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SIND ORDINANCE NO.III OF 1973
THE WEST PAKISTAN HIGHWAYS (SIND AMENDMENT) ORDINANCE, 1973

[6th March, 1973]

An Ordinance to amend the West Pakistan Highways Ordinance, 1959, in its application to the Province of Sind.

Preamble.

WHEREAS it is expedient to amend the West Pakistan Highways Ordinance, 1959, in its application to the Province of Sind, in the manner hereinafter appearing;

AND WHEREAS the Provincial Assembly of Sind is not in session and the Governor of Sind is satisfied that circumstances exist which render immediate action necessary;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of Article 135 of the Interim Constitution of the Islamic Republic of Pakistan, the Governor of Sind is pleased to make and promulgate the following Ordinance: -

Short title and commencement.

1. (1) This Ordinance may be called the West Pakistan Highways (Sind Amendment) Ordinance, 1973.

(2) It shall come into force at once.

Amendment of Section 2 of West Pakistan Ordinance XXXII of 1959.

2. In the West Pakistan Highways Ordinance, 1959, in its application to the Province of Sind, hereinafter called the said Ordinance, in section 2, after clause (d), the following new clause shall be added: -

"(dd) 'Super Highway' means the highway known as such and constructed between Karachi and Hyderabad via Bahram Goth from mile 8 to mile 97;".

Amendment of Section 8 of West Pakistan Ordinance XXXII of 1959.

3. In section 8 of the said Ordinance, in sub-section (1), for clause (b), the following clause shall be substituted: -

"(b) to construct any permanent or temporary structure within –

(i) two hundred and twenty feet from the middle of a highway; and

(ii) four hundred and fifty feet from the middle of the Super Highway on its right and two hundred and twenty feet on its left.".

Insertion of section 22-A in West Pakistan Ordinance XXXII of 1959.

4. In the said Ordinance, after section 22, the following new section shall be inserted: -

"22-A. No person shall commit any act (including discharge of water from the lands under cultivation or any other source and draining of diesel oil, mobil oil or other lubricating oils from vehicles) within the highway that damages or is likely to cause damage to the road, its sub-grade, surface, berm or any of its structures, or which causes or is likely to cause obstruction to the traffic on the highway, and no person shall, except under permission of the Highway Authority, damage or cut the trees along or within the limits of the highway.".

Ban on Commission of certain acts.

Substitution of section 24 of West Pakistan Ordinance XXXII of 1959.

5. In the said Ordinance, for section 24, the following section shall be substituted: -

"24. (1) Government may constitute Mobile Courts of Special Magistrates having jurisdiction over a particular highway of part thereof, and cognizance of any offence under this Ordinance or rules made thereunder shall only be taken by such Court either *suo moto* or on complaints made to it.

Constitution of Mobile Courts, and cognizance and trial of offences.

(2) Except where the Mobile Court deems it desirable that an offence be tried otherwise all offences under this Ordinance or the rules made thereunder shall be tried summarily.

(3) For the purposes of preventing offences under this Ordinance and trying them on the spot the Mobile Court may as often as it deems fit patrol the highway under its jurisdiction.".

Amendment of section 25 of West Pakistan Ordinance XXXII of 1959.

6. It the said Ordinance, in section 25, in sub-section (1)—

(i) for the words "one hundred rupees", the words "one thousand rupees" shall be substituted; and

(ii) for the words "with fine which may extend to two hundred rupees", the words "with imprisonment of either description for a term which may extend to six months or with fine which may extend to three thousand rupees of with both" shall be substituted.