

THE ASSAM UNIFIED METROPOLITAN TRANSPORT AUTHORITY BILL, 2022

A BILL

to provide for the constitution of Unified Metropolitan Transport Authority for Urban Mobility Area in the state of Assam for the planning, supervision, co-ordination, development, regulation, maintenance and monitoring of urban transport.

Preamble

Whereas it is expedient to provide for the constitution of Unified Metropolitan Transport Authority for the planning, supervision co-ordination, development, and regulation of urban transport in urban mobility areas and for matters connected and incidental thereto in the state of Assam;

It is hereby enacted in Seventy-third Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

Short title, extent, and commencement

1. (1) This Act may be called Assam Unified Metropolitan Transport Authority Act, 2022.
- (2) It extends to the Urban Mobility Areas of the state of Assam as specified in section 3 of the Act.
- (3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different areas in the state.

Definitions

2. In this Act, unless the context otherwise requires, -
 - (a) “**Authority**” means the Assam Unified Metropolitan Transport Authority constituted under section 4 of this Act,
 - (b) “**Chairperson**” means the Chairperson of the Authority constituted under section 4 of this Act;
 - (c) “**Chief Executive Officer**” means the Chief Executive Officer appointed under sub-section (2) of section 9 of this Act;
 - (d) “**Central Government**” means the Government of India;

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- (e) **“Comprehensive Mobility Plan”** means the plan, document that outlines the strategies and related actions for such Urban Mobility Area for safe, clean, and efficient, sustainable transport for enhancement of mobility of people and goods in Urban Mobility Area covering all elements of transport under an integrated planning process;
- (f) **“Executive Committee”** means the executive committee of the Authority constituted under sub-section (1) of section 12 of this Act;
- (g) **“eminent expert”** means a person having knowledge and experience in transport and related infrastructure planning, drafting of policy and development of urban transport projects respectively;
- (h) **“Fund”** means the Unified Transport Fund created under section 18 of this Act;
- (i) **“Member”** means a member of the Authority under sub-section (3) of section 4 of this Act;
- (j) **“Member Secretary”** means the Senior most Secretary of the Housing and Urban Affairs, Department of the State who shall act as the conveyor of the Authority and the Executive Committee as under clause (e) of sub-section (3) of section 4 and clause (b) of sub-section (2) of section 12 of this Act;
- (k) **“notification”** means a notification published in the Official Gazette and the expression “notified” with its cognate meanings and grammatical variations, shall be construed accordingly;
- (l) **“prescribed”** means the rules made under this Act.
- (m) **“Regulations”** means the regulations made by the Authority under this Act;
- (n) **“rules”** means rules made by the State Government under this Act for implementing the aims and objects of the Act;
- (o) **“special invitee”** means a person who is invited by the Authority to attend only such meetings of the Authority as the Authority deems fit, without having voting rights whatsoever;
- (p) **“State”** means the State of Assam;
- (q) **“State Government”** means the Government of Assam;
- (r) **“Schedule”** means any Schedules appended to this Act;
- (s) **“transport investment programme”** means a detailed five - year [or such period as decided by the

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Government] investment programme for Urban Transport in the Urban Mobility Area prepared in conjunction with the relevant Urban Transport agencies;

- (t) “ **Urban Mobility Area**” means an area notified as an Urban Mobility Area by the State Government for the purposes of this Act by notification in the Official Gazette and such notification may include the municipal corporation/local body limits of the city and such other area adjacent or connected to the municipal corporation limits, or an area relevant in the opinion of the State Government for the purpose of Comprehensive Mobility Plan, taking into consideration local patterns and trends of urban growth:

Provided that the Government of Assam, may, by notification, make alteration or change any area within an Urban Mobility Area.

- (u) “**Urban Transport**” means urban transport with its all-grammatical variations covering all aspect of transport infrastructure, facilities, vehicles, and services available to the public in the Urban Mobility Area, including but not limited to private transport vehicles and services; and all modes and means of transportation within the categories specified in the Schedule.

CHAPTER II

DECLARATION OF URBAN MOBILITY AREA

Declaration of Urban Mobility Area and alteration of its limits

3. (1) The state Government may, from time to time by notification published in the Official Gazette declare, alter, include or exclude any Urban Mobility Area, by prescribing its territorial limit on such terms and conditions as deemed fit for purpose of this Act.
- (2) A map showing the boundary or modified boundary of the Urban Mobility Area to be notified under this section shall be published in at least two English and two vernacular newspapers having circulation in that Urban Mobility Area.

CHAPTER III

THE ASSAM UNIFIED METROPOLITAN TRANSPORT AUTHORITY

Constitution of Assam Unified Metropolitan Transport Authority

4. (1) The State Government may by notification in the Official Gazette, constitute the Assam Unified Metropolitan Transport Authority for the Urban Mobility Area of the state.

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- (2) The Authority shall be a body corporate having perpetual succession and a seal with power to enter into contracts and to acquire, hold and dispose-off property both movable and immovable and sue and be sued in its name.
- (3) The Authority shall consist of following members, namely: -
- (a) Chief Minister : Chairperson
 - (b) Minister in charge of Housing and Urban Affairs : Vice-Chairperson
 - (c) Minister in charge of Transport : Deputy-Chairperson
 - (d) Chief Secretary : Member
 - (e) Senior most Secretary of the Housing and Urban Affairs Department : Member-Secretary
 - (f) Senior most Secretary of Finance Department : Member
 - (g) Senior most Secretary of the Home Department : Member
 - (h) Senior most Secretary of the Transport Department : Member
 - (i) Senior most Secretary of the Transformation and Development Department : Member
 - (j) Senior most Secretary of the Department of Environment and Forest : Member
 - (k) Senior most Secretary of the Public Works (Roads) Department : Member
 - (l) General Manager the North-East Frontier Railway : Member
 - (m) Regional Officer or Chief General Manager of the National Highways Authority of India : Member
 - (n) Special Invitee, as defined in clause (o) of section 2 to be nominated by the Authority : Members

Members not to have certain interest

5. 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 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.

Resignation, Removal, or Suspension of Members

6. (1) Any Member, other than Ex-officio member may by notice in writing under this hand addressed to the State Government may resign from his office:

Provided that a member who has given notice of his resignation, shall continue to hold office till the acceptance of his resignation by the State Government.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, by order, remove any member nominated or appointed by the State Government from his office, if such member: -

- (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 acting as a member:

Provided that no member shall be removed from office under clause (c) unless the State Government, after holding an enquiry and providing a reasonable opportunity of hearing contentions of the member proposed to be removed from the office in accordance

with such procedure as may be prescribed in this behalf and is satisfied that such member ought to be removed from such office on such ground.

- (3) 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.

Term of office and condition of service of Members

7. (1) The term of office, allowances payable to and other conditions of service of the Members, as the case may be shall be of such as may be prescribed.
- (2) The term of office of the expert Member shall not exceed 2 years from the date of appointment. The term may, however, be extended by the Authority for another 1 year.

Powers of Chairperson of the Authority

8. (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 the Vice-Chairperson or Deputy Chairperson or any other Member of the Authority.

- (2) The Chairperson may cast his vote in case of a dead lock on any issue or matter in the Authority.

Secretariat, Chief Executive Officer, officers, and staff of the Authority

9. (1) The State Government may by notification, appoint any department/ agency to provide secretariat support to the Authority till such time as the Authority gets fully functional and operationalized.

- (2) The State Government shall by notification in Official Gazette appoint a person as a Chief Executive Officer of the Authority of the Urban Mobility Area and who shall have the responsibility of implementation of the decisions of the Authority and the general administration as may be prescribed and delegated by the Authority.

- (3) The Authority may appoint such number of officers, professionals, experts, and supporting staff either on its own or on deputation as may be prescribed.

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- (4) 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 prescribed;

Powers and functions of the Authority

10. (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 following powers and functions, namely:-
- (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 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;
 - (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;
 - (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 the manner as may be prescribed.
 - (e) Monitor and audit compliance with the Comprehensive Mobility Plan and the Transport Investment Programme;
 - (f) Monitor use of funds for Urban Transport and ensure audit of accounts and loans;
 - (g) Enforcement of rules and regulations made from time to time under this Act;
 - (h) Approve Comprehensive Mobility Plan and various plans, schemes, programmes submitted by the Executive Committee for an Urban

Mobility Area;

- (i) Approval of policies (including policies relating to road and traffic safety) for development and regulation of Urban Transport throughout the State;
 - (j) Approve Transport Investment Programme for the Urban Mobility Area, to achieve the goals of the Comprehensive Mobility Plan;
 - (k) Approve plan and provide directions for development of integrated facilities and systems for Urban Transport access;
 - (l) Review the works of Executive Committee regarding the implementation of schemes related to public transport related schemes, plans, projects, and other programmes in the State;
 - (m) Approve standards and guidelines relating to the development and operation of Urban Transport as approved by the Authority;
 - (n) Delegate any function and powers to Executive Committee of the Authority.
- (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 through the Executive Committee in the Urban Mobility Area.

Meetings of the Authority

11. (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 as may be prescribed in the Regulations:
- Provided that the Authority shall meet at least once in six months.
- (2) The Chairperson shall preside over the meeting but in his absence, the Vice Chairperson or in his absence the Deputy Chairperson of the Authority shall preside over the meetings of the Authority and if for any reason they are unable to attend the meeting, any other member elected by the Members present shall preside

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over the meeting.

- (3) Subject to sub-section (2) of section 8, all issues arising before the Authority shall be decided in 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.

CHAPTER IV THE EXECUTIVE COMMITTEE OF THE AUTHORITY

**Constitution of
the Executive
Committee**

12. (1) The State Government shall constitute Executive Committee, for the Authority by notification in the Official Gazette.
- (2) The Executive Committee shall consist of following members, namely; -
- (a) Chief Secretary : Chairperson
 - (b) Senior most Secretary of the : Member
Housing and Urban Affairs Secretary
Department
 - (c) Senior most Secretary of : Member
Finance Department
 - (d) Senior most Secretary of the : Member
Home Department
 - (e) Senior most Secretary of the : Member
Transport Department
 - (f) Principal Chief Conservator of : Member
Forests and Head of Forests
Force, Government of Assam
 - (g) Commissioner of Police or : Member
Superintendent of Police of the
Police Department, with
jurisdiction over the designated
Urban Mobility Area
 - (h) Divisional Railway Manager of : Member
the North-East Frontier
Railway, with jurisdiction over
designated Urban Mobility Area

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- (i) Director, Inland Water : Member Transport
- (j) Chief Executive Officer of : Member (City) Development Authority
- (k) Commissioner of the (City) : Member Municipal Corporation
- (l) Director, Town and Country : Member Planning Department of the state
- (m) Managing Director, Assam : Member Power Distribution Company Limited
- (n) Chief Engineer, Public Works : Member (Roads) Department
- (o) Regional Officer or Chief : Member General Manager of the National Highways Authority of India
- (p) Deputy Commissioner of : Member respective district(s) with jurisdiction over designated Urban Mobility Area
- (q) Two eminent experts, as : Member defined in clause (g) of section 2 to be nominated by the Authority.

(3) 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.

Term of office and condition of service of Members of Executive Committee

13. (1) The term of office, allowances payable to and other conditions of service of the Members of the Executive Committee as the case may be shall be of such as may be prescribed.

(2) The term of office of the expert Member shall not exceed 2 years from the date of appointment. The term may, however, be extended by the Authority for another 1 year.

Resignation, Removal, or Suspension of Members of Executive

14. (1) Any Member, other than Ex-officio member may by notice in writing under his hand addressed to the State Government may reassign from his office:

Provided that a Member who has given notice of his resignation, shall continue to hold office till the

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Committee

acceptance of his resignation by the State Government.

- (2) Notwithstanding anything contained in sub-section (1), above, the State Government may, by order, remove any Member nominated or appointed by the State Government from his office, if such Member: -
 - (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 acting as a Member:

Provided that no Member shall be removed from office under clause (c) unless the State Government, after holding an enquiry and providing a reasonable opportunity of hearing contentions of the Member proposed to be removed from the office in accordance with such procedure as may be prescribed in this behalf, is satisfied that such Member ought to be removed from such office on such ground.

- (3) 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.

Powers of Chairperson of the Executive Committee

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

Provided that the Chairperson may delegate such powers relating to administrative matters of the Committee, as he may deem fit, to the Senior most or any other Member of the Committee.

- (2) The Chairperson may cast his vote in case of a dead lock on any issue or matter of the Committee.

Duties and functions of the Executive

- 16. (1) Notwithstanding anything contained in any other law for the time being in force, and without prejudice to the foregoing power, the Committee's functions may

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include the following, namely:-

- (a) Prepare Comprehensive Mobility Plan for the Urban Mobility Area, in conjunction with the City Development Plan, land-use plan or any other relevant plan applicable to the Urban Mobility Area and update such plan on a periodic basis as may be prescribed to ensure integration of land use and transport planning on a regular basis;
- (b) Prepare Transport Investment Programme for the Urban Mobility Area, to achieve the goals of the Comprehensive Mobility Plan;
- (c) Ensure implementation and regulation of policies, proposals, orders, byelaws, regulations, advisories, directions set by the Authority related to Urban Transport;
- (d) Publish and issue standards and guidelines relating to the development and operation of Urban Transport as approved by the Authority;
- (e) Propose/suggest any other function to the Authority to ensure sustainability of public transport and traffic systems in cities;
- (f) Discharge or perform any other function as directed by the Authority from time-to-time;
- (g) Ensure integration of fares of various transport systems in the Urban Mobility Area;
- (h) Assign the development, construction, repair, reconstruction, and operation and management of any integrated or stand-alone transport infrastructure or facilities that aid and enhance the efficiency or service levels to the consumers, in the Urban Mobility Area to Urban Transport agencies;
- (i) Manage and regulate Urban Transport Fund;
- (j) Promote seamless access within the Urban Mobility Area through integrated planning of Urban Transport;
- (k) Adopt existing standards and guidelines provided by State Government and Central Government and agencies under them from time to time and as necessary develop, publish, and issue their own standards and guidelines related to Urban Transport within the Urban Mobility Area in accordance with the requirements of

such Urban Mobility Area;

- (l) Support 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;
 - (m) Support adoption of digital tools and interventions to enhance the overall mobility experience for the commuters, and to improve the overall efficiency of the concerned department or operating agencies or implementing agency etc.;
 - (n) Encourage and assist Urban Transport authorities and agencies to adopt, transition towards relevant and applicable latest advancements and facilitate creation of enabling ecosystems;
 - (o) 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) 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;
 - (q) Undertake activities for the purpose of advancement of skills of the persons employed by the Authority, including the provision of facilities for training, education, and research;
- (2) The Executive Committee may appoint any person/agency to perform any activities and/or works mentioned in relation to its functions provided in sub-section (1) above:
Provided that such work or activities undertaken by any person or agency shall be subject to such restrictions, limitations, and conditions as may be laid down by the Executive Committee, and shall also be subject to the supervision, control, and revision by the Executive Committee.
- (3) Subject to the provision of this Act, the Executive Committee may time to time incur expenditure and undertake works mentioned in sub-section (1) and (2) in the Urban Mobility Area.

- (4) The Executive Committee shall ensure effective implementation of this Act in Urban Mobility Area notified for the purpose of this Act, and in this regard it shall also perform such functions and duties as the State Government or the Authority may authorize from time to time as maybe prescribed.

**Powers of the
Executive
Committee**

17. (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 Executive Committee of 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; but subject to such powers of the Authority under clause (a) of sub-section (1) of section 10.
 - (b) Purchase, lease, hold, construct, manufacture, maintain, sell, dispose of, or otherwise deal any property whatsoever (whether movable or immovable) or any part thereof required for or in connection with implementation of objects and purpose of this Act, but subject to such powers of the Authority under clause (b) of sub-section of section 10.
 - (c) Recommend, monitor, and advise on levy of parking charges and fees for Urban Transport services and fares for public transport may be prescribed time to time by relevant authorities.
 - (d) Manage the Urban Transport Fund (UTF) for Urban Transport activities and ensure Audit of accounts and loans.
 - (e) Resolve disputes arising out of Urban Transport.
 - (f) Impose penalty as prescribed under the Act or rules framed under this Act, for non-compliance of rules, regulations, directions, by-laws, orders, circulars etc. issued time to time.
 - (g) Direct Urban Transport agencies, including special purpose vehicles, to develop affordable Urban Transport and regulate traffic in the Urban Mobility Area.
 - (h) Replace any existing special purpose vehicle in the Urban Mobility Area through legal recourses or modes including but not limited to acquisition, amalgamation, merger, takeover,

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change in management etc.

- (i) Rationalization of routes and issuance of permits or licenses for Urban Transport services to concerned Urban Transport agencies.
- (j) Issue safety guidelines approved by the Authority or by Government with respect to Urban Transport according to rules and regulations made under this Act.

Power to give direction to Urban Transport agencies

18.

To ensure effective implementation of the objects and purposes of this Act, notwithstanding anything contained in any other law for the time being in force, the Authority may give such directions with regards to the implementation of any Urban Transport project 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, and such directions shall be binding on such agencies and departments under the local and State Government. The Authority may take such measures as it may deem appropriate to ensure implementation of the plans approved by the Authority.

Power to enter into contracts

19.

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 may be prescribed.

Preparation of a Comprehensive Mobility Plan for the Urban Mobility Area

20. (1)

The Executive Committee of the Authority, shall prepare a Comprehensive Mobility Plan for the Urban Mobility Area to ensure integrated, comprehensive, and planned development of 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 shall 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 Executive Committee shall discharge its functions under this section in consultation with such authority.

- (2) Before finalizing any plan as provided under this Act, the Executive Committee, shall prepare a draft plan making it available for inspection, and publishing a notice in such form and manner as may be prescribed. 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 2 (two) months from the date of publication of the notice. The Authority shall after giving adequate opportunity to the concerned persons and after considering such suggestions, objections, and representations, if any, shall finalize the draft plan.
- (3) After finalization of the plan based on comments received, the Executive Committee shall submit such plan to the Authority for its approval and the Authority may either approve the plan with or without modifications as in its opinion are necessary, or reject the plan, with such directions to the Executive Committee to prepare a new plan based on the recommendation issued by the Authority in relation thereof.
- (4) Every year from the date of coming into operation of the finally prepared Comprehensive Mobility Plan (CMP), the Authority shall review such plan in its entirety and may, after such review, may substitute it by updated plan or may make such modifications or alternations therein, as may be found by it to be necessary, following the procedure as per provision of sub-section (2) above. The Comprehensive Mobility Plan (CMP) shall be updated at least once in every five years or earlier, as it may deem necessary.
- (5) The Authority may review the existing Comprehensive Mobility Plan whenever, in its opinion, it has become necessary and expedient to do so in public interest.

Meetings of the Executive Committee

21. (1) The Executive Committee 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:

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Provided that Executive Committee shall meet at least once in two months.

- (2) All issues arising before the Committee shall be decided by consensus in the meetings of the Committee, and if no consensus is reached, the decisions shall be taken by a majority of votes.

CHAPTER V URBAN TRANSPORT FUND

**Fund of the
Authority**

22. (1) The Authority shall establish an "Urban Transport Fund (UTF)" for the purposes of implementation of the Act, and shall comprise the following, namely:-
- (a) Part of any grant and fund received through allocations (including budgetary allocations) by the Central Government;
 - (b) Part of any grant and fund received through allocations (including budgetary allocations) by the State Government;
 - (c) Part of any grant and fund received through allocations by any other agency including donor agencies;
 - (d) Revenue collected from the various innovative sources shall be deposited in the UTF account.

[Explanation: Innovative sources of revenue can be identified through mapping direct and indirect beneficiaries of urban mobility system, existing practices of the state of Assam, funding mechanism under this Act.]

- (2) The monies and revenues accumulated in the Fund may be used for the purposes of this Act as maybe prescribed.
- (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 or as decided by the Authority.
- (7) The Authority may invest any portion of its Fund in such securities or in such other manner and for such

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time as may be prescribed.

- (8) The State Government may contribute an initial sum as found appropriate as the seed fund to the Authority. The contribution shall be utilized by the Authority to meet the expenditures necessary for effective establishment and functioning of the Authority.
- Grants and Loans by the Central Government, State Government, or other entities** 23. 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 spend on such terms and conditions, as may be determined by State Government.
- Priority of payment for interest and repayment of loans** 24. 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.
- Power to raise finances** 25. (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) above.
- Grants and Loans by the Authority** 26. 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 such grants, loans and advances so shall be on such terms and conditions, as may be determined by the Authority in making such grants, advances, or loans.
- Comprehensive Debt Limitation Policy** 27. The State Government shall frame a comprehensive debt limitation policy applicable in case of loans or 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.
- Sinking fund** 28. (1) The Authority shall maintain a sinking fund for repayment of the amount borrowed by it and shall deposit

in 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.
- Budget of the Authority** 29. (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, shall be subject to the final approval from the State Government and be subject to such change or terms and conditions as may be prescribed.
- Audit** 30. (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.
- Annual report** 31. (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.
- (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.

Returns 32. 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

Penalty for failure in complying with the provisions of this Act, rules or regulations 33. Whoever fails to comply with the provisions of this Act, rules or regulations made thereunder may be liable to pay fine, which may extend to ten thousand rupees.

Offences by companies 34. (1) Where the person who contravenes any of the provisions of this Act, rules or regulations made thereunder is a company, every person, who, at the time of such contravention was in-charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be liable for such contravention and shall be liable to be proceeded against:

Provided, that nothing contained in this sub-section shall render any such person liable to any such fine if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such contravention.

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

Explanation: - For the purposes of this section:

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

Fines to be deposited in Urban Transport Fund

35. The proceeds of all fines and compounding fees realized under this Act shall be credited to the Fund.

Fines not to affect other liabilities Cognizance of offences

36. The fine imposed under this Act shall be in addition to, and not in derogation of, any liability under any other law for the time being in force.

37. (1) No court shall take cognizance for contravention of any of the provisions of this Act, rules or regulations punishable under this Act save on a complaint made on behalf of the Authority duly signed by the Chief Executive Officer.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court inferior to that of a Judicial Magistrate of the First Class shall try an offence under this Act. Central Act 2 of 1974

Compounding of offences

38 (1) Any contravention of the provisions of this Act, rules or regulations punishable under this Act may, either before or after the institution of any prosecution, be compounded by the Authority or by an officer authorised in this behalf by the State Government by notification in the Gazette, by accepting a compounding fee as may be prescribed by rules and a receipt of the amount so received shall be issued to the offender or the person concerned, in the Form as may be prescribed:

Provided that the compounding fee shall not exceed the maximum amount of fine mentioned in section 33 of the Act:

Provided further that where the contravention of any of the provisions of this Act, rules or regulations is by any company or its officer such contravention shall not be compounded if the investigation against such company has been initiated or is pending under this Act.

(2) Nothing in sub-section (1) shall apply in case of the subsequent contravention of the provisions of this Act, rules or regulations made by a company or a person within a period of three months from the date on which an earlier contravention made by company or person was compounded under this section.

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- (3) Where the compounding of any contravention of the provisions of this Act, rules or regulations is made after the institution of any prosecution, such compounding shall be brought by the Authority, in writing, to the notice of the court in which the prosecution is pending and on such notice of the compounding of such contravention is being given, the person in relation to whom it is so compounded shall be discharged.

CHAPTER VIII MISCELLANEOUS

**Protection of
action taken in
good faith**

39. 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 employee of the Authority for anything which is done in good faith or intended to be done under this Act, rules or regulations made thereunder.

**Service of
notice etc.**

40. Every notice, order or other document required by this Act or any rule or regulation made thereunder shall be signed by the Chief Executive Officer or such other officer of the Authority duly authorized by rules, 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 Assamese daily, and one English daily newspaper published within the Urban Mobility Area;
- (v) in case the party to be served is a registered company, a partnership firm, a body corporate, a local authority, a society, or other body, it shall be served upon the principal officer of the said firm or organization as determined by the Chief Executive Officer in his discretion and it shall then be deemed to have been duly served on each director partner 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.

Public notices

41. 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 and English daily newspapers and having circulation in the Urban Mobility Area.

Notices, etc., to fix reasonable time

42. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder 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.

Authentication of order and documents of the Authority

43. 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.

Members and officers to be public servants

44. 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 and section 197 of the Criminal Procedure Code, 1973.

Central Act No. 45 of 1860
Central Act No. 2 of 1974

Power to delegate

45. 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 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.

Restriction on execution against the Authority

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

Effect of other laws

47. (1) The provisions of this Act, and the rules and regulations made 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 made 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.

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Notice to be given to suits

48. (1) No suit shall be instituted against the Authority or any Member thereof or any of its officers or other employees or any person acting under the directions of the Authority or any Member or any officer or other employee of the Authority in respect of any act in purporting to have been done in pursuance of this Act or any rule or regulation made 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.

State Government to make rules

49. (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 Members of the Authority nominated;
 - (b) the form and content of the Comprehensive Mobility Plans provided under section 10 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;

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- (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, required to 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 twelve months for the information.

Power to make Regulations

50. The Authority may make regulations consistent with this Act and the rules made thereunder to carry out the provisions 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 Executive Committees constituted under section 12, the time and place where such meetings are to be held, the number of Members necessary to form a quorum thereat and the fees and allowances payable to the Members for attending the meetings or any other work of the 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;

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

Power of State Government to issue directions

51. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or performing of its functions under this Act, be bound by such directions as the State Government may give in writing to it from time to time.
- (2) The decision of the State Government under subsection (1) above 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.

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Removal of difficulties

52. 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.

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SCHEDULE

URBAN TRANSPORT

Urban Transport consists of modes of transport ranging from walking, cycling to bus, metro and regional rail systems, intelligent transport systems of all kinds and roadways, private vehicles in the Urban Mobility Area including various types of collective and individual transport which fall into the following functional categories, namely:-

1. (1) **Public Transportation:** It shall include systems that are available for use by all persons who pay the established fare. These modes shall operate on fixed routes and with fixed schedule within the Urban Mobility Area, which shall include:-
 - (a) Bus systems;
 - (b) Tramway;
 - (c) Metro Railway;
 - (d) Monorail;
 - (e) Cable car;
 - (f) Bus Rapid Transit System (BRTS);
 - (g) Light Rail Transit (LRT);
 - (h) Regional Railways; or
 - (i) Ropeways;
 - (j) Any other mode irrespective of its fuel and propulsion type which meets the requirements of above definition.
- (2) **Para Transit:** It shall include systems provided by operators within the Urban Mobility Area and available to person 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):** NMT modes include walking, bicycle, cycle rickshaw, e-rickshaw and other green

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modes of transport that do not consume energy or cause pollution.

- (4) **Urban Freight:** 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: -
 - (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 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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