

**[DRAFT]**

**UNIFIED METROPOLITAN TRANSPORT AUTHORITY BILL  
No. \_\_\_\_\_ OF 2016**

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**UNIFIED METROPOLITAN TRANSPORT AUTHORITY**  
**BILL No. \_\_\_\_2016**

**[Date]**

*A Bill<sup>1</sup> to provide for the constitution of a Unified Metropolitan Transport Authority for an urban mobility area in the State of [Name of the State] and to further provide for notification of urban mobility areas and the regulation of the development, operation, maintenance, management, tariff and provision of public transportation services within such urban mobility areas.*

Be it enacted by the [Name of the State] State Legislature in this \_\_\_\_ year of the Republic of India as under:

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<sup>1</sup>*the 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 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 significant financial support from the Central and State Governments is required for investments in urban transport infrastructure and improving mobility in urban areas;*

*And 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 an 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 [Name of the State] Unified Metropolitan Transport Authority Act, 2016.
- (2) This Section shall come into force at once and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

#### Section 2. Definitions

In this Act, unless the context otherwise requires: -

- (a) “**Authority**” in relation to any Urban Mobility Area, means the Unified Metropolitan Transport Authority constituted under Section 4 of the Act for the Urban Mobility Area;
- (b) “**Chairperson**” shall mean the Chairperson of the Authority;
- (c) “**Chief Executive Officer**” shall mean the Chief Executive Officer appointed under sub-section (1) of Section 9 of this Act;
- (d) “**Central Government**” shall mean Government of India;
- (e) “**Comprehensive Mobility Plan**” shall mean the detailed plan document that defines the mobility pattern for movement of people and goods in the Urban Mobility Area in synchronization with the development plan for such Urban Mobility Area and details out strategies and actions for achieving the objective of enhancing mobility of goods and people in such Urban Mobility Area.
- (f) “**Fund**” shall mean the Urban Transport Fund created under Section 17 of this Act;

- (g) **“Government”** shall mean Government of State of [Name of the State];
- (h) **“Member”** shall mean a member of the Authority appointed under sub-section (3) of section 4.
- (i) **“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;
- (j) **“Regulations”** shall mean the regulations made by the Authority under this Act;
- (k) **“Rules”** shall mean rules made by the Government under this Act;
- (l) **“State Government”** shall mean the Government of [Name of the State];
- (m) **“Schedule”** shall mean any of the Schedules to this Act;
- (n) **“Transport Investment Programme”** shall mean a detailed five - year investment programme for Urban Transport in the Urban Mobility Area prepared in conjunction with the relevant Urban Transport implementation agencies;
- (o) **“Urban Mobility Area”** shall mean an area notified as an urban mobility area by the State Government for the purposes of this Act, such notification may include the municipal corporation/local body limits of the city and such other area adjacent, connected to the municipal corporation limits, or an area relevant in the opinion of the State Government for the purpose of Comprehensive Mobility Plan, taking into consideration local patterns and trends of urban growth;
- (p) **“Urban Transport”** with its all grammatical variations includes both transport vehicles and services available to the general public in an Urban Mobility Area, 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.
- (q) **“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

### Declaration of Urban Mobility Area

#### Section 3. Establishment of Urban Mobility Area and alteration of their limits

- (1) The State Government may, by notification in the Official Gazette, notify the Urban Mobility Area from time to time, by prescribing its territorial limit for the purpose of applicability of this Act on such terms and conditions as deemed fit.

PROVIDED, *however*, that the State Government, may by notification include any 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 in the electronic media within the Urban Mobility Area.

## CHAPTER III

### The Unified Metropolitan Transport Authority

#### **Section 4. Constitution of Unified Metropolitan Transport Authority**

- (1) The State Government may at any time after the commencement of this Act, by notification in the Official Gazette, constitute for such Urban Mobility Area as it may establish pursuant to Section 3 above or otherwise, an Authority to be called as the Unified Metropolitan Transport Authority.
- (2) The Authority shall be a body corporate by the aforesaid name, shall have perpetual succession and a common seal with power to enter into contract and to acquire, hold and dispose off property and sue and be sued in its name.
- (3) The Authority may comprise of following members, special invitee and essential invitee, namely:
  - (a) A Chairperson to be appointed by the State Government;
  - (b) An officer nominated by the Development Authority within the Urban Mobility Area of a rank of not less than of [ \_\_\_\_\_ ] as Member of the Authority;
  - (c) An officer nominated by the Urban Development Department of the state of a rank of not less than of [ \_\_\_\_\_ ] as Member of the Authority;
  - (d) An officer nominated by the Town and Country Planning Department of the state of a rank not less than of [ \_\_\_\_\_ ] as Member of the Authority;
  - (e) An officer nominated by the Municipal Corporation(s) within the Urban Mobility Area of a rank of not less than of [ \_\_\_\_\_ ] as Member of the Authority;
  - (f) An officer nominated by the Public Works Department of the state of a rank of not less than of [ \_\_\_\_\_ ] as Member of the Authority;

- (g) An officer nominated by the Transport Department of the state of a rank of not less than of [ \_\_\_\_\_] as Member of the Authority;
- (h) An officer nominated by City Bus Transport Corporation of a rank of not less than of [ \_\_\_\_\_] as Member of the Authority;
- (i) An officer nominated by the Finance Department of the state of a rank of not less than of [ \_\_\_\_\_] as Member of the Authority;
- (j) An officer nominated by Police Department of the state of a rank of not less than of [ \_\_\_\_\_] as Member of the Authority;
- (k) An officer nominated by the Metro Rail Corporation in the Urban Mobility Area (as applicable) as Member of the Authority;
- (l) An officer of the Metropolitan Planning Committee or District Planning Committee established in the Urban Mobility Area (as applicable), of a rank not less than [ \_\_\_\_ ] as Member of the Authority;
- (m) An officer nominated by the Ministry of Urban Development, Government of India of a rank of not less than of [ \_\_\_\_] as Special Invitee;
- (n) An officer nominated by the National Highways Authority of India (NHAI) of a rank of not less than of [ \_\_\_\_\_] if a National Highway connects the Urban Mobility Area as Special Invitee;
- (o) An officer nominated by the Airports Authority of India (AAI) of a rank of not less than of [ \_\_\_\_\_] as Special Invitee;
- (p) An officer nominated by the Indian Railways of a rank not less than [ \_\_\_\_] if any Indian Railways route connects the Urban Mobility Area as Special Invitee;

- (q) An officer nominated by the Pollution Control Board of the state of a rank of not less than of [ \_\_\_\_\_]as Special Invitee;
  - (r) An officer nominated by the Inland Waterways Authority of India (IWAI) of a rank not less than [ \_\_\_\_] if any national waterways is located within the Urban Mobility Area as Special Invitee;
  - (s) An officer nominated by the Irrigation Department of the state, of a rank not less than [ \_\_\_\_ ] (as applicable) as Special Invitee;
  - (t) An officer nominated by the Islands Development Authority in the Urban Mobility Area (as applicable) as Special Invitee;
  - (u) An officer nominated by the Port Trust/ Authority in the Urban Mobility Area (as applicable) as Special Invitee;
  - (v) An officer nominated by the Public Relations Department of the state in the Urban Mobility Area (as applicable) as Special Invitee;
  - (w) An officer nominated by the Defense Ministry of the Government of India of a rank not less than [ \_\_\_\_ ] as Special Invitee;
  - (x) [Please insert the number] experts in the fields of urban transportation, corporate governance, finance, law as the State Government may nominate as Essential Invitees;
  - (y) [Please insert the number] representatives of urban transport institutions; public transport beneficiaries, cyclists and pedestrians, and employers as the State Government may nominate as Essential Invitees;
  - (z) [Please insert the number] representatives from academic institutions as Essential Invitees;
- (4) Where a person becomes or is nominated as a Member of the Authority by virtue of holding any office or being a member of any other authority or any local authority, corporation, council, board or body, he shall cease to be a Member of the Authority as

soon as he ceases to be holder of that office or such member, as the case may be.

- (5) The head office of the Authority shall be at [\_\_\_\_\_].
- (6) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy or defect in the constitution of the Authority.
- (7) Only Members of the Authority shall have the right to vote in a meeting of the Authority. No Special Invitees or Essential Invitees as provided in foregoing Sections shall have the right to cast vote. Such Special Invitees or Essential Invitees shall only have the right to attend such meetings of the Authority and make their representation to the Authority.
- (8) All decisions of the Authority shall be taken by majority.
- (9) The Authority may constitute committees consisting of such members under the Authority which shall be decided by the Authority to look after day to day functioning of technical and administrative departments of the Authority. The Chairperson and the tenure of such Committees shall be fixed by the Authority.  
  
[Explanation: Committees may consist of Members, Special Invitees, Essential Invitees and such experts as may be decided by the Authority. The Members shall cease to be the member of the Committee if such Member ceases to be a Member of the Authority or is removed by the Authority according to the Rules and Regulations under this Act].
- (10) Notwithstanding anything contained in this Section, State Government, may, by notification to be published in official gazette, as may be required in its opinion, notify the change in the above composition of the Authority by adding or substituting or omitting or amending the constitution of the Authority or the existing Authority, the name of the Members, Special Invitees, Essential Invitees including its Chairperson on such terms and role as deem fit.

## **Section 5. Members not to have certain interest**

No Member of the 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. In case a Member of the Authority acquires directly or indirectly or become interested in any manner whether in his/her own name or otherwise, any share or pecuniary or other interest in any contract, an arrangement or proposal entered into, or proposed to be entered into by or on behalf of the Authority, shall cease to be a Member of the Authority.

Provided that, a Member shall not be deemed to have any such share or interest, by reason only of his being a share holder of a public limited company/concern in any such contract, loan, arrangement or proposal or that he himself or any relation of his, employed by or on behalf of the Authority or he has such share or interest in his capacity as a Member of the Authority.

**Section 6. Term of Office and Condition of service of Chairperson and Members**

- (1) The term of appointment, salary and allowances payable to, and the other conditions of service of the Chairperson and Members shall be such as may be prescribed under the Rules and Regulations.
- (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.
- (4) 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 senior most Member as prescribed by the Regulations framed under this Act, shall act as the Chairperson, until the date on which a new Chairperson is 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 senior most Member as prescribed by the Regulations framed under this Act 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 Authority in any manner.

**Section 7. Appointment, Resignation, Removal, or Suspension of Chairperson, Members, Special Invitees and Essential Invitees**

- (1) The Chairperson shall be appointed as by the State Government by a notification in official gazette in accordance with the Rules framed under this Act. Members, Special Invitees and Essential Invitees shall be appointed as by the State Government by a notification in official gazette on recommendations of the relevant departments in accordance with the Rules framed under this Act.

The Chairperson, Members, Special Invitees and Essential Invitees may, in writing under his/her hand addressed to the State Government, resign his/her office:

PROVIDED that the Chairperson, Members, Special Invitees and Essential Invitees, with the permission of the State Government may relinquish his/her office and, continue to hold office up to acceptance of his/her resignation by the State Government.

- (2) Notwithstanding anything contained in sub-section (1), the State Government may, by order, remove Chairperson, Member, Special Invitee or Essential Invitee appointed or nominated by the State Government from his/her office if such Chairperson, Member, Special Invitee or Essential Invitee—
- (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; 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 performing his/her functions as stated in this Act.

PROVIDED that no Special Invitee may be removed from office under this unless the State Government substitutes such Special

Invitee by another Special Invitee nominated by the relevant department/ agency whose nominated Special Invitee is substituted under this Section.

(3) Notwithstanding anything contained in sub-section (1), State Government on recommendations of agencies of the Central Government may, by order, substitute the Special Invitee nominated by the agencies of the Central Government from his/her office if such Special Invitee, 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 Special Invitee; 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 may be removed from office under this clause unless the State Government substitutes such Special Invitee by another Special Invitee nominated by the relevant department/agency whose nominated Special Invitee is substituted under this Section.

(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 8. Powers of Chairperson**

(1) The Chairperson shall have the powers of general superintendence, direction and control in respect of all administrative matters of the Authority.

PROVIDED that the Chairperson may delegate such of his/her powers relating to administrative matters of the Authority, as



he/she may think fit, to any other Member or officer of the Authority.

- (2) The Chairperson shall have the power to cast his/her vote. The Chairperson shall also have a casting vote in case of a dead lock on any matter.

#### **Section 9. Officers and Staff of the Authority**

- (1) The State Government may appoint or remove a Chief Executive Officer of the Authority by a notification; on such terms and conditions as may be prescribed by the Regulations framed under this Act.
- (2) The Chief Executive Officer shall be liable to implement the decisions of the Authority and general administration under the superintendence and control of the Authority, or any other role assigned by the State Government and as may be prescribed by the Regulation of the Authority.
- (3) The Authority may have officers, professionals, experts, employees and supporting staff as may be prescribed by the Regulations under this Act. Officers, experts and professionals shall include technically qualified experts, professionals or organization 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 Authority in discharge of its functions.
- (4) The Authority may from time to time engage such other officers or consultants on full time, part time or on assignment basis or as it deems necessary for the due and proper execution of its functions under this Act.
- (5) The salaries and allowances, fee, payable to and other terms and conditions of service of the Chief Executive Officer and other officers and employees of the Authority shall be governed by such conditions of services as may be determined by Regulations.

#### **Section 10. Meetings of the Authority**

- (1) The Authority shall meet at such times and places and shall observe such procedures in regard to the transaction of business at its meetings (including the quorum there at) as may be

prescribed in the Regulations framed under this Act. Provided that the Authority shall meet at least once in three months.

- (2) The Chairperson or in his absence, the senior most Member of the Authority as prescribed by the Regulations framed under this Act, shall preside at the meetings of the Authority.
- (3) Subject to sub-section (2) of Section 8, all issues which come before any meeting of the Authority shall be decided by a majority of votes. Chairperson of the meeting shall have the casting vote.
- (4) Every Member who in any way, whether directly, indirectly or personally, has a conflict of interest relating to the 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 participate, vote on the agenda, issue where he is an interested person after such disclosure or otherwise.
- (5) All orders and decisions of the Authority shall be authenticated by the Chief Executive Officer or any other officer of the Authority duly authorized by the Chairperson in this behalf.

**Section 11. Committees constituted by the Authority (for specific subject matters)**

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

appointment. The Authority shall nominate any one of the Members as the Chairperson of every such committee.

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

## CHAPTER IV

### Duties, Functions and Powers of the Authority

#### Section 12. Duties and Functions of the 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 Authority's functions may include the following:

Comprehensive  
Mobility Plan

- a. Prepare Comprehensive Mobility Plan including but not limited to public transportation, and non-motorised transportation within the Urban Mobility Areas as detailed in Section 16 of this Act, in conjunction with land-use plan and update such plans on periodic basis as may be prescribed to ensure integration of land use planning and transport planning on a regular basis;

[Explanation: Comprehensive Mobility Plan shall include all plans relating to Urban Transport and Urban Transport Ancillary Services including Urban Transport infrastructure including Transit Corridor Development Plan(s) for metropolitan area.]

Transport Investment  
Programme

- b. To achieve the goals of the approved Comprehensive Mobility Plan, prepare 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 alignment with the overall Transport Investment Programme;

Development Rights

- c. Develop, construct, repair, operate and manage any integrated or stand-alone transport network facilities, services, schedules and timetables that aid and enhance the efficiency or service levels of Urban Transport to the users, in the Urban Mobility Area, either suo-moto or through agencies appointed for this purpose;

Coordination among  
agencies

- d. Establish effective coordination arrangements and mechanisms amongst various transport agencies providing facilities and services in the Urban Mobility Area on all strategic and operational matters that have a direct effect on the levels of service provided to the users;

Development of integrated transport system	e. Promote development of integrated transport facilities and systems for seamless Urban Transport access within the Urban Mobility Area, including but not limited to traffic surveillance and traffic management within the Urban Mobility Area;
Standards and guidelines	f. Adopt existing standards and guidelines provided by State Government and Central Government and agencies under them from time to time and as necessary develop, publish, and issue their own standards and guidelines relating to the development and operation of Urban Transport Ancillary Services within the Urban Mobility Area in accordance with the requirements, taking into consideration the needs of persons with disability, elderly, women and children and establishing measures that ensure compliance of the same by various relevant public and private transport operators in the Urban Mobility Area;
Performance Indicators	g. Develop, measure and publish performance indicators for Urban Transport Ancillary Services within its jurisdiction to augment and in accordance with the service level benchmarks published by the Ministry of Urban Development, Government of India;  [Explanation: Compliance of performance indicators and service level benchmarks for Urban Transport Ancillary Services by various departments, agencies and authorities shall serve as benchmark levels for fund release by the Authority to various departments, agencies and authorities for Urban Transport and Ancillary Services]
Policy formulation on Urban Transport	h. Assist, aid and advise the State Government on Urban Transport matters including providing inputs for policy formulation for comprehensive, integrated and efficient Urban Transport in the Urban Mobility Area;
Traffic solution	i. Promote intelligent transport system based technology solutions for traffic management, traffic surveillance, transport planning, design of transport systems and selection of transport mode in the Urban Mobility Area;
Publication & Display of Information	j. Promote customer awareness in relation to integrated Urban Transport, and ensure that information is appropriately publicized and displayed for users of

	various Urban Transport Ancillary Services within the Urban Mobility Area;
Collection of Information	k. Collation of information on Urban Transport within the Urban Mobility Area and provision of the same to the relevant agencies with a view to contribute to the national database on Urban Transport;
Advancement of Skill	l. Undertake activities for the purposes of advancement of the skills of the persons employed by the Authority or the efficiency of the equipment of the Authority or the manner in which the equipment is operated including the provision of facilities of training, education and research;
Administration of funds	m. Administer the Urban Transport Fund of the Authority as provided under Chapter V of this Act;
Information System	n. Setting up and operation of an operation control center, a web based user information system, and a helpline to provide integrated information to the users of Urban Transport in the Urban Mobility Area;
Common Command and Control Centre	o. Creation and management of a Common Command and Control Centre for integration, coordination and management of Urban Transport and Traffic in the Urban Mobility Area;
Additional work	p. Implement and give effect to any direction, order, rule, regulation, policy, by laws, notification issued by the State Government or any committee or panel notified by the State Government through notification in the official gazette, in respect of Urban Transport and Urban Transport Ancillary Services.

(2) The 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 Authority, and shall also be subject to the supervision, control and revision by the Authority.

- (3) Subject to the provisions of this Act, the Authority may from time to time incur expenditure and undertake works mentioned in sub-section (1) and (2) in the Urban Mobility Area.
- (4) The Authority shall ensure effective implementation of this Act in the Urban Mobility Area and perform such functions and duties as the State Government may prescribe from time to time.
- (5) Notwithstanding anything contained hereinabove in this Section, State Government may, by a notification, add or omit or assign any power, function and duty which in its opinion is required to be exercised, performed, discharged for accomplishment of objects of the Act.

**Section 13. Powers of the 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 Authority shall have the powers to:

Management of security (a) Accept, acquire, hold, surrender, transfer or re-convey security (including security provided in a financing arrangement) of any kind in any form whatsoever;

Power to deal in property (b) Purchase, lease, hold, construct, manufacture, maintain, sell, dispose off, 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;

Financing of projects Borrow, lend, Fund and/or facilitate financing of all transport related investment seeking funds managed by the Authority, for the implementation of the projects, plans, schemes and proposals included in the Transport Investment Programme to ensure development of a comprehensive, integrated and planned Urban Transport in the Urban Mobility Area;

Approval of (c) Approve all major transport projects

Transport Project	<p>proposed for or in the Urban Mobility Area to be developed by the State/any other agencies under the State Government from the perspective of alignment with Comprehensive Mobility Plan in a time bound manner according to the Rules and Regulations made under this Act;</p> <p>[Explanation: No authority/ agency/ department under the State Government shall initiate any public/ private/ PPP project concerning Urban Transport and Ancillary Services without obtaining prior approval of the Authority. Approval of the Authority shall be necessary to seek any financial assistance from State Government.]</p>
Integration of Plan	(d) Promote inter-modal integration plan including preparation of physical, service and fare integration components and their approval by the Authority;
Recommend conditions for issuance of Permits	(e) Provide recommendations on issuance of permits/licences for public transport services to various transport agencies and authorities dealing in Urban Transport and Urban Transport Ancillary Services;
Monitoring Power	(f) Monitor and audit compliance with the Comprehensive Mobility Plan and the Transport Investment Programme;
Fee, fare, charges etc.	(g) Recommend, monitor and advise on levy, imposition, collection, recovery of fees, parking charges, and other public transport facilities and services and fares for all Urban Transports as may be prescribed from time to time by relevant authorities;
Fund use	(h) Monitor use of funding for Urban Transport activities and ensure Audit of accounts and loans;
Enforcement	(i) Ensure enforcement of Regulations as



- of Regulations
- Performance audit (j) Prepare and review as appropriate performance related terms and conditions of services for its employees;
- Safety Guidelines (k) Prepare, publish and enforce safety guidelines, including for vehicular, pedestrian safety and road safety, with respect to Urban Transport for the Urban Mobility Area according to Rules and Regulations made under this Act.

[Explanation: Safety guidelines issued under this Section include Authority's right to issue guidelines/directions on transport infrastructure, signage, traffic signaling, traffic surveillance and its management.]

- (2) Subject to the other provisions contained in this Act, the exercise of powers by the Authority under sub-clause (1) of Section 13 shall 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 Authority.

**Section 14. Authority may give direction to the Urban Transport and traffic administrators and operators**

- (1) To ensure effective implementation of the objects and purposes of this Act, notwithstanding anything contained in any other law for the time being in force, the 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 and traffic administrator or operator having operations within the Urban Mobility Area; or any other department that may be concerned in relation to the implementation of any Urban Transport project or operation of any existing Urban Transport.

Such directions shall be binding on other department and shall override any contrary or conflicting order, directions issued by any other department.

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

**Section 15. Power to enter into agreement for development of public transport facility and transport system**

- (1) Notwithstanding anything contained in any other law for the time being in force, the Authority shall have the power to enter into any agreement such as grant of 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 Authority or that is provided for in any plan made by the Authority.
- (2) For such infrastructure facility or transport system or services connected thereto, the Authority shall also have the power to notify the fees, user charge that may be charged. The Authority shall have the power to vest with the concessionaire or licensee or contractor or sub-contractor or franchisee, as the case may be, 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 Authority shall also have the power to monitor public safety on these contracted public services.
- (3) The Authority may make regulations, orders and/or give instructions as in its opinion necessary for the purposes of entering into the various arrangements referred to under subsection (1).

**Section 16. Preparation of a Comprehensive Mobility Plan for Urban Mobility Area**

- (1) The Authority shall prepare a Comprehensive Mobility Plan divided in to three parts (short, medium and long term plans) for the entire Urban Mobility Area to ensure integrated, comprehensive and planned development of urban mobility 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 objects 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 other law for the time being in force to formulate, develop or implement any plan, or scheme in relation to urban transportation within the Urban Mobility Area, the Authority shall discharge its functions under this Section in consultation with such authority.

- (2) Before finalizing any plan as provided under this Act, the 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 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 Authority shall after giving adequate opportunity to the concerned persons and after considering such suggestions, objections and representations, if any, finalize the draft plan.
- (3) After finalization of plan based on comments received, the Authority shall submit such plans to the State Government for its approval and the State Government may either approve the plan with or without modifications as in its opinion are necessary, or reject the plan, with such directions to the Authority to prepare a new plan based on recommendation issued by the State Government in relation thereof.
- (4) The Authority shall publish and publicize all plans approved by the State Government as provided in sub-clause (3) as may be prescribed.

- (5) The State Government may direct the Authority to review the existing Comprehensive Mobility Plan whenever, in its opinion, it has become necessary to do so in public interest.

## CHAPTER V

### Urban Transport Fund

#### Section 17. Fund of the Authority

(1) The Authority shall establish an “Urban Transport Fund (UTF)”, for the purposes of implementation of the Act, and shall comprise of the following:

(a) Funding from government allocations shall be deposited in UTF Account:

(i) Part of the proceeds accruing to the National Investment Fund and allocated for use, specifically in the development of Urban Transport and such other proceeds from the Finance Commission of India, as 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 utilized 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) Revenue collected from the following sources by the State Government/Municipal Corporation/Authority shall be deposited in the UTF account:
- (i) Part of the proceeds collected on account of any state level urban transport fund at the rate of [ ] %, as notified by the State Government;
  - (ii) Part of the additional registration fee collected by the State Government on registration of motor cars and motor cabs in the State at the rate of [ ] %, as decided by the State Government through a notification under the Motor Vehicle Act, 1988;
  - (iii) Part of the additional registration fee collected by the State Government on registration of every additional motor car purchased by an existing motor car owner at the rate of [ ] % of the sale price of the motor car and collected at the time of registration of such motor car, as decided by the State Government through a notification under the Motor Vehicle Act, 1988;
  - (iv) Part of additional cess of [ ] % on petrol and diesel collected on sale of such fuel in the State, as decided by the State Government through notification in relation to the same under the Sales Tax Act;
  - (v) [ ]% of additional parking fee 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 Authority. The administrative work of collection of the parking fee may be carried out by the existing municipal corporation and other public sector agencies and funds so collected may be transferred to UTF after deducting the expenses for collection;

- (vi) [ ]% of the funds collected from violation of traffic penalties levied by the Municipal Corporation(s) in the Urban Mobility Area, as notified by the State Government.
  - (vii) Part of additional fee on registration fee on all property transfers which take place along the influence zone within the Urban Mobility Area, as notified by the State Government.
  - (viii) Part of additional fee on conversion of land use at the rate of [ ]% of existing land use conversion fee, as decided by the State Government.
  - (ix) 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 Authority.
  - (x) Additional advertising fee at the rate of [ ]% of existing advertising fee levied by municipal corporations and other public sector agencies within the Urban Mobility Area, as decided by the Authority. The administrative work of collection of the additional advertising fee may be carried out by the existing municipal corporation and other public sector agencies and funds collected by such additional fee may be transferred to UTF after deducting the expenses of collection.
- (2) The monies and revenues accumulated in the Fund shall be used for the purposes as indicated in the Act which shall include, but are not limited to funding of the following activities:
- (a) Operations of the 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;

- (e) Funding development of urban traffic and transport infrastructure and providing viability gap funding;  
[Explanation: Compliance of performance indicators and service level benchmarks for Urban Transport Ancillary Services by various departments, agencies and authorities shall serve as benchmark levels for fund release by the Authority to various departments, agencies and authorities for Urban Transport and Ancillary Services]

- (3) The Authority shall create sub-funds as required to ensure that the objects and the purposes of this Act are achieved in an effective manner;
- (4) The Authority shall carry out the management of the Fund either on its own or through an authorised representative;
- (5) The Authority shall formulate regulations for working and administration and management of the Funds;
- (6) The Authority shall prepare financing plan for Transport Investment Programme;
- (7) The Authority shall keep its Fund in any of the scheduled banks;
- (8) The 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 18. Grants and Loans by the Central Government and State Government**

The Central Government or the State Government may make such grants, advances and loans to the 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 19. Priority of payment for interest and repayment of loans**



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

**Section 20. Power to raise finances**

- (1) The Authority may raise finance or borrow for the effective implementation of the object and purposes 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 Authority under sub-section (1).

**Section 21. Grants and Loans by the Authority**

The Authority may make such grants, advances and loans to any Urban Transport administrator 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 22. 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 Authority, laying down *inter alia* the general principles governing the raising of loans, the limit of the loans which the Authority may raise having regard to its financial capacity, the proposed projects and terms and conditions, including repayment thereof.

**Section 23. Sinking fund**

- (1) The Authority shall maintain a sinking fund for re-payment of the amount borrowed by it and shall deposit every year into the sinking fund such sum as may be sufficient for re-payment within the period fixed for the amount so borrowed.
- (2) The sinking fund or part thereof shall be applied in or towards the discharge of the loan for which such fund was credited, and until such loan is wholly discharged it shall not be applied for any other purpose.

#### **Section 24. Budget of the Authority**

- (1) The Authority shall by such date in each year as may be prescribed, prepare and submit to the State Government for approval, a budget for the next financial year showing the estimated receipts and expenditure during that financial year in such form as may be prescribed.
- (2) The budget prepared by the 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 Authority without the need for any prior approval of the State Government. However, the budget prepared by the Authority, to the extent that is required 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 25. Audit**

- (1) The accounts of the Authority shall be subject to annual audit by the Accountant General of the State and any expenditure incurred by him/her in connection with such audit shall be payable by the Authority to the Accountant General. The Accountant General or any person appointed by him/her in connection with the audit of accounts of the 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 Authority and any other relevant person or authority specified by the State Government.

#### **Section 26. Annual report**

- (1) The 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, on or before such date as may be prescribed by the Rules.
- (2) The Authority shall at the end of each financial year submit an audited annual Statement to the State Government including 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 27. Returns**

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

## CHAPTER VI

### Offences and Penalties

#### **Section 28. Penalty for failure to comply with rules, regulations, orders and directions of the Authority**

If any person fails to comply with the rules, regulations, orders or directions of the Authority, he shall be punishable with fine which may extend upto to Rs. [ ] and for a second or subsequent violation or non compliance with fine which may extend upto Rs. [ ] and in the case of continuing violation or non compliance with additional fine which may extend upto Rs. [ ] for every day during which the violation or non compliance continues.

#### **Section 29. Offences by companies**

- (1) If the person committing a violation or non compliance under this Act is a Company, every person, who, at the time such violation or non compliance occurred, was in-charge of, and was responsible to, the company for the conduct of the business or affairs of the company, as well as the company, shall be deemed to liable for such violation or 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 breach, violation, non compliance was committed without his knowledge or acted in good faith and exercised all due diligence to prevent the commission of such breach, violation, non compliance.

- (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 purposes of this Section:

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

**Section 30. Fines when realized to be vested in the Authority**

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

**Section 31. 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 32. Cognizance of offences**

No court shall take cognizance of any offence punishable under this Act or the Rules or Regulations made there under save on a complaint made by the State Government or the Authority.

**Section 33. Chapter to have effect in addition to other Acts**

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

## **CHAPTER VII**

### **Miscellaneous**

#### **Section 34. Protection of action taken in good faith**

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

#### **Section 35. 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 36. 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 Chief Executive Officer 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 Urban Mobility Area in their two consecutive issues:

Provided that-

- (a) in case the party to be served is a registered company, a partnership firm, 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 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 case the party to be served is a minor or a lunatic it shall be served upon his/her guardian as determined by 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 37. Public notices**

Every public notice given under this Act shall be in writing under the signature of 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 published in the Urban Mobility Area in their three consecutive issues.

**Section 38. 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.

**Section 39. Authentication of order and documents of the Authority**

All permissions, orders, decisions, notices and other documents of the authority shall be authenticated by the signature of the Chief Executive Officer or any other officer authorized by the Authority in this behalf.

**Section 40. Members and officers to be public servants**

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

**Section 41. Power to delegate**

The 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 42. Restriction on execution against the Authority or transport works**

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

**Section 43. 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 44. 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, regulations or bye-laws which is inconsistent with any of the provisions of the Act or any rule or regulation made under it shall be applicable within the area notified under sub-section (1) of Section 3 of this Act.

**Section 45. Notice to be given to suits**

- (1) No suit shall be instituted against the Authority or any Member thereof or any of its officers or other employees or any person acting under the directions of the Authority or any Member or any officer or other employee of the 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 Authority, left at the office or place of abode, of the person to be and unless such notice states explicitly the cause of act, 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 suits.

**Section 46. State Government to make rules.**

- (1) The State Government may, by notification in the Official Gazette, make Rules in consultation with the 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, terms and conditions of service of the Chairperson and the Members of the Authority;
  - (b) the form and content of the Comprehensive Mobility Plan as provided under Section 16 of 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 money by way of loans or debenture and their repayment;
  - (e) the form of the budget of the 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 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 down before the state legislative assembly within a period of three months for the information.

#### **Section 47. Power to make Regulations**

The Authority may make Regulations consistent with this Act and the Rules made there under to carry out the purposes 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 Authority, the time and place where such meetings are to be held, the conduct of business at such meetings, the selection of the senior most Member among Members to preside the meetings of Authority in absence of Chairperson and number of Members necessary to form a quorum thereat;
- (b) the summoning and holding of meetings of the committees constituted under Section 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 Authority;
- (c) the organisational structure and the creation of posts in the Authority;
- (d) the powers and duties of the employees and officers of the Authority;
- (e) the salaries, allowances, gratuities and conditions of service of the officers and employees of the Authority and disciplinary matters relating to them;

- (f) the procedure for carrying out the functions of the Authority under this Act including the preparation of the Comprehensive Mobility Plan;
- (g) the manner of communicating the grounds of refusal of permission for development;
- (h) the limit up to which the Chairperson, the CEO, or any other officer of the Authority shall be competent to incur recurring and non-recurring expenditure in any financial year;
- (i) the management of the properties of the Authority;
- (j) the appointment of committees and the remuneration/compensation to be paid, if any
- (k) the manner and purpose for appointment of consultants and temporary by the Authority;
- (l) the control and restrictions in appointment of officers and other employees, and powers and duties of such officers and other employees;
- (m) functioning of the committee(s);
- (n) the procedure to be followed by the Authority for granting loans and its repayment;
- (o) the delegation of powers to the Chairperson or to any other officer of the Authority.
- (p) the maintenance of accounts and the preparation of financial statements by the Authority;
- (q) Any other matter which is required to be, or be prescribed by Regulations.

**Section 48. Exemption**

- (1) The State Government may in the public interest, by notification direct that any of the provisions of this Act, -
  - (a) shall not apply to such class or classes of persons; or
  - (b) shall apply to the class or classes of persons with such exceptions, modifications and adaptations as may be specified in the notification.

- (2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before legislative assembly.

**Section 49. Power of State Government to issue directions**

- (1) Without prejudice to the foregoing provisions of this Act, the 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 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 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 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 50. 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 51. 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 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

### Urban Transport

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

- 1. Public Transportation, Mass Transportation/Transit<sup>2</sup>,** includes systems that are available for use by all persons who pay the established fare. These modes which operate on fixed routes and with fixed schedule within the Urban Mobility 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) Regional Railways OR
  - (i) Any other mode irrespective of its fuel and propulsion type which meets the requirements of above definition
  
- 2. Para Transit<sup>3</sup>:** includes systems provided by operators within an Urban Mobility 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)<sup>4</sup>:** NMT modes include walking, bicycle,

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<sup>2</sup>Definition adopted from Vuchik, Vukan R (2007). Urban Transit Systems and Technology.

<sup>3</sup>Definition adopted from Vuchik, Vukan R (2007). Urban Transit Systems and Technology.

<sup>4</sup>Definition adopted from Working group report on urban transport for 12th Five Year Plan, Planning Commission

cycle rickshaw, e-rickshaw and other green modes of transport that do not consume energy or cause pollution.

4. **Urban Freight**<sup>5</sup>: The movement of freight vehicles whose primary purpose is to carry goods/ freight into, out of and within an Urban Mobility Area.
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:
  1. Passenger Information System (PIS)
  2. Vehicle prioritization
  3. Electronic Fare collection
  4. Electronic road pricing
  5. Operations Management
  6. Safety and Security.
  7. Traffic Surveillance
  8. Smart Card Ticketing System
  9. Internet/web based application
  10. Helpline system
6. **Parking Infrastructure** : including surface, off-street and multi-level parking, enforcement and management irrespective of type of technology
7. Urban Roads and associated street furniture within the Urban Mobility Area
8. Footpaths/Pedestrian Subways/Foot Over Bridges
9. Traffic Signals
10. Safety elements in respect of all forms of Urban Transport

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<sup>5</sup>Definition adopted from European Commission on Urban Freight

**SCHEDULE 2**

**(Refer to Section 51)**

**AMENDMENT OF ENACTMENTS<sup>6</sup>**

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<sup>6</sup>As may be amended from time to time.