

UNIFIED METROPOLITAN TRANSPORT AUTHORITY BILL
NO. _____ OF 2016

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ARRANGEMENT OF CLAUSES

CHAPTER I.....	4
Preliminary	4
Section 1. Short title, extent and commencement	5
Section 2. Definitions	5
CHAPTER II.....	7
The Unified Metropolitan Transport Authority.....	7
Section 3. Constitution of Unified Metropolitan Transport Authority	7
Section 4. Members not to have certain interest	8
Section 5. Term of Office and Condition of service of Chairperson and Members	8
Section 6. Resignation, Removal, or Suspension of Chairperson or other Members	9
Section 7. Powers of Chairperson	11
Section 8. Secretariat, officers and staff of the Authority	11
Section 9. Meetings of the Authority	12
Section 10. Committees constituted by the Authority (for specific subject matters)	12
CHAPTER III.....	13
Declaration of Urban Mobility Area	13
Section 11. Establishment of Urban Mobility Area and alteration of its limits	13
CHAPTER IV.....	14
Duties, Functions and Powers of the Authority	14
Section 12. Duties and Functions of the Authority	14
Section 13. Powers of the Authority	15
Section 14. Authority may give direction to the Urban Transport agencies	16
Section 15. Power to enter into contracts	17
Section 16. Preparation of a Comprehensive Mobility Plan for Urban Mobility Area	17
CHAPTER V.....	19
Urban Transport Fund.....	19
Section 17. Fund of the Authority	19
Section 18. Grants and Loans by the Central Government, State Government or other entities	21
Section 19. Priority of payment for interest and repayment of loans	22
Section 20. Power to raise finances	22
Section 21. Grants and Loans by the Authority	22
Section 22. Comprehensive Debt Limitation Policy	22
Section 23. Sinking fund	22

Section 24. Budget of the Authority	23
Section 25. Audit	23
Section 26. Annual Report	23
Section 27. Returns	24
CHAPTER VI.....	25
Offences and Penalties.....	25
Section 28. Penalty for failure to comply with Rules, Regulations, orders and directions of the Authority	25
Section 29. Offences by companies	25
Section 30. Fines when realized to be vested in the Authority	25
Section 31. Penalties not to affect other liabilities	26
Section 32. Cognizance of offences	26
Section 33. Chapter to have effect in addition to other Acts	26
CHAPTER VII.....	27
Miscellaneous.....	27
Section 34. Protection of action taken in good faith	27
Section 35. Recovery of penalty payable under this Act	27
Section 36. Service of notice, etc.	27
Section 37. Public notices	28
Section 38. Notices, etc. to fix reasonable time	28
Section 39. Authentication of order and documents of the Authority	28
Section 40. Members and officers to be public servants	28
Section 41. Power to delegate	28
Section 42. Restriction on execution against the Authority or transport works	29
Section 43. Effect of other laws	29
Section 44. Restriction of power of a local authority to make rules, regulations or bye-laws in respect of certain matters	29
Section 45. Notice to be given to sue	29
Section 46. State Government to make Rules	30
Section 47. Power to make Regulations	30
Section 48. Rules and Regulations to be laid before Legislature	31
Section 49. Power of State Government to issue directions	32
Section 50. Removal of difficulties	32
Section 51. Amendment of certain enactments	32
SCHEDULE I.....	33
SCHEDULE II.....	35

UNIFIED METROPOLITAN TRANSPORT AUTHORITY BILL

NO. _____ 2016

[Date]

CHAPTER I

Preliminary

A Bill¹ to provide for the constitution of Unified Metropolitan Transport Authority for the notified Urban Mobility Area in the State of Kerala and the regulation of the development, operation, maintenance, monitoring, supervision and the provision of Urban Transport within such Urban Mobility Area.

Be it enacted by the Kerala State Legislature in this ____ year of the Republic of India as under.

¹ *The National Urban Transport Policy 2006 specified as its main objective, the need to ensure safe, affordable, quick, comfortable, reliable and sustainable access for the growing number of city residents, to jobs, education, recreation and such other needs within cities, and further recognized that for urban areas to be able to support the required level of economic activity, easy and sustainable flow of goods and people must be provided. The National Urban Transport Policy 2006 recommended setting up of Unified Metropolitan Transport Authority to facilitate more coordinated planning and implementation of urban transport programs and projects and an integrated management of urban transport system.*

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

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

And in pursuance of the goal of effective implementation of an integrated urban transport system in the notified urban areas, it is desirable to establish Unified Metropolitan Transport Authority together with Urban Transport Fund to be managed by such Authority.

Section 1. Short title, extent and commencement

- (1) This Act may be called The Unified Metropolitan Transport Authority Act, 2016.
- (2) It shall come into force on such date and in such areas as the State Government may, by notification, in the Official Gazette, appoint.

Section 2. Definitions

In this Act, unless the context otherwise requires:-

- (a) **“Authority”** shall mean the [Urban Mobility Area] Unified Metropolitan Transport Authority constituted under Section 3 of the Act;
- (b) **“Central Government”** shall mean the Government of India;
- (c) **“Chairperson”** shall mean the Chairperson of the Authority appointed under sub-section (3) of Section 3 of this Act;
- (d) **“Chief Executive Officer”** shall mean the Chief Executive Officer appointed under sub-section (2) of Section 8 of this Act;
- (e) **“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;
- (f) **“Fund”** shall mean the Urban Transport Fund created under Section 17 of this Act;
- (g) **“Member”** shall mean a Member of the Authority appointed under sub-section (3) of Section 3 of this Act;
- (h) **“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;
- (i) **“Regulations”** shall mean the regulations framed by the Authority under this Act;
- (j) **“Rules”** shall mean rules made by the State Government under this Act;
- (k) **“State”** shall mean the state of Kerala;
- (l) **“State Government”** shall mean the Government of Kerala;
- (m) **“Schedule”** shall mean any of the Schedules to this Act;
- (n) **“Transport Investment Programme”** shall mean a detailed five - year [or such period as decided by the State Government] investment programme for Urban Transport in the Urban Mobility Area prepared in conjunction with relevant Urban Transport agencies;

- (o) **“Urban Mobility Area”** shall shall mean an area notified as an Urban Mobility Area by the State Government for the purposes of this Act, such Notification may include the urban local body limits of the city and such other area adjacent or connected to the limits of the urban local bodies, or an area relevant in the opinion of the State Government for the purpose of Comprehensive Mobility Plan, taking into consideration local patterns and trends of urban growth;
- (p) **“Urban Transport”** with its all grammatical variations covers all aspect 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

The Unified Metropolitan Transport Authority

Section 3. Constitution of Unified Metropolitan Transport Authority

- (1) The State Government may at any time after the commencement of this Act, by notification in the Official Gazette, constitute for such Urban Mobility Area as it may establish pursuant to Section 11 below, an Authority to be called as the Unified Metropolitan Transport Authority bearing the name of that Urban Mobility Area.
- (2) The Authority shall be a body corporate by the aforesaid name, have perpetual succession and a common seal with power to enter into contract and to acquire, hold and dispose of property, both movable and immovable and shall, by the said name sue and be sued. The Authority shall have a secretariat located within such Urban Mobility Area.
- (3) The Authority shall comprise the following members:
 - i. A Chairperson to be appointed by the State Government;
 - ii. Secretary of the Development Authority for the Urban Mobility Area;
 - iii. District Collector for the Urban Mobility Area;
 - iv. Secretaries of the municipal corporation(s) in the Urban Mobility Area;
 - v. An officer nominated by the State Urban Development Department;
 - vi. An officer nominated by the Transport Department;
 - vii. An officer nominated by the Finance Department;
 - viii. An officer nominated by the Public Work Department;
 - ix. An officer nominated by the Police Department;
 - x. An officer nominated by State/City Road Transport Corporation
 - xi. An officer nominated by Metro Rail Corporation of the Urban Mobility Area (as may be applicable).
 - xii. An officer nominated by the National Highways Authority of India, if National Highways connect the Urban Mobility Area;
 - xiii. An officer nominated by the Indian Railways, if Indian Railways route connects the Urban Mobility Area;
 - xiv. An officer nominated by the Inland Waterways Authority of India, if a National Waterways network passes through the Urban Mobility Area;

- xv. Two expert in corporate governance, finance, law as the State Government may nominate;
 - xvi. Two representatives of public transport beneficiaries, cyclist and pedestrians and employers as the State Government may nominate.
- (4) The State Government may by notification omit any member of the Authority appointed or nominated by the State Government. Such notification shall be laid before the legislature of the State.
- (5) Members referred to under sub-section (3) above will continue as members as long as they hold the office from which such member has been nominated and their term shall come to an end as soon as the member ceases to hold the relevant office.
- (6) The head office of the Authority shall be at [].
- (7) No act or proceedings of the Authority shall be invalid by reason of the existence of the vacancy in or defect in the constitution of the Authority.

Section 4. Members not to have certain interest

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

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

Section 5. Term of Office and Condition of service of Chairperson and Members

- (1) The term of appointment, salary and allowances payable to, and the other conditions of service of the Chairperson and Members shall be such as may be prescribed.

- (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, a Member as may be designated by the State Government 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, enter upon his office.
- (4) When the Chairperson is unable to discharge his/her functions owing to absence, illness or any other cause, a Member as may be designated by the State Government 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 Authority in any manner.

Section 6. Resignation, Removal, or Suspension of Chairperson or other Members

- (1) The Chairperson or any other Member may, by notice in writing under his/her hand addressed to the State Government, resign his/her office:
PROVIDED that the Chairperson or a Member shall, unless he/she is permitted by the State Government to relinquish his/her office sooner, 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 Chairperson or any other Member appointed or nominated by the State Government from his/her office if such Chairperson or Member, 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 Member; 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 Member

PROVIDED that no Chairperson or Member 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 Chairperson or a Member 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 (1), the agency such as the National Highway Authority, or Indian Railways appointing a member under Section 3(3) may, by order, remove such member appointed or nominated by it from his/her office if such member, 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 Member; 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 Member.

PROVIDED that no Member shall be removed from office under clause (d) or clause (e) unless the agency, after holding an inquiry and providing a reasonable opportunity of hearing to the person removed from the office of a Member 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 Government and such nominated member will hold office only for the remainder of the term for which the person whose place he/she fills would have been a nominated member.

Section 7. Powers of Chairperson

- (1) The Chairperson shall have the powers of general superintendence, direction and control in respect of all administrative matters of the Authority:
PROVIDED that the Chairperson may delegate such of his/her powers relating to administrative matters of the Authority, as he/she may think fit, to any other Member or officer of the Authority.
- (2) The Chairperson shall cast his vote in case of a dead lock on any issue or matter in the Authority.

Section 8. Secretariat, officers and staff of the Authority

- (1) The Authority shall have a secretariat within the Urban Mobility Area to discharge its functions under this Act.
- (2) The State Government shall, by Notification, appoint a Chief Executive Officer of the Authority, on such terms and conditions as may be prescribed by the Regulations framed under this Act.
- (3) The Chief Executive Officer shall be liable for implementation of the decisions of the Authority and general administration under the superintendence and control of the Authority, or any other role assigned by the State Government and as may be prescribed by the Regulations framed under this Act.
- (4) The Authority shall appoint officers, professionals, experts, employees and supporting staff as may be prescribed by the Regulations under this Act. Officers, experts and professionals shall include technically qualified experts, professionals, of integrity, who have special knowledge of and experience in transport planning, management, operations, economics, finance, engineering, urban planning, law, business or such other disciplines related to Urban Transport, as is deemed necessary to assist the Authority in discharge of its functions.
- (5) The salaries and allowances payable to and other terms and conditions of service of the Chief Executive Officer and other officers and employees of the Authority shall be governed by such conditions of services as may be determined by Regulations.
- (6) The State Government may remove the Chief Executive Officer and officers of the Authority by Notification, on such terms and conditions as may be prescribed by the Regulations framed under this Act.

Section 9. Meetings of the Authority

- (1) The 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 it deems appropriate. Provided that the Authority shall meet at least once in three months.
- (2) The Chairperson or in his absence, the senior most Member of the Authority as prescribed by the Regulations framed under this Act, shall preside the meetings of the Authority.
- (3) All issues arising before the Authority shall be decided by consensus in the meetings of the Authority, and if no consensus is reached, the decisions shall be taken by a majority of votes.
- (4) 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.
- (5) All orders and decisions of the Authority shall be authenticated by the Chief Executive Officer or any other officer of the Authority duly authorized by the Chairperson.

Section 10. Committees constituted by the Authority (for specific subject matters)

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

CHAPTER III

Declaration of Urban Mobility Area

Section 11. Establishment of Urban Mobility Area and alteration of its limits

(1) The State Government may, by Notification, declare an 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, make alteration or change any area within an 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 having circulation in such Urban Mobility Area and be advertised in electronic form, social media, website, within such Urban Mobility Area.

CHAPTER IV

Duties, Functions and Powers of the Authority

Section 12. Duties and Functions of the Authority

- (1) Notwithstanding anything contained in any other law for the time being in force and without prejudice to the foregoing power, the Authority's functions shall include the following:
- (a) Prepare Comprehensive Mobility Plan for the Urban Mobility Area, in conjunction with land-use plan applicable to the Urban Mobility Area and update such plan regularly as may be prescribed to ensure integration of land use and transport planning;
 - (b) Prepare Transport Investment Programme for the Urban Mobility Area, in order to achieve the goals of the Comprehensive Mobility Plan;
 - (c) Plan the financing, construction, and operation of facilities and services related to Urban Transport in the Urban Mobility Area.
 - (d) Promote or undertake development of integrated facilities and systems for Urban Transport within Urban Mobility Area including developing systems for seamless transport access within an Urban Mobility Area.
 - (e) Assign the development, construction, repair, operation and management of any integrated or stand-alone Urban Transport facilities and services that aid and enhance the efficiency or service levels of Urban Transport in the Urban Mobility Area, to the concerned Urban Transport agency;
 - (f) Adopt, time to time, existing standard and guidelines provided by State and Central Government as necessary to develop, publish and issue standards and guidelines relating to the development and operation of Urban Transport facilities and services within Urban Mobility Area in accordance with the requirements, including those required for physically challenged, elderly, women and children and take measures that compliance of the same by various relevant public and private transport operators in the Urban Mobility Area is ensured.
 - (g) Develop and publish performance indicators for Urban Transport within its jurisdiction, in accordance with the service level benchmarks published by the Ministry of Urban Development, Government of India.

- (h) Administer the [*Urban Mobility Area*] Urban Transport Fund as provided under Chapter V of this Act.
 - (i) Set up and operate an operation control center, a web based user information system, and a helpline to provide integrated information to the users of Urban Transport in the Urban Mobility Area.
 - (j) Promote technology-based solutions for traffic management, transport planning, and design of transport systems and selection of mode of transport.
 - (k) Collate information on Urban Transport within Urban Mobility Area and provide the same to the relevant agencies with a view to contributing to the national database on Urban Transport.
 - (l) Promote consumer awareness in relation to Urban Transport, and ensure that information gets publicized and displayed for users of Urban Transport services within the Urban Mobility Area;
 - (m) Undertake activities for the purpose of advancing the skills of persons employed by the Authority, including facilities of training, education and research.
- (2) The Authority may appoint any person/agency to perform any activities and/or works in relation to its function provided in sub-section (1) above.

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

- (a) Subject to the provision of this Act, the Authority may, time to time, incur expenditure and undertake works mentioned in sub-section (1) and (2) in the Urban Mobility Area.
- (b) The Authority 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 may prescribe or direct.

Section 13. Powers of the Authority

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

- (a) Accept, acquire, hold, surrender, transfer or re-convey security (including security provided in a financing arrangement) of any kind in any form whatsoever.
 - (b) Purchase, lease, hold, construct, manufacture, maintain, sell, dispose of 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.
 - (c) Fund and/or facilitate financing of all transport related investment seeking funds managed by the Authority, for the implementation of the projects, plans, schemes and proposals included in the Transport Investment Programme.
 - (d) Approve all major Urban Transport projects proposed for or in the Urban Mobility Area by any State/Central/any other agencies from the perspective of alignment with Comprehensive Mobility Plan.
 - (e) Issue permits/licenses for public transport services.
 - (f) Monitor and audit compliance with the Comprehensive Mobility Plan, and the Transport Investment Programme.
 - (g) Prescribe fees and charges for roads, public transport, parking, and other Urban Transport facilities and services and regulate fares for Urban Transport as may be prescribed time to time.
 - (h) Monitor use of funding for Urban Transport activities and ensure Audit of accounts and loans.
 - (i) Ensure enforcement of Regulations as prescribed time to time under this Act.
 - (j) Prepare and review as appropriate performance related terms and conditions of services for its employees.
- (2) The exercise of powers by the Authority under sub-clause (1) of Section 13 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 Authority.

Section 14. Authority may give direction to the Urban Transport agencies

- (1) To ensure effective implementation of the objects and purposes of this Act, notwithstanding anything contained in any other law for the time being in force, the

Authority may give such directions with regard to the implementation of any Urban Transport project within the Urban Mobility Area, as it may deem fit, to the relevant agencies responsible for provision of Urban Transport within the Urban Mobility Area.

- (2) Such directions shall be binding on such agencies and departments under the local and State Government, and shall override any contrary or conflicting order, directions issued by any such agencies and departments.
- (3) The Authority may take such measures as it may deem appropriate to ensure implementation of the plans approved by the Authority.

Section 15. Power to enter into contracts

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

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

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

PROVIDED, however, in the event there is any other authority and/or committee constituted under any any other law for the time being in force which formulates, develops or implements any plan, or scheme in relation to Urban Transport within the Urban Mobility Area,, then in such circumstances, the Authority shall discharge its functions under this section 16 in consultation with such authority.

- (2) Before finalizing any plan as provided under this Act, the Authority shall prepare a draft plan and publish it by making a copy thereof available for inspection, and

publishing a notice in such form and manner as may be prescribed by the Regulations made in this regard inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice, subject to a maximum time period of [two months] from the date of publication of the notice. The Authority shall after giving adequate opportunity, as the Authority may deem appropriate, to the concerned persons and after considering such suggestions, objections and representations, if any, finalize the draft plan.

- (3) After modification of any plan based on comments received, the Authority shall submit such plans to the State Government for approval and the State Government may either approve the plan without modifications or with such modifications as it may consider necessary, or reject the plan, with directions to the Authority to prepare a new plan based on recommendation issued by the State Government in relation thereof.
- (4) The Authority shall publish and publicize all plans approved by the State Government amongst stakeholders as may be prescribed.

CHAPTER V

Urban Transport Fund

Section 17. Fund of the Authority

- (1) The Authority shall establish for the purpose of implementation of the Act, an “Urban Transport Fund” which shall comprise the following:
 - (a) Portion of funds from Central Government allocations shall be deposited in UTF 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 Government².
 - (ii) Part of any grant and fund received through allocations (including budgetary allocations) by the Central Government, as decided by the State Government.
 - (b) Revenue from the following sources shall be deposited in UTF 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 Vehicle Act 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 prescribed by the Rules, as decided by the State Government through co-

² (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)

ordination of notification in relation to the same under the Motor Vehicle Act 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 prescribed by Rules, as decided by the State Government through co-ordination of notification in relation to the same under the Motor Vehicle Act 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, prescribed by Rules, 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 Vehicle Act or its amendments, as the case may be in the State.
- (v) Part of additional cess, prescribed by Rules, 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, at the rate prescribed by Rules, in the form of earmarked cess on diesel from Central Road Fund, as received and further decided by the State Government.
- (vii) Cess calculated at the rate, prescribed by Rules, of existing parking charges levied by municipal corporations in the Urban Mobility Area and other public sector agencies operating parking facilities in the relevant Urban Mobility Area, as imposed and levied by the 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 UTF after deducting the expenses of collection;
- (viii) [rate prescribed by Rules]% of the funds collected from violation of traffic penalties in the Urban Mobility Area, as decided by the State Government.
- (ix) Part of cess of [rate prescribed by Rule] % on registration fee on all property transfer which takes place along influence zone within Urban Mobility Area, as notified by the State Government.

- (x) Part of cess of [rate prescribed by Rules] % on registration fee on all property transfer which takes place along influence zone within Urban Mobility Area, as notified by the State Government.
- (xi) Part of cess on levy on conversion of land use at the rate of [rate prescribed by Rules] % of existing land use conversion charges, as decided by the State Government.
- (xii) Additional cess at the rate of [rate prescribed by Rules] % of existing advertising charges levied by municipal corporations and other public sector agencies within the Urban Mobility Area, as decided by the Authority. The administrative work of collection of the 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 UTF after deducting the expenses of collection;
- (2) The monies and revenues accumulated in the Fund may be used for the purposes of this Act according to the Rules prescribed hereunder.
- (3) The 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 Authority shall carry out the management of the Fund either on its own or through an authorized representative.
- (5) The Authority shall formulate regulations for working and administration and management of the funds.
- (6) The Authority shall keep its fund in any scheduled bank.
- (7) The Authority may invest any portion of its fund in such securities or in such other manner and for such time as may be prescribed.

Section 18. Grants and Loans by the Central Government, State Government or other entities

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

Section 19. Priority of payment for interest and repayment of loans

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

Section 20. Power to raise finances

- (1) The Authority may raise finance or 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 Authority under sub-section (1).

Section 21. Grants and Loans by the Authority

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

Section 22. Comprehensive Debt Limitation Policy

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

Section 23. Sinking fund

- (1) The Authority shall maintain a sinking fund for repayment of moneys borrowed under Section 21, and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.
- (2) The sinking fund or part thereof shall be applied in or towards the discharge of the loan for which such fund was credited, and until such loan is wholly discharged it shall not be applied for any other purpose.

Section 24. Budget of the Authority

- (1) The Authority shall 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 Authority and shall forward to the State Government such number of copies thereof as may be prescribed by Rules.
- (2) The Budget prepared by the Authority, in so far as it does not require any revenue contribution from the State Government, shall be final and can be adopted by the Authority without the need for any prior approval of the State Government. However, the budget prepared by the Authority, to the extent that 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 25. Audit

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

Section 26. Annual Report

- (1) The Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form and on or before such date as may be prescribed by the Rules.
- (2) The Authority shall at the end of each financial year submit an audited annual statement to the State Government 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 27. Returns

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

CHAPTER VI

Offences and Penalties

Section 28. Penalty for failure to comply with Rules, Regulations, orders and directions of the Authority

If any person fails to comply with the Rules, Regulations, orders or directions of the Authority, he shall be punishable with fine, which may extend to Rs. [rate prescribed by Rules] and in case of a second or subsequent default with fine, which may extend to Rs. [rate prescribed by Rules] and in the case of continuing contravention with additional fine, which may extend to Rs. [rate prescribed by Rules] for every day during which the default continues.

Section 29. Offences by companies

- (1) If the person committing a default or contravention under this Act is a Company, every person, who, at the time such default or contravention occurred, was in-charge of, and was responsible in the company for the conduct of the business of the company, as well as the company, shall be deemed liable for the default or contravention 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 default or contravention 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 or a firm 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, partner, 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.

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

The proceeds of all fines realized in connection with this Act shall vest in the Authority.

Section 31. Penalties not to affect other liabilities

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

Section 32. Cognizance of offences

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

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

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

CHAPTER VII
Miscellaneous

Section 34. Protection of action taken in good faith

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

Section 35. Recovery of penalty payable under this Act

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

Section 36. Service of notice, etc.

Every notice order or other document required by this Act or any Rule or Regulation made under it shall be signed by the Chief Executive Officer with its common seal and shall be deemed to have been duly served upon the party or parties concerned if the service has been effected in anyone of the following manners :-

- (i) by personal service;
- (ii) by registered post.
- (iii) by affixing it at the house or principal place of business of the party concerned as the case may be.
- (iv) by publication in one prominent (local language), Hindi and one English daily newspaper 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 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 be served is a minor or a lunatic, it shall be served upon his / her guardian as determined by the Chief Executive Officer in his / her discretion;

- (c) the manner of service mentioned either in sub-clause (iii) or sub-clause (iv) above shall be resorted to only after attempt at service either under sub-clause (i) or sub-clause (ii) has failed.

Section 37. Public notices

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

Section 38. Notices, etc. to fix reasonable time

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

Section 39. Authentication of order and documents of the Authority

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

Section 40. Members and officers to be public servants

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

Section 41. Power to delegate

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

Section 42. Restriction on execution against the Authority or transport works

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

Section 43. Effect of other laws

(1) The provisions of this Act, and the Rules and Regulations made hereunder shall have effect notwithstanding anything inconsistent 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 hereunder, shall not be deemed to be unlawfully undertaken or carried out by reason only of the Act that permission, approval or sanction required under such other law for such development has not been obtained.

Section 44. Restriction of power of a local authority to make rules, regulations or bye-laws in respect of certain matters

Notwithstanding anything contained in any law for the time being in force, no rules, regulation or bye-law which is inconsistent with any provision of the UMTA Act or any rule or regulation made under it shall be applicable within the area notified under sub-Section (1) of Section 3 of this Act.

Section 45. Notice to be given to sue

(1) No suit shall be instituted against the Authority or any member thereof or any of its officers or other employees or any person acting under the directions of the Authority or any member or any officer or other employee of the Authority in respect of the 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, , 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 46. State Government to make Rules

- (1) The State Government may, by notification in the Official Gazette, make Rules in consultation with the Authority, to carry out the purposes of this Act.
- (2) Without prejudice to the generality of the foregoing power, such Rules may provide for all or any of the following matters :
- (a) the salaries, allowances and terms and conditions of service of the Chairperson and the Members of the Authority;
 - (b) the form and content of the plans as provided under section 16 of this Act and the procedure to be followed in connection therewith and with the preparation, submission and approval of such plans and the form, and the manner of publication of the notice relating to such plan;
 - (c) the form and manner in which notices given under this Act shall be published;
 - (d) the procedure to be followed for borrowing moneys by way of loans or debenture and their repayment;
 - (e) the form of the budget of the Authority and the manner of preparing the same;
 - (f) the form of the balance-sheet and statement of accounts;
 - (g) the form of the annual report and the date on or before which it shall be submitted to the State Government;
 - (h) the manner of constitution of the pension funds and provident funds for members and officers and other employees of the Authority and the conditions subject to which such funds may be constituted.
 - (i) Any other matter which is required to be or may be prescribed by Rules.

Section 47. Power to make Regulations

The 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:

- (1) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and number of members necessary to form a quorum thereat;

- (2) the summoning and holding of meetings of the committee constituted under Section 10, the time and place where such meetings are to be held, the number of members necessary to form a quorum thereat and the fees and allowances payable to the members for attending the meetings or any other work of the Authority;
- (3) the organization structure and the creation of posts in the Authority
- (4) the powers and duties of the officers of the Authority;
- (5) the salaries, allowances, gratuities and conditions of service of the officers and employees of the Authority and disciplinary matters relating to them;
- (6) the procedure for carrying out of the functions of the Authority, including what is to be outsourced and what is to be carried out in-house
- (7) the manner of communicating the grounds of refusal of permission for development;
- (8) the management of the properties of the Authority;
- (9) the appointment of committees and the remuneration / compensation to be paid, if any
- (10) the manner and purpose for appointment of consultants and temporary by the Authority;
- (11) the control and restrictions in appointment of officers and other employees, and powers and duties of such officers and other employees;
- (12) functioning of the committee(s);
- (13) the procedure to be followed by the Authority for granting loans and its repayment;
- (14) Any other matter which is required to be, or be prescribed by Regulations.

Section 48. Rules and Regulations to be laid before Legislature

Every Rule made under this Section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of Fourteen days which may be comprised in one session or in two successive sessions and if, before expiry of the session in which it is so laid or the session immediately following both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect; as the case may be, so, however that such notification or annulment shall be without prejudice to the validity of anything previously done under the rule.

Section 49. Power of State Government to issue directions

- (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the State Government may give in writing to it time to time: PROVIDED *however*, that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this subsection.
- (2) The decision of the State Government whether a question is one of policy or not under sub-section (1) shall be final.
- (3) In the event that there is any dispute between the Authority and the other authorities, local bodies, body corporate, department or other agencies of the Government, the matter shall be resolved at the State Government level and the decision of the State Government shall be final and binding on the parties involved in such dispute. PROVIDED, *however*, that the State Government shall not pass an order in relation to any dispute between the Authority and the other authorities, local bodies, body corporate, department or other agencies of the Government without affording such persons or body an opportunity of being heard or offering explanation.

Section 50. Removal of difficulties

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notified order not inconsistent with the provisions of this Act, remove the difficulty.

Section 51. Amendment of certain enactments

With effect from such date as the State Government may, by notification, appoint, any matter related to Urban Transport 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 the Urban Mobility Area. This would include various types of collective and individual transport which fall into the following functional categories:

1. **Public Transportation**³: 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) Vessels as defined under the Kerala Inland Vessels Rules, 2010
 - (j) Any other mode irrespective of its fuel and propulsion type which meets the requirements of the above definition
2. **Para Transit**⁴: includes systems provided by operators within Urban Mobility Area and available to person(s) which hire them for individual and multiple trips, such as
 - a. Autos / Shared autos / vans
 - b. Taxi Cabs, Hire a Cab OR
 - c. Any other mode irrespective of its fuel and propulsion type which meets the requirements of the above definition

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

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

3. **Non-Motorized 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.
4. **Urban Freight**⁶: The movement of freight vehicles whose primary purpose is to carry goods / freight into, out of and within Urban Mobility Area.
5. **Intelligent Transport System (ITS)**: Intelligent Transportation Systems (ITS) are those utilizing technologies and systems engineering concepts to develop and improve transportation systems of all kinds. These include, but are not limited to the following :
 - a. Passenger Information System (PIS)
 - b. Traffic management and control
 - c. Public Transport prioritization
 - d. Electronic Fare collection
 - e. Electronic road pricing
 - f. Public Transport Operations Management; dispatching, scheduling, supervision
 - g. Safety and Security.
 - h. Traffic Surveillance
 - i. Public Transport Ticketing
 - j. Internet/web based application
 - k. Helpline system
6. **Parking Infrastructure**: including surface, off-street and multi-level parking, enforcement and management irrespective of type of technology
7. Urban roads and associated street furniture within the Urban Mobility Area
8. Safety elements in respect of all forms of urban transport
9. Any other mode or means of transport that the State Government may notify time to time.

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

6 Definition adopted from European Commission on Urban Freight

SCHEDULE II
(Refer to Section 51)

AMENDMENT OF ENACTMENTS

- (i) Kerala Town and Country Planning Ordinance, 2013
- (ii) Kerala Municipality Act, 1994
- (iii) Kerala Road Fund Act, 2001 read with Kerala Road Fund Rules, 2003,
- (iv) Kerala Highway Protection Act, 1999,
- (v) Kerala Tolls Act, 1976 read with Kerala Toll Levy Rules, 1983
- (vi) Kerala Motor Vehicle Rules, 1989 read with Kerala Motor Vehicles (Amendment) Rules, 2011
- (vii) Kerala Road Safety Authority Act, 2007 read with Kerala Road Safety Rules, 2007
- (viii) Kerala Industrial Infrastructure Development, 1993
- (ix) Kerala Infrastructure Investment Fund Act, 1999
- (x) Kerala Motor Vehicles Taxation Act, 1976
- (xi) Kerala Inland Vessels Rules, 2010.