| Direction to SPVs/Stakeholders | to | d. Development and regulation of affordable public transport and traffic through SPV, Stakeholders; |
| Approval of Transport Project | of | e. Approve all major Transport Projects proposed for or in the Urban Mobility Area to be developed by State, any other agencies from the perspective of alignment with Comprehensive Mobility Plan according rules and regulations made under this Act; |
| Delegation of Power | | f. Delegate any or all its powers to the Executive Committee to perform various functions and duties as provided under this Act; |
| Issuance of Permits | | g. Rationalization of routes and issuance of fitness certificates/permits/licences for public transport services to transport agencies and authorities dealing in urban transport and urban transport ancillary services; |
| Fee, fare, charges etc. | | h. Monitor, advise and regulate fees and charges for roads, public transport, parking, and other public transport facilities and services and fares for all Urban Transports as may be prescribed from time to time; |

- Regulation of Fund i. Regulate/supervise the City-Dedicated Urban Transport Fund (C-DUTF) for urban transport activities and ensure Audit of accounts and loans; and
 - Dispute resolution j. Resolve disputes arising out of urban public transport and traffic.
 - To impose penalty k. Impose penalty as prescribed under the Act or rules framed under this Act, for non-compliance of rules, regulations, directions, by-laws, orders, circulars etc. issued from time to time.
- (2) The exercise of powers by the Governing Committee under sub-clause (1) of Section 20 shall prevail over, and in the event of any conflict override, any rules, regulations, orders, directions, notifications or any other actions under any other law for the time being in force, that are inconsistent with such exercise of powers by the City Authority.

Section 21 Powers of the Executive Committee of the City Authority

(1) Notwithstanding anything contained in any other law for the time being in force, with a view to efficient execution of its functions as set forth in this Act, the City Authority shall have the powers to:

- Direction to SPVs/Stakeholders a. Development and regulation of sustainable urban transport and traffic through SPV/Stakeholders;
- To replace SPV b. Replace any existing SPV in the Urban Mobility Area through legal recourses/modes including but not limited to acquisition, amalgamation, merger, takeover, change in management etc.
- Issuance of Permits c. Rationalization of routes and issuance of permits/licences for public transport services to various transport agency and authorities dealing in urban transport and urban transport ancillary services; and
- Fund use d. Management of funds through City- Dedicated Urban Transport Fund (C-DUTF) for urban transport activities and ensure Audit of accounts and loans.

Safety Guidelines e. Enforce safety guidelines prepared and issued by the Governing Board with respect to Urban Transport according to rules and regulations made under this Act;

(2) The exercise of powers by the Executive Committee under sub-clause (1) of Section 21 shall prevail over, and in the event of any conflict override, any rules, regulations, orders, directions, notifications or any other actions under any other law for the time being in force, that are inconsistent with such exercise of powers by the City Authority.

Section 22 City Authority may give direction to the urban transport administrators and transport operators

(1) To ensure implementation of the objects and purposes of this Act, notwithstanding anything contained in any other law for the time being in force, the City Authority may give such directions with regards to the implementation of any Urban Transport project or operation of any existing Urban Transport within the Urban Mobility Area, as it may deem fit, to the relevant Urban Transport administrator or a transport operator having operations within the Urban Mobility Area or any other department that may be concerned in relation to the implementation of the any Urban Transport project or operation of any existing Urban Transport.

Provided, *however*, in the event there is any conflict between the directions issued by the City Authority under this provision and direction issued by any other authority under any other law for the time being in force in relation to any Urban Transport administrator or a transport operator or any other department having operations within the Urban Mobility Area or in relation to the implementation of any Urban Transport project or operation of any existing Urban Transport, the directions issued by the City Authority shall prevail.

(2) The City Authority shall take such measures as they may deem appropriate to ensure implementation of the plan approved by the City Authority.

Section 23 Power to enter into agreement for development of public transport facility and transport system in an Urban Mobility Area

- (1) Notwithstanding anything contained in any other law for the time being in force, the City Authority shall have the power to enter into any agreement, subject to such restrictions as may be imposed by the City Authority, such as grant a concession to a private entity or execute a license or contract or sub-contract or franchise with a public or private entity for the development of any infrastructure facility or transport system as may be authorized by the City Authority or that is provided for in any plan made by the City Authority for an Urban Mobility Area.
- (2) For such infrastructure facility or transport system or services connected thereto, the City Authority shall also have the power to notify the fees/toll/user charge that can be charged. The City Authority shall have the power to vest the concessionaire or licensee or contractor or sub-contractor or franchisee, as the case may be, with the power to collect and appropriate such fees/toll/user charges in accordance with the terms stipulated in the relevant arrangement entered into in this regard. The City Authority shall also have the power to monitor public safety on these contracted public services.
- (3) The City Authority shall make regulations, orders and/or give instructions it may consider necessary for the purpose of entering into the various arrangements referred to under sub- section (1).

Section 24 Development of a Comprehensive Mobility Plan for Urban Mobility Area

- (1) The City Authority shall prepare a Comprehensive Mobility Plan for the entire Urban Mobility Area to ensure integrated, comprehensive and planned development of urban transportation in the Urban Mobility Area, and such plan shall include but not limited to (i) infrastructure facilities and other works, (ii) various modes of transport systems, transportation services, (iii) procedures and processes to resolve any issues in relation to any existing transport system or transport services being operated, (iv) mechanisms that will govern the implementation of such plans in order to achieve the object and purpose of this Act; and (v) such other matters that may be necessary for the development and implementation of such plans.

PROVIDED, however, in the event there is any other authority and/or committee constituted under any any other law for the time being in force which formulates, develops or implements any plan, or scheme in relation to urban transportation within the Urban Mobility Area, then in such circumstances, the City Authority shall discharge its functions under this section 24 in consultation with such authority case.

- (2) Before finalizing any plan as provided under this Act, the City Authority shall prepare a draft plan, and publish it by making a copy thereof available for inspection, and publishing a notice in such form and manner as may be prescribed by regulations made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as maybe specified in the notice, subject to a maximum time period of [two months] from the date of publication of the notice. The City Authority shall after giving adequate opportunity to the concerned persons of being heard and after considering the suggestions, objections and representations, if any, modify the draft plan, if necessary.
- (3) After modification of any plan based on comments received, the City Authority shall submit such plans to the State Authority for approval and the Authority may either approve the plan without modifications or with such modifications as it may consider necessary, or reject the plan, with directions to the City Authority to prepare a new plan based on recommendation issued by the State Authority in relation thereof.
- (4) The City Authority shall publish and publicize all plans approved by the State Government as provided in sub-clause (3) above amongst stakeholders as may be prescribed.

Section 25 Appeals

1. Any person:
 - a. Aggrieved by the refusal of the City Authority to grant a permit, or by any condition attached to a permit granted to him, or
 - b. Aggrieved by the revocation or suspension of the permit or by any variation of the conditions thereof, or
 - c. Aggrieved by the refusal to transfer the permit under section 21(1)(c) or
 - d. Aggrieved by the refusal of the City Authority to countersign a permit, or by any condition attached to such countersignature, or
 - e. Aggrieved by the refusal of renewal of a permit, or
 - f. Aggrieved by any other order which may be prescribed.

may, within the prescribed time and manner, file an appeal to the State Authority. Appeal shall be disposed-off by the State Authority after providing opportunity of hearing to the appellant in accordance with the rules framed under this Act.

2. Any person aggrieved by the decision of the State Authority under sub-section (1) may, within the prescribed time and manner, file an appeal to Madhya Pradesh Unified Metropolitan Transport Appellate Tribunal constituted under sub-section (3), who shall, after giving such person and the original authority an opportunity of being heard, give a decision thereon which shall be final.
3. The State Government shall constitute for the State, Madhya Pradesh Unified Metropolitan Transport Appellate Tribunal (Appellate Tribunal) which shall consist of a judicial officer who is not below the rank of a District Judge, or who is qualified to be a Judge of a High Court:
4. Notwithstanding anything contained in sub-section (1) or sub-section (2), every appeal pending at the commencement of this Act, shall continue to be proceeded with and disposed of as if this Act had not been passed.

Section 26 Revision

The Madhya Pradesh Unified Metropolitan Transport Appellate Tribunal (Appellate Tribunal) may, on an application made to it, call for the record of any case in which an order has been made by State Authority or any officer or committee appointed under the Act, against which no appeal lies, and if it appears to the Appellate Tribunal that the order made by the State Authority or officer or committee appointed under the Act is improper or illegal, the Appellate Tribunal may pass such order in relation to the case as it deems fit and every such order shall be final:

Provided that the Appellate Tribunal shall not entertain any application from a person aggrieved by an order of State Authority or any officer or committee appointed under the Act, unless the application is made within thirty days from the date of the order:

Provided further that the Appellate Tribunal may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by good and sufficient cause from making the application in time: Provided also that the Appellate Tribunal shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

CHAPTER VI
DEDICATED URBAN TRANSPORT FUND (DUTF)

Section 27 Fund of the State Authority

(1) The State Authority shall establish a fund to be known as “State – Dedicated Urban Transport Fund” (S-DUTF), for the purpose of implementation of the Act, and shall comprise of the following:

(a) Funding from Central Government Allocations shall be deposited in S-DUTF Account:

(i) Proceeds accruing to the National Investment Fund and allocated for use specifically in development of Urban Transport and such other proceeds from Finance Commission of India received by the State of [name of State] and as decided by the State Government.

(Note for reference: The Finance Commission had recommended to the Government of India that disinvestment proceeds accruing to the National Investment Fund between April 2009 and March 2012 should be utilised for augmenting critical infrastructure in cities having a growing need for a rapid urban transport system.

The Government on 17th January, 2013 has approved restructuring of the National Investment Fund (NIF) and decided that the disinvestment proceeds with effect from the fiscal year 2013-14 will be credited to the existing ‘Public Account’ under the head NIF and they would remain there until withdrawn/invested for the approved purpose. The approved purposes of NIF include inter alia:

- a. Equity infusion in various Metro projects;*
- b. Investment in Indian Railways towards capital expenditure)*

(ii) Part of any grant and fund received through allocations (including budgetary allocations) by the Central Government, as decided by the State Government.

(b) Funding from State Government Allocations shall be deposited in S-DUTF Account:

(i) Part of any grant and fund received through allocations (including budgetary allocations) by the State Government.

- (c) Revenue from other sources collected by State Government/State Authority shall be deposited in S-DUTF account:
- (i) Part of the proceeds collected by the State Government on account of Green Tax, wherein Green Tax means a tax levied on use of vehicles older than a certain age to reduce the negative impacts of vehicular emissions on the environment, as decided by the State Government through co-ordination of notification in relation to the same under the Motor Vehicles Act in the State;
 - (ii) Part of the cess collected by the State Government on vehicle registration charges for both new and old vehicle registrations in the State at the rate of {INR [] / [] %}, as decided by the State Government through co-ordination of notification in relation to the same under the Motor Vehicles Act in the State;
 - (iii) Part of the additional registration charges collected by the State Government on registration of private diesel vehicles in the State at the rate of {INR [] / [] %}, as decided by the State Government through co-ordination of notification in relation to the same under the Motor Vehicles Act in the State;
 - (iv) Part of the cess collected by the State Government on registration of every additional car purchased in a family at the rate of [] % of sale price of the vehicle and collected at the time of registration of vehicles, as decided by the State Government through co-ordination of notification in relation to the same under the Motor Vehicles Act in the State;
 - (v) Part of additional cess of {INR [] per litre on petrol collected on sale of such fuel in the State, as decided by the State Government through co-ordination of notification in relation to the same under the Sales Tax Act;
 - (vi) Part of the funds in the form of earmarked [] % of cess on diesel from Central Road Fund, as received and further decided by the State Government;

- (vii) [] % of the funds collected from violation of traffic penalties in the Urban Mobility Area, as decided by the State Government;
 - (viii) Part of cess of []% on registration fee on all property transfer which takes place along influence zone within urban area, as notified by the State Government;
 - (ix) Part of cess on levy on conversion of land use at the rate of [] % of existing land use conversion charges, as decided by the State Government; and
 - (x) Tax levied on employers employing more than [50] employees at the rate of [] % of total wages paid by the employer in any financial year, as decided and collected by the State Authority.
- (2) The monies and revenues accumulated in the S-DUTF shall be used for the purposes as indicated in the Act which shall include, but are not limited to funding the following activities:
- (a) Operations of the State Authority, including payments for its staff and employees whether permanent or contractual, according to Rules and Regulations made under this Act;
 - (b) Allocating fund to City Authority for the development under C-DUTF and to achieve the objectives of this Act;
 - (c) Conducting studies in urban transport, including by hiring consultants, researchers, and funding detailed project reports in relation to any project or scheme undertaken in accordance with this Act;
 - (d) Providing targeted subsidies for urban transport operations; and
 - (e) Funding development of urban transport infrastructure and providing Viability Gap Funding.
- (3) The State Authority shall create sub-funds as required to ensure that the objects and the purposes of the Act are achieved in an effective manner;
- (4) The State Authority shall carry out the management of the S-DUTF either on its own or through an authorised representative;

- (5) The State Authority shall formulate regulations for working and administration and management of the funds;
- (7) The State Authority shall keep its fund in any of the Scheduled Banks; and
- (8) The State Authority may invest any portion of its fund in such securities or in such other manner and for such time as may be prescribed.

Section 28 Fund of the City Authority

- (1) The City Authority shall establish a fund to be known as “City - Dedicated Urban Transport Fund” (C-DUTF), for the purpose of implementation of the Act in Urban Mobility Area, and shall comprise of the following:
 - (a) Funding from the State Government/Central Government/State Authority allocations to the Urban Mobility Area shall be deposited in C-DUTF Account, including part of any grant and fund received through allocations (including budgetary allocations) by the Central Government and State Government, as decided by the State Government.
 - (b) Revenue from other sources collected by the State Government City Authority shall be deposited into the C-DUTF Account:
 - i. Cess calculated at the rate of []% of existing parking charges levied by municipal corporations in the Urban Mobility Area and other public sector agencies operating parking facilities in the [] Urban Mobility Area, as imposed and levied by the City Authority. The administrative work of collection of the parking charges may be carried out by the existing municipal corporation and other public sector agencies and funds collected by such cess may be transferred to C-DUTF after deducting the expenses of collection;
 - ii. Additional cess at the rate of []% of existing advertising charges levied by municipal corporations and other public sector agencies within the urban area, as decided by the City Authority. The administrative work of collection of the advertising charges may be carried out by the existing municipal corporation and other public

sector agencies and funds collected by such cess may be transferred to C-DUTF after deducting the expenses of collection;

- iii. Part of the funds in the form of earmarked [] % S-DUTF, as received by the City Authority and further decided by the State Government.
- iv. Additional cess at the rate of []% of existing property tax and housing development society fund received by the City Authority and as further decided by the State Government.

- (2) The monies and revenues accumulated in the C-DUTF shall be used for the purposes as indicated in the Act which shall include, but are not limited to funding the following activities:
 - (a) Operations of the City Authority, including payments for its staff and employees whether permanent or contractual, according to rules and regulations made under this Act;
 - (b) Preparation of Comprehensive Mobility Plan (including updates, if any);
 - (c) Providing targeted subsidies for inter- modal integration;
 - (d) Conducting studies in urban transport, including by hiring consultants, researchers, and funding detailed project reports in relation to any project or scheme undertaken in accordance with this Act;
- (3) The City Authority shall create sub-funds as required to ensure that the objects and the purposes of the Act are achieved in an effective manner;
- (4) The City Authority shall carry out the management of the C-DUTF either on its own or through an authorised representative;
- (5) The City Authority shall formulate regulations for working and administration and management of the funds;
- (6) The City Authority shall prepare financing plan for Transport investment Programme;

- (7) The City Authority shall keep its fund in any of the Scheduled Bank; and
- (8) The City Authority may invest any portion of its fund in such securities or in such other manner and for such time as may be prescribed.

Section 29 Grants and Loans by the Government

The Central Government or the State Government may make such grants, advances and loans to the State Authority or the City Authority as may be deemed necessary for the performance of the functions under this Act and all grants, loans and advances so made shall be on such terms and conditions, as may be determined by such Government making grants, advances or loans.

Section 30 Priority of payment for interest and repayment of loans

All payments due from the State Authority or the City Authority on account of interest on loans or the repayment of loans shall be made in priority out of all other dues from the State Authority or the City Authority.

Section 31 Power to raise finances

- (1) The State Authority/the City Authority may raise finance or debt for the effective implementation of the objects and purpose of the Act through loans or debentures or issuing bonds from such sources (other than the State and the Central Government) and on such terms and conditions as may be approved by the State Government.
- (2) 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 loans borrowed by the State Authority or City Authority under subsection (1).

Section 32 Grants and Loans by the State Authority and City Authority

The State Authority or City Authority may make such grants, advances and loans to any urban transport authority within the Urban Mobility Area as may be deemed necessary and all grants, loans and advances so made shall be on such terms and conditions, as may be determined by such authority making grants, advances or loans.

Section 33 Comprehensive Debt Limitation Policy

The State Government shall frame a comprehensive debt limitation policy applicable in case of loans/debt or any form of finance raised by the State Authority or City Authority, laying down *inter alia* the general principles governing the raising of loans, the limit of the loans which the State Authority or City Authority may raise having regard to its financial capacity, the proposed projects and terms and conditions, including repayment thereof.

Section 34 Sinking fund

- (1) The State Authority and City Authority shall maintain their sinking funds for re-payment of moneys borrowed under section 29, and shall pay every year into the sinking fund such sum as may be sufficient for re-payment within the period fixed of all moneys so borrowed.
- (2) The sinking funds or part thereof shall be applied in or towards the discharge of the loans for which such fund was credited, and until such loan is wholly discharged it shall not be applied for any other purpose.

Section 35 Budget of the State Authority/City Authority

- (1) The State Authority and the City Authority shall prepare every year, in such form and at such time, as may be prescribed by rules, budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the State Authority and the City Authority and the State Authority shall forward to the State Government, and City Authority to the State Authority, such number of copies thereof as may be prescribed by rules.
- (2) The Budget prepared by the State Authority and the City Authority, in so far as it does not require any revenue contribution from the State Government, shall be final and can be adopted by the State Authority and the City Authority without the need for any prior approval of the State Government. However, the budget prepared by the State Authority and the City Authority, to the extent that it requires any revenue contribution from the State Government, would be subject to the final approval from the State Government and be subject to such change or terms and conditions as the State Government may prescribe in this regard.

Section 36 Audit

- (1) The accounts of the State Authority and the City Authority shall be subject to audit annually by the Accountant General of the State and any expenditure incurred by him/her in connection with such audit shall be payable by the State Authority and the City Authority to the Accountant General. The Accountant General or any person appointed by him/her in connection with the audit of accounts of the State Authority and the City Authority shall have the same right, privilege and authority in connection with such audit as the Accountant General has in connection with the audit of the Government accounts, and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers.
- (2) A copy of the audit report shall be submitted to the State Government, the State Authority and any other relevant person or authority specified by the State Government.

Section 37 Annual report

- (1) The State Authority and the City Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form and on or before such date as may be prescribed by the Rules.
- (2) The State Authority and the City Authority shall at the end of each financial year submit an audited annual Statement to the State Government include but not limited to the following:
 - (a) amount of debt/loan raised;
 - (b) details of the investment made during the year;
 - (c) mode of repayment including the amount that has been earmarked for the Sinking Fund;
 - (d) amount of securities that have been created or raised; and
 - (e) any other matter specified by the State Government.

Section 38 Returns

The State Authority and the City Authority shall furnish to the State Government such reports, returns and other information as that Government may from time to time require.

CHAPTER VII OFFENCES AND PENALTIES

Section 39 Penalty for failure to comply with rules, regulations, orders and directions

If any person fails to comply with the rules, regulations, orders or directions issued/notified under this Act, he shall be punishable with a fine upto Rs. [] and a second or subsequent violation, non-compliance with fine upto Rs. [] and in the case of continuing violation, non-compliance with additional fine upto Rs. [] for each day during which the violation, non-compliance continues.

Section 40 Offences by companies

- (1) If the person committing a violation, non-compliance under this Act is a Company, every person, who, at the time such violation, non-compliance occurred, was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed liable for the violation, non-compliance and shall be liable to be proceeded against and punished accordingly:

PROVIDED, however, that nothing contained in this sub-section shall render any such person liable to any punishment provided under this Act if he proves that the violation, non-compliance was committed without his knowledge or that he exercised all due diligence to prevent the commission of such default or contravention.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or it is attributable to any neglect on the part of any director, manager, secretary or other officer, such director, manager, secretary or other officer shall be

deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: - For the purpose of this section:

- (a) "company" shall mean a body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm shall mean partner in the firm.

Section 41 Fines when realized to be vested in the Authority

The proceeds of all fines realized in connection with this Act shall vest in the State Authority with a right to appropriate such realized fine as may be prescribed.

Section 42 Penalties not to affect other liabilities

The penalties imposed under this Act shall be in addition to, and not in derogation of, any liability in respect of payment of compensation, which the offender may have incurred.

Section 43 Cognizance of offences

No court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder save on a complaint made by the State Government or the State Authority/City Authority.

Section 44 Chapter to have effect in addition to other Acts

The provisions of this Chapter shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force.

**CHAPTER VIII
MISCELLANEOUS**

Section 45 Protection of action taken in good faith

No suit, prosecution or other legal proceedings shall lie against the State Government, the State Authority or City Authority or any officer of the State Government or any Member, officer or other employees of the State Authority or City Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made there under.

Section 46 Recovery of penalty payable under this Act

Any penalty payable by a person under this Act, if not paid, may be recovered as if it were an arrear of land revenue.

Section 47 Service of notice etc.

Every notice order or other document required by this Act or any rule or regulation made thereunder shall be signed by the Chairperson of the Executive Board in case of the State Authority or Chief Executive Officer in case of the City Authority with its common seal and shall be deemed to have been duly served upon the party or parties concerned if the service has been effected in anyone of the following manners:-

- (i) by personal service;
- (ii) by registered post.
- (iii) by affixing it at the house or principal place of business of the party concerned as the case may be.
- (iv) by publication in one prominent [local language], Hindi and one English daily news-paper published within the area of the Authority in their two consecutive issues:

Provided that-

- (a) in case the party to be served is a registered company, a firm of partnership, a body corporate, a local authority, a society or other body. It shall be served upon the principal officer of the said firm or organization as determined by the Chairperson of the Executive Board or the Chief Executive Officer in his/her

discretion and it shall then be deemed to have been duly served on each director partner or member of the said firm or organization;

- (b) in the case the party to served is a minor or a lunatic it shall be served upon his/her guardian as determined by the Chairperson of the Executive Board or the Chief Executive Officer in his/her discretion;
- (c) the manner of service mentioned either in sub-clause (iii) or sub-clause (iv) above shall be resorted to only after attempt at service either under sub-clause (i) or sub-clause (ii) has failed.

Section 48 Public notices

Every public notice given under this Act shall be in writing under the signature of the Chairperson of the Executive Board or the Chief Executive Officer with its common seal and shall be caused to be widely known in the locality affected thereby affixing copies thereof at conspicuous public places within the said locality and by publishing the same in one prominent Local, English and one Hindi daily newspaper in their three consecutive issues.

Section 49 Notices, etc., to fix reasonable time

Where any notice, order or other document issued or made under this Act or any rule or regulation made there under requires anything to be done for the doing of which no time has been fixed in this Act or the rule or regulation, the notice, order or other document shall specify a time not less than one week for doing the same.

Section50 Authentication of order and documents of the State Authority/City Authority

All permissions, orders, decisions, notices and other documents of the State Authority/City Authority shall be authenticated by the signature of the Chairperson of the Executive Board in case of State Authority or any other officer authorized by the State Authority and in case of City Authority by the Chief Executive Officer or any other officer nominated by the City Authority in this behalf.

Section 51 Members and officers to be public servants

Every member and every officer and other employee of the State Authority and the City Authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

Section 52 Power to delegate

The State Authority may, by notification in the Official Gazette, declare that any power exercisable by it or any of its officers under this Act, except the power to make regulations, may also be exercised by such officer or local authority or the Committee constituted under this Act as may be mentioned therein in such cases and subject to such conditions, if any, as may be specified therein.

Section 53 Restriction on execution against the State Authority/City Authority or transport works

No execution or attachment process shall be issued against any transport works or any property vested in the State Authority or City Authority.

Section 54 Effect of other laws

- (1) The provisions of this Act, and the rules and regulations made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law.
- (2) Notwithstanding anything contained in any such other law development in any area in accordance with the provision of this Act or rules and regulations made there under shall not be deemed to be unlawfully undertaken or carried out by reason only of the Act that permission, approval or sanction required under such other law for such development has not been obtained.

Section 55 Restriction of power of a local authority to make rules, regulations or bye-laws in respect of certain matters

Notwithstanding anything contained in any law for the time being in force, no rules, regulation or bye-law which is inconsistent with any provision of the Act or any rule or regulation made under it shall be applicable within the area notified under sub-Section (2) of Section 1 of this Act.

Section 56 Notice to be given to suits

- (1) No suit shall be instituted against the State Authority or City Authority or any member thereof or any of its officers or other employees or any person acting under the directions of the State Authority or City Authority or any member or any officer or other employee of the State Authority or City Authority in respect of any Act in purporting to have been done in pursuance of this Act or any rule or regulation made there under till the expiration of two months from the date on which notice in writing has been in the case of the State Authority or City Authority, left at the office or place of abode, of the person to be and unless such notice states explicitly the cause of act in, the nature of, relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered.
- (2) No suit such as is described in sub-Section (1) shall unless it is a suit for recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.
- (3) Nothing contained in sub-Section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by giving of the notice or the postponements of the instituted of the suits.

Section 57 State Government to make rules.

- (1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication make rules in consultation with the State Authority or City Authority, to carry out the purposes of this Act.
- (2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters :
 - (a) the salaries, allowances and ,terms and conditions of service of the Chairperson and the Members of the State Authority and City Authority;
 - (b) the form and content of the plans as provided under section 24of this Act and the procedure to be followed in connection therewith and with the preparation, submission and approval of such plans and the form, and the manner of publication of the notice relating to such plan;

- (c) the form and manner in which notices given under this Act shall be published;
 - (d) the procedure to be followed for borrowing moneys by way of loans or debenture and their repayment ;
 - (e) the form of the budget of the State Authority or/and City Authority and the manner of preparing the same;
 - (f) the form of the balance-sheet and statement of accounts;
 - (g) the form of the annual report and the date on or before which it shall be submitted to the State Government;
 - (h) the manner of constitution of the pension funds and provident funds for members and officers and other employees of the State Authority or/and City Authority and the conditions subject to which such funds may be constituted;
 - (i) Any other matter which is required to be or may be prescribed by rules.
- (3) The Rules framed under this Act shall be laid before the state legislative assembly within a period of three months for the information.

Section 58 Power to make regulation

The State Authority and the City Authority may make regulations consistent with this Act and the rules made there under to carry out the purpose of this Act, and without prejudice to the generality of the foregoing power, such regulations may be provided for:

- (a) the summoning and holding of meetings of the State Authority or City Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and number of members necessary to form a quorum thereat;
- (b) the summoning and holding of meetings of the committee constituted under Section 10 and 11, the time and place where such meetings are to be held, the number of members necessary to form a quorum thereat and the fees and allowances payable to the members for attending the meetings or any other work of the State Authority;
- (c) The organisation structure and the creation of posts in the State Authority and City Authority;
- (d) the powers and duties of the officers of the State Authority and City Authority;
- (e) the salaries, allowances, gratuities and conditions of service of the officers and employees of the State Authority and City Authority and disciplinary matters relating to them;

- (f) the procedure for carrying out of the functions of the State Authority and City Authority, including what is to be outsourced and what is to be carried out in-house;
- (g) the manner of communicating the grounds of refusal of permission for development;
- (h) the management of the properties of the State Authority and City Authority;
- (i) the appointment of sub-committees and the remuneration/ compensation to be paid, if any
- (j) the manner and purpose for appointment of consultants and temporary by the State Authority or City Authority;
- (k) the control and restrictions in appointment of officers and other employees, and powers and duties of such officers and other employees;
- (l) functioning of the sub-committee(s);
- (m) the procedure to be followed by the State Authority for granting loans and its repayment;
- (n) Any other matter which is required to be, or be prescribed by regulations.

Section 59 Power of State Government to issue directions

- (1) Without prejudice to the foregoing provisions of this Act, the State Authority or City Authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the State Government may give in writing to it from time to time:

PROVIDED *however*, that the State Authority or City Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this subsection.

- (2) The decision of the State Government whether a question is one of policy or not under sub-section (1) shall be final.
- (3) In the event that there is any dispute between the State Authority or City Authority and the other authorities, local bodies, body corporate, department or other agencies of the Government, the matter shall be resolved at the State Government level and the decision of the State Government shall be final and binding on the parties involved in such dispute.

PROVIDED, however, that the State Government shall not pass an order in relation to any dispute between the State Authority or City Authority and the other authorities, local bodies, body corporate, department or other agencies of the Government without affording such persons or body an opportunity of being heard or offering explanation.

Section 61 Removal of difficulties

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notified order, not inconsistent with the provisions of this Act, remove the difficulty within a period of five years from the date of notification under sub-section (2) of Section 1 of this Act.

Section 62 Amendment of certain enactments

With effect from such date as the State Government may, by notification, appoint, any matter related to Urban Transport and Urban Transport Ancillary Services as specified under this Act, shall be not be covered under the enactments specified in the Schedule 2 in a manner specified therein and instead shall be exclusively covered under this Act.

SCHEDULE 1

(This has been adapted from the NUTA Bill)

Urban transport

Urban transport consists of modes of transport ranging from walking and bicycle to urban freeways, bus, metro and regional rail systems, in urban areas. This would include various types of transport which fall into the following functional categories:

- 1. Public Transportation, Mass Transportation/Transit⁴,** includes systems that are available for use by all persons who pay the established fare. These modes operate on fixed routes and with fixed schedule within the urban area, include
 - (a) Buses
 - (b) Tramways
 - (c) Metro Railway
 - (d) Mono-Rail
 - (e) Cable car
 - (f) Bus Rapid Transit System (BRTS)
 - (g) Light Rail Transit (LRT)
 - (h) Maglev
 - (i) Regional Railways OR
 - (j) Any other mode irrespective of its fuel and propulsion type which meet the requirements of above definition

- 2. Para Transit⁵:** includes systems provided by operators within urban area and available to person(s) which hire them for individual and multiple trips, such as
 - (a) Autos/ Shared autos/ vans
 - (b) Taxi Cabs, Hire a cab OR
 - (c) Any other mode irrespective of its fuel and propulsion type which meet the requirements of above definition

- 3. Non-Motorised Transport (NMT)⁶:** NMT modes include walking, bicycle, cycle rickshaw and other green modes of transport that are and do not consume energy or cause pollution.

⁴Definition adopted from Vuchik, Vukan R (2007). Urban Transit Systems and Technology.

⁵Definition adopted from Vuchik, Vukan R (2007). Urban Transit Systems and Technology.

⁶Definition adopted from Working group report on urban transport for 12th Five Year Plan, Planning Commission

4. **Urban Freight**⁷ : The movement of freight vehicles whose primary purpose is to carry goods/ freight into, out of and within urban areas.

5. **Intelligent Transport System (ITS):** Intelligent Transportation Systems (ITS) are those utilizing technologies and systems engineering concepts to develop and improve transportation systems of all kinds. These include, but are not limited to the following:
 - (a) Passenger Information System (PIS)
 - (b) Vehicle prioritization
 - (c) Electronic Fare collection
 - (d) Electronic road pricing
 - (e) Operations Management
 - (f) Safety and Security.
 - (g) Smart Card Ticketing System
 - (h) Internet/web based application
 - (i) Helpline system

6. **Parking Infrastructure:** including surface, off-street and multi-level parking, enforcement and management irrespective of type of technology

7. Pedestrian, foot paths, walkways, cyclists corridor etc.

8. Urban Roads and associated street furniture within the urban area

9. Safety elements in respect of all forms of urban transport

⁷Definition adopted from European Commission on Urban Freight

SCHEDULE 2
(Refer to Section 62)

AMENDMENT OF ENACTMENTS⁸

- 1) Madhya Pradesh Municipal Corporation Act, 1956
- 2) The Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973
- 3) The Madhya Pradesh Investment Region Development And Management Act, 2013
- 4) The Madhya Pradesh Zila Yojana Samiti Adhiniyam, 1995
- 5) The Madhya Pradesh Road Safety Fund Rules, 1995
- 6) The Madhya Pradesh Rajmarg Adhiniyam, 2004
- 7) The Madhya Pradesh Regulation of Uses of Land Act, 1948
- 8) Madhya Pradesh Motor Vehicle Rules, 1994
- 9) The Madhya Pradesh Motor Vehicles Taxation Act, 1958

⁸As may be amended from time to time.