



# The Sindh Government Gazette

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## PART-IVA

PROVINCIAL ASSEMBLY OF SINDH  
NOTIFICATION  
KARACHI, THE 17<sup>TH</sup> SEPTEMBER, 2014.

**NO.PAS/Legis-B-22/2014**-The following Bill is hereby published for general information as required by Rule 98 of Rules of Procedure of the Provincial Assembly of Sindh.

**THE SINDH MASS TRANSIT AUTHORITY BILL, 2014.**

**SINDH BILL NO. 22 OF 2014.**

**A  
BILL**

to provide for the establishment of an Authority known as the Sindh Mass Transit Authority in the Province of Sindh.

**WHEREAS** it is expedient to provide for the establishment of an Authority known as the Sindh Mass Transit Authority in the Province of Sindh and to provide for matters connected therewith or ancillary thereto.

### CHAPTER-I PRELIMINARY

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Mass Transit Authority Act 2014.

Short title,  
extension and  
commencement.

(2) It extends to the whole of the Province of Sindh.

(3) It shall come into force at once.

**Definitions.**

2. In this Act, unless there is anything repugnant in the subject or context—

- (a) "Authority" means the Sindh Mass Transport Authority established under section 4 of the Act;
- (b) "Board" means the Board constituted under section
- (c) "Bus Rapid Transit" means a mode of mass transit where specialized buses are operated on dedicated or semi-dedicated;
- (d) "Chairperson" means the Chairperson of the Board;
- (e) "contract" means any kind of agreement, undertaking, contract or instrument, whether written, expressed or implied for the development, construction, operations, management, planning or maintenance of Mass Transit Systems, and ancillary matters thereto, and the facilities thereon for the supply of materials or for the performance of any service in connection therewith;
- (f) "depot" means a space or an area provided for parking, repair, maintenance, fuelling, servicing and cleaning vehicles for the purpose of project;
- (g) "Developer" means a person, party, syndicate, consortium or a firm to whom a contract is awarded by the Authority for the development of infrastructure of a scheme or project or parts thereof, or any ancillary matters pertaining to Mass Transit Systems;
- (h) "fares" means the amount prescribed by the Authority to be charged for a journey(s) from passengers of a mode of transport through mandatory ticketing system, e-ticketing system or any fare collection mechanism as the case may be;
- (i) "feeder service" means the services of various modes of transport integrated with the Mass Transit systems;
- (j) "Fund" means the Fund established under section 16;
- (k) "Government" means the Government of Sindh;
- (l) "internal controls" means the system and procedure controlling or mitigating the risks associated activities permitted to be carried out by the Authority;

- (m) "licence" means a licence granted by the Authority to various operators, or to any party for the performance of functions in respect of a scheme or project;
- (n) "Managing Director" means the Managing Director appointed under section 16;
- (o) "Mass Transit" means all types of mass transit including, but not limited to, rail and road-based mass transit facilities, circular railway, Bus Rapid Transit, Light Rail Transit, Mass Rapid Transit System, Mono rail, feeder services, and any other modes notified by Government from time to time to be the Mass Transit;
- (p) "Member" means Member of the Board;
- (q) "Mono rail" means gliding guide-way system using single pier;
- (r) "operator" means a person entrusted with the functions, duties and responsibilities of operating a scheme or project pursuant to a contract;
- (s) "person" means -
- (i) an individual;
  - (ii) a company or association of persons incorporated, formed, organized or established in Pakistan or elsewhere;
  - (iii) the Federal Government;
  - (iv) a Provincial Government;
  - (v) a local authority in Pakistan; or
  - (vi) a foreign government, a political subdivision of a foreign government, or public international organization;
- (t) "prescribed" means prescribed by rules or regulations made under this Act;
- (u) "project" means the planning, construction, development, implementation, operation and maintenance of a Mass Transit System;
- (v) "Regulations" means Regulations made under this Act;
- (w) "right of way" means the land or an area reserved for roads or transit ways;
- (x) "road" means a road or part thereof including land within the right of way and all works such as carriage ways, cart ways, footpaths, berms, traffic signals, side-drains, culverts, bridges, tunnels and works of every

description built on, under or across any road which has been constructed or are maintained by Government or a constituent body and are designated and intended for, or used by general public for the passage of vehicles and pedestrians;

- (y) "Rules" means the Rules made under this Act;
- (z) "scheme" means a scheme, prepared, undertaken or executed under this Act;
- (aa) "station" means a place earmarked where modes of mass transit may stop for a specified duration to allow passengers to board or alight from the vehicle;
- (bb) "vehicle" means any wheeled conveyance drawn, propelled or driven by any kind of power, including human and animal power, and shall include all conveyance modes pertaining to Mass Transit.

**Over-riding effect.** 3. Notwithstanding anything contained in any other law or rules made thereunder, the provisions of this Act shall have over-ride effect.

#### CHAPTER-II

#### ESTABLISHMENT AND MANAGEMENT OF AUTHORITY

**Establishment of Authority.**

4. (1) There shall be an Authority to be called the Sindh Mass Transit Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal with the power to acquire, hold and dispose of property both movable and immovable, and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at Karachi and it may establish its offices at such other place or places in Sindh as it may consider appropriate.

(4) The Authority shall, in discharging its functions, act on sound principles and shall be guided by such directions as Government may give, from time to time.

(5) If a question arises whether any matter is of policy or not, the decision of Government shall be final.

**Powers and Functions of the Authority.**

5. (1) Subject to the provisions of this Act and the general directions and control of the Government, the Authority shall take such measures, discharge such powers and perform such functions as may be necessary for carrying out the purposes of this Act.

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

- (i) own, control, plan, maintain, develop, coordinate, implement and regulate Mass Transit systems and formulate policies thereof;
- (ii) cause studies, surveys, experiments and technical research with respect to Mass Transit systems;
- (iii) plan and implement various transport routes, structures and alignments useful in the construction and reconstruction, repair, maintenance and operation of Mass Transit systems;
- (iv) ensure traffic disciplines for all the vehicles as it may consider necessary;
- (v) devise and implement the policies aimed at ensuring, that vehicles used for schemes and Projects for Mass Transit systems meet the safety and quality standards;
- (vi) seek assistance from Government or any agencies within or outside the Province for the preparation and execution of any plan, program or project, connected with the Mass Transit system;
- (vii) publish such instructions, guidelines or policies with respect to mass transit system as it deems necessary or appropriate, for the purposes of awareness of the general public;
- (viii) ensure the establishment of a proper system of Internal Controls consisting of such policies and procedures to be adopted by the Authority in achieving the objectives of this Act, and for ensuring, as far as practicable, the orderly and efficient conduct of its activities, including adherence to the policies, the safeguarding of assets, the prevention and detection of fraud and error, the accuracy and completeness of the accounting records, and the timely preparation of reliable financial information;
- (ix) establish adequate and appropriate systems of Internal Controls by the operators, developers and other relevant parties as well in order to timely identify the risks and to take appropriate measures with respect to the development, implementation, operation and maintenance of Schemes, Projects and Mass Transit systems.
- (x) enter into and perform all contracts or agreements and award contracts for Schemes or Projects related to the mass transit system;

- (xi) procure plants, machinery, instruments, equipment, and material required for its use to obtain the objectives under this Act;
- (xii) issue licenses for Mass Transit system on such terms and conditions, as may be prescribed;
- (xiii) seek assistance of Government for hiring the services of traffic warden and police personnel to manage traffic or security on the Mass Transit corridors;
- (xiv) to charge and collect the fares of mass transit systems;
- (xv) raise funds through borrowing, floating of bonds, sharing or leasing of assets or any other means;
- (xvi) carrying out any other work assigned to it by Government in consonance with the functions of the Authority;
- (xvii) coordinate with relevant Federal, Provincial and Local Government and authorities;
- (xviii) establish and maintain effective janitorial and housekeeping services to ensure the cleanliness of the mass transit systems, vehicles and corridors;
- (xix) establish and maintain effective third party oversight mechanisms; and
- (xx) perform such other functions and exercise such other powers as may be necessary for carrying out the purposes of this Act.

**Government to  
Issue directions.**

6. Government may, as and when it considers necessary, issue directions to the Authority on matters of policy, and such directions shall be binding upon the Authority.

**MANAGEMENT AND ADMINISTRATION  
OF THE AUTHORITY**

**Constitution of the  
Board.**

7. (1) The general directions and administration of the Authority and its affairs shall vest in the Board which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Authority.

(2) The Board shall comprise of the following:-

- (i) A person to be nominated by the Chief **Chairperson**  
Minister;
- (ii) Secretary Transport and Mass Transit, **Vice**  
Government of Sindh **Chairperson**
- (iii) Secretary Finance or his nominee not **Member**

below the rank of an Additional Secretary

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|--|--------|
| (iv) Secretary, Planning and Development Department or his nominee not below the rank of an Additional Secretary | Member |
| (v) Director General, Public Private Partnership Unit  | Member |
| (vi) Administrator, Karachi City   | Member |
| (vii) DIG (Traffic), Sindh   | Member |
| (viii) Managing Director   | Member |
| (ix) Representative of Pakistan Engineering Council  | Member |
| (x) Director Military Lands and Cantonments  | Member |
| (xi) Academic Representative or eminent person to be nominated by Government                                     | Member |

(3) The Managing Director shall also act as Secretary of the Board.

(4) The Board may co-opt any person as a member for any particular purpose, but such person shall not have right of vote.

(5) An official member appointed by virtue of his office shall cease to be the member on vacating such office.

(6) A non-official member shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment for such duration as Board may determine.

(7) A non-official member may at any time, before the expiry of his term, resign from his office, or be removed from office by Board without assigning any reason.

(8) Any person appointed on a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of such vacancy.

(9) The members shall receive such remuneration as may be determined by Government.

8. (1) No person shall be or shall continue to be a member who -

**Disqualification of member.**

- (a) is not a citizen of Pakistan;
- (b) is found a lunatic or becomes of un-sound mind;
- (c) is or at any time has been convicted of an offence involving moral turpitude;
- (d) is or has at any time been adjudicated insolvent;
- (e) is or has at any time been disqualified for employment in or dismissed from Government service;
- (f) is acting in contravention of the provisions of this Act;

**Meetings of  
the Board.**

- (g) has without permission of Government directly or indirectly any financial interest in any project or scheme or property of the Authority.

9. (1) The meetings of the Board shall be regulated by regulations but until regulations are framed, the meetings shall be held as and when required by the Chairperson or in his absence Vice-Chairperson at the time and place as the Chairperson or Vice Chairperson, as the case may be; provided that the meeting shall be held atleast once in quarter.

(2) Half of the total membership of the Board shall constitute a quorum for a meeting of the Board.

(3) The members shall have reasonable notice of the time and place of the meeting and matters on which a decision by the Board shall be taken in such meeting.

(4) The decision of the Board shall be taken by the majority of its members present and, in case of a tie, the member presiding a meeting shall have a casting vote.

(5) All orders, determination and decision of the Board shall be taken in writing and shall be signed by the Secretary.

**Functions of the  
Board.**

10. The Board shall –

- (a) frame the policy and provide guidelines based on mass transit to the Authority and monitor the implementation and performance of the guidelines and of the functions of the Authority ensuring good governance and accountability;
- (b) monitor and supervise all the functions of the Authority;
- (c) approve the budget of the Authority;
- (d) determination all fees and fares.

**Appointment of  
Managing  
Director.**

11. (1) There shall be a full-time Managing Director of the Authority who shall be appointed by Government, on the recommendation of the Board, on such terms and conditions as it may determine.

(2) The Managing Director shall be an eminent professional Civil Engineering of known integrity and competence having experience of atleast twenty years in various urban infrastructure development projects and schemes with global exposure of mass transit system and having experience in public or private sector management especially in the context of managing human resources, financial management, program implementation and may additionally have technical understanding of mass transit system.

(3) The Managing Director shall be appointed for a period of four years and shall be eligible for reappointment for more than one term on the basis of his performance; provided that



Government may on recommendations of the Board, on a complaint regarding the performance of the Managing Director or otherwise, reduce the term of his appointment or terminate his services, as the case may be.

(4) The Managing Director may, at any time on two months' notice, resign his office by writing under his hand addressed to Government through the Board.

(5) No person shall be appointed or continue as Managing Director, if he -

- (a) has been convicted of an offence involving moral turpitude;
- (b) has been removed from service for misconduct;
- (c) has been adjudicated as insolvent;
- (d) is incapable of discharging his duties by reasons of physical or mental incapacity and has been so declared by a Medical Board; or
- (e) fails to disclose any conflict of interest at or within the time provided for such disclosure by or under this Act or contravene any of the provisions of this Act.

(6) The Managing Director may, at any time, resign his office by writing under his hand addressed to the Government through the Board.

(7) The Managing Director shall not, during the term of his office, engage himself to any other service, business, vocation or employment nor shall he before the expiration of one year thereof enter into employment or accept any advisory or consult relationship with any person or entity engaged with the Authority in the capacity of private sector service provider.

Provided that where the Managing Director is a Government servant there shall be no such restrictions on his employment after he has retired or transferred from the post of Managing Director and where he is from private sector he shall not have any direct or indirect financial interest or have any connection with any company engaged in public procurement activity for so long as he holds office and for a period of one year thereafter.

12. The Managing Director shall be the executive head of the Authority and have power and responsibility to -

**Powers of  
Managing  
Director.**

- (a) exercise administrative control over the Authority day to day functioning of the Authority, including management, financial management, human resource management;
- (b) submit the annual budget proposals of the Authority to the Board;

- (c) run the affairs of the Authority for attaining the objectives of the Authority through the executive tier placed under therein;
- (d) prepare the annual report of the Authority for placing before the Board;
- (e) perform such functions and exercise such powers as the Board may delegate to him; and
- (f) act on behalf of the Authority, in any emergency, subject to the obligation to report such action to the Board at its next meeting and to seek the Board of ratification of any action so taken.
- Organizational Tier.** 13. There shall be established a fully-fledged organizational tier of the Authority, under the Managing Director in such manner and with such functions as may be prescribed by regulations.
- Committees.** 14. The Board may set up such administrative and technical committees for the efficient performance of its functions as may be necessary and entrust to the committees such functions as it may consider necessary.
- Appointment of officers and staff.** 15. (1) The Authority may, for efficient performance of its functions, appoint such officers, advisers, consultants, experts and other staff possessing requisite professional, technical, ministerial or secretarial qualifications and experience on such terms and conditions as may be prescribed.
- (2) The officers, advisers, consultants and other staff shall be liable to such disciplinary action and in such manner as may be prescribed.
- Fund.** 16. (1) There shall be established a Fund to be known as the Sindh Mass Transit Authority Fund which shall vest in the Authority with powers to manage and operate it.
- (2) All receipts of the Authority from any source whatsoever including endowments, contribution and annual grants from Government, shall be credited to the Fund.
- (3) Government shall provide annual grants to the Authority for carrying out the purposes of this Act.
- (4) The Authority may receive grants from other sources including private sector and international donor agencies
- (5) The Authority may invest its funds in investment schemes including Government securities for raising funds.
- (6) The Fund shall be managed and operated in the manner as may be prescribed.
- Accounts.** 17. (1) The Authority shall maintain accounts of receipts and expenditure in accordance with the rules.

(2) The Authority shall maintain an internal Audit Division which shall regularly undertake institutional internal check and control.

(3) The accounts of the Authority shall be annually audited through a firm of external Chartered Accountants approved by the Authority and the report of the Chartered Accountant along with audited account shall be presented to Government.

18. The Authority shall cause its accounts to be maintained properly and in respect of each financial year submit for approval of Government by such date and in such form as may be specified by Government, a statement showing the estimated receipts and current expenditure and the sums to be required from Government during the next financial year.

**Budget and accounts.**

19. The Authority shall cause proper accounts to be kept and shall after the end of each financial year cause to be prepared for that financial year a statement of accounts of the Authority which shall include a balance sheet and an account of receipt and expenditure.

**Maintenance of accounts.**

20. (1) The Authority shall submit an annual report to Government in respect of any of its activities and furnish such information as and when required by Government.

**Submission of Reports.**

(2) The Authority shall post all relevant information in a user-friendly manner on its website.

21. The Authority may, by such conditions and limitations as it may deem fit to impose, delegate any of its functions or powers to the Managing Director, members, committee, or any of its officers or employees except the power to -

**Delegation of powers.**

- (a) approve audited accounts;
- (b) approve annual reports;
- (c) approve regular or ad-hoc appointments against sanctioned strength (other than advisors, consultants or contingent staff);
- (d) make or repeal rules made under this Act;
- (e) make or repeal regulation made under this Act.

22. Every employee of the Authority including officers, advisors, consultants and every person acting or purporting to act under this Act, rules and regulations shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860.

**Public Servant.**

23. No act done or proceedings taken or order passed under this Act shall be rendered invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Board.

**Validity of proceedings.**

- Indemnity.** 24. No suit, prosecution, or other legal proceedings shall lie against the Authority, the Chairperson or any member, officer, servants, advisers or consultants of the Authority in respect of anything in good faith done or intended to be done under this Act or the rules and regulations made thereunder.
- Powers to make rules.** 25. (1) Government may make rules for carrying out the purposes of this Act.
- (2) With prejudice the generality of foregoing power, such rules may provide for all or any of the following matters, namely:-
- (i) the constitution, powers and functions of Committees;
  - (ii) powers and duties of the officers, advisers, consultants and employees of the Authority;
  - (iii) service matters including rules regulating disciplinary action, grant of leave and retirement of the employees of the Authority;
  - (iv) constitution of pension or Provident Fund for the benefit of the officers and other employees of the Authority; and
  - (v) such other matters as may appear to it necessary for giving effect to the provisions of this Act.
- Power to make regulations.** 26. The Authority may, with the approval of Government, make regulations, not inconsistent with the provisions of this Act and the rules made there under, for carrying out the purposes of this Act.
- Removal of difficulty.** 27. If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order not inconsistent with the provisions of this Act for removing the difficulty.

#### STATEMENT OF OBJECTS AND REASONS

For the purpose of planning, coordinating, constructing, developing, operating, monitoring and regulating the Mass Transit Systems in the Province of Sindh and to provide for safe, efficient, comfortable, sustainable and reliable forms of Mass Transit System, it is expedient to establish an Authority known as the Sindh Mass Transit Authority by enacting this law.

The Bill seeks to achieve the above object.

**MEMBER-IN-CHARGE**

**G.M.UMAR FAROOQ**  
SECRETARY

PROVINCIAL ASSEMBLY OF SINDH