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PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

February 17, 2023

No.PAP/Legis-2(155)/2022/106. The Punjab Road Safety Authority Bill 2022, having been passed by the Provincial Assembly of the Punjab on the 9th day of January 2023, and assented to by the Governor of the Punjab on the 23rd day of January 2023, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB ROAD SAFETY AUTHORITY ACT 2023

ACT XIII OF 2023

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated February 17, 2023.]

An
Act

to provide for road safety in the Punjab.

It is necessary to establish the Punjab Road Safety Authority to ensure safe road design, safe vehicles, trained drivers, and post-accident management by adopting best international practices.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. **Short title, extent and commencement.**– (1) This Act may be cited as the Punjab Road Safety Authority Act 2023.
   (2) This Act shall extend to whole of the Punjab.
   (3) This Act shall come into force at once.

2. **Definitions.**– In this Act:
   (a) "Agency" means an Agency notified under this Act;
   (b) "Authority" means the Punjab Road Safety Authority established under this Act;
   (c) "device" means a road traffic control device used to protect road users from the risk of injury or death and includes signs, signals, road markings, safety barriers, gantries etc. to inform, guide and control traffic including pedestrians, motor vehicles, bicyclists;
   (d) "driver" means a driver as defined in the Ordinance;
   (e) "driving license" means the document issued by the competent authority authorizing the person specified therein to drive a motor vehicle of any specified class or description;
   (f) "Government" means Government of the Punjab;
   (g) "manufacturer" includes an assembler, fabricator or body builder of vehicles;
   (h) "member" means a member of the Authority;
   (i) "motor vehicle" means the motor vehicle as defined in the Ordinance;
   (j) "Ordinance" means the Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965);

(k) "person" includes an individual, company, firm, institution, Government agency, co-operative society, society, trust or association of individuals whether incorporated or not;
(l) "prescribed" means prescribed by the rules made under this Act;
(m) "regulations" means the regulations framed under this Act;
(n) "road" includes expressways, highways, motorways, public roads, cart-ways which are designed or intended for, or used by the general public for the passage of vehicles;
(o) "road safety" means safety of vehicles, roads, road users, and includes measures such as road signs and systems;
(p) "rules" means the rules made under this Act;
(q) "specified" means specified by the regulations framed under this Act;
(r) "specialized vehicle" means a vehicle which the Government may, from time to time, notify as such in the official Gazette;
(s) "vehicle" includes a motor vehicle, non-motorized vehicle and specialized vehicle; and
(t) "vehicular attachment" means an item not required for the normal or basic use of the vehicle but attached to a vehicle for a specific purpose.

3. Authority.– (1) The Government shall, by notification in the official Gazette, establish an Authority to be known as the Punjab Road Safety Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to enter into contracts, acquire or dispose of property, and may, by the said name, sue or be sued.

4. Composition of the Authority.– (1) The Authority shall consist of the following:

(a)	Minister for Transport of the Government;	Chairperson
(b)	Secretary to the Government, Transport Department;	Vice Chairperson
(c)	Secretary to the Government, Communication and Works Department;	member
(d)	Secretary to the Government, Excise, Taxation and Narcotics Control Department;	member
(e)	Secretary to the Government, Environment Protection Department;	member
(f)	Secretary to the Government, Industries, Commerce, Investment and Skills Development Department;	member
(g)	Additional Inspector General, Traffic Police;	member
(h)	Secretary Provincial Transport Authority;	member
(i)	Director General of the Authority	member/secretary
(j)	one member of Provincial Assembly of the Punjab to be nominated by the Chief Minister;	member
(k)	three persons representing academic disciplines related to transport safety or management;	members
(l)	one person representing the motor transport industry;	member
(m)	one person having experience of transport management; and	member
(n)	any other member co-opted by the Authority.	member

(2) The Government shall nominate the members mentioned at clauses (k), (l) and (m) of subsection (1) for a term of three years.

(3) A member, other than ex-officio member, shall not be nominated as a member of the Authority for more than two consecutive terms.

(4) An ex-officio member may be represented by an officer not below the rank of Additional Secretary of the concerned department, or Deputy Inspector General of Police, as the case may be.

(5) No act or proceedings of the Authority shall be invalid merely by reason of any vacancy in the constitution of the Authority.

(6) Seven members of the Authority including at least one member from the academia shall constitute the quorum for a meeting of the Authority.

(7) The Authority shall meet at least once in four months.

(8) The Chairperson and, in his absence, the Vice Chairperson shall preside over meetings of the Authority.

5. Qualification of members.– A person shall not be nominated as member or shall not continue to be a member who:

(a) is or, at any time, has been convicted of an offence involving moral turpitude; or

(b) has a financial interest in any scheme or a conflicting interest, directly or indirectly, between his interests as a member and his private interests, and has failed to disclose such interest in writing to the Government.

6. Functions of the Authority.– Subject to the provisions of this Act, the Authority shall perform the following functions:

(a) advise the Government on all matters relating to road safety;
(b) regulate drivers training, safety and licensing;
(c) regulate vehicle safety and manufacturing standards;
(d) specify standards and criteria for grant of driving licenses;
(e) regulate safety standards in designing roads;
(f) collect, compile, maintain, develop and analyze road safety data;
(g) initiate and monitor road safety audits and inspections;
(h) undertake research and development relating to road safety;
(i) constitute committees for purposes of this Act;
(j) mutual cooperation with agencies and institutes involved in road and vehicle safety;
(k) develop and implement public awareness and education campaigns regarding road safety; and
(l) any other function relating to road safety.

7. Agencies.– (1) The Authority shall have the following Agencies:

(a) Drivers Training and Safety Agency;
(b) Vehicle Safety Agency;
(c) Road Design Safety Agency; and
(d) Post-crash Investigation and Research Agency.

(2) Each Agency shall have such composition as the Government may by notification in the official Gazette determine.

8. Drivers Training and Safety Agency.– (1) An officer authorized to conduct a driving test or to issue a driving license under the Ordinance shall ensure compliance with standards, curriculum and other requirements set by the Authority for testing and grant of driving licenses.

(2) The Agency shall specify requirements for drivers training schools and driving instructors and every drivers training school shall comply with the requirements specified by the Agency.

(3) Subject to subsection (2), the Agency shall grant accreditation to drivers training schools.

(4) The Agency may inspect and/or audit the procedures for testing and grant of driving licenses to check compliance with standards and requirements specified by it under subsection (1).

(5) The Agency may inspect and/or audit drivers training schools to check compliance with requirements specified by it under subsection (2).

(6) Where the Authority finds that the provisions of this section are not being complied with, it shall place the matter before the Government for appropriate decision as to time period within which the provisions of this section are to be complied with and for the decision regarding the continued operation or otherwise till such time.

9. Vehicle Safety Agency.– (1) The Agency shall specify manufacturing standards for vehicles, vehicular attachments, trolleys, trailers, including body building, fabrication to be fixed on vehicles and requirements for modification or alteration of vehicles.

(2) Every manufacturer shall provide a certificate to the Agency that the vehicle, body, trailer, trolley or vehicular attachment in question complies with the standards and requirements

set by the Agency, and such certificate shall indicate the checks made to ensure compliance and the laboratory where these checks were made.

(3) Notwithstanding anything contained in subsection (2), the Agency may require a manufacturer to make available one or more samples of a vehicle, trailer, trolley or vehicular attachment for inspection and compliance of checks, and when so required, the manufacturer shall make available the sample or samples selected by an officer authorized by the Agency.

(4) No vehicle shall be registered or continued to be registered by any authority empowered to register vehicles unless it complies with the standards and requirement set by the Agency.

(5) No person shall ply a vehicle not registered in the province, which does not comply with the standards and requirements specified by the Agency with regard to that vehicle.

10. Road Design Safety Agency.– (1) Every department, agency or authority of the Government responsible for an existing road shall submit its design and alignment to the Agency for road safety audit.

(2) Any person, authority, agency or department involved in the planning, design and construction of roads shall obtain a road design safety certificate from the Agency prior to approval of the scheme and a design approved by the Agency shall not be altered without its prior permission.

(3) The Agency shall check the design and either issue a design safety certificate or directions to alter the design to bring it in conformity with safety requirements

(4) Where a direction is issued to alter/modify the design, the road management agency or the agency, department or authority responsible for the road shall take measure to bring the road in compliance with the safety requirements.

(5) The Agency shall classify the roads with regard to functionality, design and/or operability.

(6) The Agency shall specify:

(a) design and operating speed limits of various categories of roads;

(b) usage of roads from safety perspective; and

(c) loads and volume limits of various categories of road.

(7) All road traffic control devices shall comply with the specifications approved by the Agency.

(8) The Agency shall set standards for road furniture, bus shelters, walkways and/or pedestrian crossings and every Government or land management agency shall comply with the standards.

11. Post-crash Investigation and Research Agency.– (1) The Agency may investigate or cause an investigation to be undertaken to determine whether an accident was caused by the condition of the vehicle or the condition and/or design of the road or both, when so requested by the police or the Government.

(2) The Agency shall provide its findings to the police or the Government, as the case may be.

(3) The police shall maintain and provide a record of accidents in the manner specified by the Authority.

12. Laboratories.– (1) The Authority shall establish one or more vehicle testing laboratories as part of the Vehicle Safety Agency, which shall be equipped with the latest testing facilities and equipment.

(2) The laboratory shall be required to obtain relevant international certification.

13. Director General.– (1) The Government shall appoint the Director General of the Authority.

(2) The Director General shall be the Chief Executive Officer of the Authority.

(3) The Director General shall have such qualifications and requirements as may be prescribed and until so prescribed as may be determined by the Government.

(4) The Director General shall receive such salary and allowances, and shall perform such functions as may be prescribed and until so prescribed as may be determined by the Government.

14. Appointments.– The Authority may appoint such employees, experts or consultants and other staff in such manner and on such terms and conditions as may be prescribed, and until so prescribed, as may be determined by the Government.

15. Appointment by transfer.– (1) The Government may, on its own or on the request of the Authority, transfer the services of an employee to the Authority on the terms and conditions which shall not be less favorable than those admissible to him immediately before his transfer to the Authority.

(2) An employee transferred under subsection (1) shall continue to be an employee of the Government.

16. Power to enter.– An officer authorized by the Authority may, whenever it is necessary for purposes of this Act and at all reasonable times, may:

(a) enter into a premises;
(b) conduct surveys, audits and investigations;
(c) associate and examine persons for finding of facts;
(d) inspect records, vehicles, bus/wagon and other related stations, workshops etc.;
(e) mark such boundaries and lines by placing marks etc. to preserve accident scene; and
(f) do such other acts or things as may be prescribed.

17. Appeals.– Any person aggrieved by an order passed under this Act, rules or regulations, may, within thirty days from the date of receipt of the order, prefer an appeal to such authority or officer as the Government may, by notification, specify.

18. Public servants.– The Chairperson, members of the Authority, employees, experts and consultants of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

19. Recall of vehicles.– (1) Where the Authority finds that a vehicle suffers from a manufacturing or design defect at any point in time, which makes the vehicle unsafe, the Authority, may direct to recall, modify or update such vehicle to make it safe.

(2) Where any person including the manufacturer fails to recall, modify or update a vehicle under subsection (1), the Authority may direct the registering authority to de-register the vehicle, and the registering authority shall proceed to de-register such vehicle within such period of time as may be specified by the Authority.

20. Offences.– A person who plies a vehicle in violation of section 9 shall be guilty of an offence punishable with fine, which may extend to rupees five thousand and/or confiscation of the vehicle in question.

21. Delegation of powers.– The Authority may, with or without conditions, delegate to the Director General, a committee, a member, an employee of the Authority any of its functions except the following functions:

(a) to frame rules and regulations;
(b) to appoint a committee or sub-committee of the Authority;
(c) to approve policies and guidelines of the Authority;
(d) to approve annual report of the Authority; and
(e) to consider audit report of the Authority.

22. Authentication of instruments of Authority.– All orders, decisions and other instruments of the Authority shall be authenticated by the signature of the Director General or any other employee of the Authority authorized by the Authority.

23. Annual report.– (1) The Authority shall, within three months of the close of a financial year, submit to the Government an annual report.

(2) The report shall consist of:

(a) the statement of accounts and audit reports of the Authority;
(b) a comprehensive statement of the work and activities of the Authority during the preceding financial year and its proposed projects and schemes; and
(c) such other matters as may be prescribed or as the Authority may consider appropriate.

(3) The Government shall, within three months of the receipt of the annual report from the Authority, cause it to be laid in Provincial Assembly of the Punjab.

24. Indemnity.– No suit, prosecution or other legal proceedings shall lie against the Authority, an Agency, a member, officer, consultant and other employee of the Authority, in respect of anything caused or done or intended to be caused or done in good faith under this Act.

25. Act to be in addition to the Ordinance.– The provisions of this Act shall be enforced in addition to the provisions of the Ordinance, unless they are inconsistent with the same and in that case the provisions of this Act shall have overriding effect.

26. Public information.– The Authority shall maintain a website which shall contain updated information about the following:

(a) vehicles classification and specifications;
(b) road classifications and their characteristics;
(c) vehicles subject to recall, modifications or updation;
(d) roads or sections of roads which have not been granted safety certificates;
(e) list of accredited driving schools;
(f) annual reports;
(g) driver's testing requirements; and
(h) data about accidents.

27. Regulations.– (1) Subject to this Act and the rules, the Authority may frame regulations for giving effect to the provisions of this Act.

(2) Notwithstanding anything contained in subsection (1), the Authority shall make regulations within six months of the commencement of this Act for:

(a) classification of vehicles and the requirements thereof;
(b) manner and procedure of testing of drivers;
(c) establishment of driver training schools; and
(d) conduct of road safety inspection and audit.

28. Power to make rules.– The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

29. Repeal.– On commencement of this Act, the provisions of the Ordinance listed in the Schedule appended to this Act shall stand repealed/amended to the extent mentioned therein.

30. Protection of rules made under the Ordinance.– The rules made under the Ordinance pertaining to vehicle standards and safety shall remain in force until the Authority specifies the standards under section 9 of this Act.

SCHEDULE
(see section 29)

Section	Law	Amendment/ Repeal
section 33	Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965)	In section 33, in subsection (1): (a) after the words "that authority", the words "along with certificate of compliance of standards pertaining to alteration of vehicles under the Punjab Road Safety Authority Act 2023" shall be inserted; and (b) proviso to subsection (1) shall be omitted.
section 95	Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965)	In section 95, after the words "Government" the expression "or the Authority established under the Punjab Road Safety Authority Act 2023" shall be inserted.

Inayat Ullah Lak
Secretary