

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 08th March, 2022.

No.PAB/Legis:V(05)/2022/7727. The Balochistan (Traffic Engineering) Bill 2022, (Bill No.05 of 2022), having been passed by the Provincial Assembly of Balochistan on 26th February, 2022 and assented to by the Governor Balochistan, on 07th March, 2022 is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALOCHISTAN (TRAFFIC ENGINEERING) ACT, 2022
ACT NO. IV OF 2022.

**AN
ACT**

Preamble. to provide for measures to promote road safety and make convenient use of roads in the Balochistan province.

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

It is hereby enacted as follows:-

CHAPTER –I
PRELIMINARY

- Short title and Commencement.** 1. (1) This Act may be called the Balochistan (Traffic Engineering) Act, 2022.
- (2) It extends to the whole of the Balochistan province.
- (3) It shall come into force on such date and in such area as Government may, by notification in the Official Gazette, specify.
- (4) The Government may, by like notification, exclude any area from the operation of all or any of the provisions of this Act.
- Overriding effect.** 2. This Act shall have overriding effect notwithstanding anything to the contrary contained in any other law for the time being in force.
- Definition.** 3. (1) in this Act, unless there is anything repugnant; to the subject or context,
- (a) "Act" means The Balochistan (Traffic Engineering) Act, 2022;
- (b) "Authority" means the Quetta Development Authority;

- (c) "Board" means the Balochistan Transport Board established under section 4;
- (d) "Bureau" means the Traffic Engineering Bureau;
- (e) "Bus" means any contract carriage, stage carriage or public service vehicle;
- (f) "Chairman" means the Chairman of the Board;
- (g) "Committee" means the Transport Operation committee constituted under section 7;
- (h) "Director General of the board" means the Director General of the Authority;
- (i) "Director General of the bureau" means the Director General of the traffic engineering bureau;
- (j) "Directors" means the Directors of the Bureau;
- (k) "Deputy Directors" and "Assistant Directors" means the Deputy and Assistant Directors of the Bureau;
- (l) "Fund" means the Traffic Engineering Bureau Fund constituted under this Act;
- (m) "Government" means the Government of Balochistan;
- (n) "Loading or unloading" means the picking up or setting down of persons or goods;
- (o) "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;
- (p) "Prescribed" means prescribed by rules or regulations;

- (q) "road" means carriage-way, cart ways, 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;
 - (r) "rules" means rules framed under this Act;
 - (s) "regulations" means regulations made under this Act;
 - (t) "truck" means a transport vehicle the registered axle weight of which exceeds 5,000 kilograms, or the registered laden weigh of which exceeds 6,500 kilograms;
 - (u) "vehicle" means any wheeled conveyance drawn propelled or driven by any kind of power, including human and animal power.
- (2) Words and expressions used but not defined in this Act shall unless the context otherwise requires, have the meanings as assigned to them in the Provincial Motor Vehicle Ordinance, 1965.

CHAPTER -II
THE BALOCHISTAN TRANSPORT BOARD PART-I
ESTABLISHMENT AND CONSTITUTION OF THE
BOARD

Establishment and constitution of the Board.

4. (1) The Government shall, by notification in the Official Gazette, establish a Board to be known as the Balochistan Transport Board.
- (2) The Board shall consist of,
- (a) The Chief Minister ...Chairman
 - (b) The Director General ...Member
 - (c) DIGP/SP (traffic police) ...Member
 - (d) The Director...Technical Member
- And
- (e) Such other official and non-official members as may, from time to time, be appointed by the 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 the Government.

PART -II POWERS AND FUNCTIONS OF THE BOARD

Power and functions of the Board

5. (1) The Board shall, notwithstanding anything contained in this Act, have powers,
- (a) to examine and resolve all matters relating to transport and traffic and incidental matters thereto;
 - (b) to formulate policies in respect of the said matters;
 - (c) 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 meetings 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) The 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 the Government.

PART-II
FUNCTIONS OF THE COMMITTEE

Functions of the Committee 8. Subject to the control and direction of the Board, the committee shall,
(a) exercise such powers and take such measures as may be necessary for carrying out the purposes of this Act;
(b) be responsible for effective coordination of activities of all agencies in transport sector.

Meeting 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

Establishment of Bureau and its supervision 10. (1) Government shall, by notification in the Official Gazette, establish a Bureau to be known as the Balochistan Transport Bureau under the supervision of transport department.

(2) The Bureau shall be headed by the Director General, (other than Director General of Authority) having further branches (wings/ directorates), under his control named as follows;

- (a) Transport planning wing;
- (b) Traffic engineering wing;
- (c) Administrative wing;

(3) 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 of the bureau may, for efficient performance of the functions of the Bureau in addition to Directors, Deputy Directors, Assistant Directors, 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 Directors, Deputy Directors, Assistant Directors, 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 favorable than those admissible to them immediately before the coming into force of this Act.

(3) The Directors, Deputy Directors, Assistant Directors, Officers, experts, consultants 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,
- (a) ensure implementation in an expeditious and efficient manner the policy formulated or schemes approved or orders passed by the Board;
 - (b) 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;
 - (c) advise the concerned agency or authority to turn, divert or close any road or part thereof either temporary or permanently;
 - (d) cause the boundaries of any existing road by the concerned agency or authority to be widened, altered, improved, repaired or readjusted;
 - (e) 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;
 - (f) 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 roads, or any other means;
 - (g) 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;
 - (h) 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;

- (i) 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;
- (j) 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;
- (k) undertake the management, design, specifications, installation, control, operation, monitoring and maintenance of traffic signals;
- (l) 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;
- (m) identify and convey to the concerned agency or authority areas of roads where parking or loading or unloading of vehicles shall be prohibited;
- (n) define and maintain a parking policy and impose parking fee;
- (o) ensure in collaboration with the Building Control Authority that the building of the specified type make adequate provision for access, parking and safe and efficient vehicular movement;
- (p) 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;
- (q) identify requirements for road safety, arrange educational programmes, training courses and launch campaigns to promote traffic safety sense and create more awareness in public about traffic laws;

- (r) 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;
 - (s) conduct research and advise various agencies on traffic and transport policy and planning;
 - (t) make recommendations to The Government with regard to improvement or reorganization of Traffic Police;
 - (u) take such step as may be necessary or conducive to the attainment of its objectives;
 - (v) perform such other functions as may be assigned to it under this Act by the Board, Committee or Director-General.
- (2) The Bureau shall, in discharging of 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 subsection (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 on reconsideration, difference still persists, the matter shall be placed by the Bureau before the Committee for its orders which shall be final and binding.
- (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.

The Powers of the Director General Bureau.

13. Subject to the provisions of this Act and rules made thereunder and the Director-General shall,

- (a) exercise effective control over and 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 Act;
- (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 or suggestions made by the Bureau;
- (d) have powers to exercise administrative control over the personal of the Bureau;

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

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

**CHAPTER -V
CONTROL OF TRAFFIC AND ROADS AND REGULATIONS
OF TRAFFIC.**

Transfer of control of road.

15. The Government may, by notification, transfer control of any road from itself to any other authority or to the Bureau in regard to such matters dealt with by this Act 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 movable encroachment on any road in front of any building owned by him at the ground level;
- (b) to make a movable 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 subsection (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 twenty five (25) thousand rupees and such agency or authority may, 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.

(3) The offending material referred to in sub-section (2) shall be disposed of in such manner as may be prescribed by rules.

Prohibition of certain act.

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; or
- (b) construct or carry any cable, wire, pipe, drain, sewer or channel of any kind though 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 ten (10) 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 from 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 Act 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 be, 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 its 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 that 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 The Government;
 - (b) loans raised or obtained by the Bureau;
 - (c) fees, and other charges for services rendered under this Act;
 - (d) grants made by local authority ; provided that the Building Control Authority shall make such grants as may from time to time be fixed by The Government;
 - (e) all moneys received from the Federal Government or any other donor agency of Pakistan or foreign origin; and
 - (f) all other sums receivable under this Act.

- Crediting of the funds.** 22. The amounts credited in the Fund shall be deposited in any Scheduled Bank approved by the 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 Act 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 Act;
 - (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 Act and other employees of the Bureau.
- (2) The Fund may be invested with any security of the Federal Government or Provided by government or any other security approved by The Government.
- Loans grants, aid and gifts.** 24. The Bureau may with the pervious 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 Act.
 - (b) grants, aid loans or gifts from doner agencies of Pakistan or foreign origin.
- Accounts and audit.** 25. (1) The Bureau shall maintain its accounts and record in such from and in such manner as may be prescribed by rules.
- (2) The Bureau shall prepare or cause to be prepared annual Balance sheet as my 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 The Government on such payment as may be determined by The Government.

(4) A statement of the finally audited accounts under such sub-section (3) along with the reposts of the auditors shall be furnished to the committee within four months after the end of every financial year.

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

CHAPTER -VII

PROCEDURE AND PENALTIES

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

CHAPTER -VIII

MISCELLANEOUS PROVISIONS

- Persons deemed to be public servants.** 28. All person acting under the authority of the Board, Committee or the Bureau in the carrying out or any of the provisions of this Act or the rules made there under shall be deemed to be public servants within the meaning of section 21 of the Pakistan penal Code.

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

- Control of Government over acts and proceeding of the bureau.** 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.

- Power to give direction.** 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 Act and the Committee, or as the case may be, the Bureau shall comply with such requisition.

- Annual report.** 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 the its affairs for that year.

Power of Government to make rules.

33. The Government may make rules for the purpose of carrying into effect the provision of this Act.

Power of the Bureau to make regulations.

34. The Bureau may make regulations not in-consistent with the Act or rules made there under for carrying out the purposes of this Act.

(TAHIR SHAH KAKAR)
Secretary.

No.PAB/Legis:V(05)/2022/7727 Dated Quetta, the 08th March, 2022.

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan, Quetta for favour of publication in the next issue of Balochistan Gazette. Before final printing, a copy thereof be sent to this Secretariat for proof reading. Fifty copies of the Act may please be supplied to this Secretariat for record.

(ABDUL REHMAN)
Special Secretary (Legis:)

No.PAB/Legis:V(05)/2022/7727. Dated Quetta, the 08th March, 2022.

A Copy is forwarded for information and necessary action to:-

1. The Principal Secretary to Governor Balochistan, Quetta.
2. The Principal Secretary to Chief Minister Balochistan, Quetta.
3. The Secretary Government of Balochistan, Transport Department, Quetta.
4. The Secretary, Government of Balochistan, Law and Parliamentary Affairs Department, Quetta.
5. The Director General, Public Relations, Balochistan, Quetta.
6. The System Analyst, Balochistan Provincial Assembly.
7. P.S. to Secretary, Balochistan Provincial Assembly.

Special Secretary (Legis:)