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# SINDH ORDINANCE NO. V, 1999

# THE KARACHI METROPOLITAN TRANSPORT AUTHORITY ORDINANCE, 1999.

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**SINDH ORDINANCE NO. V, 1999**

# THE KARACHI METROPOLITAN TRANSPORT AUTHORITY ORDINANCE, 1999.

**[27TH March,1999]**

**Preamble.**

An Ordinance to provide for the establishment of a metropolitan transport authority.

**AND WHEREAS** it is expedient to establish a Metropolitan Transport Authority in Karachi to provide safe, economical and efficient transport system based on a comprehensive modern Metropolitan Transport Plan to ease the travel for city's commuters and to make provisions for matters connected therewith or incidental thereto;

**AND WHEREAS** the Provincial Assembly is not in session as the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

**NOW, THEREFORE,** in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

## CHAPTER I
## PRELIMINARY

**1.** **Short title and commencement.**

(1) This Ordinance may be called the Karachi Metropolitan Transport Authority Ordinance, 1999.

(2) It extend to the territorial limits of the whole of Karachi Division.

(3) It shall come into force at once.

**2.** **Overriding effect.**

This Ordinance, shall have effect not-withstanding any thing contained in any other law for the time being in force.

**3.** **Definitions.**

(1) In this Ordinance, unless there is anything repugnant, in the subject or context:

i) "Authority" means the Karachi Metropolitan Transport Authority;

ii) "Chairman" means the Chairman of the Governing Body;

iii) "Corporation" means the Karachi Metropolitan Corporation;

iv) "Fund" means the Karachi Metropolitan Transport Authority Fund;

v) "Government" means the Government of Sindh;

vi) "Governing Body" means the Governing Body of the Authority;

vii) "Managing Director" means the Chief Executive appointed under this Ordinance;

viii) "Member" means a member of the Governing Body;

ix) "prescribed" means prescribed by rules or regulations made under this Ordinance;

x) "regulations" means regulations made under this Ordinance;

xi) "Right-of-Way" means the land already reserved for a road, transit way or the land acquired, for the purpose of construction of a transit way or any other road, or any mass transit scheme of the Authority;

xii) "Road" means a road including land within the right of way and all works such as, carriage ways, cart-ways, foot-paths, berms, side drains, culverts, bridges and tunnels;

xiii) "rules" means rules made under this Ordinance;

xiv) "Secretary" means the Secretary of the Governing Body;

xv) "Transit way" means and includes right of way, a road, a grade separated structure or land to be used for development of mass transit system.

## CHAPTER II

## ESTABLISHMENT AND MANAGEMENT OF THE AUTHORITY

**4.** (1) As soon as may be, after the commencement of this Ordinance, there shall be established for carrying out the purposes of this Ordinance an Authority to be known as the Karachi Metropolitan Transport Authority. **Establishment of Authority.**

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power to acquire, hold, use and dispose of property, and may be its name sue and be sued.

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

**5.** The purpose and objects of the Authority shall be to formulate and implement a sound transport policy and to plan, promote, organize and implement programmes for construction, development, operation, repairs and maintenance of the metropolitan transport system of Karachi including dynamic and comprehensive mass transit systems and other allied works as entrusted to it by Government. **Purpose and objects of the Authority.**

**6.** (1) The general direction and administration of the Authority and its affairs shall vest in the Governing Body which may exercise all powers and do all acts and things which may be exercised, performed or done by the Authority. **Management of Affairs of the Authority.**

(2) The Governing Body in discharging its functions, shall act on sound principles to achieve its objects and shall be guided on the questions of policy by such directions as Government may, from time to time, give, and such directions shall be binding and complied with by the Governing Body.

(3) If any question arises as to interpretation of anything contained in this Ordinance, the decision of

Government shall be final.

**7.** (1) The Governing Body shall consist of:- **Constitution of the Governing Body of the Authority.**

| | | |
|---|---|---|
| (i) | the Secretary, Transport Department | Chairman |
| (ii) | the Secretary Planning, Planning & Development Department. | Member |
| (iii) | the Commissioner, Karachi Division | Member |
| (iv) | the Managing Director of the Authority | Member |
| (v) | the Director Generals/Directors of Directorates of the Authority | Member |
| (vi) | the Deputy Inspector General of Police, (Traffic & Highways),Sindh | Member |
| (vii) | the Director General, Karachi Development Authority | Member |
| (viii) | the Chief Executive of the Building Control Authority | Member |
| (ix) | the Director, Traffic Engineering Bureau | Member |
| (x) | the Director Military, Lands & Cantonment | Member |
| (xi) | a representative of Ministry of Railways | Member |
| (xii) | a representative of the Ministry of Communications, Federal Government | Member |
| (xiii) | a representative of the citizens of Karachi nominated by the Government | Member |
| (xiv) | a representative of the Karachi Port Trust | Member |
| (xv) | a representative of the National Logistic Cell | Member |
| (xvi) | a representative of the commuters nominated by the Government | Member |
| (xvii) | two representatives of Private Transporters, one from Rail Transit & the other from Road Transport nominated by Government | Member |

(2) A non-official member shall, unless he resigns or is removed earlier, hold office for a period of three years.

(3) Any person appointed in a casual vacancy of a non-official member, shall hold office for the un-expired portion of the term of such vacancy.

(4) The Governing Body may co –opt any person as its member for a particular purpose and specified period, but such member shall have no right of voting.

(5) No act or proceedings of the Governing Body shall be invalid merely on the ground of the existence of a vacancy or any defect in the constitution thereof.

**8.** The meetings of the Governing Body shall be held at such time and place and in such manner as may be prescribed by regulations. **Meeting of the Governing Body.**

Provided that until regulations are made, the meetings shall be held as and when convened by the Secretary under the advice of the Chairman or in his absence, the Managing Director.

**9.** The Authority may constitute one or more Committee(s) for performing such functions as may be assigned to them under this Ordinance. **Constitution of Committee(s).**

## CHAPTER III
## POWERS AND FUNCAITONS OF THE AUTHORITY.

**10.** (1) Subject to the general directions and control of Government, the Authority may take such measures and discharge such powers as may be necessary for carrying out the purposes of this Ordinance. **Powers and Duties of the Authority.**

(2) Without prejudice to the generality of the provisions under sub-section(1), the Authority may-

(i) advise Government on matters relating to transport policy, transit schemes and transit-ways;

(ii) work out details including up-dating the design, configuration and costs of the Mass Transit Master Plan and take all necessary measures for its effective and economical implementation;

(iii) acquire, hold, lease or dispose of any movable and immovable property or interest therein;

(iv) plan and implement various transport routes structures/alignments and may take such steps as may be necessary or useful in the construction or reconstruction, repair, maintenance and operation of the transport or transit system;

(v) provide adequate transport facilities for all segments of the population;

(vi) coordinate, manage, control and develop public transport, procure plans, machinery, instruments, equipment, and materials required for its use;

(vii) enter into and perform all such contracts including agreements with any public or private utility communication system or transport system for the joint use of their respective facilities and installation and properties.

(viii) to help the concerned agencies to ensure traffic discipline for all the vehicles as it may consider necessary;

(ix) coordinate between various means of transport;

(x) exercise powers to award negotiated contracts for projects connected with its functions and purposes to be undertaken through private sector financing programme including build operate transfer, build own operate transfer schemes or execute such projects in collaboration with any public or private agency;

(xi) devise and implement policies aimed at ensuring that the vehicles used for transport in

the mass transport or transit system are safe and fit;

(xii) seek and obtain advice and assistance from Government or any agency within or outside the province for the preparation and execution of any plan, programme or project, connected with its functions and purposes;

(xiii) cause studies, surveys, experiments and technical researches to be made or contribute towards the cost of any such studies, surveys, experiments or technical researches made by any other agency;

(xiv) determine a building line along-with the roads and transit ways, between which it shall not be lawful without the consent of the Authority to construct or maintain any structure or make any excavation;

(xv) license facilities on transit way rights of way or roads under its control on such terms as it deems fit;

(xvi) levy, collect or cause to be collected charges, relevant to its functions and on transit ways and roads related to transit ways levy fee for the use of the facility provided by it;

(xvii) regulate the fare structures and enhance or reduce fares wherever and whenever required;

(xviii) raise funds within or outside the Province with the approval of Government through borrowing, floating of bonds, sharing or leasing of assets or any other means;

(xix) to approve the annual budget for submission to Government for approval;

(xx) incur any expenditure for carrying lout the purposes of this Ordinance;

(xxi) carry out any other work assigned to it by Government in consonance with the purposes of the Authority;

(xxii) to carry out any work relating to light or heavy rail entrusted to it by the Government and deal with any matter connected therewith;

(xxiii) make security arrangements through private security or through its own agency to protect the property of the Authority and control and maintain security discipline on the transit ways network in such manner and on such conditions as may be prescribed by regulations;

(xxiv) perform any other function, supplemental, incidental or consequential concerning the Authority;

(xxv) prepare a master plan for development, construction, operation and maintenance of the transportation network for the approval of Government;

(xxvi) frame and implement schemes for all or any of the following matters, namely:-

(a) construction, expansion, operation and development of the transport network including the mass transit systems; and allied/ancillary works;
(b) research and development in the field of transportation;
(c) training of the Authority's employees and other related personnel;
(d) general awareness of the public;

(e) any other matter pertaining to the purposes and functions of the Authority or incidental thereto.

## CHAPTER IV
## ESTABLISHMENT

**11.** (1) Government shall select and appoint a person as Managing Director on such terms and conditions (including disciplinary proceedings) as may be prescribed by rules. **Appointment of Managing Director.**

(2) The Managing Director shall be the Chief Executive of the Authority and shall exercise effective control over and make all decisions necessary for the smooth functioning of the day-to-day affairs of the Authority under the general supervision of the Governing Body;

(3) In particular and without prejudice to the generality of the foregoing powers, the Managing Director shall:-

(a) be responsible for and have the authority necessary for overseeing and implementing in an expeditious and efficient manner, the decisions taken or schemes approved by the Authority;

(b) Have the power to exercise administrative control over the personnel of the Authority, and exercise such administrative and financial powers as may be entrusted by Governing Body;

(c) Submit the annual budget proposal to Governing Body for submission to Government;

(d) Prepare annual report of the Authority for submission to Government;

(e) Exercise such powers of the Governing Body as it may delegate to him;

(f) Act on behalf of the Authority in any emergency, subject to the obligation to report, such action to the Governing Body at its next meeting and to seek tis ratification of any action so taken.

**12.** (1) The Authority may, from time to time, employ such officers including the Secretary and such experts or consultants and staff possessing such professional, technical, ministerial, or secretarial qualifications and experience on such terms and conditions as may be prescribed by regulations which shall also make provision for disciplinary proceedings against such officers and staff; **Appointment of officers and Servants etc.**

(2) Notwithstanding anything contained in any law, contract or the conditions of service every person serving in any capacity in the Karachi Mass Transit Cell immediately before the coming into force of this Ordinance, including a person on deputation to any Government Department or Agency or any other Organization but not being a person on deputation to the Karachi Mass Transit Cell may be transferred to the Authority on such terms and conditions as may be determined by it:

Provided that such terms and conditions shall not be less favorable than those admissible to such persons immediately before their transfer to the Authority.

(3) Any authority or organization responsible for payment of salary, pension and gratuity in respect of the Karachi Mass Transit Cell immediately before the coming into force of this Ordinance shall pay to the Authority pension, charges and gratuity (if admissible)in such manner and to such extent as Government may determine and transfer provident fund accumulations, if any, of such persons.

(4) The services rendered by such persons in the Karachi Mass Transit Cell shall be deemed to be the services rendered in the Authority.

(5) Every person holding a post under the Authority not being a person who is on deputation to the Authority shall be deemed to be a civil servant for the purposes of the Sindh Service Tribunals Act, 1973.

**13.** The Authority may, by general or special orders and subject to such conditions as it may impose, delegate to the Chairman, Managing Director, Member or any other officer of the Authority, such of its powers and functions as it may consider appropriate. **Delegation of Powers to Chairman etc.**

## CHAPTER V
## FINANCE

**14.** (1) There shall be constituted a fund vesting in the Authority known as the Karachi Metropolitan Transport Authority Fund. **Fund.**

(2) The fund shall consist of-

(a) grants made by Government, the Federal Government or any other Provincial Government or local body or organization;

(b) loans obtained from Government, the Federal Government or any other Provincial Government or a bank or any other body;

(c) foreign aid and loans obtained or raised by the Authority with the sanction of and on such terms and conditions as may be approved by Government;

(d) proceeds of all charges, income from sale of its assets and recovery made under this Ordinance; and

(e) all other sums as may be received by the Authority.

(3) The contribution being made by any authority including the Karachi Building Control Authority to the Karachi Mass Transit Cell in pursuance of the directions of Government enforce immediately before the coming into force of this Ordinance shall continue to be made to the Authority in accordance with such directions until they are amended or withdrawn.

(4) The Corporation or any other body, Authority or Organization shall contribute to the Authority every year such amount by such date as may be notified by the government.

(5) The fund shall be utilized for the purpose of this Ordinance.

(6) All money credited in the fund shall be deposited with a Scheduled Bank approved by Government.

(7) The Authority may invest its surplus fund in any one of the government approved securities or in the fixed deposit with the government approved bank.

**15.** **Budget.**

(1) In the month of January ever year, the Authority shall submit to Government for approval a statement of the estimated receipts and expenditure in respect of the next financial year.

(2) Government shall within thirty days of the receipt of the statement approve it with or without modification and convey its approval to the Authority and if no approval is conveyed as aforesaid the statement shall be deemed to have been approved without any modification.

**16.** **Accounts of the Authority.**

(1) The Authority shall maintain complete and accurate accounts and other related records in such form and in such manner as may be prescribed by rules in consultation with the Auditor General of Pakistan.

(2) The accountants of the Authority shall be audited every year by the Auditor appointed by Government in consultation with the Auditor General of Pakistan on payment of such remuneration as may be determined by the Authority.

(3) As soon as may be after the receipt of audit report, the Authority shall submit the same alongwith its comments to Government and the Authority shall comply with any directive issued by Government for rectification of an audit objection.

## CHAPTER- VI
## MISCELLANEOUS

**17.** The acquisition of any land or any interest in land for the Authority or for any project under this Ordinance shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act, l894 and the provisions thereof shall apply accordingly. **Land Acquisition.**

**18.** Subject to any regulations made in this behalf any person generally or specially authorized by the Authority in this behalf may, whenever it is necessary so to do for any of the purposes of this Ordinance and at all reasonable times enter upon land or premises and- **Power to enter.**

(i) make any inspection survey, measurement, valuation or inquiry;
(ii) take levels;
(iii) dig or bore into subsoil;
(iv) set out boundaries and intended lines of work.

**19.** The Authority shall subject to rules have the powers to summarily eject unauthorized occupants of the transit-way road or any other property vesting in the Authority and demolish and remove any structure thereon and to use such force including police force as may be necessary for the purpose and to recover the cost thereof from the person responsible for such occupation. **Power to eject unauthorized occupants.**

**20.** The Authority shall be deemed to be a local authority for the purpose of borrowing money under the Local Authorities Loans At, 1914. **Authority to be local Authority.**

**21.** Any sum due to the Authority shall be recoverable as arrears of land revenue. **Recoveries of dues.**

**22.** (1) As from the commencement of this Ordinance all assets and liabilities and all rights and obligation of the Karachi Mass Transit Cell shall stand transferred to the Authority. **Transfer of rights and liabilities.**

(2) All contracts made by the Karachi Mass Transit Cell shall be deemed to be contracts made by the Authority.

**23.** (1) The Authority shall submit to Government as soon as possible after the end of every financial year, a report on the conduct of its affairs for the year. **Submission of yearly reports returns etc.**

(2) Government may require the Authority to furnish to it returns statements, estimates, statistics or other information regarding any matter of any subject with which the Authority is concerned.

**24.** All orders, decisions and other instruments of the Authority shall be authenticated by the signature of the Chairman and other Member or any officer of the Authority authorized by it in this behalf. **Authentication of orders and other instruments of the Authority.**

**25.** No member shall be liable for any contract made or expenditure incurred by or on behalf of the Authority. **Liabilities of Member Public servants.**

**26** The Chairman, Managing Director, Members, Secretary, Officers and Members of Staff of the Authority shall, when acting or purporting to act under this Ordinance, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code.

**27.** No suit, prosecution or other legal proceedings shall lie against the Authority, Chairman, Managing Director or any officer, member of Staff or other persons appointed by the Authority in respect of anything done or intended to be done in good faith under this Ordinance. **Indemnity.**

**28.** Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance. **Rules.**

**29.** The Authority may make regulations, not inconsistent with the rules, for carrying out the purposes of this Ordinance. **Regulations.**

**30.** If any difficulty arises in giving effect to any the provisions of this Ordinance, Government may make such order, not inconsistent with the provision of this Ordinance, as may appear to it to be necessary for the **Removal of difficulties.**

purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of one year from the commencement of this Ordinance.

**31.** The Karachi Division (Traffic Engineering) Act, 1985 is hereby amended to the extent and in the manner mentioned in the schedule to this Ordinance.

## SCHEDULE

Amendments in the Karachi Division (Traffic Engineering) Act, 1985.

**(See section 31)**

**1.** In section 3-

(i) in sub-section (1)-

(i) for clause (i), the following shall be substituted;

(i) "Authority" means the Karachi Metropolitan Transport Authority;

(ii) clause (viii) shall be deleted;

(iii) after clause (ix), the following shall be inserted:-

"(xi-a) "Managing Director" means the Managing Director of the Authority".

**2.** In section-4-

(i) In sub-section(1), for words "Government", the words "The Authority" shall be substituted;

(ii) in sub-section (2) for clause (i) and (ii) the following shall be substituted:-

(i) "the Chairman nominated by Government"

(ii) The Managing Director Member

**3.** In section 5, in sub-section(1), for the words and comma; "The Board shall, notwithstanding anything in this Act have powers-" the words "Subject to control and direction of the Authority the Board shall have powers"- shall be substituted.

**4.** In section 7-

(i) In sub-section(1), for the words "Government" the words "The Authority" shall be substituted;

(ii) For sub-section (2) the following shall be substituted;

"(2) The Committee shall consists of the Chairman and such other official and non-official Members as may be appointed by the Authority".

**5.** In section 10, 11, 12 and 13, for the words "Director General," the words "Managing Director" shall be substituted.

**6.** In section 10, in sub-section (2), between the word "may" and the word "perform", the words and comma", subject to control and direction of Authority," shall be inserted.

**7.** In section 19, in sub-section (5), for the word "Committee", the word "Board" shall be substituted.

**8.** In section 24, for the word "Board", the word "Authority" shall be substituted.

**9.** In section 25, in sub-section (3), for the word "Government" the word "Authority" shall be substituted.

**10.** In section 30-

(i) for the words "Committee", the words and commas "Board, Committee," shall be substituted;

(ii) For the word "Board", the word "Authority" shall be substituted.

**11.** For section 31, the following shall be substitute:

"31 The Authority may require the Board to furnish to it any document, return, statement, statistics or any other information regarding any matter under this Act and the Board shall

comply with such requisition".

**12.** In section 32, for the word "Board", the word "Authority" and for the word "Committee", the word "Board" shall be substituted.

**13.** In section 34, for the word "Bureau", the words "Board with the approval of the Authority" shall be substituted.