

THE BALOCHISTAN MASSTRANSIT AUTHORITY ACT, 2017

(Baln Act VI of 2017)

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'THE BALOCHISTAN MASSTRANSIT AUTHORITY

Preamble.

Short title, extent
and Commencement.

Definition.

1

ACT, 2017

(Balochistan Act VI of 2017)

[9 September, 2017]

An Act to provide for the establishment of Balochistan
Masstransit Authority.

WHEREAS, it is expedient to establish Balochistan
Masstransit Authority for the purpose of construction, operation
and maintenance of Masstransit system in the major cities of
Balochistan for providing safe, efficient and comfortable urban
transport system; and to provide for the matters connected
therewith or ancillary thereto: —

It is hereby enacted as follows: —

1. (1) This Act may be called the Balochistan
Masstransit Authority Act, 2017.

(2) Subject to sub section (4), it extends to whole of
Balochistan, except the Tribal Areas.

(3) It shall come into force at once.

(4) It shall apply to the city of Quetta, however the
Government may by notification in the official Gazette, extend
its application to any other part or city of Balochistan.

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

(a) "AFC" means the automated fare collection
system;

(b) "ancillary facility" means the facility and
equipment provided or developed by the
Authority including bridge, underpass, tunnel,
yard, fence, escalator, elevator, sliding door,
toilet turnstile, scheduling system, passenger
information, signaling, power supply,

surveillance, control room, telecom, electrical and mechanical system, generator, light or fan and other facility;

This Act was passed by the Provincial Assembly of Balochistan, on 28th August, 2017; assented to by the Governor of Balochis-

on 8 September, 2017; and published in the Balochistan Gazette (Extraordinary) No. 139, dated 9 September, 2017.

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“Asset” means the movable or immovable property owned or controlled by the Authority;

“Authority” means the Balochistan Masstransit Authority established under section 3 of this Act;

“Chairperson” means the Chairperson of the Authority;

“corridor” means the track or road or a portion of the track or road which has been constructed or modified or is planned to be constructed or modified for the purpose of enabling smooth operation of mass transit system;

“depot” means the space or area provided for parking, repair, maintenance, fueling servicing and cleaning of mass transit vehicles.

“fare” includes all sums received or receivable and all sums charged or chargeable for the transportation of passengers;

“fund” means the Masstransit Authority Fund established under this Act;

“Government” means the Government of Balochistan;

“Licence” means a licence granted by the Authority to service provider of the Authority;

“MTS” means Masstransit system established and operated by the Authority for operation of the Masstransit vehicles;

“member” means a member of the Authority;

“Masstransit vehicle” means a vehicle operated by the Authority on the corridor or a public transport route;

“public transport route” means a route notified by the Authority for integrated urban and suburban public transport operations;

“prescribed” means prescribed by rules or regulations made under this Act;

“regulations” means the regulations framed under this Act;

“rules” means the rules made by the Government

Balochistan
Masstransit
Authority.

under the Act;

(s) "Service provider" means a service provider of the Authority like a masstransit vehicle operator, AFC operator, security, janitorial and housekeeping services provider and any entity providing any kind of services for the MTS; and

(t) "Station" means a place earmarked on the corridor or public transport route where masstransit vehicles travelling in either direction stop for a specified duration allowing passengers to board on or alight from mass transit vehicles.

3. (1) The Government shall, by notification in the official Gazette, establish Balochistan Masstransit Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate, with perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire, hold and dispose of property, and may by the said name, sue or be sued.

(3) The Government or any other entity may, by notification, transfer the ownership or possession of a corridor, station, depot and any other ancillary facility constructed or procured for the MTS to the Authority.

(4) The Authority shall not dispose of any immovable property without prior permission in writing of the Government.

(5) A person shall not enter upon or in any way use the assets without written approval of the Authority.

(6) The Authority shall consists of:

(a) Chief Minister Balochistan. Chairperson.

(b) Minister for Transport of the Vice Government. Chairperson.

(c) Two members of Provincial Members. Assembly of Balochistan, one member of National Assembly of Pakistan and one member of Senate of

Pakistan pertaining to
Balochistan Province
nominated by the

Qualifications of
the member.

Government.

(d) The Chief Secretary of the Member.
Government.

(e) Three eminent persons Members.
including at least one woman
from the corporate sector
nominated by the
Government.

(f) Additional Chief Secretary Member.
(Dev:) Planning and
Development Department.

(g) Secretary to the Government, Member.
Finance Department.

(h) Secretary to the Government, Member.
Transport Department.

(i) Managing Director of the Member.
Authority.

(j) | Secretary of the Authority. Secretary/
Member.

(7) A member, other than an ex-officio member,
shall hold office for a term of three years and may again be
nominated by the Government.

(8) An act or proceedings of the Authority shall not
be invalid merely for reason of any vacancy or defect in the
constitution of the Authority.

(9) The Authority shall meet at such time and place
and shall observe such procedure in regard to transaction of
business and its meetings as may be prescribed and until so
prescribed as may be directed by the Chairperson.

(10) The meetings of the Authority shall be presided
over by, —

(a) the Chairperson; or

(b) in his absence, Vice Chairperson.

4. No person shall be nominated or shall continue to be a
member, if he;

(a) is or, at any time, has been convicted of an offence involving moral turpitude; or

Functions of the Authority.

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- (c)
- (d)
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shall: —

is or, at any time, has been declared insolvent; or

is found to be a lunatic or of unsound mind; or

is a minor; or

has a financial interest in any aspect of the MTS, or has a conflict of interest, directly or indirectly, with the Authority.

Subject to the provisions of this Act and rules, the Authority may perform such functions as may be necessary for carrying out the purposes of the Act.

In particular and without prejudice to the generality of the provision of sub-section (1), the Authority

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own, control, maintain and develop a corridor, station, depot and any other

ancillary facility which are transferred to it by the Government;

plan, construct, operate and maintain the corridors for future expansion;

enter into contracts including concession agreements, grant licenses, leases, make other arrangement and performs all tasks necessary for efficient functioning of the MTS;

collect fares as may be determined by the Government;

grant licenses to mass transit operators and all other service providers;

ensure all necessary expenditure for planning, construction, operation and maintenance of the MTS including the administrative expenses;

collect and use fees, fine and all other revenues generated from MTS infrastructure;

subject to this Act acquire, hold and dispose of property;

ensure safe, efficient and comfortable mass transit operations on a corridor or a

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public transport route;
establish, operate and maintain AFC;

make adequate arrangements for effective security of a corridor, station, depot and any other ancillary facility;

establish and maintain an effective third party oversight mechanism for collection of revenues;

establish and maintain an_ effective system of janitorial and housekeeping services to keep a corridor and its entire ancillary facilities clean;

plan and operate integrated public transport routes;

plan, construct and maintain infrastructure for the public transport routes;

give directions to any other person or agency for establishing and operating feeder transport services for a corridor;

give directions to any agency to desist from issuing competing transportation route permits alongwith a corridor or a public transport route notified by the Authority;

give directions to any person to desist from —_ operating any competing transportation system along a corridor or a public transport route notified by the Authority;

give directions to any person or agency for not interfering in any way with a corridor, its ancillary facilities and their smooth functioning;

monitor and enforce contracts, agreements including concession agreements, licenses entered into or granted by the Authority; and

Managing Director.

Resignation
relieving of
Managing
Director.

Secretary of the
Authority.

(u) establish subsidiary companies or to
assume control of companies transferred
to it by the Government.

6. (1) The Government shall appoint Managing
Director of the Authority on such terms and conditions as the
Government may determine.

(2) The Managing Director shall be the Chief
Executive of the Authority and shall

(a) be a whole-time officer of the Authority;

(b) perform such duties as may be assigned
to him and exercise such powers as may
be delegated to him by the authority; and

(c) hold office for a term of three years and
shall remain in office for three months
thereafter or until a successor in that
office is appointed, whichever is earlier.

(3) Nothing in this section shall preclude the
Government from extending the term of office of the Managing
Director for such period as the Government may determine.

7. The Managing Director may, at any time before the
expiry of his term and upon three months prior notice, resign
his office, or upon similar notice or payment of three months
salary and allowances in lieu of the notice, be relieved by the
Government without assigning any reason.

8. (1) The Government shall appoint a Secretary of the
Authority for a term of three years on such terms and conditions
as the Government may determine.

(2) The Secretary shall be whole time officer of the
Authority and shall perform such functions as may be assigned
to him by the Authority or the Managing Director.

(3) The Government may extend the term of the

Secretary beyond three years.

(4) The Government or the Authority as the case may be, may appoint such persons in the service of the Institution, as may be necessary, on the recommendations of the Special Selection Board or Recruitment Committee to be constituted by the Authority.

(5) Provided that the Government or, as the case

Committees.

Establishment of
the fund.

Delegation.

Appointment

may be the authority may temporarily fill up an existing vacancy on Adhoc basis for a period of six months or till the arrival of the new incumbent recommended by the Selection Board or the Recruitment Committee, whichever is earlier.

9. The Authority may constitute such committees as it may deem necessary for carrying out the purposes of this Act.

10. (1) There shall be established a Fund known as the Mass transit Authority Fund which shall vest in the Authority and shall be utilized by the Authority to meet all its expenses and charges in connection with its functions and powers under this Act including the payment of salaries and remuneration to its employees.

(2) The Authority shall establish an escrow account in a scheduled bank approved by the Government and the account shall be collectively operated by the authorized representatives of the Authority and such service provider, as may be determined by the Authority.

(3) All money credited in the Fund shall be deposited with the bank approved by the Government.

(4) The Fund shall be consist of:

(a) fees, fines and other amounts received by the Authority;

(b) grants from the Government or any other body or organization;

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

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

(e) such other sums as may be received by

the Authority.

11. The Authority may, subject to such conditions as it deems appropriate, delegate to the Managing Director or an officer of the Authority any of its powers or functions under this Act, rules or regulations.

12. The Authority may appoint such officer, experts,

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officers and
employees.

Accounts.

Budget.

Audit.

Causing damage to
property and
disobedience
of orders.

Penalty for
contravention.

consultants and employees as it considers necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed by regulations.

13. The Authority shall maintain proper accounts and other relevant record and prepare annual statements of accounts in such form as may be prescribed.

14. (1) The Authority shall prepare every year in such form and at such time as may be prescribed a budget in respect of the next financial year showing the estimated receipts and expenditures of the Authority and shall submit the same to the Government for approval.

(2) If the Government fails to approve or modify the budget within thirty days of its receipt, the budget as prepared by the Authority shall be deemed to have been approved.

15. (1) The Auditor General of Pakistan shall audit the annual accounts of the Authority.

(2) In addition to the audit in terms of subsection (1), the Authority shall appoint or hire services of a chartered accountant or a firm of chartered accountants for purposes of annual audit of its accounts.

(3) The Managing Director shall, within six months of the close of a financial year, submit the annual statement of accounts along with the report of the auditor to the Authority.

16. (1) ~ A person, who willfully causes damage or allows damage to be caused to any property which vests in or its possessed by the Authority, or which is intended to be acquired

by the Authority, or unlawfully converts it to his own or any other person's use, shall be punishable with imprisonment for a term which may extend to three years or with fine or with fine or with both.

(2) A person who, without lawful excuse, fails or refuses to comply with any direction or order issued by the Authority under this act, shall be guilty of an offence punishable under this section.

17. A person, who contravenes any provision of this Act or any rule or regulations, shall, if no other penalty is provided under this Act, be punishable with imprisonment for a term

Administrative
penalties.

Procedure relating
to offences.

Recovery of
amounts due.

which may extend to three years or with fine or with both.

18. (1) Notwithstanding anything contained in this Act or any other law, a person who, without permission of the Authority, enters into a corridor or in any manner interferes or obstructs any corridor, masstransit vehicle or ancillary facility or travel or attempts to travel on a masstransit vehicle without payment of fare, shall be liable to punishment of such fine as may be prescribed by the rules.

(2) If a person commits an offence under subsection (1), an officer or agent of the Authority authorized in this behalf may, at the spot, impose the prescribed fine on such person.

(3) If a person fails to pay or deposit the fine at the spot or in the prescribed manner, the officer authorized by the Authority may submit a complaint against such person in the Court and such person shall be deemed to have committed an offence under section 17 of the Act.

19. (1) An offence under this Act shall be non-cognizable and a court shall not assume jurisdiction for the offences unless an officer authorized by the Authority submits a complaints to the court.

(2) No Court other than the Magistrate of first class shall try an offence under this Act.

(3) The Court shall try an offence under this Act in a summary manner in terms of chapter XXII of the code of Criminal procedure, 1898 (V of 1898) but notwithstanding anything contained in the code, the Court may impose a punishment of imprisonment for a term not exceeding six months or fine not exceeding one hundred thousand rupees or both.

(4) The Authority or an officer authorized by the Authority may compound of an offence under this Act subject to the payment of the prescribed compensation.

(5) The fine or compensation recovered from a person under this Act shall form part of the Fund.

20. Any fine, compensation or other amount payable to the authority may be recovered by an officer authorized by the Authority as arrears of land revenue and such officer shall be deemed to be a collector for purposes of recovery of fine,

Public servants.

Immunity.

Act to prevail over
other laws.

Restriction on
Execution
against
property.

Rules.

Regulations.

Removal of
difficulties.

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compensation or other amount.

21. All persons acting or purporting to act in pursuance of any of the provisions of this Act, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Panel Code, 1860 (Act XLV of 1860).

22. No suit, prosecution or any other legal proceedings shall lie against the Authority, the chairperson, Vice Chairperson, the Managing Director, any member, officer, servant, agent, expert or consultant of the Authority, in respect of anything done or intended to be done in good faith under this Act.

23. In the event of any conflict or inconsistency between a provision of this Act a provision and a provision of any other law, the provision of this Act shall, to the extent of such conflict or inconsistency, prevail.

24. No property of the Government the Authority or any service provider which is deployed in the MTS shall be liable to be taken in execution of any decree or order of any court or of any local authority or person having by law the power to attach or otherwise to cause the property to be taken in execution without the previous sanction of the Authority.

25. The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

26. (1) Subject to this Act and the rules, the Authority may frame regulations for giving effect to the provisions of this Act.

(2) Without prejudice to the foregoing powers, such regulations may provide for appointment of its officers, staff, employees and other persons, terms and conditions of their service and performance of functions by the Authority.

27. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification, not inconsistent with the provisions of this Act, remove the difficulty.

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