

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 12th November, 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 42 OF 2010

A Bill to provide for the establishment of a Unified Metropolitan Transport Authority for Chennai Metropolitan Planning Area and for matters connected therewith and incidental thereto.

WHEREAS there are many agencies involved in planning, operating and managing transportation system in Chennai Metropolitan Planning Area;

AND WHEREAS proper co-ordination and streamlining the activities among such agencies is necessary in order to utilize the available infrastructure facilities and resources for development;

NOW, THEREFORE, the State Government decided to establish a Unified Metropolitan Transport Authority for the above purposes;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Chennai Unified Metropolitan Transport Authority Act, 2010.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of Chennai Metropolitan Planning Area.

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

2. In this Act, unless the context otherwise requires, —

Definitions.

(a) “Authority” means the Chennai Unified Metropolitan Transport Authority established under section 3;

(b) “Government” means the State Government;

(c) “prescribed” means prescribed by rules;

(d) words and expressions used but not defined in this Act shall have the meanings assigned to them in the Tamil Nadu Town and Country Planning Act, 1971.

3. (1) There shall be established an Authority by the name “the Chennai Unified Metropolitan Transport Authority”.

Establishment
of Chennai
Unified
Metropolitan
Transport
Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

4. (1) The Authority shall consist of the following members, namely:-

Composition
of the
Authority.

(a) Minister in-charge of Transport, who shall be the Chairman, *ex-officio*;

(b) Chief Secretary to the Government, who shall be the Vice-Chairman, *ex-officio*;

(c) Vice-Chairman of the Chennai Metropolitan Development Authority, who shall be the Vice-Chairman, *ex-officio*;

(d) Secretary to Government, Transport Department, *ex-officio*;

(e) Secretary to Government, Finance Department, *ex-officio*;

(f) Secretary to Government, Housing and Urban Development Department, *ex-officio*;

(g) Secretary to Government, Highways Department, *ex-officio*;

(h) Secretary to Government, Home Department, *ex-officio*;

(i) Secretary to Government, Municipal Administration and Water Supply Department, *ex-officio*;

(j) Commissioner of Police, Greater Chennai, *ex-officio*;

(k) Commissioner, Chennai City Municipal Corporation, *ex-officio*;

(l) Transport Commissioner, *ex-officio*;

(m) Member-Secretary of the Chennai Metropolitan Development Authority, *ex-officio*;

(n) General Manager, Southern Railway, Chennai, *ex-officio*;

(o) Divisional Railway Manager, Chennai Division, Southern Railway, Chennai, *ex-officio*;

(p) Managing Director, Metropolitan Transport Corporation (Chennai) Limited, Chennai, *ex-officio*;

(q) Managing Director, Chennai Metro Rail Limited, Chennai, *ex-officio*;

(r) One eminent traffic and transportation expert nominated by the Government.

(2) The Authority may co-opt not more than three additional members in accordance with such procedure and terms and conditions as may be prescribed.

(3) When the Chairman of the Authority is unable to discharge the functions owing to absence, illness or any other cause, one of the two Vice-Chairmen, senior by rank, shall discharge the functions of the Chairman until the Chairman assumes charge of his functions.

Disqualification
for
membership
of the
Authority.

5. A person shall be disqualified for being nominated or co-opted as a member of the Authority or for being such member, if—

(a) he is of unsound mind;

(b) he is an applicant to be adjudicated as insolvent or is an un-discharged insolvent;

(c) he has been sentenced for any offence involving moral turpitude, punishable under any law with imprisonment, such sentence not having been annulled and a period of five years has not elapsed from the date of expiration of the sentence;

(d) he incurs such other disqualification as may be prescribed.

Terms and
conditions of
service of
nominated
member.

6. (1) The nominated member shall hold office for a term of three years and shall be eligible for re-nomination for a further term of three years:

Provided that for the purpose of this sub-section, a person who has held office as a nominated member in a casual vacancy for a period of not less than one year shall be deemed to have held office for a full term of three years.

(2) The nominated member may, by writing under his hand addressed to the Government, resign his office but he shall continue to hold office until his resignation is accepted by the Government.

(3) Subject to the provisions of this section, the terms and conditions of service of the nominated member shall be such as may be prescribed.

Removal from
membership
of the
Authority.

7. If, at any time, it appears to the Government that a nominated or co-opted member has shown to be unsuitable for office or has been guilty of misconduct or neglect which renders his removal expedient, the Government may, after giving such nominated or co-opted member, a reasonable opportunity of showing cause, by an order, remove such nominated or co-opted member, from the office.

Filling up of
casual
vacancy.

8. If a casual vacancy occurs in the office of a nominated member, either by reason of death, resignation, removal or otherwise, such vacancy shall be filled up, as soon as may be, by the Government and such nominated member shall hold office only for the remainder of the term for which the person whose place he fills would have been a nominated member.

Member-
Secretary
and
employees of
the Authority.

9. (1) The Chief Urban Planner (Transport), Chennai Metropolitan Development Authority shall be the Member-Secretary of the Authority.

(2) The Authority may appoint such number of officers and employees as it considers necessary for the efficient performance of its functions.

(3) The term of office and the terms and conditions of service of the Member-Secretary, officers and employees of the Authority shall be such as may be prescribed.

10. (1) The Authority shall oversee, coordinate, promote and monitor the implementation of various traffic and transportation measures including promoting the cause of public mass passenger transport systems and regulating their operations, besides implementation of certain traffic and transportation infrastructure of special nature in the Chennai Metropolitan Planning Area.

Functions of
the Authority.

(2) The Authority shall act as a coordinating authority in the areas of transport.

(3) The Authority shall take decisions on matters that would impinge on transport in the Chennai Metropolitan Planning Area and oversee that no steps are initiated by any agencies or local bodies that detract from the overall efficiency of the Comprehensive Transportation Plan.

(4) Subject to the provisions of sub-section (1), the Authority shall—

(1) prepare a Comprehensive Transportation Plan addressing the planning and development of all the public mass passenger transport modes and related infrastructure within the Master Plan in consultation with the Chennai Metropolitan Development Authority and recommend for implementation of the same through the respective transport agencies.

(2) update the Comprehensive Transportation Plan periodically in tune with the changes in the traffic and transportation situation in the Chennai Metropolitan Planning Area;

(3) monitor, co-ordinate and evaluate the implementation of the Comprehensive Transportation Plan;

(4) plan and implement traffic and transportation infrastructure of special nature;

(5) regulate measures for integration of all public mass passenger transport modes by means of various measures including routing and scheduling, operating feeder services and combined or common ticketing to facilitate seamless commuting options to the public;

(6) regulate measures aimed at enhancing the equity and efficiency of each of the mass passenger transport modes and para-transit modes to serve the commuting needs of the Chennai Metropolitan Planning Area;

(7) regulate route plan for the mass passenger transport modes and para-transit modes based on periodical review of routes;

(8) determine fares for mass passenger transport modes and para-transit modes with the approval of the Government;

(9) facilitate, debate and discuss on the innovative methods and practices and recommend measures for implementation of such methods and practices;

(10) commission studies and research needed to improve the performance or efficiency of the mass passenger transport modes and para-transit modes and maintain a data base;

(11) make recommendations to the Central Government in regard to the Railways and National Highways, wherever necessary, for improving transport system;

(12) regulate the measures that would help to reduce the incidence of accidents and other matters relating to safety, including the standards for construction, maintenance and subsequent road safety audit by various civic agencies;

(13) manage a road safety cell;

(14) secure compliance of inter-agency requests and resolve differences that come up between such agencies;

(15) regulate measures to integrate and consolidate any other action plan of the line agencies which fall outside the Comprehensive Transportation Plan but relating to mass passenger transport modes and related infrastructure in the Chennai Metropolitan Planning Area and facilitate implementation of the same;

(16) prepare annual budgets and recommend the same to the Government to apportion funds accordingly to the line-agencies for implementation of Comprehensive Transportation Plan;

(17) perform such other functions as may be entrusted to it by the Government in regard to the planning of the mass passenger transport system.

Exemption
from
compliance.

11. The Government may, subject to such conditions as they deem fit, by general or special order exempt any transport agency from compliance of any of the recommendations of the Authority.

Meetings of
the
Authority.

12. The Authority shall meet, as often as may be necessary, and observe such rules of procedure as may be prescribed in the regulations:

Provided that the Authority shall meet at least once in three months.

Proceedings of
the Authority

13. (1) The Authority shall have the power to frame regulations for the conduct of its proceedings and discharge of its functions, which may include matters relating to time and places for the meetings of the Authority, procedure to be followed in such meetings, transaction of business at the meetings of the Authority.

(2) In case of a difference of opinion among the members of the Authority, the opinion of the majority shall prevail and the opinion of the Authority shall be expressed in terms of the views of the majority.

(3) The quorum for the meeting of the Authority shall be one third of the total members of the Authority:

Provided that, in case of emergency, the Authority may decide any matter by circulation to members.

(4) The Chairman of the Authority may instruct the Member-Secretary to call a meeting of the Authority to be held at such time and at such place as the Chairman may direct.

(5) All decisions, directions and recommendations of the Authority shall be in writing.

Delegations.

14. The Authority may, by general or special order, delegate to any member or officer of the Authority, subject to such conditions, as may be specified in the order, any of its powers and functions as it may deem necessary.

Appointment of
Consultants
of the
Authority.

15. The Authority shall be entitled to appoint from time to time, consultants required to assist the Authority in the discharge of its functions on such terms and conditions as may be prescribed by the Authority.

Budget of the
Authority.

16. The Authority shall prepare in such form and at such time as may be prescribed, a budget in respect of the next financial year showing the estimated receipt and expenditure and a copy of the budget shall be forwarded to the Government.

Fund of the
Authority.

17. (1) The Authority shall have its own Fund and all sums which may, from time to time, be paid to it by the Government and all the receipts of the Authority shall be credited to such Fund.

(2) The Government may pay to the Authority in each financial year such sums as may be considered necessary for the functioning of the Authority.

(3) All expenditure incurred by the Authority under or for the purposes of this Act shall be defrayed from out of the said Fund and any surplus remaining, after such expenditure has been met, shall be invested in such manner as may be prescribed.

Annual
Accounts
and Audit.

18. (1) The accounts of the Authority shall be maintained in such manner and in such form as may be prescribed. The Authority shall prepare an annual statement of accounts in such form as may be prescribed.

(2) The accounts of the Authority shall be audited at-least once in a year by such auditor as the Government may appoint in this behalf.

(3) The auditor appointed under sub-section (2) shall, for purposes of audit, have such rights, privileges and authority as may be prescribed.

(4) The Member-Secretary shall cause the audit report to be printed and forward a printed copy thereof, to each member and shall place such report before the Authority for consideration at its next meeting.

(5) The Authority shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.

(6) The accounts of the Authority as certified by the Auditor together with the audit report along with the remarks of the Authority thereon shall be forwarded to the Government within such time as may be prescribed.

(7) The Government may, by order, direct the Authority to take such action as may be specified in the order to remedy, within such time as may be specified therein, the defects, if any, disclosed in the audit report, and the Authority shall comply with such direction.

19. The Authority shall, as soon as may be, after the end of each financial year, prepare and submit to the Government, before such date and in such form as may be prescribed, a report giving an account of its activities during the previous year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Authority in the next financial year and the Government shall cause every such report to be laid before the Legislative Assembly, as soon as may be, after its receipt. A copy of the annual report shall also be forwarded to the Chennai Metropolitan Development Authority.

Annual report.

20. The Government may issue such directions as in their opinion, are necessary or expedient for carrying out the purposes of this Act and the Authority shall give effect to all such directions.

Power to issue directions.

21. The Authority shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof, and the proceedings of the Authority shall be valid notwithstanding that some person, who was not entitled to be a member had sat, voted or otherwise taken part in the proceedings of the Authority.

Proceedings of the Authority not to be invalidated by infirmities.

22. The Chairman, Vice-Chairmen, Members, Member – Secretary and other officers and employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, or any rule or regulation or order or direction made or issued under this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Members and employees of the Authority to be public servants.

23. No suit or other legal proceedings shall lie against the Government, the Authority or any member thereof or any officer or employee or person acting under the direction of the Government or the Authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule, order or direction made or issued under this Act.

Protection of action taken in good faith.

24. (1) The Authority may, with the previous sanction of the Government, make regulations consistent with this Act or the rules made thereunder, for carrying out its functions under this Act.

Powers to make regulations by the Authority.

(2) No regulation or its cancellation or modification shall have effect until the same have been approved by the Government.

(3) The Government may, by notification, rescind any regulation made under this section and thereupon, the regulation shall cease to have effect.

25. (1) The Government may make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act or order made under section 26 shall, as soon as possible after it is made, be placed on the Table of the Legislative Assembly and if before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or order, or the Assembly decides that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, 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 or order.

Power to
remove
difficulties.

26. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, not inconsistent with the provisions of this Act do anything which appears to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of the commencement of this Act.

FINANCIAL MEMORANDUM

The establishment of the Chennai Unified Metropolitan Transport Authority would involve expenditure from the Consolidated Fund of the State. It is, however, not possible at this stage to estimate with any degree of accuracy the expenditure to be incurred as a result of the proposed legislation.

K.N. NEHRU,

Minister for Transport Department

STATEMENT OF OBJECTS AND REASONS

There are many agencies involved in planning, providing operations and managing transportation system in the Chennai Metropolitan Area. In many tasks, as the role of such agencies is overlapping each other, proper co-ordination and streamlining the activities among such agencies is necessary in order to utilize the available infrastructure facilities and resources for development. The Government have, therefore, decided to establish a Unified Metropolitan Transport Authority for the above purpose.

2. The Bill seeks to give effect to the above decision.

K.N. NEHRU,

Minister for Transport Department.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 4(2), 5, 6(3), 9(3), 12, 17(3), 18(1), 18(3), 18(6), 19, 24(1), 25(1) and 26 of the Bill authorize the Government or the Chennai Unified Metropolitan Transport Authority, as the case may be, to make rules and regulations and to issue orders and directions for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

K.N. NEHRU,

Minister for Transport Department.

M. SELVARAJ,

Secretary.