

Uttarakhand State Urban Transport Fund Rules, 2015

UTTARAKHAND

India

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Rule

UTTARAKHAND-STATE-URBAN-TRANSPORT-FUND-RULES-2015 of 2015

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Uttarakhand State Urban Transport Fund Rules, 2015 Published vide Notification No. 181/9-1/42(2014)/2016 dated 15.3.2016, published in the Uttarakhand Gazette, Extraordinary, dated 15.3.2016, pp. 6-12 No. 181/9-1/42(2014)/2016. - In exercise of the powers conferred by Section 8-A of the Uttarakhand Motor Vehicles Taxation Reforms Act, 2003 (Uttarakhand Act No. 12 of 2003), the Governor is pleased to make the following rules -

1. Short title and commencement.

(1) These rules may be called the Uttarakhand State Urban Transport Fund Rules, 2015. (2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless there is anything repugnant in subject and context - (a) 'Act' means the Uttarakhand Motor Vehicles Taxation Reforms Act, 2003; (b) 'Chairman' means the Chairman of the Uttarakhand State Urban Transport Fund; (c) 'Member Secretary' means the Member Secretary of the Uttarakhand State Urban Transport Fund; (d) 'Year' means 12 months period starting from first April of the year; (e) 'State Government' means the State Government of Uttarakhand; (f) 'Rules' means the Uttarakhand Motor Vehicles Taxation Reforms Rules, 2003; (g) 'Fund' means the Uttarakhand State Urban Transport Fund; (h) 'Section' means the section of the Uttarakhand Motor Vehicles Taxation Reforms Act, 2003; (i) 'Transport Commissioner' means the Transport Commissioner, Uttarakhand; (j) 'State' means the State of Uttarakhand; (k) 'Municipality' Municipal Panchayat and 'Municipal Corporation' shall have the same meaning respectively assigned to them in the Uttar Pradesh Municipality Act, 1916 and Uttar Pradesh Municipal Corporation Act, 1959 as applicable in Uttarakhand. Note. - The meaning of the words and expressions, used in these rules but

not defined, shall be the same as assigned to them in the Uttarakhand Motor Vehicles Taxation Reforms Act, 2003 or the Motor Vehicles Act, 1988 or the Central Motor Vehicles Rules, 1989.

3. Constitution of the Fund.

- The fund shall be constituted by depositing the amount recovered as Cess levied under sub-section (5) of Section 4 of the Act.

4. Utilisation of the Fund.

- The fund shall be utilised for execution of the following works within the areas of the Municipalities, Municipal Panchayat and Municipal Corporations of the State -(i)To prepare detailed projects for traffic and transport in urban areas and to appoint different advisory institution and conduct survey and studies through them;(ii)To prepare comprehensive mobility plan for uninterrupted flow of traffic within urban areas;(iii)To construct, operate and maintain Traffic Information Management Control Centre, Call Centre, Monitoring Unit including purchase, installation and maintenance of necessary infrastructure, hardware, software for effective monitoring and enforcement of traffic;(iv)To build a detailed database required for traffic and transportation need including purchase, installation and maintenance of necessary infrastructure, hardware, software required for it;(v)To constitute mobile team for pollution checking and purchase, operate and maintain pollution checking equipment in order to control the pollutant emitted by the motor vehicles;(vi)To link different pollution control centres through web based software and manufacture, operate and maintain software including the arrangement of required hardware, server and subsidiary instrument for it;(vii)To provide latest equipments for effective road safety work such as interceptor vehicle, Alco meter, speed radar gun and other necessary equipment to the enforcement squad;(viii)To provide vehicles to the enforcement officer and enforcement squad for effective road safety enforcement;(ix)To acquire advisory services from out source to assist the Executive Committee relating the administration and use of Fund and to arrange such number of assistant required urgently;(x)To arrange simulator, construct, operate and maintain automated driving tracks for test of motor vehicle driver's before issuing license to them, in view of road safety;(xi)In view of road safety and pollution created by vehicles -(a)To propagate, make extension through advertisements, hoardings, CDs, small feature films and organise rallies in order to create awareness in general public for road safety rules;(b)To organise drawing, quiz competition for college and school students including lectures of subject matter specialist's and programs of a celebrity;(c)To organise training of departmental offices and staff for implementation of related works;(d)Any other related works:Provided that if Government of India operates and provides grants or amount for any of the aforesaid works than no amount shall be sanctioned from this Fund for such related work.

5. Administration of the Fund.

(1)There shall be an Executive Committee of fund, which shall manage the affairs of the fund and discharge the functions assigned to it by or under the Act or the rules.(2)The executive committee shall be constituted as follows -

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| (i) | Transport Commissioner | - Chairman |
| (ii) | Additional Transport Commissioner | - Member |
| (iii) | Secretary State Transport Authority | - Member
Secretary |
| (iv) | Commissioner of Garhwal and Kumaun Commissioners | - Member |
| (v) | Any officer of Police Department not below the rank of Deputy Director General of Police nominated by the Director General of Police | - Member |
| (vi) | Finance Controller of the Transport Department | - Member |
| (vii) | Controlling Officer of Institute of Urban Transport Kashipur | - Member |

(3) In addition to the aforesaid permanent members the following shall be the special invitee member whom the chairman may invite for consideration of any specific matter - (i) Managing Director, Uttarakhand Transport Corporation; (ii) District Magistrate of the concerned District; (iii) Mukhya Nagar Adhikari or competent officer of the concerned Municipal Corporation or Municipality or Municipal Panchayat; (iv) An officer nominated by Ministry of Road Transport and Highways, Government of India. (4) The executive may co-opt any expert for dealing with specific traffic and transportation issues.

6. Finance and Maintenance of the Fund.

(1)(a) There shall be established a Fund under the management and control of the Executive Committee. Donation, grants received from the Public Institutions, Trusts, Corporate Bodies and Central Governments. (b) The Cess received and beneficial amount received by State Government under subsection (5) of Section 4 of the Act for the fund will be deposited in Government fund under Head of Account 0041. Equivalent amount for cess will be deposited in departmental budget and will be utilised as accordingly. (2) The fund shall be maintained in the office of the Transport Commissioner, Uttarakhand, Dehradun. (3) Every regional and sub-regional transport offices shall deposit the amount of the Cess, received by it, through bank draft in the saving bank account opened for this purpose in any of the nationalised bank: Provided that if, C.B.S. Branch of the concerned bank is available at any regional or sub-regional offices, then the officer of such region, instead of the bank draft, shall directly deposit the amount in the account and shall send its information monthly and progressively to the Transport Commissioner/the Chairman Executive Committee: Provided further that if the Cess is paid by the vehicle owner on online basis then the bank who recovered the Cess online shall deposit it directly in this account and its information shall be given by the vehicle owner to the concerned regional or sub-regional officer, as the case may be, through electronic generated receipt. The interest received in this account shall be deemed to be the part of the fund and the whole amount as above shall be utilised for the works mentioned in Rules 4 and 9. (4) The operation of the account shall be under the joint signature of Drawing and the Disbursing Officer of the Transport Commissioner Office and the Assistant Account Officer of the Transport Commissioner Office or the officer nominated by the Transport Commissioner for this purpose. The amount accumulated in the account shall be utilised according to the resolution of the Executive Committee. (5) The records of the amount deposited in the fund shall be kept in concerned offices and shall be verified by the concerned head of office or the officer nominated by him. In addition to it the following records shall be kept at state level - (a) Bank passbook, (b) Cheque Book

register,(c)Details of the meetings of Executive Committee and related records,(d)Records of the amount sanctioned and utilised,(e)Records related to Audit,(f)Other records as may be specified by the Executive Committee.

7. Proposal for utilisation of fund.

(1)Every district shall send the proposal, for the works specified in Rule 4, to the Executive Committee on or before 15th December every year for the coming financial year.(2)The Executive Committee, after considering the proposals, shall take decision which shall be final.

8. Meeting of the Executive Committee.

(1)For the meeting of the Executive Committee constituted under sub-rule (2) of Rule 5 at least one week prior notices shall be necessary. Under emergent circumstances, meeting may be called at short notice by the Member Secretary with the prior approval of the Chairman. The quorum for the meeting shall be 04 in which presence of the Chairman and member of the finance services shall be necessary. It is necessary to held two meeting of Executive Committee in one year.

9. Audit.

- The Executive Committee shall appoint an Auditor for annual audit of the accounts of the Fund and fix his honorarium to be paid out of the Fund. The Auditor shall submit his report to the Executive Committee and forward a copy of the same to the State Government, which may issue directions on it as it may deem fit and the Executive Committee shall follow such directions.

10. Report.

- The Executive Committee shall annually submit to the State Government a report on the administration of the affairs of the Fund by such time as the State Government may prescribe.

11. Power of the State Government to call for the Accounts and Information.

- The State Government shall have the power to call for such information and accounts which in its opinion are necessary, for its reasonable satisfaction and the Executive Committee shall immediately submit the accounts and information to the State Government, whenever required.

12. Power of the Executive Committee to make By-laws.

- Subject to the provisions of the Act and these rules and under the approval of the State Government, the Executive Committee shall have the power to make bye-laws for regularisation of the conduct of its business.

13. Other Provisions.

(1)The amount collected in the Fund shall be used under the rules and directions issued by the Government from time to time.(2)The expenditure shall not exceed the amount collected and interest deposited in Fund under any circumstances.(3)Any changes in the rates of Cess shall be made with the approval of the Government.

14. Power to remove difficulties in enforcing the rules.

- If any difficulty arises in enforcing the provisions of these rules, the State Government may remove the difficulty by order, not inconsistent with these rules.