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SIND ORDINANCE NO.V OF 1985.

THE KARACHI DIVISION (TRAFFIC ENGINEERING) ORDINANCE, 1985.

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SIND ORDINANCE NO.V OF 1985.

THE KARACHI DIVISION (TRAFFIC ENGINEERING) ORDINANCE, 1985.

[17th September, 1985]

An Ordinance to provide for measures to promote road safety and make convenient use of roads in the Karachi Division.

Preamble.

WHEREAS it is expedient to provide for measures to promote road safety and make convenient use of roads in the Karachi Division;

AND WHEREAS The Provincial Assembly is not in session and the Governor of Sind 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 Sind is pleased to make and promulgate the following Ordinance :-

CHAPTER – I

PRELIMINARY

Short title, extent and commence-ment.

1. (1) This Ordinance may be called the Karachi Division (Traffic Engineering) Ordinance, 1985.

(2) it extends to the whole of the Karachi Division.

(3) It shall come into force on such date and in such area as Government may, by notification in the Official Gazette, specify.

(4) Government may, by like notification exclude any area from the operation of all or any of the provisions of this Ordinance.

Overriding effect.

2. This Ordinance shall have overriding effect notwithstanding anything to the contrary contained in any other law for the time being in force.

3. (1) In this Ordinance, unless there is anything repugnant to the subject or context— **Definitions.**

(i) "Authority" means the Karachi Development Authority;

(ii) "Board" means the Karachi Transport Board established under section 4;

(iii) "Bureau" means the Traffic Engineering Bureau of the Authority;

(iv) "Bus" means any contract carriage, stage carriage or public service vehicle;

(v) "Chairman" means the Chairman of the Board;

(vi) "Committee" means the Transport Operation Committee constituted under section 7;

(vii) "Director" means the Director of the Bureau;

(viii) "Director General" means the Director General of the Authority;

(ix) "Fund" means the Traffic Engineering Bureau Fund constituted under this Ordinance;

(x) "Government" means the Government of Sind;

(xi) "Loading or unloading" means the picking up or setting down of persons or goods;

(xii) " Parking" means keeping a vehicle stationery for any reason other than the need to avoid interference with another road user or collision with an obstruction or to comply with traffic laws, or for picking up or setting down persons or goods;

(xiii) "prescribed" means prescribed by rules or regulations;

(xiv) "road" means carriage-ways, cartways, streets and lanes together with footpaths and pavements adjacent thereto which have been constructed or are maintained by Government or any local authority and are designated and intended for, or used by the general public for the passage of vehicles, and includes all culverts bridges and works of every description built on under or across any road;

(xv) "rules" means rules framed under this Ordinance;

(xvi) "regulations" means regulations made under this Ordinance;

(xvii) "truck" means a transport vehicle the registered axle weight of which exceeds 5,000 kilograms, or

the registered laden weight of which exceeds 6,500 kilograms;

(xviii) "vehicle" means any wheeled conveyance drawn propelled or driven by any kind of power, including human and animal power;

(2) Words and expressions not defined I this Ordinance shall, unless the context otherwise requires, have the meanings assigned to them in the Provincial Motor Vehicle Ordinance, 1965.

CHAPTER – II

THE KARACHI TRANSPORT BOARD

PART – I

ESTABLISHMENT AND CONSTITUTION OF THE BOARD.

Establishment and Constitution of the Board.

4. (1) Government shall, by notification in the Official Gazette, establish a Board known as the Karachi Transport Board.

(2) The Board shall consist of—

(i)	The Chief Minster	Chairman
(ii)	The Director General	Member
(iii)	The Director	Technical Member; and

(iv) Such other official and non-official members as may, from time to time, be appointed by Government.

(3) The Chairman may co-opt. any person as a member of the Board for a particular purpose or specified period.

(4) The Chairman may appoint any person or member as the Secretary of the Board.

(5) A member shall hold office at the pleasure of Government.

PART – II

POWERS AND FUNCTIONS OF THE BOARD

Powers and functions of the Board.

5. (1) The Board shall, notwithstanding anything in this Ordinance, have powers—

(i) to examine and resolve all matters relating to transport and traffic and incidental matters thereto;

(ii) to formulate policies in respect of the said matters.

(iii) to afford guidance on questions of policy by such directions as it may from time to time give to the concerned agencies in the transport sector.

Meeting of the Board.

6. The meeting of the Board shall be held at such times and at such places and in such manner as may be directed by the Chairman.

CHAPTER – III

TRANSPORT OPERATION COMMITTEE

PART – I

CONSTITUTION OF THE COMMITTEE

Constitution of the Committee.

7. (1) Government shall, by notification in the Official Gazette, constitute a Committee known as the Transport Operation Committee.

(2) The Committee shall consist of the Minister for Transport who shall be its Chairman and such other official and non-official members as may be appointed by Government.

PART – II

FUNCTIONS OF THE COMMITTEE

Functions of the Committee.

8. Subject to the control and direction of the Board, the Committee shall—

(i) exercise such powers and take such measures as may be necessary for carrying out the purposes of this Ordinance.

(ii) be responsible for effective coordination of active ties of all agencies in transport sector.

Meetings of the Committee.

9. The Committee shall meet at such times and such places as may be directed by the Chairman of the Committee and shall meet at least once in two months.

CHAPTER – IV

TRAFFIC ENGINEERING BUREAU

Director General and his powers.

10. (1) The Bureau shall be headed by the Director General.

(2) The general direction and administration of the Bureau and its affairs shall vest in the Director General who may perform all functions and do all acts and things which may be exercised or done by the Bureau.

Appointment of Director, Officers and other staff.

11. (1) The Director General may for efficient performance of the functions of the Bureau in addition to a Director who shall be a whole time Officer, appoint such other Officers, staff, experts and consultants, whole time or part time, as he may consider necessary.

(2) The Director, Officers, staff, experts and consultants shall possess such professional, technical, ministerial or secretarial qualifications and experience and shall be appointed on such terms and conditions as may be prescribed by rules; provided that such terms and conditions shall not be less favourable than those admissible to them immediately before the coming into force of this Ordinance.

(3) The Director, officers, experts, consultants who are engaged whole time and the staff of the Bureau shall be liable to such disciplinary action and in such manner as may be prescribed by rules.

Functions of the Bureau.

12. (1) The Bureau shall—

(i) ensure implementation in an expeditious and efficient manner the policy formulated or schemes approved or orders passed by the Board.

(ii) define, design standards, specifications and lay out

plans of roads for the safe and convenient use of and efficient movement of traffic on such roads and convey the same to the concerned agency or authority for being adopted while constructing or repairing roads or bridges;

(iii) advise the concerned agency or authority to turn, divert or close any road or part thereof either temporarily or permanently;

(iv) cause the boundaries of any existing road by the concerned agency or authority to be widened, altered, improved, repaired or readjusted;

(v) fix and convey to the concerned agency or authority the specification, alignment and point of junction for the access to a property from a road;

(vi) advise the concerned agency or authority to regulate the type, number and speed of vehicles using any road or part thereof by means of barriers, diversion road, or any other means;

(vii) monitor and undertake regular traffic surveys on roads and provide to the concerned agency or authority such advice as may be necessary for formulating transport policy;

(viii) be responsible for the collection, analysis and publication of road accidents data on the basis of the monthly reports of accidents to be furnished by every Police Station or otherwise;

(ix) Identify the needs of the pedestrians and the facilities as may be provided for them by the concerned agency or authority (including construction of overhead bridges or underground ways) to enable them to cross the roads safely;

(x) Verify whether bus routes are compatible with road capacity and if necessary recommend to the Regional Transport Authority revision, planning or re-planning of routes and cancellation of route permits keeping in view the road capacity;

(xi) Undertake the management, design, specifications, installation, control, operation, monitoring and maintenance of traffic signals;

(xii) Identify need for bus and truck stops and terminals and make recommendations to the concerned agency or authority with regard to location and relocation of such stops and terminals;

(xiii) Identify and convey to the concerned agency or authority areas of roads where parking or loading or unloading of vehicles shall be prohibited;

(xiv) define and maintain a parking policy and impose parking fee;

(xv) ensure in collaboration with the Karachi Building Control Authority that the buildings of the specified type make adequate provision for access, parking and safe and efficient vehicular movement;

(xvi) advise the concerned agency or authority with regard to control, execution, size and location of advertising signs, neon-signs hoardings, poles and posts and make recommendations to such agency or authority for removal or modification of such advertising signs, neon-signs, hoardings, poles and posts;

(xvii) identify requirement for road safety, arrange educational programmes, training course and launch compaigns to promote traffic safety sense and create more awareness in public about traffic laws;

(xviii) require the concerned agency or authority to remove encroachment on any road or in its vicinity which is likely to become an obstruction or danger to traffic;

(xix) conduct research and advise various agencies on traffic and transport policy and planning;

(xx) make recommendations to Government with regard to improvement or reorganization of Traffic Police;

(xxi) take such steps as may be necessary or conductive to the attainment of its objectives;

(xxii) perform such other functions as may be assigned to it under this Ordinance by the Board, Committee or Director-General.

(2) The Bureau shall, in discharging its functions, have power to require police assistance where necessary, and on every such requisition the police shall immediately render the required assistance.

(3) The advice given or recommendations made by the Bureau in respect of any matter specified in sub-section (1) shall as far as possible be acted upon or implemented by the concerned agency or authority,

(4) If any advice or recommendation of the Bureau is disputed, the concerned agency or authority may require the Bureau to re-consider the advice or recommendations and if

aon reconsideration, difference still persists, the matter shall be placed by the Bureau before the Committee for its orders which shall be final and building.

(5) The Bureau shall be competent to oversee and check the implementation of its advice or recommendations and in case it is satisfied that the advice or recommendation is not implemented in the specified manner or the implementation thereof is otherwise defective it may give appropriate instructions to the concerned agency or authority which shall comply with them.

Director of the Bureau and his powers.

13. Subject to the provisions of this Ordinance and rules and the general control of the Director General, the Director shall—

(a) exercise effective control over and be responsible for smooth functioning of the day to day affairs of the Bureau;
(b) supervise the financial and executive administration of the Bureau and perform all duties assigned and exercise all powers conferred on or delegated to him by or under this Ordinance;
(c) be responsible and have the authority necessary for overseeing the implementation by the concerned agency or authority of the orders or schemes approved by the Board or Committee or recommendations of suggestions made by the Bureau;
(d) have powers to exercise administrative control over the personnel of the Bureau.

Powers and functions of the officers, experts consultants and staff.

14. The Officer, experts, consultants and the staff of the Bureau shall exercise such powers and perform such functions as may be assigned to them by the Director;

CHAPTER – V

CONTROL OF TRAFFIC AND ROADS AND REGULATION OF TRAFFIC.

Transfer of control of road.

15. Government may, by notification, transfer control of any road from itself or from any other authority to the Bureau in regard to such matters dealt with by this Ordinance; and on such conditions, as may be specified in the notification.

Encroachment.

16. (1) The agency or authority concerned with the construction and maintenance of or having control over a road may, with the advice of the Bureau and having due regard to the safety and convenience of traffic on a road and subject to such conditions as the Bureau may impose, permit any person on payment of such fees as it may fix—

(a) to place a moveable encroachment on any road in front of ay building owned by him at ground level;
(b) to make a moveable structure over hanging a road;
(c) to deposit or cause to be deposited building materials, goods for sale or other articles on any road; and
(d) to set up a stall or scaffolding on any road.

(2) Any person who does any of the acts enumerated in sub-section (1) or sets up any fence or hedge without the written permission of the agency or authority concerned shall be punished with fine which may extend to five thousand rupees and such agency or authority ay, after giving reasonable notice to the offender requiring him to remove the offending structure, fence, hedge, deposit, goods, articles, stall or scaffolding, and upon his failure to comply with such notice, within the time specified therein, itself remove the offending structure, fence hedge, deposit, goods, articles, stall or scaffolding, and may recover the cost thereof from the offender.

Prohibition of certain acts.

17. (1) Notwithstanding anything contained in any other law for the time being in force, no person or authority shall, without the consent of the Bureau do any of the following acts, namely:-

(a) open or break up the surface of any road;
(b) construct or carry any cable, wire, pipe, drain, sewer or channel of any kind, through across, under or over such road; or
(c) within the boundaries of the road, repair or alter or execute any works on or in relation to, any existing cable, wire, pipe, drain, sewer or channel of any kind, running through, across, under or over such road.

(2) In giving its consent under sub-section (1) the

Bureau may impose such conditions as it may deem necessary.

(3) If without the consent of the Bureau any person does any act enumerated in sub-section (2), he shall be punished with fine which may extend to three thousand rupees and the Bureau shall give reasonable notice to the offender requiring him to remove the unauthorized works, and restore the road to its former condition, and upon his failing to comply therewith within a reasonable time may itself remove the said works and restore the road as aforesaid, and may recover the cost rom the person concerned.

Temporary closure of roads.

18. (1) When any road or portion thereof is temporarily closed for repairs or for any other purpose connected with the functions of the Bureau under this Ordinance in such manner as to interfere with the passage of traffic, the concerned agency or authority shall set up notices diversions, barriers or other devices as advised by the Bureau at each end of the closed portion, and such agency or authority may also announce the fact by such other means as it may deem proper.

(2) The concerned agency or authority shall further provide, so far as may, reasonable means of access to the open portion of the road from the adjoining areas which have been deprived of access by such closure, as well as a reasonable passage for through traffic, and may, for these purposes, make temporary access or diversion roads in accordance with the advice of the Bureau.

Permanent closure of roads.

19. (1) The concerned agency or authority, intending permanently to close a road or any portion of a road shall consult the Bureau and give notice through one or more newspapers to general public of it intention.

(2) The notice shall invite objections to the proposed closure within a period of not less than a fortnight from the date of publication.

(3) In arriving at its decision, the concerned agency or authority shall keep advice of the Bureau in view and take all such objections into consideration after making such other enquiries as it may deem necessary to ensure that the proposed closure will not cause inconvenience to the inhabitants of the affected area on account of lack of alternative means of access to or movement within such area.

(4) Where inconvenience as aforesaid is likely to result, the concerned agency or authority may in consultation with the Bureau, close the road, if the Bureau is satisfied that an alternative road whether previously existing or newly constructed will more satisfactorily meet the general requirements of the area than the road proposed to be closed.

(5) If any person is aggrieved by such decision, he may appeal to the Committee against such decision and the orders passed by the Committee on appeal shall be final.

Regulations of classes of vehicles or animals on a road.

20. The concerned agency or authority may in consultation with the Bureau, prohibit or restrict either permanently or temporarily, the taking of any class of vehicles or animals or the movement of pedestrians over a road or any part thereof, if such prohibition or restriction is, in its opinion, necessary for the public safety or convenience, or for any other sufficient reasons.

CHAPTER – VI

FINANCE AUDIT AND ACCOUNTS

Fund.

21. (1) There shall be a separate fund of the Bureau known as the "Traffic Engineering Bureau Fund".

(2) The Fund shall consist of –

(a) grants and subsidy received from Government;

(b) loans raised or obtained by the Bureau;

(c) fees, and other charges for services rendered under this Ordinance;

(d) grants made by any local authority; provided that the Building Control Authority shall make such grants as may from time to time be fixed by Government;

(e) all money received from the Federal Government or any other donor agency of Pakistan or foreign origin; and

(f) all other sums receivable under this Ordinance.

Crediting of the funds.

22. The amounts credited in the Fund shall be deposited in any Scheduled Bank approved by Government.

Investment and utilization of the funds.

23. (1) The Fund shall be administered by the Bureau and shall be utilized for meeting expenses necessary for carrying out the purposes of this Ordinance including the payment of—

(a) charges in connection with the surveys, research or lay out construction, reconstruction or repairs of roads or execution of a scheme prepared under this Ordinance;
(b) loans and interest thereon;
(c) salaries and other remuneration to the members of staff, officers including the Director, experts, consultants, agencies employed for any work under this Ordinance and other employees of the Bureau.

(2) The Fund may be invested in any security of the Federal Government or Provincial Government or any other security approved by Government.

Loans, grants, aid and gifts.

24. The Bureau may with the previous sanction of the Board and on such terms and conditions as may be approved by the Board obtain—

(a) loans from banks or other sources for carrying out the purposes of this Ordinance;
(b) grants, aid, loans or gifts from donor agencies of Pakistan or foreign origin.

Accounts and audit.

25. (1) The Bureau shall maintain its accounts and records in such form and in such manner as may be prescribed by rules.

(2) The Bureau shall prepare or cause to be prepared annual balance sheet as may be prescribed by rules.

(3) The accounts of the Bureau shall be audited at least once in every financial year by External auditors approved by Government on such payment as may be determined by Government.

(4) A statement of the finally audited accounts under sub-section (3) alongwith the reports of the auditors shall be furnished to the Committee within four months after the end of

every financial year.

26. All sums recoverable under this Ordinance from any person or body of persons or agency shall be recovered as arrears of land revenue. **Recovery of dues.**

CHAPTER – VII

PROCEDURE AND PENALTIES

27. No Court shall take cognizance of any offence punishable under this Ordinance or any rule, except on a report in writing made by the Bureau or by a person duly authorized by it in this behalf. **Cognizance of offence.**

CHAPTER – VIII

MISCELLANEOUS PROVISIONS

28. All persons acting under the authority of the Board, Committee or the Bureau in the carrying out of any of the provisions of this Ordinance or the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code. **Persons deemed to be public servants.**

29. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under or in pursuance of this Ordinance or any rules. **Protection to persons taking action under the Ordinance.**

30. All acts and proceedings of the Committee or Bureau shall be subject to control of the Board and the Board may suspend or modify any such act or proceedings. **Control of Government over acts and proceeding of the Bureau.**

31. The Board may require the Committee or Bureau and the Committee may require the Bureau to furnish to it any document, return, statement, statistics or any other information regarding any matter under this Ordinance and the Committee, or as the case may be, the Bureau shall comply with such requisition. **Power to give Directions.**

32. The Bureau shall, within three months after expiry of each financial year, furnish an annual report to the Board through the Committee on the conduct of its affairs for that year. **Annual report.**

33. Government may make rules for the purpose of carrying into effect the provisions of this Ordinance. **Power of Government to make rules.**

34. The Bureau may make regulations not in-consistent with the Ordinance or rule for carrying out the purposes of this Ordinance. **Power of the Bureau to make regulations.**