

The Bangalore Metropolitan Land Transport Authority Act, 2008

1. Short title and commencement.-

This Act may be called the Bangalore Metropolitan Land Transport Authority Act, 2008.

It shall be deemed to have come into force on the

2. Definitions

In this Act, unless the context otherwise requires,-

- 2.1 'Authority' means the Bangalore Metropolitan Land Transport Authority constituted under section 3
- 2.2 'Bangalore Development Authority or BDA' means the authority established by the Government empowered to prepare and implement comprehensive development plan for the Bangalore Metropolitan Area fulfilling the obligations enshrined in Karnataka Town and Country Planning Act;
- 2.3 'Bruhat Bangalore Mahanagara Palike or BBMP' means the city corporation of Bangalore the principal urban local body in the Bangalore Metropolitan Region;
- 2.4 'Bangalore Metropolitan Region or BMR' means the area coming under Bangalore Urban and Bangalore Rural Districts extending to around 8022 sq. kms under the planning jurisdiction of Bangalore Metropolitan Regional Development Authority (BMRDA); There are 19 ULBs (including BBMP) and 338 Gram Panchayats in the BMR apart from 12 Taluk Panchayats, 2 Zilla Panchayats in the region
- 2.5 'Bangalore Metro Rail Corporation Limited or BMRCL' means the company established by the Government for the purpose of implementing the metro rail project in Bangalore;
- 2.6 'Bangalore Metropolitan Transport Corporation or BMTCL' means the transport corporation providing public transport services in the city of Bangalore;
- 2.7 'Budget' means the annual budget of the Authority approved by the Government covering capital expenditure and revenue expenditure;
- 2.8 'CDP' means the comprehensive development plan prepared by BDA for the Bangalore Metropolitan Area for the period up to 2015 and later versions as approved by the Government;
- 2.9 'Commissioner' means the commissioner appointed under section xx of the BMLTA Act;
- 2.10 'Government' means the state government of Karnataka;

- 2.11 'Master Plan' means the detailed long term plan to be prepared by the Authority and approved by the Government once in every 10 years that contains demand analysis, modal splits, existing resources and infrastructure, gap analysis, estimation of physical requirements for additional infrastructure, resources, investment planning, funding mechanism and implementation plans;

3. *Constitution and incorporation of the Authority*

- 3.1 As soon as may be after the date of commencement of this Act, the Government shall, by notification, constitute for the Bangalore Metropolitan Region an Authority to be called the Bangalore Metropolitan Land Transport Authority.
- 3.2 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 moveable and immoveable and to contract and shall by the said name sue or be sued.
- 3.3 The Authority shall consist of the following members, namely:-
- 3.3.1 Commissioner
 - 3.3.2 Member - Finance
 - 3.3.3 Member - Urban Transport Planning
 - 3.3.4 Member - Traffic Management
 - 3.3.5 Member - Environment Management
 - 3.3.6 Member - Land Use integration
 - 3.3.7 Secretary - Urban Development Department
 - 3.3.8 Commissioner - BDA
 - 3.3.9 Metropolitan Commissioner - BMRDA
 - 3.3.10 Commissioner - BBMP
 - 3.3.11 Managing Director - BMTC
 - 3.3.12 Managing Director - BMRCL

- 3.4 Commissioner, Member-Finance, Member-Urban Transport Planning, Member-Traffic Management, Member-Environment Management and Member-Land Use integration shall be the whole time members of the Authority. Others shall be part time members.
- 3.5 The Commissioner and the Member-Finance shall be appointed by the government by notification. All other whole time members shall be appointed by the Authority by following a transparent method of selection process applicable to government authorities. The initial tenure of the Commissioner and Member Finance shall be five years renewable for another period of five years. Appointment, extension of service, removal and or termination of the Commissioner and the Member Finance shall be transparent and be subject to public scrutiny as provided by the regulations.
- 3.6 The power to appoint and removal of the whole time members of the Authority rests with the Government.

4. *Objectives of the Authority*

- 4.1 Incorporating urban transportation as an important parameter at the urban planning stage of various stakeholders rather than being a consequential requirement;
- 4.2 encouraging integrated land use and transport planning in all planning areas under its jurisdiction so that travel distances are minimized and access to livelihoods, education and other social needs, especially for the marginal segments of the urban population is improved; improving access of business to markets and the various factors of production;
- 4.3 preparing the master plan for the BMR in respect of transport sector addressing the infrastructure requirements, rolling stock requirements, policies, regulations and enforcement mechanisms;
- 4.4 approval of individual and sectoral plans of transport prepared by stakeholders like BMTC, BMRC, KSRTC and other service providers;
- 4.5 preparation and implementation of policies in regard to parking, pedestrian (including safe crossing at junctions) and inter modal transfers for user friendly public transport system;
- 4.6 bringing about a more equitable allocation of road space with people rather than vehicles as its main focus;
- 4.7 encourage greater use of public transport and non-motorized modes of transport by designing suitable systems for their functioning;
- 4.8 enable the establishment of quality focused multi-modal public transport systems that are well integrated, providing seamless travel across modes;

- 4.9 establish effective regulatory and enforcement mechanism that allow a level playing field for all operators and service providers of transport services and enhanced safety for the transport system users;
- 4.10 facilitate and establish institutional mechanisms for enhanced coordination in the planning and management of transport systems;
- 4.11 introduce intelligent transport systems for traffic management with robust database on infrastructure, types and number of vehicles, number and type of trips, safety statistics and demand stratification;
- 4.12 facilitate and establish focused institutes for imparting capacity building all aspects of transport planning, management and urban planning subjects;
- 4.13 implementation of centrally sponsored policies like national urban transport policy appropriate for BMR;
- 4.14 encourage participation of private sector in infrastructure development and provision of transport services,
- 4.15 encourage and adopt norms for use of cleaner technologies;
- 4.16 development of concepts like mobility, accessibility and connectivity for the BMR with specific parametrical evidence;
- 4.17 to guide urban sprawl as per desired levels of densification, stratification and economics of mobility

5. *Functions of the Authority*

- 5.1 To act as a coordinator and facilitator to ensure integration of land use planning and transport sector planning;
- 5.2 To participate and orient the preparation and formulation of master plans/concept plans/comprehensive development plans/city development plans of all its internal stakeholders like BMRDA, BDA, BBMP, other Local Area Planning Authorities, BMTC, and BMRCL;
- 5.3 Review and incorporate the transport related aspects of various local area planning documents that have been approved by designated authorities for incorporation in the Master Plan for Land Based Transport in the BMR;

- 5.4 Preparation of a Master Plan for the land based transport infrastructure for the BMR taking in to consideration the plans already prepared by stakeholders like BMTC, BBMP, BDA, BMRCL and any other government agency for any part or whole of the BMR;
- 5.5 Obtaining approval for the Master Plan with or without amendments after due process of consultation with stakeholders including citizens and publicizing the same;
- 5.6 To submit proposals to the Government of projects/schemes and initiatives identified in the Master Plan for implementation
- 5.7 To implement the approved projects/schemes/initiatives according to the time table and investments identified and approved in the Master Plan;
- 5.8 To submit proposals to Central Government and any of its agencies for the purpose of seeking financial assistance;
- 5.9 To act as a regulator for the land based transport sector to ensure unified functioning of the sector by resolving conflicts among the internal stakeholders (BMTC, BBMP, BDA, BMRDA, BMRCL);
- 5.10 To promote technology based solutions for traffic management, transport planning, design of transport systems and selection of mode of public transport;
- 5.11 To encourage public private partnerships while implementing projects and schemes identified and approved in the Master Plan;
- 5.12 To determine the type of mode of transport from among alternatives proposed in the Master Plan and assigning the responsibility for implementation to the identified stakeholder;
- 5.13 Taking up pilot projects that demonstrate the potential of possible best practices in sustainable urban transport
- 5.14 To review and monitor the progress of various projects under implementation and intervene where necessary to recommend corrective actions;
- 5.15 To initiate steps, where feasible for common ticketing system
- 5.16 To prepare and submit budget for the Authority annually to the Government for approval based on the Master Plan requirements and internal resources requirements;
- 5.17 To resolve conflicts arising among the various service providers in the Transport Sector in the BMR directly or by appointing expert committees from time to time;
- 5.18 To provide directives to service providers in order to align the sectoral objectives with individual institutions; functioning;

- 5.19 To provide license to individual service providers including in the private sector for safe and effective operation of the rolling stock;
- 5.20 To prepare and publish guidelines for licensing of the service providers;
- 5.21 To prepare and publish a safety policy in respect of types of vehicles allowed to use the road network, types of fuel, non-motorized transport users, pedestrians and regular vehicle users;
- 5.22 To prepare and publish standards, specifications and manuals in respect of infrastructure (roads, junctions, foot paths, sub ways, sky walks, flyovers, underpasses, signals, street furniture, bus bays, bus terminals, metro stations, entry and exit points of public transport systems), rolling stock (bus, metro, mono rail, private carriages) and traffic regulating systems (signals, road markings, intelligent systems, cameras, speed monitors and governors);
- 5.23 To craft policy interventions and institutional reorganizations in order to implement the provisions of the Master Plan and other structural plans in the transport sector;
- 5.24 To publish an annual performance report covering the progress on projects and expenditure incurred with reference to Master Plan targets and approved Budget

6. Powers of the Authority

- 6.1 Issue directions to the internal stakeholders like BMRDA, BDA, BBMP, BMTC, BMRCL and any other government controlled agency engaged in or with the transport sector on matters relating to the land based transport system development, construction, operation and maintenance;
- 6.2 To review and suggest modifications, amendments or alterations to the Master Plans/Comprehensive Development Plans/City Development Plans or Local Area Plans prepared and submitted by the internal stakeholders of the Government in respect of transport planning and matters relating to integration of transport planning and transport planning;
- 6.3 To approve the Plans in respect of Transport Sector and integration of land use and transport sector of the internal stakeholders of the Government;
- 6.4 To appoint by direct selection experts and professionals to function as whole time and or part time employees of the Authority;
- 6.5 To formulate and approve personnel policy for the employees of the Authority including their compensation package, promotion policies, retirement benefits and other welfare and performance measures;

- 6.6 To remove non-performing and under performing employees, experts and deputed Government employees by following a transparent procedure for such removals;
- 6.7 To appoint consultants for carrying out studies identified in the Master Plan or as directed by the Government;
- 6.8 To appoint expert committees to formulate policies, regulations and resolving conflicts from time to time;
- 6.9 To prepare annual budgets for the Authority for submission to the Government;
- 6.10 To incur both capital and revenue expenditure as approved in the Budget;
- 6.11 To acquire land for the sole purpose of development of projects/schemes and initiatives identified and approved in the Master Plan by the Government;
- 6.12 To sue and get sued in accordance with the provisions of the Act;
- 6.13 To enter in to commercial contracts while awarding contracts to agencies for implementation;
- 6.14 To frame its rules and regulations for the functioning of the Authority including recruitment, fixing of compensation, service rules, budgeting, expenditure control, procurement of goods and services and seeking financial assistance;
- 6.15 To seek information from the Traffic Police and the Regional Transport Authority information relating to the transport sector from time to time;
- 6.16 To direct the stakeholders to alter and or modify their internal procedures and practices to align with the provisions of approved Master Plan for the BMR region;
- 6.17 To recommend suitable amendments to the building bye laws to mandate provision of parking, entry and exit routes in the construction and maintenance of structures, buildings, complexes and public places;
- 6.18 To issue directions to the internal stakeholders of the Government in respect of prioritization of projects/schemes/initiatives in order to comply with the implementation plan indicated in the Master Plan
- 6.19 Framing of policies by any agencies under BMR limits.

7. *Delegation of powers*

- 7.1 All the powers of the Authority stated in the Act shall vest with the whole time members of the Authority;

- 7.2 The Commissioner shall have the powers to exercise any of the listed powers provided the approved Master Plan or the approved Budget provides for such expenditure or action;
- 7.3 In all other cases the whole time members shall jointly exercise their powers of the Authority according to the service rules established by the Authority from time to time with clear delineation and delegation of powers.

8. *Authority to have power to acquire land by agreement*

- 8.1 Subject to the provisions of this Act and with the previous approval of the Government, the Authority may enter into an agreement with the owner of any land or any interest therein, whether situated within or without the Bangalore Metropolitan Region for the purchase of such land or interest therein for the purpose of this Act. The Authority shall follow the pricing policy approved by the Government from time to time while acquiring land on behalf of its stakeholders

9. *Provisions applicable to the acquisition of land otherwise than by agreement*

- 9.1 The acquisition of land under this Act otherwise than by agreement within or without the Bangalore Metropolitan Region shall be regulated by the provisions, so far as they are applicable, of the Land Acquisition Act, 1894.
- 9.2 For the purpose of sub-section (2) of section 50 of the Land Acquisition Act, 1894, the Authority shall be deemed to be the local authority concerned.
- 9.3 After the land vests in the Government under section 16 of the Land Acquisition Act, 1894, the Deputy Commissioner shall, upon payment of the cost of the acquisition, and upon the Authority agreeing to pay any further costs which may be incurred on account of the acquisition, transfer the land to the Authority, and the land shall thereupon vest in the Authority.

10. *Power of Government to transfer to the Authority lands belonging to it or to BBMP, etc.*

- 10.1 The Government may, by notification, from time to time, for the purposes of this Act and subject to such limitations and conditions as it may impose and to the provisions hereinafter contained, transfer to and vest in the Authority any land belonging to the Government or to the BBMP or a local authority
- 10.2 No land belonging to the BBMP or a local authority shall be vested in the Authority under sub-section (1) except after consulting the BBMP or the local authority.
- 10.3 Whenever it appears to the Government that any land vested in the Authority under sub-section (1) is not required by the Authority for the purpose of this Act or any other land

vesting in the Authority is required by the Government or BBMP or a local authority, the Government may by notification, direct that the land shall revert in or stand transferred to Government or the BBMP or the local authority concerned, as the case may be.

11. *Power of Authority to borrow*

- 11.1 The Authority may, from time to time, with the previous sanction of the Government and subject to such conditions as may be prescribed in this behalf, borrow any sum required for the purpose of this Act. Any borrowing shall be subject to justification substantiated by an investment appraisal prepared by a professional third party organization.
- 11.2 The rules made by the Government for the purpose of this section may empower the Authority to borrow by the issue of debentures and to make arrangement with the bankers.
- 11.3 Debentures issued by the Authority shall be in such form as the Authority, with the sanction of the Government, may, from time to time, determine.
- 11.4 Every debenture shall be signed by the Commissioner and one other member of the Authority.
- 11.5 Loans borrowed and debentures issued under this section may be guaranteed by the Government as to the repayment of principal and payment of interest at such rate as may be fixed by the Government.

12. *Laying of annual estimate of income and expenditure*

- 12.1 The Commissioner shall, at a special meeting to be held not later than the first day of February in each year, lay before the Authority an estimate of the income and of the expenditure of the Authority for the year commencing on the first day of April then next ensuing in such detail and form as the Authority shall, from time to time, direct.
- 12.2 Such estimate shall make provision for the efficient administration of this Act and a copy thereof shall be sent by post or otherwise to each member of the Authority at least ten clear days prior to the date of the meeting before which the estimate is to be laid.

13. *Authority to approve or amend such estimate*

- 13.1 The Authority shall consider the estimate so submitted to it, and shall approve the same either unaltered or subject to such alterations as it thinks fit. The number of amendments in a year on an approved budget item (capital or revenue) shall not exceed two. Such amendments that are within a limit of plus fifteen percentage need not be referred to the Government for approval. However, the Authority shall keep the

Government informed of the amendments and the effect of such amendments on Government's financial exposure.

14. *Estimates to be submitted to Government for sanction*

14.1 The estimate, as approved by the Authority, shall be submitted to the Government which may, either sanction or disallow such estimate or any portion thereof and return the same for amendment. The Authority shall forthwith amend the estimate so returned and shall re-submit the amended estimate to the Government.

15. *Supplementary estimates may be prepared and submitted when necessary*

15.1 The Authority may, at any time during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and approved by the Authority and submitted to the Government.

16. *Provisions regarding expenditure*

16.1 No sum shall be expended by or on behalf of the Authority unless included in the estimate or the supplementary estimate which has been sanctioned by the Government or in the amount payable by the Authority under a decree or award of a court:

16.2 Provided that in any case of unforeseen circumstances a sum not exceeding ten thousand rupees may be expended though not so included and in such a case the Commissioner shall forthwith report to the Government the circumstances in which the expenditure was incurred and the source from which it is proposed to be met : Provided further that any such expenditure shall be included in a supplementary estimate to be approved and sanctioned in the manner laid down in section xx.

17. *Accounts and audit*

17.1 The Commissioner shall cause to be maintained such books of accounts and other registers as may be prescribed and shall prepare in the prescribed manner an annual statement of accounts.

17.2 The accounts of the Authority shall be audited annually by an auditor appointed by the Government.

17.3 The auditor shall for the purpose of the audit have access to all the accounts and other records of the Authority.

17.4 The Authority shall pay from its funds such charges for the audit as may be prescribed.

17.5 As soon as the accounts of the Authority have been audited, the Commissioner shall send a copy of the audited accounts together with a copy of the report of the auditor to the State Government. The audited accounts and the report of the auditor shall be published by the Authority in the prescribed manner. The audited accounts and the report shall be laid before each house of the State Legislature, as soon as may be, after it is received by the Government.

17.6 The Authority and the Commissioner shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.

The Authority shall also appoint an independent internal auditor to review the accounts, management procedures and practices and submit a report. The internal auditing shall be an ongoing function and the internal auditor shall be accountable to the Commissioner and the Member Finance.

18. *Schedule of officers and employees to be submitted for sanction of Government*

18.1 The Authority shall, from time to time prepare and submit for the sanction of the Government a schedule of the staff of officers and employees whom it shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Authority proposes for each such officer or employee. Any alteration in the sanctioned schedule shall be placed before the Government for ratification.

19. *Appointments, etc., by whom to be made*

19.1 Subject to the provisions of the regulations framed under section xx and of the schedule for the time being in force sanctioned by the Government under section xx the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the Authority (not being officers in Government service lent to the Authority) shall be exercised by the Commissioner in the case of officers and employees who are not above the rank of Group B officers of the State Civil Services and in every other case by the Authority :

19.2 Provided that in the case of officers in Government service lent to the Authority, - who are not above the rank of Group A (Junior Scale), the Commissioner may exercise the powers of sanctioning or withholding increment, fining or suspending or granting leave to the officers and shall report the fact to the Head of Department of Government to which such officers belong ; who are above the rank of Group A (Junior Scale), the Commissioner may exercise the powers of granting leave and making supervisory arrangement.

19.3 The power of dispensing with the service of any officer or servant of the Authority not being an officer in Government service lent to the Authority otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity or compassionate allowance, shall, subject to the provisions of sub-section (1), be exercised by the Authority only.

20. Powers of entry

The Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of,-

- 20.1 making any enquiry, inspection, measurement or survey or taking levels of such land or building;
- 20.2 examining works under construction and ascertaining the course of sewers and drains ;
- 20.3 digging or boring into the sub-soil ;
- 20.4 setting out boundaries and intended lines of work ;
- 20.5 making such levels, boundaries and lines by placing marks and cutting trenches;
- 20.6 ascertaining whether any land is being or has been developed in contravention of any plan or in contravention of any condition subject to which such permission has been granted ; or
- 20.7 doing any other thing necessary for the efficient administration of this Act :

Provided that,-

- 20.8 no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building ;
- 20.9 sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land or building ;
- 20.10 due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

21. Directions by the Authority

- 21.1 The Authority in order to carry out the purpose of this Act may issue directions to the Bangalore Water Supply and Sewerage Board, Karnataka Power Transmission Company Limited, Bangalore Electricity and Supply Company and such other bodies as are

connected with developmental activities in the Bangalore Metropolitan Region and provide the funds required to comply with the same.

21.2 Notwithstanding anything in any other law for the time being in force every such direction shall be complied with by the body to which they are issued. On failure it shall be competent for the Authority to take necessary action in this behalf and recover expenses if any incurred thereof from the body concerned.

21.3 Any dispute which arises between the Authority and the Boards or other bodies referred to in sub-section (1) in respect of the directions issued to them shall be determined by the Government whose decision shall be final.

22. *Members and officers to be public servants*

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

23. *Power to make rules*

The Government may by notification make rules to carry out the purposes of this Act.

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:-

for the guidance of the Authority and persons connected with the administration of this Act or in cases not expressly provided for herein;

the conditions of service of the Commissioner and other members of the Authority;

16.3 the manner of appointment of committees and the period of such appointment ;

the terms and conditions subject to which the Authority may take up development scheme or work and execute it ;

16.4 the particulars to be specified in the application of the scheme;

the restrictions, conditions and limitations subject to which the Authority may lease, sell or transfer movable or immovable property ;

the manner of reconstitution of the Authority ;

any other matter which has to be or may be prescribed by rules.

24. *Power to make regulations*

The Authority may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Act or the rules made there under to carryout the purposes of this Act and without prejudice to the generality of this power, such regulations may provide for, -

- 24.1 The summoning and holding of meetings of the Authority the time and place where such meetings are to be held, the conduct of business at such meeting and the number of members necessary to form a quorum thereat ;
- 24.2 Giving instructions to the Committees ;
- 24.3 The form of contract or agreement of be entered into by the Authority;
- 24.4 The appointment of persons for enforcement of processes for recovery of dues ;
- 24.5 The procedure to be followed for the carrying out the functions of the Authority;
- 24.6 For regulating the grant of leave, leave allowances, pensions and gratuities and other matters relating to conditions of service of the officers and servants of the Authority not being officers in Government service lent to the Authority ;
- 24.7 any other matter which is to be prescribed by regulations under the Act;

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

All regulations made under this section shall be published in the official Gazette.