

Dhaka Transport Coordination Authority Act, 2012

(Act No. VIII of 2012)

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Dhaka Transport Coordination Authority Act, 2012

(Act No. VIII of 2012)

[8 March, 2012]

An Act to make provisions for the establishment of Dhaka Transport Coordination Authority comprising Dhaka, Narayangonj, Munshigonj, Manikgonj, Gazipur and Narsingdi districts for making the transport system of Dhaka Metropolitan proper, planned, coordinated and modernized and the matters ancillary thereto.

WHEREAS it is expedient and necessary to make provisions for the establishment of Dhaka Transport Coordination Authority comprising Dhaka, Narayangonj, Munshigonj, Manikgonj, Gazipur and Narsingdi districts for making the transport system of Dhaka Metropolitan proper, planned, coordinated and modernized and the matters ancillary thereto;

THEREFORE it is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Dhaka Transport Coordination Authority Act, 2012.

(2) It shall come into force at once.

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

- (a) “Act” means the Town Improvement Act, 1953 (E.B. Act XIII of 1953);
- (b) “Authority” means the “Dhaka Transport Coordination Authority” established under section 4 of this Act;
- (c) “public transport” means passenger transport system for traveling of mass people;
- (d) “Chairman” means the Chairman of the Governing Council;
- (e) “Detailed Area Plan (DAP)” means the detailed area based plan formulated by Rajdhani Unnayan Kartipakkha in the light of master plan under the Act;
- (f) “Dhaka” means Dhaka City under section 1(2) of the Act and includes Dhaka, Narayangonj, Narsingdi, Munshigonj, Gazipur and Manikgonj districts;
- (g) “Dhaka Metropolitan” means any area fixed under section 73(2) of the Act;
- (h) “Executive Director” means the Executive Director of the Authority appointed under section 12;
- (i) “Governing Council” means the Governing Council constituted under section 7;
- (j) “transport” means a system for transferring passengers and goods in the government and non-government transport;
- (k) “Vice-chairman” means the Vice-chairman of the Governing Council;

- (l) “vehicle” means mechanical transport medium for transferring passengers and goods;
- (m) “member” means a member of the Governing Council;
- (n) “Secretary” means the Secretary of the Governing Council;
- (o) “Strategic Transport Plan (STP)” means strategic transport plan formulated for Dhaka.

3. Act to override other laws.- Notwithstanding anything contained in any other law, agreement or any instrument having the force of law, for the time being in force, the provisions of this Act shall prevail.

4. Establishment of the Authority.- (1) As soon as may be after the commencement of this Act, the Government shall, by notification in the official Gazette, establish an Authority to be called the Dhaka Transport Coordination Authority for carrying out the aims and purposes of this Act.

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

5. Head Office.- The Head Office of the Authority shall be at Dhaka, and it may, if necessary, establish its branch office at any place of Bangladesh with the prior approval of the Government.

6. Direction and administration of the Authority.- (1) The direction and administration of the affairs of the Authority shall vest in the Governing Council constituted under section 7.

(2) The Governing Council shall, in discharging its functions, follow such instructions as may be given, from time to time, by the Government.

7. Constitution of the Governing Council.- (1) The Governing Council shall consist of the following members, namely:-

- (1) the Minister, Ministry of Communication, who shall also be its Chairman;
- (2) the Mayor, Dhaka South City Corporation, who shall also be its *ex officio* Vice-Chairman;
- (3) the Mayor, Dhaka North City Corporation, who shall also be its *ex officio* Vice-Chairman;
- (4) three Members of Parliament, to be nominated by the Government;
- (5) the Secretary, Road Division, Ministry of Communication, *ex officio*;
- (6) the Secretary, Railways Division, Ministry of Railways, *ex officio*;
- (7) the Secretary, Local Government Division, Ministry of Local Government, Rural Development and Co-operatives, *ex officio*;

- (8) the Secretary, Ministry of Home Affairs, *ex officio*;
- (9) the Secretary, Ministry of Shipping, *ex officio*;
- (10) the Secretary, Ministry of Environment and Forest, *ex officio*;
- (11) the Secretary, Bridges Division, Ministry of Communication, *ex officio*;
- (12) the Inspector General of Police, Bangladesh Police, *ex officio*;
- (13) the Chief Engineer, Roads and Highways Department, *ex officio*;
- (14) the Director General, Bangladesh Railway, *ex officio*;
- (15) the Chairman, Bangladesh Road Transport Corporation, *ex officio*;
- (16) the Divisional Commissioner, Dhaka Division, *ex officio*;
- (17) the Chairman, Rajdhani Unnayan Kartipakkha, *ex officio*;
- (18) the Chairman, Bangladesh Inland Water Transport Authority, *ex officio*;
- (19) the Chairman, Bangladesh Road Transport Authority, *ex officio*;
- (20) the Mayor, Narayangonj City Corporation, *ex officio*;
- (21) the Mayor, Manikgonj Municipality, *ex officio*;
- (22) the Mayor, Munshigonj Municipality, *ex officio*;
- (23) the Mayor, Narsingdi Municipality, *ex officio*;
- (24) the Mayor, Gazipur Municipality, *ex officio*;
- (25) the Mayor, Tongi Municipality, *ex officio*;
- (26) the Mayor, Savar Municipality, *ex officio*;
- (27) the President, Bangladesh Road Transport Association, *ex officio*;
- (28) the President, Bangladesh Road Transport Workers Federation, *ex officio*;
- (29) the president, Bangladesh Bus Truck Owners Association, *ex officio*;
- (30) the Executive Director of the Authority, who shall also be its Secretary.

8. Aims and objectives of the Authority.- The Authority shall have the following aims and objectives, namely:-

- (a) to prepare strategic plan in transport sectors of Dhaka and to ensure inter-agency cooperation and coordination for eliminating traffic jam of Dhaka Metropolitan;

- (b) to give instruction and advice for implementing the policies and plans related to public transport of Dhaka;
- (c) to coordinate the development policies related to vehicles, transport and its infrastructure with the overall development policies and strategies for Dhaka in line with the Master Plan approved and published under section 74(1) of the Act;
- (d) to give advice to the persons or institutions using lands, the institutions providing public services and the persons associated with transport, and to take necessary steps thereto for implementing a safe coordinated transport system in Dhaka.

9. Powers and functions of the Authority.- The powers and functions of the Authority shall be as follows:-

- (a) to formulate and approve transport policies and schemes for eliminating traffic jam of Dhaka Metropolitan and to develop a transport master plan and to supervise the implementation program thereof;
- (b) to ensure developed transport service along with specific guidelines for both the government and non-government transport managements;
- (c) to approve final designs of the transport related projects of different authorities and organizations which are to be implemented;
- (d) to manage Dhaka's transports, vehicles, roads, footpaths and places adjacent to roads, and to formulate policies for parking in Dhaka in consideration of the Master Plan published under section 74(1) of the Act, DAP, STP and other review reports;
- (e) to formulate policies for safety of pedestrians' movement in roads and to coordinate implementation thereof;
- (f) to approve designs related to traffic circulation in undergoing construction of high rise buildings and residential projects of any person or institution and to make supervision thereof;
- (g) to give advice to the concerned authorities for not to construct infrastructure creating obstacles in the proper transport system and to remove the infrastructure creating obstruction;
- (h) to formulate policies for controlling all types of private owned transport, government and non-government transport, to make guidelines concerning the implementation of those policies and to enter into necessary agreements with transport managing institutions and organizations;
- (i) to give necessary advice to the concerned authorities and to take scheme for developing movements of vehicles for its implementation;

- (j) to formulate transport security policies for ensuring public security while using transport;
- (k) to formulate environment related policies for all classes and types of vehicles and to give instructions and advice for implementation thereof;
- (l) to give advice for imposing transport related taxes and other financial matters;
- (m) to formulate and approve engineering scheme related to transport and vehicles;
- (n) to approve parking plan taken for facilitating vehicle parking and design for vehicle movement;
- (o) to make plan for establishment setups regarding vehicle depots, terminals, etc. and making supervision and giving advice for implementing thereof;
- (p) to formulate, implement and supervise training policies for creating skilled manpower for the transport sector;
- (q) to determine the number and nature of different types of transport;
- (r) to assist the concerned organizations and authorities in applying the laws related to vehicles and transport;
- (s) to assist and give advice in prevention of environmental pollution created by defective vehicles;
- (t) to formulate policy and take project regarding Mass Rapid Transit system, to implement in some cases and to give advice and supervise the concerned organizations;
- (u) to formulate plans of different transport routes, to formulate policies and schemes regarding route and lane determination and implement thereof;
- (v) to formulate integrated plan for connecting naval transport with inland transport, and to give advice to the concerned authorities for its implementation;
- (w) to formulate, implement and approve plans regarding transport management activities through government, non-government or government-non-government joint proprietorship activities of bus rapid transit, metro rail and bus or rail (metro-mono-circular-commuter) or express way (high capacity lane) through route fare or providing lease (route franchise) under Mass Rapid Transport system for providing rapid and developed services, fixing of rent and other related tasks;
- (x) to make publicity regarding public transport and to exchange information;

- (y) to enter, with the prior approval of the Government, into agreement for fulfilling the objectives of this Act;
- (z) to do any other act ancillary to the aforesaid matters;
- (za) to perform such other duties as may be assigned by the Government.

10. Meetings of the Governing Council.- (1) The Governing Council may, subject to other provisions of this section, determine the procedure of its meeting.

(2) The meeting of the Governing Council shall be convened at such date, time and place as may be determined by the Chairman:

Provided that at least three meetings shall be held in every year.

(3) The Chairman shall preside over the meeting of the Governing Council and, in his absence, the senior most Vice-chairman shall preside over the meeting.

(4) To constitute a quorum at a meeting of the Governing Council, the presence of at least ten members shall be required, but no such quorum shall be required for an adjourned meeting.

(5) At a meeting of the Governing Council, each member shall have one vote and in case of equality of votes, the person presiding over shall have a second or casting vote.

(6) No act or proceeding of the Governing Council shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Governing Council.

11. Invited Member.- For the purposes of this Act, any person who is not a member of the Governing Council but has relevance or experience in the subject matter of the meeting, shall, if invited by the Governing Council, be present and have right to participate in the meeting of the Governing Council, but he shall have no voting right.

12. Executive Director.- (1) There shall be a Executive Director of the Authority.

(2) The Executive Director shall be appointed by the Government, and the terms and conditions of his service shall be determined by the Government.

(3) The Executive Director shall be the fulltime chief executive officer of the Authority and he shall be responsible for implementing the decisions of the Governing Council.

(4) If a vacancy occurs in the office of the Executive Director or if the Executive Director is unable to discharge the functions of his office on account of absence, illness or any other reason, the person nominated by the Government shall act as the Executive Director until the newly appointed Executive Director takes over the charge against the vacant post or the Executive Director becomes capable of resuming the functions of his office.

13. Officers and employees of the Authority.- The Authority may appoint such number of officers and employees as may be required for efficient performance of the functions of the Authority, and the terms and conditions of their services shall be prescribed by regulations.

14. Committees.- The Authority may, for the purposes of this Act, form one or more committees for performing specific responsibilities.

15. Fund of the Authority.- (1) There shall be a fund for the Authority and the following sum of money shall be credited to it, namely:-

- (a) grants made by the Government;
- (b) grants made by the local authorities;
- (c) loans taken with the prior approval of the Government;
- (d) sale proceeds accruing from the property of the Authority; and
- (e) receipt from any other legal source.

(2) The money of the fund shall be kept in a Scheduled Bank by the name of the Authority and money from the fund may be withdrawn in the manner determined by the Executive Director.

(3) All the necessary expenses of the Authority shall be borne from this fund.

(4) The Authority may invest the money of the fund or any of its part in any sector approved by the Government.

16. Annual budget statement.- The Authority shall, by such date in each year as may be specified by the Government, submit to the Government an annual budget statement of the next financial year and there shall be a mention in it of the sums which are likely to be required from the Government during that financial year.

17. Audit and accounts.- (1) The Authority shall maintain its accounts properly and prepare an annual report of such accounts.

(2) The Executive Director shall, within three months after the end of each financial year, present the internal audit report of the Authority in the meeting of the Governing Council.

(3) The Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Comptroller and Auditor-General, shall audit the accounts of the Authority every year and submit a copy of the audit report to the Government and to the Authority.

(4) For the purpose of an audit under sub-section (3), the Comptroller and Auditor-General or any person authorized by him in this behalf shall have access to all records, books, documents, cash or bank balances, securities, stores and other property of the Authority and may examine any member, Executive Director and any officer or employee of the Authority.

18. Delegation of power.- The Governing Council may, if necessary, delegate any of its power to the Chairman, Vice-chairman or any member of the Governing Council, the Executive Director or any other officer subject to such conditions as may be prescribed.

19. Power to form company.- For the purposes of this Act, the Authority may, with the prior approval of the Government, take the initiative of forming separate company for development and implementation of the transport system.

20. Power to make rules.- The Government may, by notification in the official Gazette, make rules for the purposes of this Act.

21. Power to make regulations.- The Authority may, with the prior approval of the Government and by notification in the official Gazette, make regulations not inconsistent with this Act or the rules made thereunder.

22. Publication of authentic English text.- (1) After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an authentic English text of this Act.

(2) In the event of conflict between the Bangla text and the English text, the Bangla text shall prevail.

¹[23. Abolition of Dhaka Transport Coordination Board, etc.- (1) Soon after the establishment of the Authority under this Act, the Dhaka Transport Coordination Board, hereinafter referred to as the abolished Board, shall be abolished.

(2) Abolished Board's-

- (a) all assets, rights, powers, authority, privileges and all properties, movable and immovable, cash and bank balances and all other claims and rights shall vest in the Authority and the Authority shall have rights over them;
- (b) all loans, liabilities and responsibilities shall be Authority's loans, liabilities and responsibilities;
- (c) all officers and employees shall be deemed to be the officers and employees of the Authority, and they shall remain in service under the same terms and conditions as they were in the abolished Board, until determined by the Authority.

24. Repeal and savings.- (1) The Dhaka Transport Coordination Board Act, 2001 (Act No. XIX of 2001), hereinafter referred to as the repealed Act, is hereby repealed.

(2) In spite of such repeal, all acts done or actions taken under the repealed Act shall be deemed to have been done and taken under this Act.

(3) Any proceeding initiated under the repealed Act, if pending, shall be disposed of in such manner as if the Act had not been repealed.]

¹ Sections 23 and 24 were added by section 2 of the Dhaka Transport Coordination Authority (Amendment) Act, 2012.