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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE

Islamabad, the 2nd November, 2025

F. No. 2(1)/2025-Pub.--The following Ordinance Promulgated on 1st November, 2025 by the President is hereby published for general information:—

ORDINANCE NO. X OF 2025

AN

ORDINANCE

further to amend the Transfer of Railways Order, 1962

WHEREAS it is expedient further to amend the Transfer of Railways Order, 1962 (P.O. No. 33 of 1962), in the manner and for the purposes hereinafter appearing;

AND WHEREAS the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

(765)

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NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance shall be called the Transfer of Railways (Amendment) Ordinance, 2025.

(2) It shall come into force at once.

2. **Amendment of Article 1, P.O. No. 33 of 1962.**—In the Transfer of Railways Order, 1962 (P.O. No. 33 of 1962), hereinafter referred to as “the said Order”, in Article 1 in clause (1), the words “Transfer of” shall be omitted.

3. **Amendment of Article 2, P.O. No. 33 of 1962.**—In the said Order, in Article 2,—

(a) in clause (a), after the semicolon, at the end, the word “and” shall be added;

(b) in clause (b), for the semicolon, at the end, a full stop shall be substituted; and

(c) clause (c) shall be omitted.

4. **Amendment of Article 4, P.O. No. 33 of 1962.**—In the said Order, in Article 4,—

(a) in the marginal note, for the word “Boards”, the word “Board” shall be substituted;

(b) for clause (3), the following clause shall be substituted, namely:—

“(3) All actions taken by the Board in the discharge of its functions shall be expressed in writing and signed by the Secretary of the Board.”; and

(c) after clause (3), the following new clause shall be added, namely:—

“(4) The Board shall take decision on the construction of new railway lines or the modification, closing or dismantling of any railway line and shall coordinate on rail movements into and from ports:

Provided that the Board shall not alter the terms and conditions of any contract relating to the conveyance of defence traffic, alter the priority of movement in respect of defence traffic

and close or dismantle any railway line or make any modifications in the defence lines except with the approval of Ministry of Defence.”.

5. Insertion of Article 4A, P.O. No. 33 of 1962.—In the said Order, after Article 4, the following new Article shall be inserted, namely:—

“4A. Track access.—(1) For the purposes of this Article, a ‘track access agreement’ means a track access agreement pursuant to which a private party is granted, in consideration for track access charges, a right to access the Pakistan Railways network and infrastructure and to operate rolling-stock, on the Pakistan Railways network, in accordance with the terms of such track access agreement as amended from time to time.

(2) Notwithstanding anything contained, in the Railway Regulatory Authority Ordinance, 2002 (XCII of 2002), hereinafter referred to as ‘Ordinance XCII of 2002’,—

- (a) subject to sub-clauses (b) and (c), until the Railway Regulatory Authority is constituted under Ordinance XCII of 2002, the Board shall exercise overall regulatory oversight and ensure compliance of track access by private parties, both local and foreign for freight and passenger services;
- (b) Ordinance XCII of 2002 shall not apply to any track access agreement, including amendments thereto, executed under this Order, prior to or subsequent to the establishment of the Railway Regulatory Authority; and
- (c) the Railway Regulatory Authority, whenever constituted, shall have no jurisdiction to cancel, amend, or otherwise modify any such agreement or amendments thereto, approved and entered into before or after its establishment.

(3) Subject to clauses (4) and (5), the Board is authorized to approve track access agreements for the access to and use of Pakistan Railways network and infrastructure and Railways Division is authorized to enter into such track access agreements as approved by the Board.

(4) The Railways Division may enter into track access agreements with a private party,—

- (a) pursuant to and in accordance with the Inter-Governmental Commercial Transactions law or under the International and Inter-Governmental commitments of the Federal Government, or
- (b) who is an investor that has invested in a qualified investment duly notified in the First Schedule to the Foreign Investment (Promotion and Protection) Act, 2022 (XXXV of 2022); or
- (c) selected through a competitive bidding.

(5) The private party executing the track access agreement shall be required to meet the qualification criterion approved and notified by the Board from time to time, and communicated to the private party, prior to the entry into such track access agreement:

Provided that any private party that meets the criteria of sub-clause (b) of clause (4) shall be deemed to meet the qualification criteria necessary for track access agreements.

(6) The track access agreements entered in pursuance to this Order shall be governed solely by the provisions of this Order and applicable rules and regulations made under to this Order.

(7) Track access shall be materialized by offering Pakistan Railways network and infrastructure to the private parties for its efficient use, facilitating competition, revenue generation, improving safety, strategic planning and investments, through operations of freight and passenger train services with their own locomotives and rolling stock,

(8) Any amendment, or purported amendment, of a track access agreement shall be made with the consent of parties and shall not be effective unless that amendment has been approved by the Board.

(9) The charges, fee, revenue sharing, etc., from private parties shall be approved by the Board and included in the relevant track access agreement.

(10) Pakistan Railways may provide train crew or other requisite personnel on mutually agreed terms and, if required, also offer maintenance facilities for locomotives and rolling stock.

(11) The Board shall approve the railway network and infrastructure usage plan (time-tabling) to be submitted by Pakistan Railways keeping due margins for maintenance and rehabilitation works.

(12) The Federal Government Inspector of Railways (FGIR) shall carry out periodic inspections of the railway network for ensuring safety of train operations.

(13) The Board shall sanction the use of any rolling stock on the railway network after ascertaining its suitability and conformance to the prescribed standards.

(14) The Board shall require the private parties and Pakistan Railways to furnish periodically, but not later than one year, the operating and financial results and any other information that may be necessary.

(15) Pakistan Railways shall maintain detailed records of all track access requests, the allocations and capacity usage. An annual report shall be submitted to the Board detailing volume of track access requests and approvals, utilization of network capacity, track access charge revenues, performance matrix, and any incident of non-compliance.

(16) The Board shall oversee the implementation of track access agreements and investigate complaints and disputes regarding unfair treatment, capacity denial or discriminatory practices.

(17) Any dispute between the parties to a track access agreement shall be settled in accordance with the terms of the agreement.

(18) The Board, keeping in view the best International practices, may perform any other function or exercise any power that may be incidental or consequential to the performance of any of its functions or the exercise of any of its powers.

(19) The agreements which were signed under the Track Access (2005) and are still valid shall continue, to be in force subject to fulfillment of conditions precedent and revision of clauses, rates, charges, fee, etc., as may be mutually agreed between the parties.

(20) The Federal Government may, in the national interest and by notification in the official Gazette, exempt any private party or a project from all or any of the provisions of this Order or any other law governing the track access, for the time being in force.”

6. Amendment of Article 5, P.O. No. 33 of 1962.—In the said Order, in Article 5,—

(a) in clause (a), after the semicolon, at the end, the word “and” shall be added;

(b) in clause (b), for the word "Provincial", the word "Federal" shall be substituted and for the semicolon, at the end, a full stop shall be substituted; and

(c) clauses (c) and (d) shall be omitted.

7. Amendment of Article 6, P.O. No. 33 of 1962.—In the said Order, in Article 6,-

(a) in clause (1), in sub-clause (a), after the semicolon, at the end, the word "and" shall be added;

(b) sub-clause (b) shall be omitted; and

(c) clauses (2), (3) and (5) shall be omitted.

8. Omission of Article 7, P.O. No. 33 of 1962.—In the said Order, Article 7 shall be omitted.

9. Omission of Article 8, P.O. No. 33 of 1962.—In the said Order, Article 8 shall be omitted.

10. Omission of Article 9, P.O. No. 33 of 1962.—In the said Order, Article 9 shall be omitted.

11. Omission of Schedule; P.O. No. 33 of 1962.—In the said Order, the Schedule, at the end, shall be omitted.

ASIF ALI ZARDARI,
President.

RAJA NAEEM AKBAR,
Secretary.

STATEMENT OF OBJECTS AND REASONS

Certain amendments have been proposed in the Transfer of Railways Order, 1962 (P.O. No. 33 of 1962) through the Transfer of Railways (Amendment) Ordinance, 2025 (X of 2025), being laid as a Bill. The purpose of amendments is for creating an enabling environment for track access. Track access is very much essential for economic growth of the country through regional connectivity.

2. To lessen the burden on Federal Government, certain functions have been conferred upon Railway Board, including the function of creating or dismantling a railway line, in the aftermath of Mustafa Impex case cited as PLD 2016 SC 808.

3. The redundant provisions regarding eastern and western railways have been omitted.

4. The Bill seeks to achieve the aforesaid object.



MUHAMMAD HANIF ABBASI
Federal Minister for Railways