

**[NAME OF THE STATE OR UNION TERRITORY]**

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

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**[NAME OF THE STATE OR UNION TERRITORY]**  
**UNIFIED METROPOLITAN TRANSPORT AUTHORITY**  
**BILL No. \_\_\_\_2016**

*[Date]*

**CHAPTER I**  
**Preliminary**

*A Bill<sup>1</sup> to provide for the constitution of Unified Metropolitan Transport Authority(s) for Urban Mobility Area(s) in the State of [Name of the State], and for the declaration of Urban Mobility Area(s) and the regulation of the development, operation, maintenance, monitoring, supervision and provision of Urban Transport within Urban Mobility Area(s).*

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

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

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

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

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

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

## **Section 1. Short title, extent and commencement**

- (1) This Act may be called the [Name of the State] Unified Metropolitan Transport Authority Act, 2016.
- (2) Provisions of this Section shall come into force at once and the State Government may, by Notification, appoint different dates for the applicability of the provisions of this Act and such provisions shall come into force on such date as the State Government may, by Notification, appoint.

## **Section 2. Definitions**

In this Act, unless the context otherwise requires: -

- (a) **“Authority”** in relation to any Urban Mobility Area, means the Unified Metropolitan Transport Authority constituted under Section 4 of the Act for such Urban Mobility Area;
- (b) **“Central Government”** shall mean the Government of India;
- (c) **“Chairperson”** shall mean the Chairperson of the Authority as appointed under sub-section 3(a) of Section 4 of this Act;
- (d) **“Chief Executive Officer”** shall mean the Chief Executive Officer of the Authority appointed under sub-section (2) of Section 9 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) **“Essential Invitee”** shall mean a person nominated by the State Government to act as an Essential Invitee of the Authority under sub-section (3) of Section 4 of this Act, and who shall be mandatorily invited by the Authority to attend all its meetings, without having any voting rights whatsoever;
- (g) **“Fund”** shall mean the Urban Transport Fund created under Section 17 of this Act;

- (h) "**Member**" shall mean a member of the Authority appointed under sub-section (3) of Section 4 of this Act.
- (i) "**Notification**" shall mean a notification published in the Official Gazette and the expression "notified" with its cognate meanings and grammatical variations, shall be construed accordingly;
- (j) "**Regulations**" shall mean the regulations framed by the Authority under this Act;
- (k) "**Rules**" shall mean rules made by the State Government under this Act;
- (l) "**Special Invitee**" shall mean a person nominated by his respective department to act as a Special Invitee of the Authority under sub-section (3) of Section 4 of this Act, and who shall attend only such meetings of the Authority as the Authority deems fit, without having voting rights whatsoever;
- (m) "**State**" shall mean the [state or union territory] of [\_\_\_\_\_];
- (n) "**State Government**" shall mean the Government of [name of the state or union territory];
- (o) "**Schedule**" shall mean any of the Schedules to this Act;
- (p) "**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;
- (q) "**Urban Mobility Area**" shall mean an area notified as an Urban Mobility Area by the State Government for the purposes of this Act, such Notification may include the 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;
- (r) "**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**  
**Declaration of Urban Mobility Area**

**Section 3. Declaration of Urban Mobility Area and alteration of its limits<sup>2</sup>**

- (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.

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<sup>2</sup> Please refer section 3.2 of UMTA operations document for detailed guidance of finalization of the geographical coverage of UMTA

**CHAPTER III**  
**The Unified Metropolitan Transport Authority**

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

- (1) Pursuant to provisions of Section 3 of this Act or otherwise, the State Government may, by Notification, constitute for an Urban Mobility Area, an Authority to be called as the Unified Metropolitan Transport Authority.
- (2) The Authority shall be a body corporate by the aforesaid name, shall have perpetual succession and a seal with power to enter into contracts and to acquire, hold and dispose off property and sue and be sued in its name. The Authority shall have a secretariat located within such Urban Mobility Area.
- (3) The Authority may include Members, Special Invitees and Essential Invitees, namely<sup>3</sup>:
  - (a) A Chairperson to be appointed by the State Government;
  - (b) An officer of the Development Authority within the Urban Mobility Area and not below the rank of [ \_\_\_\_\_], as Member of the Authority;
  - (c) An officer of the Urban Development Department of the State, not below the rank of [ \_\_\_\_\_] and having jurisdiction in the Urban Mobility Area, as Member of the Authority;
  - (d) An officer of the Town and Country Planning Department of the State, not below the rank of [ \_\_\_\_\_] and having jurisdiction in the Urban Mobility Area, as Member of the Authority;
  - (e) An officer(s) of the municipal corporation(s) within the Urban Mobility Area, not below the rank of [ \_\_\_\_\_] as Member(s) of the Authority;

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<sup>3</sup> Please refer section 3.3 on detailed guidelines on finalization of composition of UMTA

- (f) An officer of the Public Works Department of the State, not below the rank of [\_\_\_\_\_] and having jurisdiction in the Urban Mobility Area, as Member of the Authority;
- (g) An officer of Transport Department of the State, not below the rank of [\_\_\_\_\_] and having jurisdiction in the Urban Mobility Area, as Member of the Authority;
- (h) An officer nominated by the corporation responsible for city bus transport within the Urban Mobility Area and not below the rank of [\_\_\_\_\_] , as Member of the Authority;
- (i) An officer of the State Road Transport Corporation, not below the rank of [\_\_\_\_\_] and having jurisdiction in the Urban Mobility Area, as Member of the Authority;
- (j) An officer of the Finance Department of the State, not below the rank of [\_\_\_\_\_] and having jurisdiction in the Urban Mobility Area, as Member of the Authority;
- (k) An officer of the Police Department, not below the rank of [\_\_\_\_\_] and having jurisdiction in the Urban Mobility Area, as Member of the Authority;
- (l) An officer nominated by the Metro Rail Corporation in the Urban Mobility Area (as applicable), not below the rank of [\_\_\_\_\_] , as Member of the Authority;
- (m) An officer of the Metropolitan Planning Committee or District Planning Committee or equivalent, established in the Urban Mobility Area (as applicable), not below the rank of [\_\_\_\_\_] , as Member of the Authority;
- (n) Non-official Members, not exceeding [\_\_\_\_\_] , from among the members of the local governments and having jurisdiction in the Urban Mobility Area, as nominated by the State Government;
- (o) An officer nominated by the Ministry of Urban Development, Government of India, not below the rank of [\_\_\_\_\_] and having jurisdiction in the Urban Mobility Area, as Special Invitee;

- (p) An officer nominated by the National Highways Authority of India (NHAI), not below the rank of [ \_\_\_\_\_ ] and having jurisdiction in the Urban Mobility Area, as Special Invitee, if National Highways connect such Urban Mobility Area;
- (q) An officer nominated by the Airports Authority of India, not below the rank of [ \_\_\_\_\_ ] and having jurisdiction in the Urban Mobility Area, as Special Invitee;
- (r) An officer nominated by the Indian Railways, not below the rank of [ \_\_\_\_ ] and having jurisdiction in the Urban Mobility Area, as Special Invitee, if any Indian Railways route connects such Urban Mobility Area;
- (s) An officer nominated by the Ministry of Defence/ Cantonment Board not below the rank of [ \_\_\_\_\_ ] and having jurisdiction in the Urban Mobility Area, as Special Invitee;
- (t) An officer nominated by the Pollution Control Board of the State, not below the rank of [ \_\_\_\_\_ ] and having jurisdiction in the Urban Mobility Area, as Special Invitee;
- (u) An officer nominated by the Inland Waterways Authority of India, not below the rank of [ \_\_\_\_ ] and having jurisdiction in the Urban Mobility Area, if any National Waterways network passes through such Urban Mobility Area, as Special Invitee;
- (v) An officer nominated by the Irrigation Department of the State (as applicable) and having jurisdiction in the Urban Mobility Area, not below the rank of [ \_\_\_\_ ] as Special Invitee;
- (w) An officer nominated by the Islands Development Authority in the Urban Mobility Area (as applicable) as Special Invitee;
- (x) An officer nominated by the Port Trust or Authority in the Urban Mobility Area (as applicable) as Special Invitee;

- (y) An officer nominated by the Department of Power or electricity distribution company and having jurisdiction in the Urban Mobility Area, as Special Invitee;
  - (z) [Please insert the number] experts in the fields of Urban Transport, corporate governance, finance, law as may be nominated by the State Government, as Essential Invitees;
  - (aa) [Please insert the number] representatives of public transport beneficiaries, cyclists and pedestrians, as the State Government may nominate, as Essential Invitees;
- (4) Every nominee Member as provided above shall hold the office as Member ex-officio on holding position in a government department/ local body/ authority and shall cease to be a member of the Authority upon relinquishment of such post or position.
- (5) The head office of the Authority shall be situated at [\_\_\_\_\_].
- (6) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy or defect in the constitution of the Authority.
- (7) Only Members of the Authority shall have the right to vote in a meeting of the Authority. No Special Invitees or Essential Invitees as provided in this Act shall have the right to cast vote. Such Special Invitees and Essential Invitees may, however, attend meetings of the Authority and express their views.
- (8) All decisions of the Authority shall be taken by consensus, and in case no consensus<sup>4</sup> is reached, the decisions shall be taken by majority of votes.
- (9) The Authority may constitute committees consisting of such members as it may deem fit to look after the day to day functioning of technical and administrative departments of the Authority. The tenure of such committees may be as decided by the Authority.

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<sup>4</sup> The State Government may adopt the method of either consensus or majority voting.

[Explanation: Committees may consist of Members, Special Invitees, Essential Invitees and such experts as may be decided by the Authority. A Member shall cease to be the member of the committee if such Member ceases to be a Member of the Authority or is removed by the Authority as per the Rules and Regulations prescribed under this Act].

- (10) Notwithstanding anything contained in this Section, the State Government, may, by Notification, change the constitution of the Authority as provided under this Section, by adding, substituting, omitting or amending the constitution of the Authority, and provide the terms, conditions of service of the Chairperson, Members of the Authority as it may deem fit.

**Section 5. 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 6. Term of office and condition of service of Chairperson, Members, Special Invitees and Essential Invitees**

- (1) The terms of appointment, salaries and allowances payable to, and the other conditions of service of the Chairperson, Members, Special Invitees and Essential Invitees shall be such as may be prescribed under the Rules prescribed 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 death, resignation or otherwise, the senior most Member as prescribed by the Regulations framed under this Act, shall act as the Chairperson, during such vacancy period and shall vacate the office upon resumption of office by the new Chairperson, appointed in accordance with the provisions of this Act.
- (4) Where the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the senior most Member as prescribed by the Regulations under this Act, shall officiate as the Chairperson till resumption of work by the Chairperson or otherwise directed by the State Government.
- (5) The Chairperson or any Member ceasing to hold office as such shall not represent or work with any person engaged in the commercial business of Urban Transport or dealing with the Authority in any manner till such period as may be prescribed under the Rules.

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

- (1) The State Government shall, by Notification, appoint the Chairperson, Members, Special Invitees and Essential Invitees on recommendations of relevant departments or agencies as applicable, in accordance with the Rules framed under this Act.

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

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

- (2) Notwithstanding anything contained in sub-section (1), the State Government may, by order, remove the Chairperson, Member, Special Invitee or Essential Invitee appointed or nominated by the State Government, from his office, if such Chairperson, Member, Special Invitee or Essential Invitee—

- (a) is, or at any time has been, adjudged as an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (c) has acquired such financial or other interest as is likely to affect prejudicially his functions; 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 performing his functions as stated in this Act.

PROVIDED that no Special Invitee may be removed from office unless substituted by another Special Invitee nominated by the relevant department or agency.

- (3) Notwithstanding anything contained in sub-section (1), the State Government on recommendations of agencies of the Central Government may, by order, substitute a Special Invitee nominated by the agencies of the Central Government from his office if such Special Invitee, as the case may be,—
  - (a) is, or at any time has been, adjudged as an insolvent; or
  - (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
  - (c) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Special Invitee; or
  - (d) has so abused his position as to render his continuance in office prejudicial to the public interest; or
  - (e) has become physically or mentally incapable of acting as a Special Invitee.
- (4) If a vacancy occurs in the office of a 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. Such Member shall hold office only for the remainder of the term for which the person whose place he fills would have been a Member.



## **Section 8. Powers of Chairperson**

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

PROVIDED that the Chairperson may delegate such powers relating to administrative matters of the Authority, as he may deem fit, to any other Member 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 9. 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 time to time by Regulations framed under this Act.

- (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 10. Meetings of the Authority**

- (1) The Authority shall meet at such times, at such places and shall observe such procedures in regard to the transaction of business at its meetings (including the quorum thereat) as may be prescribed in the Regulations framed under this Act. Provided that the Authority shall meet at least once in three months.
- (2) The Chairperson or in his absence, the senior most Member of the Authority as prescribed by the Regulations framed under this Act, shall preside the meetings of the Authority.
- (3) Subject to sub-section (2) of Section 8, 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 or indirectly, has a conflict of interest relating to the matter to be decided at the meeting, shall disclose the nature of his interest and after such disclosure, the Member concerned shall not participate or vote on the agenda or issue where he is an interested person after such disclosure or otherwise.
- (5) All orders and decisions of the Authority shall be authenticated by the Chief Executive Officer or any other officer of the Authority duly authorized by the Chairperson.

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

- (1) The Authority may time to time appoint committees consisting of such members as it thinks fit and may associate with such committee in such manner and for such period as required, any experts whose assistance or advice it may desire, and refer to such committees for inquiry and report, any subject relating to the purposes of this Act.

- (2) The persons appointed as members of the committee or persons associated with the committee under sub-section (1) shall be entitled to receive such allowances or fees for attending the meetings of the committee as may be determined by the Authority, time to time.
- (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 procedures 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 IV**  
**Duties, Functions and Powers of the Authority**

**Section 12. Duties and functions of the Authority<sup>5</sup>**

- (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:

- |   |  |
|---|--|
| Preparation and update of Comprehensive Mobility Plan     | 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 ;   |
| Preparation of Transport Investment Programme             | b. Prepare Transport Investment Programme for the Urban Mobility Area, in order to achieve the goals of the Comprehensive Mobility Plan;   |
| Assignment of works                                       | c. 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;   |
| Coordination among agencies                               | d. Establish effective coordination arrangements and mechanisms amongst various Urban Transport agencies providing facilities and services in the Urban Mobility Area on all strategic and operational matters;  |
| Promote seamless access within Urban Mobility Area        | e. Promote seamless access within the Urban Mobility Area through integrated planning of Urban Transport;  |
| Issue standards and guidelines related to Urban Transport | f. Adopt existing standards and guidelines provided by State Government, Central Government and agencies under them, time to time and as necessary, and develop, publish and issue their own standards and guidelines related to Urban Transport within the Urban Mobility Area in accordance with the requirements of such Urban Mobility Area; |

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<sup>5</sup> Please refer section 3.6 of the UMTA operations document for detailed guidance on finalization of UMTA's functions

Develop performance indicators	<p>g. Develop, measure and publish performance indicators for Urban Transport within the Urban Mobility Area, in accordance with the service level benchmarks published by the Ministry of Urban Development, Government of India;</p> <p>[Explanation: Compliance of performance indicators and service level benchmarks for Urban Transport services by various agencies shall serve as benchmark levels for release of funds from UTF by the Authority to such Urban Transport agencies]</p>
Policy formulation on Urban Transport	<p>h. Assist, aid and advise the State Government on Urban Transport matters including providing inputs for policy formulation for comprehensive, integrated and efficient Urban Transport in the Urban Mobility Area;</p>
Promoting solutions for Urban Transport	<p>i. Promote solutions for management and integration of Urban Transport including transport planning, design of transport systems and selection of mode of transport, including technology based or other solutions;</p>
Publication & Display of Information	<p>j. Promote commuter awareness in relation to Urban Transport, and ensure that information is appropriately publicized and displayed for users of Urban Transport within the Urban Mobility Area;</p>
Collection of Information	<p>k. Collation of information on Urban Transport within the Urban Mobility Area and provision of the same to the relevant agencies with a view to contribute to the national database on Urban Transport;</p>
Advancement of skill	<p>l. Undertake activities for the purpose of advancement of the skills of the persons employed by the Authority, including the provision of facilities for training, education and research;</p>
Administration of funds	<p>m. Administer the Urban Transport Fund of the Authority as provided under Chapter V of this Act;</p>
Additional work	<p>n. Implement and give effect to any direction, order, rule, regulation, policy, by-laws, Notification issued by the State Government or any committee or panel notified by the State Government, in respect of Urban Transport.</p>

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

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

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

### **Section 13. Powers of the Authority**

- (1) Notwithstanding anything contained in any other law for the time being in force, with a view to efficiently execute its functions as set forth in this Act, the Authority shall have the powers to:
- |                           |   |
|---------------------------|---|
| Management of security    | (a) Accept, acquire, hold, surrender, transfer or re-convey security (including security provided in a financing arrangement) of any kind in any form whatsoever;   |
| Power to deal in property | (b) Purchase, lease, hold, construct, manufacture, maintain, sell, dispose off, or otherwise deal any property whatsoever (whether movable or immovable) or any part thereof required for or in connection with the implementation of objects and purpose of this Act;  |
| Financing of projects     | (c) Borrow, lend, fund and/or facilitate financing of all transport related investment seeking funds managed by the Authority, for the implementation of the projects, plans, schemes and proposals included in the Transport Investment Programme to ensure development of comprehensive, integrated and planned Urban Transport in the Urban Mobility Area; |

Approval of Urban Transport projects	<p>(d) Approve all major Urban Transport projects proposed for or in the Urban Mobility Area to be developed by the State or any other agencies under the State Government, or any local government agency, from the perspective of consistency with the Comprehensive Mobility Plan in a time bound manner according to the Rules and Regulations framed under this Act;</p> <p>[Explanation: No authority, agency, department under the State Government shall initiate any public, private, PPP project concerning Urban Transport without obtaining prior approval of the Authority. Approval of the Authority shall be necessary to seek any financial assistance from State Government.]</p>
Promote inter-modal integration	(e) Promote inter-modal integration, including preparation of plans for physical, service and fare integration components and ensure implementation of such plans;
Recommend conditions for issuance of permits	(f) Provide recommendations on issuance of permits and licences for public transport services to various agencies and authorities dealing in Urban Transport;
Monitoring Power	<p>(g) Monitor and audit compliance with the Comprehensive Mobility Plan and the Transport Investment Programme;</p> <p>(h) Monitor performance of the Urban Transport system on parameters such as safety, efficiency, suitability, etc. and submit a report to the State Government on such intervals as may be prescribed under the Regulations or as deemed necessary by the State Government;</p>
Recommend on fees, fare, charges	(i) Recommend, monitor and advise on levy, imposition, collection, recovery of fees, charges for parking and other Urban Transport facilities and fares for Public Transportation as may be prescribed time to time by relevant authorities;
Monitor use of funds	(j) Monitor use of funds for Urban Transport and ensure audit of accounts and loans;
Enforcement of Regulations	(k) Ensure enforcement of Regulations as prescribed time to time under this Act;
Performance audit	(l) Prepare and review as appropriate, performance related terms and conditions of services for its employees;

Promote safety guidelines

(m) Promote safety guidelines, including vehicular, pedestrian and road safety, with respect to Urban Transport for the Urban Mobility Area according to Rules and Regulations framed under this Act.

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

(2) Subject to the other provisions contained in this Act, the exercise of powers by the Authority under sub-section (1) of Section 13 shall override, any rules, regulations, orders, directions, Notifications or any other actions under any other law for the time being in force, that are inconsistent with such exercise of powers by the Authority.

#### **Section 14. Power to give direction to Urban Transport agencies**

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.

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.

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 organization as the Authority may deem necessary for performing its functions in a manner as prescribed in the Regulations framed under this Act.



**Section 16. Preparation of a Comprehensive Mobility Plan for the Urban Mobility Area<sup>6</sup>**

- (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, in conjunction with the land use plan applicable to the Urban Mobility Area; such plan shall include but not be limited to:
  - (i) various types of infrastructure, facilities and other works;
  - (ii) various public 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 objects and purpose of this Act; and
  - (v) such other matters that may be necessary for the development and implementation of such plans.

*PROVIDED, however,* in the event there is any other authority and/or committee constituted under any other law for the time being in force to formulate, develop or implement any plan, or scheme in relation to Urban Transport within the Urban Mobility Area, the Authority shall discharge its functions under this Section in consultation with such authority.

- (2) Before finalizing any plan as provided under this Act, the Authority shall prepare a draft plan and publish it by making a copy thereof available for inspection, and publishing a notice in such form and manner as may be prescribed by 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 finalization of the plan based on comments received, the Authority shall submit such plan to the State Government for its

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<sup>6</sup> Please refer section 6.3 of UMTA operations document for detailed guidance on preparation of Comprehensive Mobility Plan

approval and the State Government may either approve the plan with or without modifications as in its opinion are necessary, or reject the plan, with such directions to the Authority to prepare a new plan based on the recommendation issued by the State Government in relation thereof.

- (4) The Authority shall publish and publicize all plans approved by the State Government as provided in sub-section (3) as may be prescribed.
- (5) The State Government may direct the Authority to review the existing Comprehensive Mobility Plan whenever, in its opinion, it has become necessary and expedient to do so in public interest.

## CHAPTER V Urban Transport Fund

### Section 17. Fund of the Authority

- (1) The Authority shall establish an “Urban Transport Fund (UTF)”, for the purposes of implementation of the Act, and shall comprise the following<sup>7</sup>:
  - (a) Portion of funds from the Central Government allocations as under shall be deposited in the UTF Account:
    - (i) Part of the proceeds accruing to the National Investment Fund and allocated for use, specifically in the development of Urban Transport and such other proceeds from the Finance Commission of India, as received by the State of [Name of State] and as decided by the State Government<sup>8</sup>.
    - (ii) Part of any grant and fund received through allocations (including budgetary allocations) by the Central Government, as decided by the State Government.
  - (b) Revenue collected from the following sources shall be deposited in the UTF account:
    - (i) Part of the proceeds collected on account of any state level urban transport fund at the rate of [ ] %, as notified by the State Government;
    - (ii) Part of the additional registration charges collected by the State Government on registration of motor

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<sup>7</sup> Please refer Annexure I of UTF operations document for detailed guidance on funding sources of UTF

<sup>8</sup> (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)

cars and motor cabs in the State at the rate of [ ] %, as decided by the State Government through a Notification under the Motor Vehicles Act, 1988 or its amendments, as the case may be;

- (iii) Part of the additional registration charges collected by the State Government on registration of every additional motor car purchased by an existing motor car owner at the rate of [ ] % of the sale price of the motor car and collected at the time of registration of such motor car, as decided by the State Government through a Notification under the Motor Vehicles Act, 1988, or its amendments, as the case may be;
- (iv) Part of additional cess of [ ] % on petrol and diesel collected on sale of such fuel in the State, as decided by the State Government;
- (v) [ ]% of additional parking charges levied by municipal corporations in the Urban Mobility Area and other public sector agencies operating parking facilities in the Urban Mobility Area, as imposed and levied by the Authority. The administrative work of collection of the additional parking charges may be carried out by the existing municipal corporations and other public sector agencies and funds so collected may be transferred to the UTF after deducting the expenses for collection;
- (vi) Part of additional fees on registration fees on all property transfers which take place along the influence zone of transit-oriented development within the Urban Mobility Area, as notified by the State Government.
- (vii) Part of additional fee on conversion of land use in the Urban Mobility Area at the rate of [ ]% of existing land use conversion fee, as decided by the State Government.
- (viii) Tax levied on employers employing more than [50] employees in the Urban Mobility Area at the rate of [ ] % of total wages paid by the employer in any

financial year, as decided and collected by the Authority.

(ix) Additional advertising charges at the rate of [ ]% 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 additional advertising charges may be carried out by the existing municipal corporations and other public sector agencies and funds collected by such additional charges 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 may create sub-funds as required to ensure that the objects and the purposes of this Act are achieved in an effective manner;
- (4) The Authority shall carry out the management of the Fund either on its own or through an authorized representative;
- (5) The Authority shall formulate regulations for administration and management of the funds;
- (6) The Authority shall keep its Fund in any of the scheduled banks;
- (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, State Government or other entities may make such grants, contribution, aid, assistance, advances and loans to the Authority as may be deemed necessary for the performance of the functions under this Act and all such grants, loans, contributions, aid, assistance and advances so made shall be on such terms and conditions, as may be determined by such government or entity making grants, contribution, aid, assistance, 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 finances or borrow for the effective implementation of the object and purposes of the Act through loans or debentures or issuing bonds or any other financial instrument 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 such agencies dealing in Urban Transport, within the Urban Mobility Area as may be deemed necessary and all grants, loans and advances so made shall be on such terms and conditions, as may be determined by such Authority making grants, advances or loans.

**Section 22. Comprehensive Debt Limitation Policy**

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

**Section 23. Sinking fund**

- (1) The Authority shall maintain a sinking fund for re-payment of the amount borrowed by it and shall deposit every year into the sinking fund such sum as may be sufficient for re-payment within the period fixed for the amount so borrowed.

- (2) The sinking fund or part thereof shall be applied in or towards the discharge of the loan for which such fund was credited, and until such loan is wholly discharged it shall not be applied for any other purpose.

**Section 24. Budget of the Authority**

- (1) The Authority shall by such date in each year as may be prescribed, prepare and submit to the State Government for approval, a budget for the next financial year showing the estimated receipts and expenditure during that financial year in such form as may be prescribed.
- (2) The budget prepared by the Authority, in so far as it does not require any revenue contribution from the State Government, shall be final and can be adopted by the Authority without the need for any prior approval of the State Government. However, the budget prepared by the Authority, to the extent that 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 an annual audit by the Accountant General of the State and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Accountant General. The Accountant General or any person appointed by him in connection with the audit of accounts of the Authority shall have the same right, privilege and authority in connection with such audit as the Accountant General has in connection with the audit of the Government accounts, and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers.
- (2) A copy of the audit report shall be submitted to the State Government, the Authority and any other relevant person or authority specified by the State Government.

**Section 26. Annual report**

- (1) The Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government

in such form, on or before such date as may be prescribed by the Rules under this Act.

- (2) The Authority shall at the end of each financial year submit an audited annual statement to the State Government including but not limited to the following:
  - (a) amount of debt, loan raised;
  - (b) details of the investment made during the year;
  - (c) mode of repayment including the amount that has been earmarked for the Sinking Fund;
  - (d) amount of securities that have been created or raised; and
  - (e) any other matter specified by the State Government.

#### **Section 27. Returns**

The Authority shall furnish to the State Government such reports, returns and other information as the State 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 up to Rs. [\_\_\_] and for a second or subsequent violation or non-compliance with fine which may extend up to Rs. [\_\_\_] and in the case of continuing violation or non-compliance with additional fine which may extend up to Rs. [\_\_\_] for every day during which the violation or non-compliance continues.

**Section 29 Offences by State Government departments or agencies**

- (1) Where an offence under this Act has been committed by any department or agency of the State Government, the head of the department or agency shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this Section shall render such head of the department or agency liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a department or agency of the State Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the department or agency, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Section 30. Offences by companies**

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

such violation or non-compliance and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation: - For the purposes of this Section:

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

**Section 31. Fines when realized to be vested in the Authority**

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

**Section 32. 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 been determined on the violator or offender of any other provisions of an Act or law.

**Section 33. Cognizance of offences**

No court shall take cognizance of any offence punishable under this Act or the Rules or Regulations framed hereunder unless a complaint is made by either by State Government or the Authority.

**Section 34. Chapter to have effect in addition to other Acts**

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

**CHAPTER VII**  
**Miscellaneous**

**Section 35. Protection of action taken in good faith**

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

**Section 36. Recovery of penalties payable under this Act**

Any penalty imposed under the Act, Rules, Regulations and directions issued under this Act shall be recoverable as land revenue arrears.

**Section 37. Service of notice etc.**

Every notice order or other document required by this Act or any Rule or Regulation framed thereunder shall be signed by the Chief Executive Officer or such other officer of the Authority duly authorized by Rules, Regulations, with seal of the Authority and shall be served upon the party or parties concerned by following modes:-

- (i) by personal service;
- (ii) by registered post;
- (iii) by affixing it at the house or principal place of business of the party concerned as the case may be;
- (iv) by publication in one prominent [local language], Hindi and one English daily news-paper published within the Urban Mobility Area in their two consecutive issues;
- (v) in case the party to be served is a registered company, 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 discretion and it shall then be deemed to have been duly served on each director or member of the said firm or organization;
- (vi) in case the party to be served is a minor or a lunatic it shall be served upon his guardian as determined by the Chief Executive Officer in his discretion;

**Section 38. Public notices**

Every public notice given under this Act shall be in writing under the signature of the Chief Executive Officer with its seal and shall be caused or pasted or put up at prominent place in the locality affected thereby, affixing copies thereof at conspicuous public places within the said locality and by publishing the same in one prominent local, English and one Hindi daily newspaper published and having circulation in the Urban Mobility Area in their two consecutive issues.

**Section 39. Notices, etc., to fix reasonable time**

Where any notice, order or other document issued or made under this Act or any Rule or Regulation framed thereunder requires anything to be done for 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 40. 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 41. 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) and section 197 of the Criminal Procedure Code, 1973.

**Section 42. Power to delegate**

The Authority may, by Notification, 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 officers as may be mentioned therein in such cases and subject to such conditions, if any, as may be specified therein.

**Section 43. Restriction on execution against the Authority or transport works**

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

**Section 44. Effect of other laws**

- (1) The provisions of this Act, and the Rules and Regulations framed thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.
- (2) Notwithstanding anything to the contrary contained in any other law, development plan or master plan of the area, any development in accordance with the provision of this Act or Rules and Regulations framed thereunder shall not be illegal or unauthorized in absence of any permission, approval or sanction required under such other law for such development has not been obtained.

**Section 45. Restriction of power of a local authority to make rules, regulations or by-laws in respect of certain matters**

Notwithstanding anything contained in any law for the time being in force, no rules, regulations or by-laws which is inconsistent with any of the provisions of the Act or any Rule or Regulation framed under this Act, shall be applicable within the Urban Mobility Area notified under sub-section (1) of Section 3 of this Act.

**Section 46. 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 any act in purporting to have been done in pursuance of this Act or any Rule or Regulation framed thereunder till the expiration of two months from the date on which notice in writing has been in the case of the Authority, left at the office or place of abode, of the person to be and unless such notice states explicitly the cause of act, the nature of, relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered.
- (2) No suit such as is described in sub-section (1) shall, unless it is a suit for recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

- (3) Nothing contained in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by giving of the notice or the postponements of the instituted suits.

**Section 47. State Government to make Rules**

- (1) The State Government may, by Notification, 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 appointment, removal, salaries, allowances, terms and conditions of service of the Chairperson and the Members of the Authority;
  - (b) the form and content of the Comprehensive Mobility Plan as provided under Section 16 of this Act and the procedure to be followed in connection therewith and with the preparation, submission and approval of such plans and the form, and the manner of publication of the notice relating to such plan;
  - (c) the form and manner in which notices given under this Act shall be published;
  - (d) the procedure to be followed for borrowing money by way of loans or debenture and their repayment;
  - (e) the form of the budget of the Authority and the manner of preparing the same;
  - (f) the form of the balance-sheet and statement of accounts;
  - (g) the form of the annual report and the date on or before which it shall be submitted to the State Government;
  - (h) the manner of constitution of the pension funds and provident funds for Members and officers and other employees of the Authority and the conditions subject to which such funds may be constituted;
  - (i) Other matters which are, or may be, prescribed under this Act.

- (3) The Rules framed under this Act shall be laid down before the State legislative assembly within a period of three months for the information.

#### **Section 48. Power to make Regulations**

The Authority may make Regulations consistent with this Act and the Rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of the foregoing power, such Regulations may be provided for:

- (a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings, the selection of the senior most Member among Members to preside the meetings of Authority in absence of Chairperson and number of Members necessary to form a quorum thereat;
- (b) the summoning and holding of meetings of the committees constituted under Section 11, the time and place where such meetings are to be held, the number of Members necessary to form a quorum thereat and the fees and allowances payable to the Members for attending the meetings or any other work of the Authority;
- (c) the organizational structure and the creation of posts in the Authority;
- (d) the powers and duties of the employees and officers of the Authority;
- (e) the salaries, allowances, gratuities and conditions of service of the officers and employees of the Authority and disciplinary matters relating to them;
- (f) the procedure for carrying out the functions of the Authority under this Act including the preparation of the Comprehensive Mobility Plan;
- (g) the manner of communicating the grounds for refusal of permission for development on account of violation of the Comprehensive Mobility Plan;



- (h) the limit up to which the Chairperson, the Chief Executive Officer, or any other officer of the Authority shall be competent to incur recurring and non-recurring expenditure in any financial year;
- (i) the management of the properties of the Authority;
- (j) the appointment of committees and the remuneration/compensation to be paid, if any
- (k) the manner and purpose for appointment of consultants by the Authority;
- (l) the control and restrictions in appointment of officers and other employees, and powers and duties of such officers and other employees;
- (m) the functioning of the committee(s);
- (n) the procedure to be followed by the Authority for granting loans and its repayment;
- (o) the delegation of powers to the Chairperson or to any other officer of the Authority;
- (p) the maintenance of accounts and the preparation of financial statements by the Authority;
- (q) Other matters, which are, or may be prescribed under this Act.

**Section 49. Exemption**

- (1) The State Government may in the public interest, by Notification direct that any of the provisions of this Act:-
  - (a) shall not apply to such class or classes of persons; or
  - (b) shall apply to the class or classes of persons with such exceptions, modifications and adaptations as may be specified in the Notification.
- (2) A copy of every Notification proposed to be issued under subsection (1), shall be laid in draft before State legislative assembly.

**Section 50. 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 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 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 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 51. Removal of difficulties**

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by Notification, 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 52. Amendment of certain enactments**

With effect from such date as the State Government may, by Notification, appoint, any matter related to Urban Transport and Urban Transport Services as specified under this Act, shall 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:** includes systems that are available for use by all persons who pay the established fare. These modes which operate on fixed routes and with fixed schedule within the Urban Mobility Area, include:
  - (a) 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 meets the requirements of above definition
  
2. **Para Transit<sup>9</sup>:** includes systems provided by operators within an Urban Mobility 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)<sup>10</sup>:** NMT modes include walking, bicycle, cycle rickshaw and other green modes of transport that do not consume energy

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<sup>9</sup>Definition adopted from Vuchik, Vukan R (2007). Urban Transit Systems and Technology.

<sup>10</sup>Definition adopted from Working group report on urban transport for 12th Five Year Plan, Planning Commission

or cause pollution.

4. **Urban Freight**<sup>11</sup>: The movement of freight vehicles whose primary purpose is to carry goods/ freight into, out of and within the Urban Mobility Area.
5. **Intelligent Transport Systems (ITS)**: Intelligent Transportation Systems (ITS) are those utilizing technologies and systems engineering concepts to develop and improve transportation systems of all kinds. These include, but are not limited to the following:
  1. Passenger Information System (PIS)
  2. Traffic management and control
  3. Public Transport prioritization
  4. Electronic Fare collection
  5. Electronic road pricing
  6. Public Transport Operations Management; dispatching, scheduling, supervision
  7. Safety and Security.
  8. Traffic Surveillance
  9. Public Transport Ticketing
  10. Internet/web based application
  11. Helpline system
6. Parking facilities, enforcement, operations and management systems
7. Urban roads
8. Footpaths, pedestrian subways, foot over bridges
9. Safety elements
10. Any other mode or means of transport that the State Government may notify time to time.

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<sup>11</sup>Definition adopted from European Commission on Urban Freight

**SCHEDULE II**  
**(Refer to Section 52)**  
**AMENDMENT OF ENACTMENTS<sup>12</sup>**

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<sup>12</sup>As may be amended time to time.