

THE BALOCHISTAN HIGHWAYS
ORDINANCE, 1959

(W.P. Ordinance XXXII of 1959)

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'THE ?[BALOCHISTAN?] HIGHWAYS ORDINANCE, 1959

(W.P. Ordinance XXXII of 1959)

[23 May, 1959]

An Ordinance to consolidate and amend the law relating to highways in the Province of ?[Balochistan].

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to highways in the Province of [Balochistan];

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

CHAPTER I
PRELIMINARY

Short title and 1. (1) This Ordinance may be called the *[Balochistan] extent. Highways Ordinance, 1959.

4((2) It extends to the whole of the Province of [Balochistan], except the Tribal Areas.)

Definitions. 2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a) "animal" includes any elephant, camel, horse, ass, mule and cattle;

(b) "Government" means the Government of [Balochistan];

(c) "highway" includes a common and _ public highway and all roads, carriageways, cartways, streets and lanes, together with any bridleways, footpaths and pavements adjacent thereto, which have been constructed, or are maintained by

a

This Ord. was promulgated by the Governor of West Pakistan on 18 May, 1959; published in the W.P. Gazette (Extraordinary) 23" May, 1959, pages 437-455; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of (1962).

2 Subs. by Baln. A.O. of 1975, for "West Pakistan".

Spelling of the word "Baluchistan", wherever it appears in this Ordinance, is corrected by insertion of letter "o" instead of "u", a Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

4 Subs. by W.P. Ord. VII of 1964.

Highway
Authorities.

Transfer of control
from one
Highway

Government or any local authority or any other
authority empowered in that behalf, and are
designed and intended for, or used by the general
public for the passage of vehicles, and shall
further include—

(a) all culverts, bridges and works of every
description built on under or across any

highway;

(b) all adjacent berms and side drains
within the boundaries of any
highway;

(c) all land included within the boundaries
of any highway; and

(d) "prescribed" means prescribed by rules made
under this Ordinance;

(e) "vehicle" includes any wheeled conveyance
drawn, propelled or driven by any kind of
power, including human and animal power, but
shall not include motor vehicles, unless the latter
are expressly included.

CHAPTER II HIGHWAY AUTHORITIES

3. (1) Government may, by notification, appoint any
person or persons to be Highway Authority for a part of a
highway or for one or more highways and such authority shall
be subject to such conditions and limitations as may be
specified in the notification.

(2) Where no Highway Authority is appointed under
the last preceding sub-section and the highway is not
maintained by Government, the local authority shall be deemed
to be Highway Authority in respect of all highways within its
jurisdiction.

(3) Government shall be Highway Authority for all
highways and all purposes not specifically provided for in the

two preceding sub-sections.

4. (1) Government may, by notification, transfer control of any highway from itself as Highway Authority to another Highway Authority, or from another Highway

Authority to Authority either to itself as Highway Authority or to some other

another. Highway Authority, in regard to such matters dealt with by this Ordinance, and on such conditions, as may be specified in the notification.

(2) As from the date of a notification issued under the last preceding sub-section any contract made prior to such date by or on behalf of the superseded Highway Authority in respect of the highways, and in relation to the functions of which control is transferred, shall take effect as if it had been made on behalf of the Highways Authority assuming such control.

CHAPTER III POWERS OF HIGHWAY AUTHORITIES

General Power of '5. Subject to the other provisions of this Ordinance, a Highway Highway Authority may—

Authorities. (a) layout or make a highway and do all works

necessary thereto, and make necessary provision for the safe and convenient use of such highways by the public, including drainage, lighting and roadside trees;

(b) turn, divert or close any highway, or part thereof either temporarily or permanently;

(c) widen, alter the level of, improve or repair any existing highway under its control;

(d) fix the specification, alignment and point of junction of any access roads connecting a highway with adjoining properties;

(e) utilized for any purpose appropriate to its functions, land forming part of a highway which is not actually required for the passage of traffic, and dispose of the natural produce of such land; and

(f) regulate the kind, number, and speed of vehicle using any highway or portion thereof by means of barriers, diversion roads, and all other means whatsoever.

Encroachments. 6. (1) A Highway Authority may, with due regard to the safety and convenience of traffic on the highway and

subject to such conditions as it may impose, permit any person on payment of such fees as it may fix—

(a) to place a movable encroachment on any highway in front of any building owned by him at ground level;

(b) to make a movable structure overhanging a highway;

(c) to deposit or cause to be deposited building materials, goods for sale, or other articles on any highway: and

(d) to set up a stall or scaffolding on any highway.

(2) Any person who does any of the acts enumerated in the last preceding sub-section or sets up any fence, hedge or post on highway without the written permission of the Highway Authority shall be punished with fine which may extend to fifty rupees, and the Highway Authority, may, after giving reasonable notice to the offender requiring him to remove the offending structure, fence, hedge, post, deposit, goods, articles, stall or scaffolding, and upon his failing to comply with such notice, within the time specified therein, itself remove the offending structure, fence, hedge, post, deposit, goods, articles, stall or scaffolding, and may recover the cost as hereinafter provided.

(3) The cost of removal and storage of such materials, shall be such sum as may be certified by the Highway Authority to be the actual cost of such removal and storage, and if such sum is not paid in response to a notice of demand accompanied by a copy of the certificate served on the offender either personally or if he be not readily traceable, by affixation at a conspicuous place close to the site of the offence, within such time as is specified in the notice, the Highway Authority may recover the same by sale of the materials removed, and such sum shall also be recoverable as an arrear of land revenue.

Certain works on 7. (1) A Highway Authority may carry any cable, wire, highways. pipe, drain, sewer or channel of any kind through, across, under

or over any highway under its control, and after giving

reasonable notice in writing to the owner or occupier, into,

through, across, under, over or up the side of any land or

building situated within the boundaries or such highway, for the

purpose of establishing telephonic or other similar communication, or of carrying out and establishing or maintaining any system of lighting drainage or sewerage or any purpose connected with the upkeep, maintenance or betterment of such highway, and may at all times do all acts and things which may be necessary or expedient for repairing and maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state:

Provided that no nuisance more than is necessarily caused by the proper execution of the work is created by any such operation, and that where damage is done to any land or building which is not owned by the Highway Authority, reasonable compensation shall be paid to the owner or occupier of such property in respect of such damage.

(2) Notwithstanding anything contained in any other law for the time being in force no person or authority shall do any of the following acts, namely:-

(a) open or break up the surface of any highway; or

(b) construct or carry any cable, wire, pipe, drain, sewer or channel of any kind, through, across, under or over any highway; or

(c) within the boundaries of any highway, repair or alter or execute any works on, or in relation to, any existing cable, wire, drain, sewer or channel of any kind, running through, across, under or over such highway;

unless such person or authority shall have first obtained the consent to the proposed work of the appropriate Highway Authority.

(3) In giving its consent under the last preceding sub-section, a Highway Authority may impose such conditions as it may deem to be necessary and consistent with the performance of its duty as such Highway Authority, and may impose a rent or other charge for any land forming part of the

Restrictions on
ribbon
development
on certain
highways

highway occupied by or applied to the proposed work.

(4) If without the consent of the Highway Authority any person does any act enumerated in sub-section (2) he shall be punished with fine which may extend to one thousand rupees, and the Highway Authority shall give reasonable notice to the offender requiring him to remove the unauthorised works, and restore the Highway to its former condition, and upon his failing to comply therewith within a reasonable time, may itself remove the said works and restore the highway as aforesaid, and may recover the cost as hereinafter provided.

(5) The costs of removal of such works, storage of the materials and restoration of the highway shall be such sum as may be certified by the Highway Authority to be the actual cost of such removal, storage and restoration, and if such sum is not paid in response to a notice of demand accompanied by a copy of the certificate served personally on the offender or any person empowered to act on his behalf or if this be found to be impracticable then by affixation at a conspicuous place close to the site of the offending works, within such time as is specified in the notice, the Highway Authority may recover the same by sale of the materials removed, and such sum shall also be recoverable as an arrear of land revenue.

(6) If any dispute arises between the Highway Authority and any other authority or person, out of or in relation to the exercise of the powers of such Highway Authority under sub-sections (1), (2) and (3), such dispute shall be referred to arbitration.

8. (1) As respects all highways which on or after the date of the coming into operation of this Ordinance are maintained by the Provincial Public Works Department or are provincial property maintained by local bodies, the following restrictions shall apply, that is to say, it shall not be lawful without the consent of the Highway Authority: —

(a) to construct or layout any means of access to or from the highway;

(b) — to erect any building upon land within two hundred and twenty feet from the

middle of the highway.

(2) No restrictions in force under the last precedings sub-section shall apply in relation to -

(a) any building which is used or intended to be used mainly or exclusively for purposes relating to cultivation of land adjacent thereto otherwise than as a dwelling house;

(b) any works begun before the date of the coming into operation of this Ordinance or any works carried out in accordance with a permission granted by any competent authority before that date;

(c) any highway in respect of which a building line has been determined in accordance with section 16.

Adoption of 9. (1) A Highway Authority may, in the manner restrictions of | provided hereunder, propose to adopt the restrictions referred to section 8 in in the last preceding section as respects any highway to which respect of other the said restrictions do not of their own force apply.

highways. (2) The proposal shall be notified in the manner

provided in section 13 for the publication of notices of closure of highways and in such detail as may be prescribed inviting objections to the proposal to be filed within, a period of thirty days from the date of publication, and all objections received within such period shall be taken into consideration by the Highway Authority, which may notify the proposal, or if it finds that in consequence of any objection the proposal is impracticable, may abandon it.

(3) If the Highway Authority decides to proceed with the proposal it shall forward it, with modifications, if any, as provided by the last preceding sub-section to Government; and Government may after such further enquiry as may be considered necessary reject the proposal or approve it with such further modifications as it may deem fit to make.

(4) The proposal as finally approved by Government shall be published in the Gazette, and from the date of such

Compensation.

publication, the restriction contained in sub-section (1) of section 8 shall apply to the highway specified in the proposal.

(5) If a building line is determined under the provisions of section 16 in respect of any highway to which in accordance with this section, the restrictions contained in section 8 have been applied, the said restrictions shall cease to have effect from the date on which such building line is determined.

10. 'If any person having any interest in land proves that his interest is injuriously affected by the impositions of restrictions by or under the provisions of section 8 or section 9, he shall be entitled to recover from the Highway Authority compensation for any injury or damage to such interest.

Explanation—For the purpose of this section the expression "interest in land" shall mean the interest vested in such person on the day the aforesaid restrictions came into force.

(2) No claim for compensation under the last preceding sub-section for injury or damage shall be entertained unless the claimant furnishes satisfactory proof—

(a) that proposals for development at the date of the claim for compensation are immediately practicable or would have been so if this Ordinance had not been passed; and

(b) that there is a demand for such development.

(3) No compensation shall be payable for any injury or damage in so far as the land is subject to a substantially similar restriction under some other enactment, or where compensation in respect of some substantially similar restriction in force under this or any other enactment has already been paid.

(4) Subject to the other provisions of this section, compensation to be awarded shall be a sum by which the market value of the interest in land is reduced as a result of

Construction of
means of
access to road
buildings on
areas subject to
restrictions
under section 8
or section 9.

Temporary closure
of highways.

Permanent closure
of highways.

restrictions imposed under section 8 or section 9.

11. Any person wishing to obtain the consent of the Highway Authority to construct or layout a means of access to or from or to construct a building within two hundred and twenty feet of the middle of any highway, to which restrictions have been applied by or under section 8 or section 9 shall apply in writing to the Highway Authority and shall furnish with his application such plans and other particulars as may be prescribed and the Highway Authority may refuse to grant the application or may grant the application subject to such conditions as it may deem fit to impose:

Provided that the application shall not be deemed to have been sanctioned by reason that no order refusing it is passed by the Highway Authority despite the lapse of time.

12. | When any highway or portion thereof is temporarily closed for repairs or for any other purpose connected with the function of the Highway Authority under this Ordinance in such manner as to interfere with the passage of traffic, it shall be the duty of the Highway Authority to set up such notices as may be prescribed at each end of the closed portion, and the Highway Authority may also announce the fact by such other means as it may deem proper; and the Highway Authority shall further provide, so far as may be, reasonable means of access to the open portion of the highway 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 through contiguous lands, after giving reasonable notice to the owner thereof and shall pay reasonable compensation for any damage caused to such lands thereby.

13. (1) A Highway Authority, intending permanently to close a highway or any portion of a highway, shall give notice

of its intention, in the Gazette, as well as by publication in one or more newspapers circulating in the affected area or by display of notices at conspicuous places in such area, or by both these methods.

(2) The notice shall invite objections to the proposed

1 ie. Act V of 1908.

closure within a period of not less than a month from the date of publication.

(3) In arriving at its decision, the Highway Authority shall 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 Highway Authority nevertheless may close the highway provided that it is satisfied that an alternative highway or highways, whether previously existing or newly constructed by itself, will more satisfactorily meet the general requirements of the area than the highway proposed to be closed.

(5) A decision by a Highway Authority to close a highway or portion thereof shall be published in the manner provided for publication of notices under sub-section (1) and within thirty days of the last date of publication two or more persons who are aggrieved by such decision, and have obtained the consent in writing of the Advocate-General, may appeal to Government against such decision.

(6) Government shall refer such appeal for decision to a Tribunal which shall be composed of a President who shall be a Judge of the High Court to be nominated by the Chief Justice and two members to be nominated by Government one of whom shall be an official of the Public Works Department, Buildings and Roads Branch, not below the rank of Executive Engineer, and the other shall be a person who has for at least ten years been an Advocate of a High Court.

(7) The Tribunal shall have all the powers of a Civil Court for the purpose of compelling the attendance of parties and witnesses and the production of documents and subject to rules that may be made in this behalf, the proceedings before the Tribunal shall be conducted, as nearly as may be, in the manner provided by the Code of Civil Procedure, 1908 for the trial of civil suits.

(8) At the conclusion of the proceedings the Tribunal shall report its findings to Government, which shall

Interference or
damage
resulting from
works on
highways.

transmit such report to the Highway Authority with instructions to act in accordance therewith:

Provided that if Government considers that the report requires reconsideration in respect of any matter, it may refer such matter to the Tribunal for further consideration and the Tribunal may, after such further enquiry as it may think fit, modify its finding in respect of such matter or may confirm such finding.

(9) The costs of the proceedings shall be paid in accordance with such direction as may be made in that behalf by the Tribunal, and shall be recoverable as an arrear of land revenue.

(10) When a highway is closed under the provisions of this section, any person who on the date of first publication of a notice under sub-section (1), owned an interest in land or immovable property, and proves that such interest has been directly and injuriously affected by such closure shall be entitled to recover reasonable compensation for such injury from the Highway Authority, and in the event of dispute as to the amount of such compensation such dispute shall be referred to arbitration.

14. (1) If any interference or damage is caused by reason of any work on a highway which is done by order of the Highway Authority, to any existing means of access to such highway, or to any existing drain, water channel, pipe, cable (whether overhead or underground), tramway or railway line, then—

(a) if it be possible, the interference or damage shall be remedied by the restoration of the thing interfered with or damaged, to its previous position and condition at the cost of the Highway Authority; or

(b) if such restoration be not possible, such thing shall at the cost of the Highway Authority be replaced by another providing as nearly as may be the same facility, provided that if there be

Regulation of
classes of
vehicles or
animals using a
highway.

Determination of
building line.

appreciable diminution of utility by such
substitution, the Highway Authority may
pay additional compensation in money;
or

(c) if neither restoration nor substitution be
possible then reasonable compensation
shall be paid to persons interested by the
Highway Authority.

(2) Any person aggrieved by the action of the
Highway Authority may apply to Government and it shall
thereupon refer the dispute for decision by arbitration.

15. (1) A Highway Authority may prohibit or restrict
either permanently or temporarily, the taking of any class of
vehicles or animals over a highway 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 reason.

(2) Such prohibition or restriction shall be notified
by display of notices at prominent places along the effected
highway and where it is intended to be permanent shall also be
notified by publication in the Gazette and at least in one
newspaper circulating in the locality.

CHAPTER IV IMPROVEMENT OF HIGHWAYS

16. (1) In respect of any such highway specified in
section 8, or for which the provisions contained in section 8
have been adopted under section 9, the Highway Authority may
determine a building line, along one or both sides of such
highway, after enquiry, in the manner hereinafter described.

(2) A building line shall not be proposed unless the
Highway Authority shall have first examined and taken into
consideration, any planning scheme proposed, prepared or
enforced in the same vicinity by the local authority and shall
first have consulted with such local authority in that behalf.

(3) When a Highway Authority proposes to

determine a building line as aforesaid, it shall give notice in the prescribed manner containing such details of the proposal as it

Construction of
buildings, etc.,
between
highway and
building line.

may deem necessary, provided that it shall not be necessary to include a plan of the proposed building line in such notice, but a copy or copies of such plan shall be deposited and shall be available for public inspection for a period of not less than thirty days, at one or more places in or near the affected locality, which shall be specified in such notice.

(4) The notice shall invite objections to the proposals to be filed within a period of three months from the date of publication and all objections received within such period shall be taken into consideration by the Highway Authority in arriving at its decision.

(5) The building line so determined by the Highway Authority shall be published in the manner prescribed and shall come into effect from the date of such publication.

(6) Any person aggrieved by the decision of the Highway Authority may apply to Government, and it shall thereupon refer the dispute for decision by arbitration.

17. (1) Except as provided by this or any other enactment, it shall not be lawful without the consent of the Highway Authority to construct or lay out any means of access to or from the highway, to erect or re-erect any building, to make any excavation or to construct from or layout any works, upon land lying between a building line and the highway in respect of which it has been determined.

(2) Should any building (including a wall) or any part thereof lie within the prohibited area, as defined in the last preceding sub-section, the Highway Authority may, whenever such building or part has been either entirely or in greater part burnt or has fallen down, by notice require such building or part when being rebuilt, to be set back to the building line, and if the portion of land thus rendered vacant is included within the boundaries of the highway in relation to which such building line has been determined, such portion shall become part of the highway:

Provided that the Highway Authority shall pay compensation to the owner of such portion of land or of the building which existed thereon for any damage caused to him by the setting back of the building.

Acquisition of land. 18. (1) A Highway Authority may acquire any land situated between a building line and the highway to which it relates, if in its opinion, such acquisition is necessary for the construction or improvement of the highway.

(2) If the purchase cannot be effected by agreement, the Highway Authority may certify that the land is required for the construction or, as the case may be, the improvement of a highway, and thereafter acquisition may be effected under the Land Acquisition Act, 1894.

CHAPTER V DUTIES OF HIGHWAY USERS

Conformity with 19. Every person using a highway, or who is in charge of a vehicle or animal on a highway shall himself conform, and shall cause any such vehicle or animal as aforesaid to conform, to observe such general rules of traffic as may be prescribed and shall obey all lawful directions regulating all traffic signs fixed on such highway and all lawful directions of traffic given to him by any police officer in uniform or other

authorised person for the time being engaged in the regulating of traffic.

Vehicles and 20. = (1) Every person using a highway shall stop and animals to be remain stationery, and every person in charge of a vehicle or stopped in animal on a highway shall cause such vehicle or animal to stop in certain cases. and remain stationery, for so long as may be reasonably

necessary —

(a) when required to do so by a police officer in uniform or by any authority lawfully empowered in this behalf under this Ordinance or which is ___ lawfully empowered to levy a toll or tax;

(b) — when required to do so by any person in charge of any animal, if such person apprehends that the animals in his charge being alarmed will become unmanageable; and

(c) when the vehicle or animal is involved in the occurrence of any accident to any person, animal or vehicle, or damage to

Driving of vehicles
and animals.

Adequate control

any property, whatever be the cause of
such accident or damage.

(2) When any accident or damage such as is mentioned in clause (c) of the last preceding sub-section occurs, the person in charge of the vehicle or animal shall be bound on enquiry to give on the spot his own name and address and if he is not the owner, the name and address of the owner of such vehicle or animal to a police officer, or any other authorised person, and shall also be bound to state these particulars to any person who sustains loss, damage, or injury on account of such accident or damage, provided that such other person also states his own name and address, and any person who was a witness to the occurrence shall be bound to state his name and address, on demand by the person in charge of the vehicle or animal or by any person who has sustained loss, damage or injury in the occurrence, or by any police officer or other authorised person.

(3) In a case of accident or damage as aforesaid, if any person is injured the person in charge of the vehicle or animal shall, unless he be himself incapacitated by injury sustained in the same occurrence —

(a) take all reasonable steps, such as may appear necessary, to secure medical attention for the person injured; and

(b) if no police officer or other authorised person be present at the spot, report the occurrence at the nearest police station as soon as possible and in any case, within twenty-four hours of the occurrence.

21. (1) No person shall himself proceed on a highway or drive any vehicle or animal on a highway so as by such driving or the manner thereof to endanger human life, or be likely to cause hurt to any other person.

(2) No person shall drive a vehicle or an animal on a highway when he is under the influence of drink or a drug to such an extent as to be incapable of exercising proper control over such vehicle or animal.

22. (1) No person in charge of a vehicle or animal shall

and care of
vehicles and
animals.

Power to arrest
without
warrant.

cause or allow it to remain on any highway, whether at rest or in motion, in such a condition or in such circumstances, as to cause or be likely to cause danger, obstruction, or undue inconvenience to other users of the highway.

(2) If a vehicle or animal is found abandoned or unattended on a highway, the Highway Authority may remove and impound it, and the cost of such removal and any maintenance provided by the Highway Authority shall be recoverable from the owner thereof.

(3) If no person appears to claim the property within seven days of such seizure, the Highway Authority may sell the vehicle or animal by auction, and recover such expenses from the proceeds, and the balance, if any, shall be payable on application to the person entitled.

23. (1) A police officer in uniform may arrest without,—
(a) any person who in his view commits a
contravention of section 21,

provided that if the contravention be of
sub-section (2) of section 21, the person
arrested shall be subjected to medical
examination within two hours of his
arrest, and shall then be released
from custody;

(b) any person concerned or reasonably
suspected of being concerned in a
contravention of any provision of this
Chapter, if the police officer has reason
to believe that he will abscond or
otherwise avoid the service of a
summons; or

(c) any person who, being required under the
provisions of this Ordinance, to give
his name and address refuses to do so, or
gives a name and address which the
police officer has reason to believe to be
false.

(2) A police officer arresting the driver of a vehicle
or a person in charge of an animal under the provisions of this

Cognizance of offences.

Penalties.

Persons deemed to be public servants.

1 ie. Act XLV of 1860.

section shall take or cause to be taken reasonable and necessary steps for the safe custody of the vehicle or animal.

CHAPTER VI PROCEDURE AND PENALTIES

24. No Court shall take cognizance of any offence punishable under this Ordinance or any rule made thereunder, except on a report in writing of the facts constituting the offence made by a Highway Authority, or by a person duly authorised by a Highway Authority in this behalf, or by a police officer not below the rank of a head constable.

25. (1) Except as specially provided elsewhere in this Ordinance, whoever contravenes any provision of this Ordinance, or any lawful order of a Highway Authority made under the provisions of this Ordinance, shall be punished with fine which may extend to one hundred rupees or if the offence be similar to one for which he has been previously convicted, with fine which may extend to two hundred rupees.

(2) Where the offence committed is a contravention of the provisions of section 8 or section 9 or section 17 or of any order made by a Highway Authority under any one of these sections, the Court may, in addition to any penalty imposed under the last preceding sub-section, order the accused to demolish the access road he has constructed or re-constructed, or the building or works he has erected, re-erected, constructed, formed, or laid out, or to fill up an excavation he has made within a reasonable time to be specified in such order, and if the accused fails within such time to carry out the order, he shall be deemed guilty of committing a continuing public nuisance and will be liable to the punishment provided in section 291 of the Pakistan Penal Code!.

CHAPTER VII MISCELLANEOUS PROVISIONS

26. All persons acting under the authority of Government or of any Highway Authority in the carrying out of any of the

provisions of this Ordinance or of the rules made thereunder
shall be deemed to be public servants within the meaning of

Protection to
persons taking
action under
the Ordinance.

Payment of
compensation
and its
determination.

Power of
Government to
make rules.

section 21 of the Pakistan Penal Code!.

27. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under or in pursuance of this Ordinance or any rules made thereunder.

28. = (1) Except as specifically provided by _ this Ordinance, no compensation shall be payable to any person, on account of any order made, or any restriction imposed or any act performed by a Highway Authority.

(2) Where the amount of compensation payable cannot be agreed upon it shall be determined by arbitration.

29. (1) Government may after previous publication make rules for the purpose of carrying into effect the provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the prevention of obstruction to the free and rapid movement of traffic on highways, including obstruction to the vision of persons driving vehicles (including motor vehicles) constituted by trees and their branches,

and other

over- hanging a highway;

hedges
vegetation, growing on or

(b) the prevention of nuisances by the discharge of sullage water or the deposit of matter which is offensive or injurious to health, or the carrying on of dangerous or offensive trades, on or in the immediate vicinity of a highway;

(c) the regulation of the exhibition of advertising matter on highways and along the boundaries thereof;

(d) the regulation of the use of sound amplifying apparatus on or in_ the immediate vicinity of a highway;

(e)

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the regulation of the grazings of animals on areas included within the boundaries of a highway;

the regulation of the loading of goods in vehicle on or in the immediate vicinity of a highway;

the regulation or prohibition of the use of the whole or part of a highway by pedestrians or animals;

the carrying or wearing by all or any vehicle or animal using a highway of a horn or bell, or other contrivance for giving audible warning of their approach or position;

the carrying by all or any vehicle of lamps and reflectors and the regulation of the use thereof;

the regulation of the design of goods vehicles (including the materials and width of their tyres), and the maximum load to be carried thereon;

the fixing of the maximum weight of vehicles which may use a _ bridge _ or

any class of bridges, forming part of highway;

the types of traffic signs which are to be employed on highways;

the proper provision and maintenance of highways, and the safe, convenient and orderly movement of traffic thereon;

the particulars to be entered in a notification of a proposal published under sub-section (2) of section 9;

the plans and particulars required to be furnished by any person § making application under section 11;

Repeal and savings.

1 ie. West Punjab Act VI of 1948.

2 ie. NWFP Act XIII of 1946.

(p)

(q)

(r)

(s)

the notices of temporary closure to be set up under section 12;

the procedure to be followed by the Tribunal appointed under section 13;

the manner in which notice of a proposal to determine a building line under section 16 is to be given; and

the manner in which building line determined under section 16 is to be published.

30. =l) The following enactments are hereby repealed:-

(a)

(b)

The West Punjab Highways Act, 1948).

The North-West Frontier Province
Ribbon Development Prevention Act,
1946?.

(2) Notwithstanding the repeal of the enactments

mentioned in the last preceding sub-section, everything done and all action taken, obligation, liability, penalty or punishment

incurred, inquiry or proceedings commenced, officer appointed or person authorized, jurisdiction or power conferred, rule made

and notification issued under any of the provisions of the said enactments shall, if not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, made or issued under this Ordinance.

