

UNIFIED METROPOLITAN TRANSPORT AUTHORITY BILL NO.____OF 2016

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UNIFIED METROPOLITAN TRANSPORT AUTHORITY BILL

No. ____ 2016

[Date]

CHAPTER I PRELIMINARY

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 Mobility Areas at city level. The Bill further provides for notification of Urban Mobility Areas and the regulation of the development, operation, maintenance, management, monitoring and supervision of Urban Transport within such Urban Mobility Areas.

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

¹*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 movement 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.

Section 1 Short title, extent and commencement

- (1) This Act may be called Madhya Pradesh 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”** or **“State Authority”** shall mean Madhya Pradesh Unified Metropolitan Transport Authority constituted under Section 3 of this Act for the entire state of Madhya Pradesh;
- (b) **“Central Government”** shall mean the Government of India;
- (c) **“Chairperson”** shall mean the Chairperson of the State Authority or the Chairperson of the City Authority as appointed under this Act;
- (d) **“Chief Executive Officer”** shall mean the Chief Executive Officer appointed under sub-section (2) of Section 10 of this Act;
- (e) **“City Authority”** or **“Unified Metropolitan Transport Authority for Urban Mobility Area”** shall mean city level Unified Metropolitan Transport Authority constituted under Section 4 of this Act;
- (f) **“Chief Operating Officer”** shall mean the Chief Operating Officer appointed under sub-section (3) of Section 10 of this Act;
- (g) **“City-Dedicated Urban Transport Fund”** or **“C-DUTF”** shall mean the Dedicated Urban Transport Fund of the City Authority created under Section 29 of this Act;

- (h) **“Comprehensive Mobility Plan”** shall mean the policy document outlining the strategies and related actions for the provision of safe, clean and efficient Urban Transport, and the enhancement of mobility of people and goods in the Urban Mobility Area, covering all elements of Urban Transport under an integrated planning process;
- (i) **“Executive Board”** shall mean the executive board of the State Authority constituted under sub-section (4) of Section 3 of this Act;
- (j) **“Executive Committee”** shall mean the executive committee of the City Authority constituted under sub-section (5) of Section 4 of this Act;
- (k) **“Governing Board”** shall mean the governing board of the State Authority constituted under sub-section (3) of Section 3 of this Act;
- (l) **“Governing Committee”** shall mean the governing committee of the City Authority constituted under sub-section (5) of Section 4 of this Act;
- (m) **“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.}
- (n) **“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;
- (o) **“Regulations”** shall mean the regulations made by the State Authority or the City Authority under this Act;
- (p) **“Rules”** shall refer to the rules made by the State Government under this Act;
- (q) **“Schedule”** shall mean any of the Schedules to this Act;
- (r) **“Special Invitee”** shall mean a person nominated by his respective department to act as a Special Invitee of the City Authority under sub-section (5) of Section 4

of this Act, and who shall attend only such meetings of the City Authority as the City Authority deems fit, without having voting rights whatsoever;

- (s) **“State Government”** shall mean the Government of Madhya Pradesh;
- (t) **“State-Dedicated Urban Transport Fund”** or **“S-DUTF”** shall mean the Dedicated Urban Transport Fund of the State Authority created under Section 28 of this Act;
- (u) **“Transport Investment Programme”** shall mean a detailed five-year [or such period as decided by the State Government] investment programme for Urban Transport within the Urban Mobility Area prepared in conjunction with the relevant Urban Transport agencies;
- (v) **“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;
- (w) **“Urban Transport”** with its all grammatical variations covers all aspects of transport – infrastructure, facilities, vehicles and services available to the general public in an Urban Mobility Area, including but not limited to private transport vehicles and services; and all modes and means of transportation within the categories specified under Schedule I.

CHAPTER II

MADHYA PRADESH UNIFIED METROPOLITAN TRANSPORT AUTHORITY

Section 3 Constitution of Madhya Pradesh 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 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. The State Authority may have a secretariat of its own, supported by its staff, to be located at Bhopal.
- (3) The State Authority shall consist of a Governing Board and an Executive Board. The Governing Board of the State Authority may consist of members, namely:

a)	Chief Minister of the state of Madhya Pradesh	Chairperson
b)	Minister in charge of the Department in which, the business relating to Urban Development is transacted	Vice - Chairperson
c)	Minister in charge of the Transport Department	Member
d)	Minster in charge of the Finance Department	Member
e)	Minister in charge of the Public Works Department	Member
f)	Minster in charge of the Department of Housing and Environment	Member
g)	Minister in charge of the Revenue Department	Member

h)	Minister in charge of the Home Department	Member
i)	Minister in charge of the Public Relations Department	Member
j)	Chief Secretary, State Government of Madhya Pradesh	Member
k)	Principal Secretary of the Department in which, for the time being, the business relating to Urban Development is transacted	Member Secretary

(4) There shall be an Executive Board to assist the Governing Board in its day to day affairs and may consist of the members, namely:

a)	Chief Secretary, State Government of Madhya Pradesh	Chairperson
b)	Additional Chief Secretary, Home Department of Government of Madhya Pradesh	Member
c)	Principal Secretary, of the Department in which, for the time being, the business relating to Urban Development is transacted	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) Where a person becomes or is nominated as a Member of the State 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 State Authority as soon as he ceases to be holder of that office or such member, as the case may be.
- (6) Only members shall have the right to vote in a meeting of the State Authority.
- (7) The State Government may by notification omit any member of the State Authority, appointed or nominated by the State Government. Such notification shall be laid before the legislature of the State.
- (8) No act or proceedings of the State Authority shall be invalid by reason of the existence of the vacancy in or defect in the constitution of such Board.
- (9) All decisions of the Authority shall be taken by building a consensus, and in case no consensus is reached, the decisions would be taken by majority.

Section 4 Unified Metropolitan Transport Authority for Urban Mobility Areas

- (1) The State Government may at any time after the commencement of this Act, by notification in the Official Gazette, constitute a city level authority to assist the State Authority, to be called as the Unified Metropolitan Transport Authority of the Urban Mobility Area, as notified under Section 14.
- (2) The City 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. The City Authority to have a secretariat of its own, supported by its staff, located at such Urban Mobility Area.

- (3) Each city in the State, if deemed expedient by the State Government and notified in the Official Gazette, shall have a City Authority of its own.
- (4) 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.
- (5) The City Authority shall consist of a Governing Committee and an Executive Committee. The Governing Committee may 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 the 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)	Madhya Pradesh Madhya Kshetra Vidyut Vitaran Company Limited (MPMKVVCL)	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 Defence Ministry/Armed Forces	Special Invitee
q)	Airport Manager/ Nominee	Special Invitee
r)	Officer (not below the rank of _____) – National Highways Authority of India	Special Invitee
s)	Divisional General Manager State Highway Authority/ M.P. State Road Development Corp.	Special Invitee
t)	Superintending Engineer, Public Works Department	Special Invitee
u)	Superintending Engineer, Capital Project Administration	Special Invitee
v)	2-3 Specialists from Public Transport	Special Invitee
w)	Civil Society representatives	Special Invitee

(6) The Executive Committee may consist of members and invitees, namely:

a)	District Collector	Chairperson
b)	Commissioner, Municipal Corporation	Chairperson
c)	CEO, special purpose vehicle 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 Urban Transport	Special Invitee

- (7) Where a person becomes or is nominated as a Member of the City 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 City Authority as soon as he ceases to be holder of that office or such member, as the case may be.
- (8) Only members shall have the right to vote in a meeting of the City Authority. 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 City Authority.
- (9) The State Government may by notification omit any member of the City Authority, appointed or nominated by the State Government. Such notification shall be laid before the legislature of the State.
- (10) All decisions of the City Authority shall be taken by building a consensus, and in case no consensus is reached, the decisions would be taken by majority.
- (11) No act or proceedings of the City Authority shall be invalid by reason of the existence of the vacancy in or defect in the constitution of such Committee.

Section 5 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. In case a Member of the State Authority or City 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 State Authority or City Authority, as the case may be.

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 State Authority or City Authority as the case may be, or he has such share or interest in his capacity as a Member of the such authority.

Section 6 Term of office and condition of service of Chairperson, Members and Special Invitees

- (1) The term of appointment, salary and allowances payable to, and the other conditions of service of the Chairperson, Members and Special Invitees 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 and Section 4 respectively, 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 before the State Authority or City Authority, in any manner.

Section 7 Appointment, Resignation, Removal, or Suspension of Special Invitees as members

(1) Special Invitees 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 may, by notice in writing under his/her hand addressed to the State Government, resign his/her office:

PROVIDED that the Special Invitee 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 appointed or nominated by the State 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 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.

PROVIDED that no Special Invitee 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 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 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 the 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 of the State Authority or the City Authority as the case may be, shall have the powers of general superintendence, direction and control in respect of all administrative matters of the State Authority or the City Authority:

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

- (2) The Chairperson of the State Authority or City Authority, as the case may be, 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 Secretariat, officers and staff of the State Authority

- (1) The State Authority shall have a secretariat supported by its staff of officers, located at Bhopal.
- (2) The State Authority shall be supported by a cell of experts in accordance with the procedure and on terms and conditions as specified in Regulations, such number of experts, professionals or cell of such experts or professionals, of integrity, who have special knowledge of and experience in transport planning, management, operations, economics, finance, engineering, urban planning, environment planning, law, business or such other disciplines related to Urban Transport, as it deems necessary to assist the State Authority in the discharge of its functions.
- (3) The State Authority may 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.

- (4) 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 10 Secretariat, officers and staff of the City Authority

- (1) The City Authority shall have a secretariat supported by its staff of officers, employees, professionals etc. within such Urban Mobility Area.
- (2) 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.
- (3) 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 Regulations or delegated by the City Authority.
- (4) 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 transport planning, management, operations, economics, finance, engineering, urban planning, environment planning, law, business or such other disciplines related to Urban Transport, as it deems necessary to assist the City Authority in the discharge of its functions.
- (5) The City Authority may 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.
- (6) The salaries and allowances payable to and other terms and conditions of service of the Chief Executive Officer, Chief Operating Officer and other officers and employees of the City Authority shall be governed by such conditions of services as may be determined by Regulations.

- (7) The Executive Committee may remove the Chief Executive Officer, officers of the City Authority; as may be prescribed by the Regulations framed under this Act.

Section 11 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) as 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 8, all issues which come before any meeting of the State Authority shall be taken by building a consensus, and in case no consensus is reached, shall be decided by a majority. The 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 12 Meetings of City Authority

- (1) The City 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 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 4(5) or 4(6), as the case may be, present at the meeting shall preside at the meeting.
- (4) Subject to sub-section (1) of Section 8, all issues which come before any meeting of the City Authority shall be taken by building a consensus, and in case no consensus is reached, shall be decided by a majority. The Chairperson 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 13 Sub-Committees constituted by the State Authority or City Authority (for specific subject matters)

- (1) The State Authority or the City Authority may time to time appoint sub-committees consisting of members 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 or the City Authority as the case may be.

- (3) Every sub-committee appointed under sub-section (1) shall conform to any instructions that may, time to time, be given to it by the State Authority or City Authority and the State Authority or the City Authority may at any time alter the constitution of any sub-committee so appointed or rescind any such appointment. The State Authority or the 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 14 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 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.

- (2) A map showing the boundary of the Urban Mobility Area as declared 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 15 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:

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| Policy Formulation | a. Formulation of policies (including policies relating to road and traffic safety) for development and regulation of Urban Transport 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. Ensure integration of 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. Administer State – Dedicated Urban Transport Fund constituted under this Act; |
| Review of Schemes | g. Monitor traffic and public transport related schemes, plans, projects and other programmes in the State; |
| Facilitate capacity building | h. Facilitate state of the art 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 for sustainable Urban Transport system in the state. |

- (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 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 16 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:

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| 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; |
| Review of Schemes | of | b. Supervise and monitor Urban Transport related schemes, plans, projects and other programmes in the State; |
| Assistance to Governing Board | to | c. Assist the Governing Board in discharging all its functions and duties under this Act; |
| Standards and Guidelines | and | d. Publish and issue standards and guidelines relating to the development and operation of Urban Transport 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 or perform any other function as directed by the State Government or Governing Board 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 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 time to time.

Section 17 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 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 Urban Transport and traffic activities in the State;
Enforcement of Regulations	d. Ensure enforcement of Regulations as prescribed 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;
Use of funds	h. Management of State Dedicated Urban Transport Fund (S-DUTF) for Urban Transport activities and ensure Audit of accounts and loans;
Delegation of Functions and Powers	i. Delegate any or all functions and powers to Executive Board of State Authority; and
To impose penalty	j. 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 time to time.

(2) The exercise of powers by the Governing 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 Governing Board of the State Authority.

Section 18 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:

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 18 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 19 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 to prepare their own investment programmes and projects in conformity with the overall Transport Investment Programme; |
| Implementation of policy | d. Ensure implementation of Rules, Regulations, policies, directions, guidelines, by-laws, circulars, advisories, orders etc. issued by the State Authority time to time; |
| Infrastructure for Urban 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; |
| Development of Integrated Facilities | g. Assign the 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 to Urban Transport agencies; |

Performance Indicators	h. Prepare measures and publish service level benchmarks which shall act as performance indicators for Urban Transport 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 Urban Transport within the Urban Mobility Area with a view to promote awareness on the integrated Urban Transport system;
Collection of information	j. Collect information on Urban Transport within the Urban Mobility Area and make provisions of the same to the relevant agencies with a view to contribute to the national database on Urban Transport;
Capacity building	k. Undertake activities for the purpose of capacity building and for advancing the skills of persons employed by the State Authority and City Authority including the provision of facilities of training, education and research;
City-Dedicated Urban Transport Fund	l. Manage and regulate City-Dedicated Urban Transport Fund;
Technology based solutions	m. Promote technology based solutions for traffic management, and integration of Urban Transport including transport planning, design of transport systems and selection of mode of transport;
Coordination among agencies	n. Facilitate coordination among various city level agencies concerned with Urban Transport and its allied activities and with State Authority;
Other necessary works	o. Other necessary works for making Urban 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 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 the effective implementation of this Act in Urban Mobility Area 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 20 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:

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| Preparation and implementation of Comprehensive Mobility Plan & other plans | a. Prepare and ensure implementation of various plans, schemes, programmes including Comprehensive Mobility Plan (including but not limited to motorized transportation, and non-motorized transportation within the Urban Mobility Area as detailed in Section 25 of this Act, in conjunction with the area development plan and its revision/amendment 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 or Governing Board or Executive Board or Governing Committee time to time; |
| Public Transport related schemes | c. Submission of proposals of Urban Transport and traffic related plans, programmes, projects, schemes of State Government and Governing Committee of City Authority; |

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| Assistance to Governing Committee | d. Provide assistance to Governing committee of City Authority in policy formulation and effective execution for Urban Transport 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 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 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 Area 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 time to time.

Section 21 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 | a. Accept, acquire, hold, surrender, transfer or re-convey security (including security provided in a financing arrangement) of any |
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kind in any form whatsoever, but subject to such powers of the State Authority under Clause 1(a) of Section 17;

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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, but subject to such powers of the State Authority under Clause 1(b) of Section 17; |
| Direction to Executive Committee | c. | Issue directions to the Executive Committee to perform such function/duty for development of sustainable Urban Transport system; |
| Direction to Urban Transport agencies | d. | Direct Urban Transport agencies, including special purpose vehicles, to develop affordable public transport and regulate traffic in the urban mobility area; |
| Approval of Urban Transport project | e. | Approve all major Urban Transport projects proposed for or in the Urban Mobility Area to be developed by State or any other agencies from the perspective of alignment with Comprehensive Mobility Plan according to 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; |
| Fee, fare, charges etc. | h. | Recommend, monitor and advise on levy of parking charges and fees for Urban Transport services and fares for public transport may be prescribed time to time by relevant authorities; |
| Regulation of Fund | i. | Manage 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 Transport.

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 time to time.

(2) The exercise of powers by the Governing 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 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 Urban Transport agencies a. Direct Urban Transport agencies, including special purpose vehicles, to develop affordable Urban Transport and regulate traffic in the Urban Mobility Area;

To replace special purpose vehicle b. Replace any existing special purpose vehicle 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 Urban Transport services to concerned Urban Transport agencies ;

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; and

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 23 City Authority may give direction to the Urban Transport agencies

- (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 system within the Urban Mobility Area, as it may deem fit, to the relevant Urban Transport agencies within the Urban Mobility Area.

Such directions shall be binding on agencies and other departments under the local and State Government, and shall override any contrary or conflicting order, directions issued by any such agencies and departments.

- (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 24 Power to enter into contracts

Subject to the Rules and Regulations prescribed under this Act, the Authority may enter into contracts, agreements or arrangements with any person or organization as the Authority may deem necessary for performing its functions.

Section 25 Preparation of a Comprehensive Mobility Plan for Urban Mobility Area

- (1) The City Authority shall prepare a Comprehensive Mobility Plan divided in to three parts (short, medium and long term plans) for the Urban Mobility Area to ensure integrated, comprehensive and planned development of Urban Transport in the Urban Mobility Area in conjunction with land use plan applicable to the Urban Mobility Area, and such plan shall include but not limited to:

- (i) Various types of infrastructure facilities and other works,
- (ii) Various public modes of transport systems and 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 that 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 Transport within the Urban Mobility Area, then in such circumstances, the City Authority shall discharge its functions under this Section 25 in consultation with such authority.

- (2) Before submitting any plan for approval to the State Authority as provided under this Act, the City Authority shall make a copy of the draft plan available for inspection, and publish 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, as the City Authority may deem appropriate, 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 26 Appeals

1. Any person aggrieved by the decision of the City Authority under Section 21(1) (c) or by a decision under Section 21(1) (e) 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 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 27 Revision

The Madhya Pradesh Unified Metropolitan Transport Appellate Tribunal(Appellate Tribunal) may, on an application made to it, call for the record of any matter in which an order has been made by State Authority or the City 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 the City 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 28 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 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) 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, 1988 or its amendments, as the case may be, 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, 1988 or its amendments, as the case may be, 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, 1988 or its amendments, as the case may be, 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, 1988 or its amendments, as the case may be, 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) Part of cess of []% on registration fee on all property transfer which takes place along influence zone within Urban Mobility Area, as notified by the State Government;
 - (viii) 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
 - (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.
- (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 hiring of consultants, researchers, and funding selected 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 authorized 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 29 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 at the city level 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 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 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 selected 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 authorized representative;

(5) The City Authority shall formulate Regulations for administration and management of the funds;

(6) The City Authority shall prepare Transport Investment Programme for Urban Transport in the Urban Mobility Area;

(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 30 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 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 31 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 32 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 33 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 such persons dealing in Urban Transport within the Urban Mobility Area when 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 34 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 35 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 36 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, a 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 37 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 38 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 39 Returns

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

CHAPTER VII
OFFENCES AND PENALTIES

Section 40 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 up to Rs. [] and a second or subsequent violation, non-compliance with fine up to Rs. [] and in the case of continuing violation, non-compliance with additional fine up to Rs. [] for each day during which the violation, non-compliance continues.

Section 41 Offences by companies

- (1) If the person committing a violation, non-compliance under this Act is a Company, every person, who, at the time the 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 42 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 43 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 44 Cognizance of offences

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

Section 45 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 46 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 under it.

Section 47 Recovery of penalties 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 48 Service of notice etc.

Every notice order or other document required by this Act or any Rule or Regulation made under this Act 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 49 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 50 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 51 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 52 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 53 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 54 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 55 Effect of other laws

- (1) The provisions of this Act, and the Rules and Regulations made under this Act 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 under it 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 56 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 57 Notice to be given to sue

- (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 under it 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 58 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 appointment, removal, 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 25 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 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 59 Power to make Regulation

The State Authority and the City Authority may make Regulations consistent with this Act and the Rules made under it 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 11 and 12, 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 organizational 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) the functioning of 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 60 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 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 sub-section.

- (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 State 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 State 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 as specified under this Act, shall be not be covered under the enactments specified in the Schedule II in a manner specified therein and instead shall be exclusively covered under this Act.

SCHEDULE I

Urban Transport

Urban Transport consists of modes of transport ranging from walking and bicycle to bus, metro and regional rail systems, intelligent transport systems of all kinds and roadways/private vehicles in Urban Mobility Areas. This would include various types of collective and individual transport which fall into the following functional categories:

- 1. Public Transportation:** 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 Mobility Area, include
 - (a) Bus Systems
 - (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 meet the requirements of above definition

- 2. Para Transit⁴:** includes systems provided by operators within urban area and available to person(s) which hire them for individual and multiple trips and/or do not operate on a fixed schedule with fixed stops such as
 - (a) Autos/ Shared autos/ vans/Tempos
 - (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)⁵:** 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 Working group report on urban transport for 12th Five Year Plan, Planning Commission

4. **Urban Freight**⁶ : The movement of freight vehicles whose primary purpose is to carry goods/ freight into, out of and within Urban Mobility 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) Traffic management and control
 - (c) Vehicle prioritization
 - (d) Electronic Fare collection
 - (e) Electronic road pricing
 - (f) Urban Transport operations management dispatching, scheduling, supervision
 - (g) Safety and Security
 - (h) Urban Transport Ticketing
 - (i) Internet/web based application
 - (j) Helpline system

6. **Parking Facilities:** enforcement, operations and management systems

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

8. Urban Roads

9. Safety elements in respect of all forms of Urban Transport

⁶Definition adopted from European Commission on Urban Freight

SCHEDULE II
(Refer to [Section 63](#))

AMENDMENT OF ENACTMENTS⁷

- 1) Madhya Pradesh Municipal Corporation Act, 1956
- 2) The Madhya Pradesh Nagar Tatha Gram Nivesh Adhinyam, 1973
- 3) The Madhya Pradesh Investment Region Development And Management Act, 2013
- 4) The Madhya Pradesh Zila Yojana Samiti Adhinyam, 1995
- 5) The Madhya Pradesh Road Safety Fund Rules, 1995
- 6) The Madhya Pradesh Rajmarg Adhinyam, 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

⁷As may be amended time to time.