

KARNATAKA ACT NO 06 OF 2023

THE BENGALURU METROPOLITAN LAND TRANSPORT AUTHORITY ACT, 2022

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STATEMENT OF OBJECTS AND REASONS

Act 06 of 2023:- A Bill to provide for the constitution of the Bengaluru Metropolitan Land Transport Authority for Urban Mobility Region in the city of Bengaluru and for regulation of the development, operation, maintenance, monitoring, supervision of urban mobility within Urban Mobility Region and for the matters connected therewith or incidental thereto;

Whereas multiple institutions or agencies like Bangalore Development Authority, Bengaluru Metropolitan transport Corporation, Bruhat Bengaluru Mahanagara Palike, Bangalore Metro Rail Corporation Limited, and Transport Department are responsible for planning, developing, implementing and managing activities relating to Urban Mobility in the above institutions and departments are empowered under different legislations to deal with the matters relating to Urban Mobility within a certain framework;

And whereas multiplicity of institutions, departments, and independent legislations that they are bound to follow are currently causing overlap in responsibilities and functions, which impede the process of planning and implementation of major transportation schemes aimed at streamlining and improving urban mobility;

And whereas the National Urban Transport Policy lays down a framework for integration of various functions of institutions and departments to enable holistic transport planning;

And whereas the policies, programmes and initiatives of national and state level institutions or agencies involved in promoting and/or influencing economic and infrastructure development, education, health, establishment and management of markets, environmental protection etc. may have an impact on the transport and mobility in the city of Bengaluru and the impact of such policies, programmes and initiatives need to be assessed and addressed while planning for urban mobility;

Hence, the Bill

[L.A. Bill No.29 of 2022, File No. SAMVYASHAE 26 SHASANA 2022]

[Entry 5 of List II of the Seventh Schedule to the Constitution of India]

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KARNATAKA ACT NO 06 OF 2023

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THE BENGALURU METROPOLITAN LAND TRANSPORT AUTHORITY ACT, 2022

(Received the assent of the Governor on the 11th day of January, 2023)

An Act to provide for the constitution of the Bengaluru Metropolitan Land Transport Authority for Urban Mobility Region in the city of Bengaluru and for regulation of the development, operation, maintenance, monitoring, supervision of urban mobility within Urban Mobility Region.

Whereas it is expedient to provide for the constitution of the Bengaluru Metropolitan Land Transport Authority for Urban Mobility Region in the city of Bengaluru and for regulation of the development, operation, maintenance, monitoring, supervision of urban mobility within Urban Mobility Region and for the matters connected therewith or incidental thereto for the purposes hereinafter appearing;

Whereas multiple institutions or agencies like Bangalore Development Authority, Bengaluru Metropolitan Region Development Authority, Bangalore Traffic Police, Bangalore Metropolitan Transport Corporation, Bruhat Bengaluru Mahanagara Palike, Bangalore Metro Rail Corporation Limited and Transport Department are responsible for planning, developing, implementing and managing activities relating to Urban Mobility in the city of Bengaluru and its surrounding region and each of the above institutions and departments are empowered under different legislations to deal with the matters relating to Urban Mobility within a certain framework;

And whereas multiplicity of institutions, departments, and independent legislations that they are bound to follow are currently causing overlap in responsibilities and functions, which impede the process of planning and implementation of major transportation schemes aimed at streamlining and improving urban mobility;

And whereas the National Urban Transport Policy lays down a framework for integration of various functions of institutions and departments to enable holistic transport planning;

And whereas the policies, programmes and initiatives of national and state level institutions or agencies involved in promoting and/or influencing economic and infrastructure development, education, health, establishment and management of markets, environmental protection etc. may have an impact on the transport and mobility in the city of Bengaluru and the impact of such policies, programmes and initiatives need to be assessed and addressed while planning for urban mobility;

Be it enacted by the Karnataka State legislature in the seventy third year of the Republic of India, as follows:-

CHAPTER - I

Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Bengaluru Metropolitan Land Transport Authority Act, 2022.

(2) It extends to the whole of Urban Mobility Region.

(3) It shall come into force on such date as the State Government may by notification in the official Gazette, appoint.

2. Definitions.- In this Act unless the context otherwise requires,-

(a) "Aggregator" means an intermediary or market place, digital or otherwise for a passenger or a group of passengers to connect with the driver of a transport vehicle for the purpose of transportation needs of that passenger or a group of passengers;

(b) "Authority" in relation to any Urban Mobility Region means the Bengaluru Metropolitan Land Transport Authority constituted under section 4;

(c) "Bengaluru Metropolitan Area" means the Bengaluru Metropolitan Area as defined under clause (c) of section 2 of the Bangalore Development Authority Act, 1976;

(d) "Central Government" means the Government of India;

(e) "Chairperson" means the Chairperson of the Authority as specified under section 4 and shall also include any other person acting as the chairperson of the Authority in the absence of chairperson;

(f) "Chief Executive Officer" means the Chief Executive Officer of the Authority appointed under sub-section (2) of section 11;

(g) "City Mobility Investment Program" means a five-year (or such period as decided by the State Government) comprehensive investment program for the development of Urban Mobility in the Urban Mobility Region prepared by the Authority as provided in section 24;

(h) "Comprehensive Mobility Plan" means the policy document outlining the policies, 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 Region, covering all elements of urban mobility under an integrated land use and transport planning process;

(i) "Electronic record" means as defined under clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000 (Central Act 21 of 2000);

(j) "Executive committee" means the executive committee of the Authority constituted under section 12;

(k) "Fund" means the Bengaluru Metropolitan Land Transport Authority Fund created under section 30;

(l) "Influence area" means the transit influence area as notified by the Authority;

(m) "Infrastructure development agency" means agency involved in development of city infrastructure such as road, bridges, water supply, drainage system, electricity supply, tele-communication cables, gas pipelines and any other utility agencies, whether public or private, in the Urban Mobility Region;

(n) "Major Urban Transport Project" means the project undertaken for expansion of the road network including road widening, construction of new roads, grade separators, etc., projects relating to multi-modal integration and transit oriented development, changes and/or expansion in the current bus or rail or metro network, projects involving choice of one mode over another, any project which in the opinion of the Authority may have an impact on urban mobility in Urban Mobility Region and any other project stipulated by the State Government;

(o) "Medium Term" means plans and projects having a duration of up to five years or as specified by the Authority;

(p) "Member" means member of the Authority as appointed under sub-section(1) of section 4;

(q) "Planning Authority" means the planning authority as defined under sub-section (7) of section 2 of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963);

(r) "Regulation" means regulation made by the Authority under this Act;

(s) "Regulatory authority" means and include any statutory authority, body, agency, department exercising regulatory functions relating to urban mobility by virtue of the powers vested with them under the relevant legislations such as the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the Road Transport Corporations Act, 1950 (Central Act 64 of 1950), the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964), the Karnataka Traffic Control Act, 1960 (Karnataka Act 18 of 1960), the Karnataka State Road Safety Authority Act, 2017 (Karnataka Act 45 of 2017), the Karnataka Motor Vehicles Taxation Act, 1957

(Karnataka Act 35 of 1957) and the Karnataka Motor Vehicles Rules, 1989;

(t) "Rules" mean rules made by the State Government under this Act;

(u) "Schedule" means schedule appended to this Act;

(v) "Sectoral Mobility Investment Program" means the investment program prepared by the respective Urban Transport Agency as specified in section 24 in accordance with the Comprehensive Mobility Plan;

(w) "Short Term" means plans and projects of duration of up to two years or as specified by the Authority;

(x) "Social media" means any web or mobile based platform that enables the Authority to communicate interactively with the general public and enables exchange of user generated content;

(y) "Special invitee" means a person nominated by his respective department to act as a special invitee of the Authority under sub-section (1) of section 4 and who shall attend only such meetings of the Authority, as the Authority deems fit, without having voting rights whatsoever;

(z) "State Government" means the Government of Karnataka;

(aa) "Sustainable Urban Transport" shall mean projects conceived to reduce the use of private vehicles and increase the use of public transport and non-motorised modes like walking and cycling, either referred to individually or collectively;

(bb) "Traffic Management Agencies" shall mean and include agencies involved in the day-to-day management of traffic such as Bangalore Traffic Police (BTP), parking management agencies, transport authorities or any other agency or agencies assigned with the task of traffic management;

(cc) "Urban Local Body" means and includes town panchayat and town or city municipal council as defined in the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), and the City Corporation as defined in the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Bruhat Bengaluru Mahanagara Palike as defined in the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020);

(dd) "Urban Mobility" means with its all grammatical variations all aspect of transport infrastructure, facilities, vehicles and services available to the general public in an Urban Mobility Region, including but not limited to private transport vehicles and services and all modes and means of transportation within the categories specified under Schedule;

(ee) "Urban Mobility Region" means the area comprising the Bengaluru Metropolitan Area and such other areas as the State Government may notify from time to time by specifying its territorial limit for the purpose of applicability of this Act on such terms and conditions as deemed fit;

(ff) "Urban Transport Agency" means and includes both the private and public agencies engaged in providing of Urban Mobility in Urban Mobility Region; and

(gg) "Works of urgent nature" means work or activity or plan that need to be undertaken to restore road or transport connectivity and facilities affected by any disaster as defined in the Disaster Management Act, 2005 (Central Act 53 of 2005).

CHAPTER – II

Declaration of Urban Mobility Region

3. Declaration of the Bengaluru Urban Mobility Region and alteration of its limits.- (1) The State Government may, by notification, declare Bengaluru Urban Mobility Region from time to time, by specifying its territorial limit for the purpose of applicability of this Act on such terms and conditions as deemed fit:

Provided that, the State Government, may, by notification, make alteration or change any area within Bengaluru Urban Mobility Region.

(2) A map showing the boundary of the Bengaluru Urban Mobility Region as declared under this section shall be published in at least two English and two Kannada news-papers, having wide circulation in such Urban Mobility Region and be advertised in electronic form, social media and website, within such Urban Mobility Region.

CHAPTER-III
The Bengaluru Metropolitan Land Transport Authority

4. Constitution of the Bengaluru Metropolitan Land Transport Authority.- (1) The State Government shall, as soon as possible after the commencement of this Act, but not later than six months from the date of its commencement, by notification, establish an Authority to be called the Bengaluru Metropolitan Land Transport Authority consisting of the following members, namely:-

(a)	The Chief Minister of Karnataka	Ex-officio Chairperson
(b)	The Minister in charge of Bengaluru Development	Ex-officio Vice-Chairperson
(b1)	One Minister representing Bengaluru Metropolitan Area	Ex-officio Member
(c)	The Minister in charge of Transport	Ex-officio Vice-Chairperson
(d)	The Chief Secretary to the State Government	Ex-officio Member
(e)	The Additional Chief Secretary or Principal Secretary to the State Government, Urban Development Department	Ex-officio Member
(f)	The Additional Chief Secretary or Principal Secretary to the State Government, Transport Department	Ex-officio Member
(g)	The Additional Chief Secretary or Principal Secretary to the State Government, Finance Department	Ex-officio Member
(h)	The Additional Chief Secretary or Principal Secretary to the State Government, Public Works Department	Ex-officio Member
(i)	The Additional Chief Secretary or Principal Secretary to the State Government, Women and Child Development Department	Ex-officio Member
(j)	The Mayor, Bruhat Bengaluru Mahanagara Palike	Ex-officio Member
(k)	The Commissioner, Directorate of Urban Land Transport	Ex-officio Member-Secretary
(l)	The Commissioner of Police, Bengaluru City	Ex-officio Member
(m)	The Commissioner, Transport and Road Safety	Ex-officio Member
(n)	The Chief Commissioner, Bruhat Bengaluru Mahanagara Palike	Ex-officio Member
(o)	The Commissioner, Bangalore Development Authority	Ex-officio Member
(p)	The Commissioner, Bangalore Metropolitan Region Development Authority	Ex-officio Member
(q)	The Director, Department of Town and Country Planning	Ex-officio Member
(r)	The Member-Secretary, Karnataka State Pollution Control Board	Ex-officio Member
(s)	The Managing Director, Bangalore Metro Rail Corporation Limited	Ex-officio Member
(t)	The Managing Director, Bangalore Metropolitan Transport Corporation	Ex-officio Member
(u)	The Managing Director, Bengaluru Rail Infrastructure Development Enterprises	Ex-officio Member

	Limited	
(v)	The Divisional Railway Manager, Bengaluru South Western Railway	Special Invitee
(w)	The Regional Officer, Karnataka, National Highways Authority of India	Special Invitee
(x)	Three experts in the field of urban mobility, corporate governance or Law, Finance or Transport economics, as the State Government may nominate	Non-official Members
(y)	Two representatives from civil society organizations working in the field of urban mobility and allied areas, as the State Government may nominate	Non-official Members
(z)	Three representatives from institutions or associations representing the private sector and professional bodies, as the State Government may nominate	Non-official Members
(aa)	Two representatives from academic institutions with expertise in urban mobility, as the State Government may nominate	Non- official Members

Provided that, the Chairperson may invite any officer of the Government or any other person who, in the opinion of the Chairperson has expertise in Urban Mobility related matters to participate in the deliberations of the Authority.

(2) Members and Special Invitees, as the case may be, referred to under clauses (a) to (w) of sub-section (1) shall continue as members and Special Invitees, as the case may be, as long as they hold position in Government department or Urban Local Bodies or Authority and cease to be a member or Special Invitee, as the case may be, of the Authority upon relinquishment of such post or position.

(3) The headquarters of the Authority shall be at Bengaluru.

(4) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property both movable and immovable and to contract and sue and be sued in its name.

(5) No act or proceedings of the Authority shall be invalid by reason of the existence of the vacancy in or defect in the constitution of the Authority.

5. Powers of the Chairperson.- The Chairperson of the Authority shall have powers of general superintendence, directions, and control in respect of all administrative matters of the Authority.

6. Discharge of functions of the Chairperson in his absence.- In the event of the Chairperson being unable to discharge the Authority's functions, the Minister for Bengaluru Development shall be the Chairperson:

Provided that, in the event of the Minister for Bengaluru Development being the Chief Minister, the Minister for Transport shall be the Chairperson.

Provided further that, in the absence of the Minister of Transport, the Chief Secretary to the State Government shall preside over the meeting.

7. Term of office and conditions of service of Non-official members.- The terms of appointment and allowances payable to, and other conditions of service of the Non-official members, shall be such as may be prescribed: Provided that, the Non-official members shall hold office for a period of not exceeding three years. They may be re-appointed for a further period of three years.

8. Resignation, removal or suspension of Non-official members.- (1) Any Non-official member may, by notice in writing, addressed to the Authority, resign from the Authority:

Provided that, the Non-official member, who has given notice of resignation, shall continue to hold office till the acceptance of the resignation by the Authority.

(2) The State Government may, by order, remove any Non-official member

from office, if such Non-official member,-

- (a) is, or at any time has been, adjudged as an insolvent;
- (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude;
- (c) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member;
- (d) has so abused the position as to render his continuance in office prejudicial to the public interest;
- (e) has become physically or mentally incapable of performing his functions under the Act;
- (f) has acted against the code of conduct specified by the Authority from time to time; or
- (g) If he is so disqualified by or under any law.

(3) No Non-official member as specified under sub-section (1) shall be removed from office under clause (c) or clause (d) unless the Authority has held an enquiry and given a reasonable opportunity of hearing to such person and if there is a cause for removal, recommend to the State Government of such decision.

(4) If a casual vacancy occurs in the office of a Non-official member, either by reason of death, resignation, removal or otherwise, such vacancy shall be filled up, as soon as possible, by the State Government and such Non-official member shall hold office only for the remainder of the term for which the replaced person would have been a Non-official member.

9. Declaration of conflict of interest.- (1) If any member, Special Invitee or Non-official member has interest pertaining to any matter which may be laid for discussion before the Authority, such person shall make self-declaration to the Chairperson in such format as may be prescribed in the rules.

(2) If the Chairperson is satisfied that such a person has an interest in the matter laid down for discussion before the Authority, the Chairperson shall direct such person to abstain from participation on discussion of that matter.

10. Terms of working of the Authority.- (1) An ordinary meeting shall generally be held at least twice every year.

(2) The Chairperson shall have the power to call for a special meeting as deemed necessary.

(3) The minutes of the proceedings of each meeting shall be recorded in a book maintained for the purpose or as an electronic record.

(4) The quorum for a special or ordinary meeting shall be one third of the total members of the Authority.

(5) All the issues arising before the Authority shall be decided by consensus in the meetings of the Authority.

(6) 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 Authority.

11. Secretariat of the Authority.- (1) The Directorate of Urban Land Transport shall be the secretariat of the Authority.

(2) The Commissioner of the Directorate of Urban Land Transport shall be the Chief Executive Officer of the Authority.

12. Constitution of Executive Committee.- (1) The Authority shall constitute an Executive Committee to assist in the discharge of its functions in the manner as specified in the regulations. The Executive Committee shall consist of the following members, namely:-

(a)	The Chief Secretary to the State Government	Ex-officio Chairperson
(b)	The Additional Chief Secretary or the Principal Secretary to the State Government, Urban	Ex-officio Member

	Development Department	
(c)	The Chief Commissioner, Bruhat Bengaluru Mahanagara Palike	Ex-officio Member
(d)	The Commissioner, Bangalore Development Authority	Ex-officio Member
(e)	The Commissioner, Bangalore Metropolitan Region Development Authority	Ex-officio Member
(f)	The Commissioner of Police, Bengaluru	Ex-officio Member
(g)	The Commissioner, Transport and Road Safety	Ex-officio Member
(h)	The Director, Department of Town and Country Planning	Ex-officio Member
(i)	The Managing Director, Bangalore Metro Rail Corporation Limited	Ex-officio Member
(j)	The Managing Director, Bengaluru Metropolitan Transport Corporation	Ex-officio Member
(k)	The Managing Director, Bengaluru Rail Infrastructure Development Enterprises Limited	Ex-officio Member
(l)	One non-official member of the Authority with expertise in the field of urban mobility	Non-Official Member
(m)	One non-official member of the Authority representing civil society organizations working in the field of urban mobility and allied areas	Non-Official Member
(n)	One non-official member of the Authority representing institutions or associations representing the private sector and professional bodies	Non-Official Member
(o)	One non-official member of the Authority representing academic institutions, with expertise in urban mobility	Non-Official Member
(p)	The Chief Executive Officer of the Authority	Ex-officio Member Secretary

(2) The Executive Committee may invite any other member of the Authority or any other expert as deemed necessary to participate in its deliberations.

(3) All issues arising before the Executive Committee shall be decided by consensus and in the event of no consensus being reached, the decision shall be taken by simple majority of the members present.

(4) The Executive Committee shall meet at least once in each quarter.

(5) The procedure to be followed by the Executive Committee in discharging its duties and all other matters including the allowances or fees for attending the meetings of the Executive Committee shall be such as may be specified in the regulations.

13. Committees constituted by the Authority for specific subject matters.- (1)

The Authority may from time to time appoint committees consisting of such members, as it thinks fit and may associate with such committee in such manner and for such period as required, any expert 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) Every committee shall carry out the instructions given to it by the Authority and every final decision of such committee shall, subject to any rule to the contrary, be laid before the Authority for confirmation.

(3) The procedure to be followed by the committees and all other matters including the allowances or fees for attending the meetings of the committee shall be such, as specified in the regulations.

CHAPTER IV
Duties, functions and powers of the Authority

14. Duties and functions of the Authority.- (1) Notwithstanding anything contained in any other law for the time being in force and without prejudice to the foregoing power, the duties and functions of the Authority shall include the following, namely:-

(a) Promote seamless mobility through sustainable urban transport and integration of land use and transport planning in the Urban Mobility Region by causing to prepare and update regularly, the Comprehensive Mobility Plan for the Urban Mobility Region;

(b) Review and approve the City Mobility Investment Program prepared in accordance with the Comprehensive Mobility Plan;

(c) Put in place frameworks, regulations, and mechanisms to establish an effective coordination mechanism, encompassing all strategic and operational matters, among various Urban Transport agencies, Infrastructure Development agencies and Traffic Management agencies providing facilities and services in the Urban Mobility Region;

(d) Cause preparation of plans and implementation of travel demand management measures such as congestion pricing, parking regulations, tolling, special purpose lanes etc. to regulate travel demand in the Urban Mobility Region;

(e) Adopt standards and guidelines issued by the State Government, Central Government and agencies there-under from time to time, with modifications, where necessary or cause to develop and publish additional standards and guidelines relating to Urban Mobility in Urban Mobility Region. The Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies shall be bound by such standards issued by the Authority in implementation of the Urban Mobility projects undertaken by them. Where no standards specified by the Authority, the Urban Transport Agencies shall adopt the existing standard and/or guidelines specified by the State Government, Central Government, or agencies there-under them and in their absence, follow the generally accepted industrial standards;

(f) Establish a fully operable monitoring, verification, reporting and evaluation framework to monitor the performance indicators and service level benchmarks, and to ensure effective implementation of policies, plans, regulations related to Urban Mobility by all concerned agencies;

(g) Develop detailed frameworks for financial arrangements between Urban Mobility agencies in the Urban Mobility Region, for planning, project implementation and integrated management of mobility and transport networks;

(h) Assign the development, construction, repair, operation, and management of any integrated or stand-alone Urban Mobility facilities and services that aid and enhance the efficiency or service levels of Urban Mobility in the Urban Mobility Region to the concerned Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies;

(i) Establish appropriate frameworks for engagement of private sector in planning, development and management of mobility service delivery and effective contract execution by the Urban Transport Agencies, Traffic Management Agencies and Infrastructure Development Agencies;

(j) Prepare norms for implementation of transportation projects on Public Private Partnership framework or through other financing mechanisms or instruments;

(k) Assist, aid, and advise the State Government on Urban Mobility matters in the Urban Mobility Region including, providing inputs for policy formulation for comprehensive, integrated and efficient urban mobility in the Urban Mobility Region;

(l) Recommend to the State Government on matters relating to implementation of any policy measures, issuance of permits, registration of vehicles, operation of mobility services, handling of goods, management of traffic flow, passenger movement or any other matter relating to licensing issues pertaining to Urban Mobility. The State Government may either through issuance of necessary directions to the concerned Urban Transport Agencies as specified under section 56, implement such regulations or where such recommendation requires any administrative measures to be taken, take such necessary measures;

(m) Review and provide feedback or implement any direction, order rules and regulation, policy bye-laws, Notification issued by the State Government or any committee or panel notified by the State Government, in respect of Urban Mobility; and

(n) Ensure effective implementation of the provisions of this Act in the Urban Mobility Region and perform such other functions and duties as may be prescribed.

(2) 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.

15. Duties and Functions of the Executive Committee.-Notwithstanding anything contained in any other law for the time being in force, and in particular, and without prejudice to the foregoing power, the Executive committee shall have the following functions, namely:-

(a) assist the Authority in discharging any of its functions under this Act;

(b) oversee the preparation of various policies, plans, regulations, schemes, and programmes under this Act;

(c) cause to implement rules, regulations, policies, directions, guidelines, bye-laws, programmes, advisories, circulars issued by the State Government or the Authority from time to time; and

(d) perform such functions and duties as the Authority may specify from time to time for effective implementation of this Act in the Urban Mobility Region.

16. Duties and functions of the Chief Executive Officer.-Notwithstanding anything contained in any other law for the time being in force, and without prejudice to the foregoing power, the Chief Executive Officer shall discharge the following duties and functions under the overall guidance and control of the Authority, namely:-

(a) ensure implementation of the decisions of the Authority;

(b) appoint officers, employees and supporting staff as specified in the regulations and prepare and review as appropriate, performance related terms and conditions of services for the employees;

(c) appoint consultants, professionals and experts, who are technically qualified and have knowledge of and experience in transport planning, management, operations, economics, finance, engineering, urban planning, law, business or such other disciplines related to Urban Mobility, as deemed necessary to assist the Authority in discharge of its functions;

(d) prepare, update as required and ensure the implementation of the Comprehensive Mobility Plan for the Urban Mobility Region;

(e) prepare the City Mobility Investment Program for the Urban Mobility Region;

(f) ensure effective co-ordination encompassing all strategic and operational matters, among various Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies providing facilities and services in the Urban Mobility Region in accordance with the frameworks, regulations and mechanism, if any, approved by the Authority;

(g) ensure compliance to the standards either issued by the Central Government, the State Government or the Authority, as the case may be, in the

implementation of the Urban Mobility projects undertaken by the concerned agencies;

(h) design, develop and publish performance indicators and service level benchmarks, at least annually, for Urban Mobility within the Urban Mobility Region;

(i) develop appropriate policies or standards for comprehensive, integrated and efficient urban mobility in the Urban Mobility Region and publish the same for compliance by various public and private agencies associated with provision of Urban mobility and related infrastructure and services, with the prior approval of the Authority or the State Government as applicable;

(j) initiate, plan, prepare, assign or undertake implementation and operations of Travel Demand Management measures to regulate travel demand in the Urban Mobility Region;

(k) undertake effective communication and outreach campaigns to create commuter awareness on use of sustainable urban transport, respecting the rights of pedestrians and cyclists, compliance to traffic norms or other matters relating to Urban Mobility and ensure dissemination of relevant information by all Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies, within the Urban Mobility Region;

(l) design, develop and implement protocols for sharing of both spatial and non-spatial data and its collation from Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies, individuals or any other agency generating, collecting or having information on any matters relating to Urban Mobility and establish and maintain a central database and appropriate analytical tools and/or appropriate intelligent transport systems to aid in taking an informed decision on Urban Mobility issues;

(m) promote innovation and research in urban mobility by building partnerships with the academic institutions, initiating or sponsoring research studies either through the Authority or through separate entities set up for this purpose by the Authority; and

(n) enhance technical and human resource capacity of the Authority's officials and staff on an annual basis.

(o) enter into agreement or tie-up or collaboration with other domestic or international mobility management and land transport authorities or organisations engaged in the functions similar to that of the Authority for the purpose of sharing and transfer of knowledge, conducting research and skill development programmes, etc.;

(p) proactively take up initiatives to improve quality of mobility governance by establishing detailed institutional arrangements and communication protocols between the Authority and the Urban Transport Agencies; and

(q) such other functions and duties as the Authority may delegate or specify from time to time.

17. Powers of the Authority.- (1) Notwithstanding anything contained in any other law for the time being in force, the Authority shall have the following powers, 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) borrow, lend, fund and/or facilitate financing of all Urban Mobility related investment seeking funds managed by the Authority, for the implementation of the projects, plans, schemes, and proposals included in the

City Mobility Investment Program to ensure development of comprehensive, integrated and planned Urban Mobility in the Urban Mobility Region;

(c) devise regulations, guidelines and provide guidance and input to all Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies on matters pertaining to data sharing, and data access and intellectual property rights of data collated and shared;

(d) render advice or recommend for building sustainable operational frameworks for Urban Mobility systems included in schedule;

(e) serve as the nodal agency for formulation of all policies, regulations, rules, procedures, protocols for ensuring effective governance of integrated Urban Mobility in the Urban Mobility Region;

(f) promote Urban Transport Agencies to achieve inter-modal integration, including preparation of plans for physical, service and fare integration components and ensure implementation of such plans;

(g) regulate new modes of Urban Mobility introduced by itself or any other agency, which is not within the ambit of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and take necessary measures in relation thereto;

(h) monitor and audit compliance of all programmes, policies, plans and projects of all agencies related to Urban Mobility with the Comprehensive Mobility Plan and the City Mobility Investment Program;

(i) monitor performance of the Urban Mobility system on parameters such as safety, efficiency, suitability, etc. and submit a report to the State Government at such intervals as may be specified in the regulations or as deemed necessary by the State Government;

(j) recommend, monitor, and advise on levy, imposition, collection, recovery of fees, charges for parking, Urban Mobility facilities and fares for services of Urban Transport Agencies as may be notified time to time by relevant authorities;

(k) monitor the use of funds for Urban Mobility and ensure audit of accounts and loans;

(l) devise, oversee, and ensure co-ordinated enforcement of all mechanisms relating to traffic and Urban Mobility matters in consultation with concerned authorities to promote safety guidelines, including vehicular, pedestrian and road safety, with respect to Urban Mobility for the Urban Mobility Region as may be prescribed;

(m) initiate shared programmes for augmenting human resource and technical capacities of all public agencies related to Urban Mobility;

(n) mandate and co-ordinate sharing of data in such manner and format as specified in regulations by the Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies, aggregators, individuals, or any other agencies generating, collecting, or having information on any matters relating to Urban Mobility services;

(o) ensure enforcement of regulations made under this Act; and

(p) such other powers as may be prescribed by rules.

(2) Subject to the other provisions of this Act, the exercise of powers by the Authority under sub-section (1) shall override any rule, regulation, order, direction, notification, or any other action under any law made by the State Legislature for time being in force, that are inconsistent with such exercise of powers by the Authority.

18. Power to give directions to urban transport agencies, infrastructure development agencies and traffic management agencies.- (1) To ensure effective implementation of the objects and purposes of this Act, notwithstanding anything contained in any other law for the time being in force, the Authority may give such directions with regard to the implementation of any Urban Mobility service or infrastructure project within the Urban Mobility Region, as it may deem fit, to the relevant agencies responsible for providing the urban mobility and related infrastructure. Such directions shall be binding on such agencies and departments under the urban local bodies and State Government and shall override any contrary or conflicting order, direction issued by any such agencies and departments.

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

19. Power to approve major Urban Transport projects.- (1) The Authority shall have power to approve all major Urban Transport projects proposed for or in the Urban Mobility Region to be developed by the Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies or any other agencies under the State Government or any local Government agency, from the perspective of consistency with the Comprehensive Mobility Plan and in a time bound manner as specified in the regulations.

(2) No authority, agency, department under the State Government shall initiate any public, private or public-private partnership project concerning Urban Mobility without obtaining prior approval of the Authority. The Approval of the Authority shall be necessary to seek any financial assistance from the State Government including the regular budgetary allocations, any external aided funding as well as the Central Government sponsored funding.

(3) Upon receipt of request under sub-section (1) for approval of any project, the Authority shall undertake such inquiry as required and may grant or reject such request as specified under regulations:

Provided that, the Authority shall have the power to issue certain conditions while granting approval to a request.

(4) In case any person or authority does anything contrary to the decision given under sub-section (3) or in the absence of the approval of the Authority, the Authority shall direct such agencies to pull down, demolish or remove any development undertaken contrary to such decision or approval and such agencies shall recover the cost of such pulling down, demolition or removal from the person or the authority concerned.

CHAPTER - V

Preparation of policies and Comprehensive Mobility Plan

20. Preparation of policies.- (1) The Authority shall prepare and implement the following policies in connection with Urban Mobility and shall update periodically the existing policies on Urban Mobility in consultation with the Urban Transport Agencies, Urban Local Bodies, Traffic Management Agencies, Urban Development Department, etc. All such policies shall be placed in public domain for public feedback before finalized,-

- (a) Parking policy;
- (b) Non-motorised transport policy;
- (c) Transit-oriented development policy;
- (d) Multi-modal Integration policy; and
- (e) Freight Transport policy.

(2) The Authority may take up preparation of such other urban mobility policies as deemed necessary.

21. Preparation of Comprehensive Mobility Plan.- (1) The Authority shall notify its intent to prepare a Comprehensive Mobility Plan in such manner and form as specified by regulations.

(2) The Authority shall cause to prepare a Comprehensive Mobility Plan for the Urban Mobility Region within two years from the date of its intent to prepare a Comprehensive Mobility Plan to ensure integrated, comprehensive and planned development of Urban Mobility in the Urban Mobility Region, in conjunction with various Urban Mobility policies prepared under section 20 and the land use plan applicable to the Urban Mobility Region. Such plan shall include but not be limited to the following, namely:-

(a) Integration of social, economic, and spatial development policies and plans to advance sustainable urban transport;

(b) Various types of infrastructure, facilities, and other works;

(c) complete road network in the city (preferably converging at one sq. km. grid);

(d) existing and proposed route plans of public transport;

(e) hierarchy of roads (local, collectors, sub arterial, arterials and urban high ways) established based on travel demand;

(f) standards governing the roads of all levels of hierarchy;

(g) pedestrian path, cycle tracks, drains (within the public road) and the standards governing them;

(h) accessible mobility and transport for persons who are persons with benchmark disability and person with disability as defined under the Rights of persons with Disabilities Act, 2016 (Central Act 49 of 2016);

(i) various public transport systems and services;

(j) procedures and processes to resolve any issues in relation to any existing urban mobility services being operated;

(k) mechanisms that will govern the implementation of such plans to achieve the objects and purpose of this Act;

(l) the City Mobility Investment Program comprising of the Sectoral Mobility Investment Programs submitted by the relevant Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies as specified in the regulations; and

(m) such other matters that may be necessary for the development and implementation of such plans:

Provided that, 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 Mobility within the Urban Mobility Region, the Authority shall discharge its functions under this section and any other authority shall necessarily consult the Authority and take its suggestions and inputs into account in the discharge of its functions. The plans so developed by any other authority and/or committee shall be in compliance with the Urban Mobility policies of the Authority:

Provided further that, prior to constitution of this Authority, if a Comprehensive Mobility Plan has already been approved by the Government, the Authority shall, if necessary, undertake the responsibility of any modification or revision of such Comprehensive Mobility Plan and implement it in accordance with the Act.

(3) Before finalizing any plan as under this Act, the Authority shall cause to publish a draft plan by making a copy thereof available for inspection and publishing a notice in such form and manner as specified in the regulations, 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 period

of two months from the date of publication of the notice. The Authority shall after adequate opportunity, as deemed appropriate, to the concerned person and after considering such suggestions, objections, and representations, if any, finalize the draft plan.

(4) After finalization of the plan based on objections/suggestions received, the Authority shall submit such plan to the State Government for its approval and the State Government may 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.

(5) The Authority shall publish the plans approved by the State Government as specified in sub-section (4), not later than two years from the date of notification of the intent to prepare a Comprehensive Mobility Plan under sub-section (2).

(6) The Authority may suo-moto or on the direction of the State Government cause to review the existing Comprehensive Mobility Plan whenever, in its opinion, it has become necessary and expedient to do so in public interest.

22. Integration of land-use and transport planning in the preparation of Master Plan.- (1) The Planning Authority in the Urban Mobility Region shall prepare the land use plan as part of preparation or revision of Master Plan of the city or local planning area by taking into consideration the Comprehensive Mobility Plan in its entirety.

(2) The Planning Authority shall necessarily consult the Authority during the preparation or revision of the Master Plan.

(3) In case the Authority deems it appropriate to suggest modifications in the Master Plan prepared by the Planning Authority, with a view to achieve land use and transport integration, it shall forward the suggested changes to the concerned Planning Authority for inclusion in the Master Plan. The suggestions, if any, made by the Authority shall be duly considered and incorporated in the draft of the Master Plan and the draft of the Master Plan shall be sent to the Authority for its concurrence. Where such suggestions are not incorporated mutatis mutandis, the planning authority shall provide a detailed explanation with the reasons for the same.

(4) The Authority shall communicate its concurrence or otherwise along with its considered opinion to the Planning Authority and the State Government within the time as may be specified.

23. Revision of Comprehensive Mobility Plan.- At least once in every five years, the Authority shall cause to revise and publish the Comprehensive Mobility Plan and the provisions of section 21 shall mutatis mutandis apply in respect of each such revision of the Comprehensive Mobility Plan:

Provided that, in case the Master Plan for the Urban Mobility Region or parts of Urban Mobility Region are taken up for revision, the Comprehensive Mobility Plan may also be revised concurrently even amid a five-year cycle.

CHAPTER - VI

Sectoral and City Mobility Investment Program and Annual Implementation Plan

24. Preparation and approval of Sectoral Mobility Investment Program and City Mobility Investment Program.- In order to achieve the goals of the Comprehensive Mobility Plan and to plan for financing the projects

proposed in the Comprehensive Mobility Plan, the Authority shall prepare the City Mobility Investment Program comprising of the Sectoral Mobility Investment Program of the relevant Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies as specified in the regulations to be implemented in the Urban Mobility Region as below:-

(a) The Sectoral Mobility Investment Program shall be aligned with the goals of the Comprehensive Mobility Plan;

(b) The Sectoral Mobility Investment Program shall be prepared in consultation with the Authority;

(c) The Sectoral Mobility Investment Programs shall be incorporated by the Authority with or without modification in the City Mobility Investment Program;

(d) The City Mobility Investment Program shall be for short to medium term planning horizon towards achieving the objects of Comprehensive Mobility Plan; and

(e) The City Mobility Investment Program shall be part of the Comprehensive Mobility Plan.

25. Preparation and approval of Annual Implementation Plan.- (1) Based on the City Mobility Investment Program and respective Sectoral Mobility Investment Programs, the Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies shall prepare the Annual Implementation Plan at the beginning of each year in the format as specified in the regulations. The Annual Implementation Plan shall comprise of the following components, namely:-

(a) The list and spatial mapping of new projects and ongoing projects to be taken up in the current financial year along with completion schedule, in the order of priority set forth in the City Mobility Investment Program;

(b) Yearly expenditure estimates and the sources of funding for each of the projects to be taken up in the current financial year; and

(c) List of additional projects proposed to be taken up and which were not part of the approved City Mobility Investment Program, along with the sources of funding and justification for inclusion of such projects in the City Mobility Investment Program. These additional projects shall align with the Comprehensive Mobility Plan goals and promote sustainable urban transport.

(2) The Authority shall review and approve the Annual Implementation Plan prepared and submitted by the Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies, with or without modifications, within the time frame as may be prescribed in the rules.

26. Revision of City Mobility Investment Program.- The Authority shall review and make necessary revisions to the City Mobility Investment Program once a year, taking into consideration the newly approved projects under the Annual Implementation Plans, delays in implementation of any project or any other circumstances etc. Such revision undertaken shall be binding on the Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies. The Authority shall submit the revised City Mobility Investment Program to the State Government for information.

27. Works of Urgent Nature.- (1) The Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies may take up works which are not part of City Mobility Investment Program or the Annual Implementation Plan, only if such works are of urgent in nature. In such cases, they shall comply with the standards specified by the Authority in taking up such works and in case of any deviation from the standards, the justification for the same shall be provided.

(2) Where the Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies takes up any work under sub-section (1), it shall intimate the same to the Authority before commencement of the work and shall file a detailed report with justification for taking up the work urgently and its compliance with the standards specified by the Authority, within thirty days from the date of commencement of such work:

Provided that, if the justification for taking such work in urgency or deviating from the standards specified by the Authority provided by the Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies is not to the satisfaction of the Authority, the Authority shall direct them to modify or reconstruct the work as per the specified standards or to remove such works.

CHAPTER - VII TRAFFIC MANAGEMENT PLAN

28. Traffic Management Plan.- (1) The Authority shall prepare or cause to be prepared a Traffic Management Plan, at least once a year, with the Traffic Management Agencies, consisting of following components in accordance with the regulations, if any, specified by the Authority, namely:-

(a) detailed traffic flow plan for the road networks within Urban Mobility Region including restrictions on the flow or movement of certain types of vehicles like freight vehicles, vehicles of construction purpose etc., traffic calming measures including partial or full closure of streets to motorized traffic or regulation of movement of vehicles during certain hours of the day, Traffic management plans for special occasions, incident management plan, emergency evacuation plans etc.;

(b) signal phase optimization plans to ensure seamless mobility of people including differently abled, senior citizens and children;

(c) corridor based and area-based traffic management plans for corridors or areas indicated by the Authority;

(d) enforcement plan consisting of human resources, devises, equipment and vehicles and Information Technology systems; and

(e) Parking Management plans for the whole or parts of Urban Mobility Region.

(2) The Traffic Management Plan approved by the Authority shall be adhered to by all the Traffic Management Agencies without any deviation.

(3) The Authority and Traffic Management Agencies shall take efforts to use information technology for efficient enforcement mechanisms.

(4) In case of need to make any changes in the Traffic Management Plan depending on the local situation, the same may be made by the Traffic Management Agencies but such changes shall be recorded and weekly report of such changes and deviations made shall be submitted by Traffic Management Agencies concerned.

(5) If such deviations or changes, with justifications, in traffic management plan are necessitated on continuous basis, then Traffic Management Plan shall be modified accommodating such changes by the respective agencies.

(6) Traffic management plans and amendments to them shall be widely disseminated by the concerned Traffic Management Agencies for the information of general public.

CHAPTER - VIII CONTRACTS

29. Mode of executing contracts on behalf of the Authority.- (1) Every

contract shall, on behalf of the Authority, be made by the Chief Executive Officer or any other officer of the Authority as may be generally or specially empowered in this behalf by the Authority and such contractor class of contracts, as specified in the regulations shall be sealed with the common seal of the Authority:

Provided that, no contract exceeding such value or amount as the State Government may specify in this behalf shall be made, unless it has been previously approved by the State Government.

(2) Subject to the provisions of sub-section (1), the form and manner in which any contracts shall be made under this Act shall be as specified by regulations.

(3) No contract which is not in accordance with the provisions of this Act and rules and regulations made there-under shall be binding on the Authority.

CHAPTER - IX FINANCE, ACCOUNTS AND AUDIT

30. Fund of the Authority.- (1) The Authority shall establish a Bengaluru Metropolitan Land Transport Authority Fund for the purposes of implementation of provisions of the Act and shall comprise the following, namely:-

(a) Portion of funds from the Central Government allocations as under shall be deposited in the Fund Account:

- (i) part of the proceeds accruing to the National Investment Fund and allocated for use, specifically in the development of urban mobility projects and such other proceeds from the Finance Commission of India, as received by the State Government and as decided by the State Government; and
- (ii) part of any grant and fund received through allocations (including budgetary allocations) by the Central Government, as decided by the State Government.

(b) Part of any grant and fund received through allocations (including budgetary allocations) from the State Government;

(c) Revenue collected from the following sources shall be deposited in the Bengaluru Metropolitan Land Transport Authority Fund account:

(i) part of the proceeds collected on account of cess called Green Tax, wherein Green Tax means a tax levied on vehicles to control air pollution, as notified by the State Government under the Karnataka Motor Vehicles Taxation Act 1957, the Motor Vehicles Act, 1988 or its amendments, as the case may be;

(ii) part of the proceeds, as notified by the State Government, from advertisement charges, additional registration charges, congestion tax, betterment charges, multipurpose smart cards for ticketing, development charges, parking charges, premium Floor Area Ratio charges, additional cess on petrol and diesel, conversion fee on existing land use and additional fees on registration fees on all property transfers which take place along the influence area of transit-oriented development within the Urban Mobility Region;

(iii) part of the proceeds from any tax/cess/surcharges or similar levies notified by the State Government with a view for betterment of Urban Mobility systems (including transport vehicles, infrastructure, and services) and directed to be credited to the Fund;

(iv) part of the proceeds from any tax / cess / surcharges or similar levies

notified by the State Government for any Urban Mobility infrastructure development related matters leading to enhancement of land-value;

- (v) any aid, bequest, subsidy, donation, gift, subscription, loan or other sums lawfully received;
- (vi) all interests, profits and other moneys accruing to or borrowed by the Authority for the purpose of this Act; and
- (vii) All money received by or on behalf of the Authority by virtue of this Act.

(d) All the money and receipts received by the Urban Transport Agencies dealing with Urban Mobility service, facilities and infrastructure, from the Central Government, State Government, by way of budgetary allocations or grant or transfer or loan and funds from external funding agencies or any other sources as may be notified by the State Government from time to time and the same may be released by the Authority to the agency concerned as per the City Mobility Investment Program, Sectoral Mobility Investment Program and Annual Implementation Plan.

(2) The State Government shall constitute a seed fund along with the establishment of the Authority and shall, every year make a grant to the Authority at least of a sum equivalent to the administrative expenses of the Authority till the Authority is able to meet its administrative expenses out of its own resources.

(3) Except as otherwise directed by the State Government, all the money and receipts specified in the foregoing provisions and forming part of the Fund shall be deposited in any scheduled bank as defined in the Reserve Bank of India Act, 1934 (Central Act 2 of 1934) or invested in such securities as may be approved by the State Government.

(4) The amount forming part of the Fund, except those received under clause (d) of sub-section (1), shall be subject to the provisions of and for the purposes of this Act, be utilized for meeting the following, namely:-

- (a) expenses of the Authority in the discharge of its functions having regard to the purposes for which such grants, loans or borrowings are received and for matters connected there with or incidental thereto;
- (b) salary, allowances, other remuneration and facilities provided to the members, officers and other employees of the Authority;
- (c) any expenses lawfully incurred by it, including legal, survey and other fees and costs;
- (d) any recurring expenditure towards technical and human resource capacity building of staff of the Authority; and
- (e) expenses on objects and purposes authorized under the Act.

(5) A part of the proceeds received in the Bengaluru Metropolitan Land Transport Authority Fund, as decided by the Authority, shall be utilized for providing financial assistance to the concerned Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies for the purpose for which such amount is earmarked as per the City Mobility Investment Program, Sectoral Mobility Investment Program and Annual Implementation Plan, in the manner and subject to conditions applicable thereto.

(6) The Authority shall create separate sub-funds in respect of the amounts received under clause (d) of sub-section (1) and as required to ensure that the objects and the purpose of this Act achieved in an effective manner.

(7) The Authority may create sub-funds as required to ensure that the

objects and purpose of this Act achieved in an effective manner.

(8) The Authority shall leverage Corporate Social Responsibility Funds and/or implement projects in partnership with non-Governmental Organisations.

(9) The Authority shall carry out the management of the Fund either on its own or through an authorized representative.

(10) The Authority shall formulate institutional arrangements including regulations, procedures and protocols for effective administration and management of funds.

31. Grants and loans by the Government and other entities.-

The Central Government or the State Government or other entities may make such grant, contribution, aid, assistance, advance and loan to the Authority as may be deemed necessary for the performance of its functions under this Act and all such grant, contribution, aid, assistance, advance and loan so made shall be on such terms and conditions, as may be determined by the Government or entity making the grant, contribution, aid, assistance, advance and loan.

32. Power of the Authority to lend.- The Authority may make such grants, advances and loans to any agency engaged dealing in Urban Mobility, within the Urban Mobility Region 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 the Authority making grants, advances or loans.

33. Power of the Authority to raise finances and borrow.- (1) Subject to previous sanction of the State Government and such other terms and conditions as may be specified, the Authority may, from time to time, raise finances or borrow money required for the purposes of this Act through loans or debentures or issuing bonds or any other financial instrument from sources other than the State Government and the Central Government.

(2) Loans borrowed and debentures issued under this section shall be guaranteed by the State Government as to the repayment of principal and the payment of interest at such rate as may be fixed by the State Government.

(3) The Authority shall be competent to mortgage or create charge by the way of security on any of its properties or assets for loan obtained under this section.

34. Sinking fund.- (1) The Authority shall maintain a sinking fund for re-payment of amount borrowed by it and shall deposit into the sinking fund every year, 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.

35. 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 the next financial year, showing the estimated receipts and expenditure of the Authority 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 shall 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 shall be subject to such change or terms and conditions as the State Government may propose in this regard.

36. Annual report.- (1) The Authority shall prepare for every year,

a report of its activities during the 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, namely:-

- (i) Amount of debt or loan raised;
- (ii) Details of the investment made during the year;
- (iii) Mode of repayment of the debt or loan raised, including the amount that has been earmarked for the Sinking Fund;
- (iv) Amount of securities that have been created or raised; and
- (v) Any other matter specified by the State Government.

(3) The State Government shall lay the annual report with compliance before each House of the State Legislation.

37. Accounts and audit.- (1) The Authority shall maintain proper books of accounts, annual statement of accounts and such other books as may be prescribed.

(2) The accounts of the Authority shall be subject to an annual audit by the Accountant General of the State and any expenditure incurred by the Accountant General in connection with such audit shall be payable by the Authority.

(3) 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.

(4) 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.

(5) The State Government shall lay the accounts and audit report with compliance before each House of the State Legislation.

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

CHAPTER - X OFFENCES AND PENALTIES

39. 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, the person shall be punishable with fine which may extend up to one lakh rupees and for a second or subsequent violation or non-compliance with fine which may extend up to two lakh rupees and in the case of continuing violation or non-compliance with additional fine which may extend up to five thousand rupees for every day during which the violation or non-compliance continues.

40. Failure by the State Government departments or agencies.- (1) Where violation under this Act is 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 the person proves that the offence was committed without the person's knowledge or that the person 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 be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

41. Offences by companies.- (1) If the person committing a default or contravention under this Act is a company, every person, who, at the time such default or contravention occurred, was in-charge of and was responsible for the conduct of the business of the company, as well as the company, shall be deemed liable for the default or contravention and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company 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, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purpose of this section, -

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

42. Fines when realized to be vested with 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.

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

44. Cognizance of offences.- No court shall take cognizance of any offence punishable under this Act or rules or regulations made there-under, save on a complaint made by the State Government or the Authority.

45. Chapter to have effect in addition to other Acts.- The provisions of this chapter shall be in addition to and not in derogation of the provisions in any other law, for the time being in force.

CHAPTER - XI MISCELLANEOUS

46. Delegation of powers.- The Authority may, by notification in the official Gazette, declare that any power exercisable by it or any of its officers under this Act, except the power to make rules, under section 53 and power to make regulations under section 54, may also be exercised by such officer of the Authority as specified therein in such cases and subject to such conditions, if any,

as may be specified therein.

47. Notice of suit against the Authority.- (1) No suit or other proceedings shall be instituted against the Authority or any member or any employee of the Authority or against any person acting under the direction of the Authority, the member or officer of the Authority for anything done or purporting to have been done in pursuance of the Act or rules, regulations or bye-law made there under, without giving notice in writing to the Authority, before two months of the intended suit or other proceedings and of the cause thereof nor after six months from the accrual of the cause of such suit or other proceedings nor after tender of sufficient amends.

(2) A suit to obtain an urgent or immediate relief against the Authority or any member or any officer or employee of the Authority in respect of any act done or purporting to be done by such officer or servant in his official capacity may be instituted with the leave of the Court, without serving any notice as required by sub-section (1) but the Court shall not grant relief in the suit whether inter-alia or otherwise except after giving to the Authority, officer or servant, as the case may be, a reasonable opportunity of showing cause in respect of relief prayed for in the suit:

Provided that, the Court shall, if it is satisfied after hearing the parties that no urgent or immediate relief need be granted in the suit, return the plaint for presentation to it after complying with requirements of sub-section(1).

(3) No suit as described in sub-section (1) shall be instituted after the expiry of six months from the date on which the cause of action arises, unless it is a suit for recovery of immovable property or for a declaration of title thereto.

(4) 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 institution of the suit.

48. Restriction on execution.- No execution or attachment process shall be issued against any Urban Mobility work or any property vested in the Authority.

49. Service of notice etc.- Every notice or other document required by this Act or any rules or regulations made there-under shall be signed by the Chief Executive Officer with his common seal and shall be deemed to have been duly served upon the party or parties concerned if the service has been effected in any one of the following manners, namely:-

- (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; and
- (iv) by publication in widely circulating one prominent Kannada and English daily news-paper within the jurisdiction area of the Authority, in their two consecutive issues; or
- (v) by electronic communication like e-mail:

Provided that, in case where the party to be served is a registered company, a partnership firm, a body corporate, a local authority, a society or other body, the notice 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 partner or member of the said firm or organization.

Provided further that, 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.

50. Public notice.- Every public notice given under this Act shall be in writing under the signature of the Chief Executive Officer with his common seal

and shall be caused to be widely known in the locality affected thereby, affixing copies at conspicuous public places within the said locality and by publishing the same in one prominent Kannada and English daily news paper, having circulation in the Urban Mobility Region, in their two consecutive issues. Such public notice shall also be published on the official website and social media of the Authority.

51. To fix reasonable time for notice, etc.- Where any notice, order or other document issued or made under this Act or any rules or regulations made there-under requires anything to be done, for the doing of which no time has been fixed in this Act or the rules or regulations made thereunder, the notice, order or other document shall specify a time of not less than one week for doing the same.

52. Authentication.- 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.

53. Power to make rules.- (1) The State Government may, after previous publication by notification in the official Gazette, make rules for the purpose of carrying in to effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-

- (a) allowances payable to non-official members under section 7;
- (b) prescribe the form of declaration of conflict of interest under section 9;
- (c) the procedure to be followed for borrowing money by way of loans or debenture and their repayment under sub-section (1) of section 33;
- (d) the form of the budget of the Authority and the manner of preparing the same under sub-section (1) of section 35;
- (e) the form of the annual report and the date on or before which it shall be submitted to the State Government under sub-section (1) of section 36;
- (f) the form of the balance-sheet and statement of accounts under sub-section(1) of section 37;
- (g) the form of the audit report and the date on or before which it shall be submitted to the State Government under sub-section (4) of section 37;
- (h) fine to be levied for failure to comply with the provisions; and
- (i) other matters which are, or may be, prescribed under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislature of the State, while it is in session, immediately following for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature making any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or stand annulled, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

54. Power to make regulations and procedures.- (1) The Authority may, by notification, make regulations, procedures and protocols for administration consistent with this Act and the rules made there-under with prior approval of the State Government, for enabling it to perform duties and functions under this Act and without prejudice to the generality of the foregoing power, as follows:-

- (i) the procedure to be followed by the committees under sub- section (3) of section 13;
- (ii) the manner of assisting the Authority by the executive committee in

- (iii) discharge its functions under section 15;
- (iv) the procedure to be followed by the executive committee in discharging its duties under section 15;
- (v) the appointment of officers, employees and supporting staff under clause (b) of section 16;
- (vi) the manner, form and report submitted to the State Government regarding performance of urban mobility system under section 17;
- (vii) the manner to undertake inquiry to grant or reject urban transport project under sub-section (3) of section 19;
- (viii) the procedure for preparation of the Comprehensive Mobility Plan in a time bond manner under section 21;
- (ix) the form and manner of publishing draft plan and notice under sub-section (3) of section 21;
- (x) the procedure for preparation of City Mobility Investment Program under section 24;
- (xi) preparation of Annual Implementation Plan in the format under sub-section (1) of section 25;
- (xii) preparation of Traffic Management Plan under sub-section (1) of section 28;
- (xiii) specify the class of contract that may be entered by the Authority under sub-section (1) of section 29;
- (xiv) the procedure to formulate arrangement for effective administration and management of funds under sub-section (10) of section 30; and
- (xv) other matters, which are or may be specified under this Act.

(2) Such regulations, procedures and protocols may be made in respect of any matter which is required to be or may, in the opinion of the Authority be provided by the regulations.

55. Removal of difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by notification make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties:

Provided that, no such notification shall be issued after the expiry of the two years from the date of commencement of this Act.

(2) If any notifications issued under sub-section (1), such notifications shall lay before each house of the State Legislature.

56. Power of the State Government to issue directions.- (1) Without prejudice to the provisions of this Act, the Authority shall, in exercise of its powers or discharge of its functions and duties 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, from time to time:

Provided that, the Authority shall, as far as possible, be given an opportunity to express its views before any direction is given.

(2) The decision of the State Government whether a question is on policy or not shall be final.

(3) The State Government may give any directions to the concerned urban transport agency for implementation of the regulatory measures as mentioned in clause (l) of sub-section (1) of section 14 and such urban transport agency shall be bound by such directions:

Provided that, the urban transport agency shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(4) In case 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 that, the State Government shall not pass an order in any such dispute, without affording such persons or body an opportunity of being heard or offering explanation.

57. 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 or any member or other employee, for anything, which is done or intended to be done under this Act or the rules or regulations made there-under, in good faith.

58. Recovery of penalty.- Any penalty payable under this Act and rules and regulations made there-under and directions issued there-under, if not paid, shall be recovered as if it were an arrear of land revenue.

59. Restriction on power of local authority.- Notwithstanding anything contained in any law for the time being in force, no rule, regulation or bye-law which is inconsistent with any provision of this Act or any rules or regulations made there-under, shall be applicable within the Urban Mobility Region notified under section 3.

60. Effect of other Laws.- (1) The provisions of this Act and the rules and regulations made there-under shall have effect, notwithstanding anything in consistent therewith, contained in any other law.

(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 provisions of this Act or rules and regulations made there-under, shall not be illegal or unauthorised, in absence of any permission, approval or sanction required under such other law, for such development, has not been obtained.

61. Power to amend the Schedule.- (1) The State Government may by notification add, amend or omit any of the entries in the Schedule.

(2) Every notification issued under sub-section (1) shall be laid before both Houses of the State Legislature.

SCHEDULE
Urban Mobility

Urban Mobility consists of modes of transport ranging from walking and bicycle to urban freeways, bus, metro and regional rail systems, intelligent transport systems of all kinds and road ways and private vehicles in Urban Mobility Region. This shall include various types of collective and individual transport which fall into the following functional categories, namely:-

(1) Public Transportation (Mass Transportation or Transits).- includes systems that are available for use by all persons who pay the established fare. These modes operate on fixed routes and with fixed schedule within the Urban Mobility Region and include the following, namely:-

- (i) Bus systems;
- (ii) Tramways;
- (iii) Commuter Rail;
- (iv) Metro Railway;
- (v) Mono-Rail;
- (vi) Cable car;
- (vii) Bus Rapid Transit System (BRTS);
- (viii) Light Rail Transit(LRT);and
- (ix) Any other mode irrespective of its fuel and propulsion type which meet the requirements of the above definition.

(2) Para Transit.- includes systems provided by operators within Urban Mobility Region and available to person who hires them for individual and multiple trips, and/or do not operate on a fixed schedule with fixed stops, and include the following, namely:-

- (i) Autos or Shared autos or vans or tempos;
- (ii) Any transport vehicle operated under an aggregator;
- (iii) Taxi Cabs, Hire a Cab; and
- (iv) Any other mode irrespective of its fuel and propulsion type which meet the requirements of the above definition.

(3) Non-Motorised Transport (NMT).- Non- Motorised transport modes include walking, bicycle, cycle rickshaw and other green 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 or freight into, out of and within Urban Mobility Region.

(5) Intelligent Transport System (ITS).- Intelligent Transportation System (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, namely:-

- (i) Passenger Information System(PIS);
- (ii) Public Transport prioritization;

- (iii) Electronic Fare Collection;
- (iv) Electronic road pricing;
- (v) Public Transport Operations Management, dispatching, scheduling and supervision;
- (vi) Safety and security;
- (vii) Traffic management and control;
- (viii) Traffic Surveillance;
- (ix) Public Transport Ticketing;
- (x) Internet or web-based application; and
- (xi) Helpline system.

(6) Parking facilities, enforcement, operation and management systems.

(7) Urban roads and associated street furniture within the Urban Mobility Region.

(8) Safety elements in respect of all forms of urban transport.

(9) Foot paths, pedestrian sub ways, and foot over bridges.

(10) Any other mode or means of transport that the State Government may notify time to time.

The above translation of ಬೆಂಗಳೂರು ಮಹಾನಗರ ಭೂಸಾರಿಗೆ ಪ್ರಾಧಿಕಾರ ಅಧಿನಿಯಮ, 2022 (2023 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 06) be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

G.SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation