

EXTRA ORDINARY

THE BALOCHISTAN GAZETTE
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NO. 23 QUETTA TUESDAY MARCH 08, 2022.

BALOCHISTAN PROVINCIAL ASSEMBLY _ SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 08th March, 2022.

No. PAB/Legis:V(05)/2022/7727. The Balochistan (Traffic Engineering) Bill 2022, (Bil 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.

(first published after having received the assent of the Governor of Balochistan in the Balochistan Gazette(Extra-ordinary) dated 08th March, 2022.

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rinted by the Chief Controller, Government Printing and Stationery Department, Balochistan Quetta.
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AN
ACT

to provide for measures to promote road safety and make

Preamble.

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

(1) This Act may be called the Balochistan (Traffic

Short title 1.

Engineering) Act, 2022.

and

Commencem

ent. (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 os This Act shall have overriding effect notwithstanding
effect. 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:

(€) "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 stationary 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 weight 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 4. (1) The Government shall, by notification in the Official and .

tituti f Gazette, establish a Board to be known as the PONS MAHON, & Balochistan Transport Board.

the Board.

(2) The Board shall consist of,

(a) The Chief Minister ...Chairman

(6) The Director General ...Member

(C) DIGP/SP (traffic police)... Member

(d) The Director... Technical Member
And .

(€) 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 6,
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 5 (1) The Board shall, notwithstanding anything functions of . . .

contained in this Act, have powers,
the Board

(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 6.

The meetings of the Board shall be held at such times the Board

and at such places and in suc

! h manner as may be directed by the Chairman. |

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CHAPTER-III

TRANSPORT OPERATION COMMITTEE PART-I

CONSTITUTION OF THE COMMITTEE

Constitution of “. (1) The Government shall, by notification in the the committee. 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 8. Subject to the control and direction of the Board. the the Committee 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 9 — The committee shall meet at such times and such Committee 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 a ee "a:

0. (4) Government shall, by notification in the Official of Bureau and h its supervision Gazette, establish a Bureau to be known as t e 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 fallows;

(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 .

. . (1)The Director General of the bureau may, for of Director, . ; ; ' efficient performance of the functions of the Bureau in Officers and - . ; addition to Directors, Deputy Directors, Assistant other staff.

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.

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(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 12.

the Bureau. (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

c

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;

P=

(K) undertake the management, design, < specifications, installation, control operation, monitoring and maintenance of traffic signals; 8

(I) 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;

(mM) identify and covey 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 caning
arrange educational programmes, 2
courses and launch campaigns
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 and
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;

(uU) 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 th

€ required
assistance.

(3) The advice given or recommend

the Bureau in respect of any matter specified in
Sub-section (1) shall as far aS possible be acted

upon or implemented by the concerned agency
or authority.

ations made by

The Powers
of the
Director
General
Bureau.

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(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.

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

Encroachment. | 6.

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

Transfer of
control of
road.

14

orders or schemes approved by the Boarg
Committee or recommendations
suggestions made by the Bureau:

(d) have powers to exercise administrative contro)
over the personal of the Bureau;

The officers, experts, consultants and the staf 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

15.

OF TRAFFIC.

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.

(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:

(Db) to make a movable structure over hanging
a road:

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Prohibition of
certain act.

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(Cc) to deposit or cause to be deposited building Ps
materials, goods for sale or other articles 9
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. _

(1) Notwithstanding anything contained in any other

law for the time being in force, no person Of
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

(6) 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

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(2) In giving its consent under sub-section (1) the

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Bureau may impose such conditions as it may d

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.

Tempora : | |
closure of 18. (1) When any road or portion thereof is temporarily
roads 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 devises 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 roper.

(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

Permanent 19.

closure of
roads.

17

through traffic, and may, for these purposes, make temporary access or diversion roads in accordance with the advice of the Bureau.

(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.

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Regulations 20. The concerned agency OF authority may ip of classes of consultation with the Bureau, prohibit or restrict vehicles or either permanently or temporarily, the taking of any animals ona class of vehicles or animals or the movement of road. 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 othe, sufficient reasons.

CHAPTER-V

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;

(fb) loans raised or obtained by the Bureau;

(Cc) 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 10 , time be fixed by The Government;

(€) 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.

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Crediting of 292.

the funds.

Investment - 93

and utilization
of the funds.

Loans D4.
grants, aid
and gifts.

19

The amounts credited in the Fund shall be
deposited in any Scheduled Bank approved by

the Government;

(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;

(fb) loans and interest thereon;

(Cc) 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.

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.

(6) grants, aid loans or gifts from doner

agencies of Pakistan or foreign origin.

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Accounts
and audit.

Recovery of
Dues

Cognizance
of offence.

25.

26.

27.

20

(1) The Bureau shall maintain its accounts and record in such form and in such manner as may be

prescribed by rules.

(2) The Bureau shall prepare or cause to be prepared annual Balance sheet as may 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 reports of the auditors: shall be furnished to the committee within four months after the end of every financial year.

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

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 28. All person acting under the authority of the Board,

; Committee or the Bureau in the carrying out or any of

be public . _ ;

eae 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 29. No suit, prosecution or other legal proceeding shall

persons lie against any person for anything which is in good

taking action faith done or intended to be done under or in

Under the pursuance of this Act or any rules.

Act.

30. All acts and proceedings of the Committee or Bureau

Control of

Government shall be subject to control of the Board and the Board

over acts may suspend or modify any such act or proceedings.

and

proceeding

of the

bureau.

tower to 31. The Board may require the Committee or Bureau and

give ; the committee may require the Bureau to furnish to it

clrechon. 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.

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The Government may make rules for the purpose of

Power of 33.

carrying into effect the provision of this Act.

Government

to make

rules.

The Bureau may make regulations not in-consistent
with the Act or rules made there under for carrying

out the purposes of this Act.

Power of the 34.

Bureau to

make

regulations.

TAHIR SHAH KAKAR,
Secretary.

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