

*Study on  
Facilitation of Cross-border Movement of  
Goods and People in the SAARC Region*

(Phase II)

**ASIAN INSTITUTE OF TRANSPORT DEVELOPMENT**

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## SECTION 1

### INTRODUCTION

This report deals with phase 2 of the study on the Inter-Country Cross-Border Movement of Goods and People by Road in the countries of the SAARC Region. In phase 1 of the study, we had covered Bangladesh, India and Nepal. We had also examined the benefits of unimpeded inter-country movement. Besides, there was a separate section on International Conventions relating to road transport sector. In this section, we had discussed the purpose of each of the conventions and major obligations of the contracting parties. This section also examined the status of adoption of these conventions by the member countries of SAARC.

In the present phase 2 of the study, we have covered two countries, namely, Bhutan and Pakistan. The methodology adopted is the same as that of phase 1. A copy of the questionnaire eliciting information about legislative and regulatory provisions in respect of vehicle permits, speed of vehicles, safety features, axle loads prescribed for commercial vehicles, safeguards for movement of hazardous goods, status of accession to international conventions relating to road transport was prepared and forwarded to the Chambers of Commerce of Bhutan and Pakistan. However, there was no response from either country. Accordingly, visits were made to both these countries to understand the following issues.

- (i) Steps taken by the individual country towards acceptance of international conventions relating to traffic, road signs, etc.;
- (ii) Whether there are any bilateral agreements for inter-country movements;
- (iii) Current impediments to free flow of inter-country movements;

- (iv) Facilitation measures adopted at border crossings with regard to permits; weight and dimensions of vehicles; movement of hazardous goods; insurance liability; banking, etc.;
- (v) Views and procedures of customs, state transport departments, security police, etc. with regard to inter-country movements;
- (vi) The policies adopted by the respective country for road safety.

In-depth discussions were held with various stakeholders. Based on discussions and the information received, report on Pakistan was prepared which is given in Section II. The list of persons and organisations contacted in Pakistan and Bhutan are given at Annexures 1 and 3 respectively. The note on Bhutan is in Section III. It gives the present level of bilateral trade and transport infrastructure in the member countries as also the problems faced by trade and other users.

An important component of the present study is the section on movement of dangerous goods. It gives details of legislative and other provisions in respect of transport of dangerous goods in Bangladesh and India. It discusses important issues relating to training of drivers and trainers, creating awareness among the various stakeholders about the safeguards to be observed. It also stresses the need for entering into an agreement by the SAARC member countries regarding transport of such goods by road to avoid possible accidents. Similar details in respect of other SAARC countries were however not readily available. In this context, it may be pointed out that considering the importance of the subject, it is necessary to harmonise in the SAARC region the legislative provisions relating to such goods as well.

The legislative and regulatory provisions governing various aspects of motor vehicle operations in the SAARC countries have already been discussed. It will be recalled that there are significant variations, country-wise, in respect of some of the provisions. These relate to the permit system, administrative procedures, documentation and fees, overloading, movement of hazardous cargo, procedure and periodicity of fitness of vehicles, dimensions and safety

standards of vehicles, limits on axle loads and gross vehicle weight, training and testing of drivers, driver licensing, traffic operations, environment control, etc. If detentions of vehicles in the region are to be contained/eliminated, there is an urgent need to harmonise the various legislative and regulatory provisions. This aspect has been dealt with in section 5 of the report.

Sri Lanka and Maldives, the remaining SAARC countries, have not been covered in this report since these are island states and are not accessible by road transport. Notwithstanding this limitation, these countries operate intra-island road transport services; road transport also provides the feeder service for movement of goods from the airport/seaport to the destinations in the islands and vice-versa. Thus, road transport services have a definite role to play as part of a multimodal transport system which is gaining popularity in the world including the SAARC region. Therefore, these island states could as well be signatories to the proposed motor vehicle agreement.

## SECTION 2

### COUNTRY STATUS : PAKISTAN

#### Indo-Pak Trade

India-Pakistan trade is presently taking place through three channels, namely, (i) formal trade through official channel; (ii) third country channels: this is mainly done through agents who are based at free ports like Dubai or Singapore; and, (iii) informal or illegal trade across the land borders. This is carried out by smugglers who exchange goods at the border.

The formal trade between India and Pakistan is limited due to Pakistan's restricted list of import commodities; at present, there are only 600 commodities, which are permitted to be imported from India. The trade data for the last 10 years is given in Table 1.

**Table 1 : Trends of India-Pakistan Trade**

*(Rs. Million)*

Year	Indian Exports to Pakistan	Imports from Pakistan into India	Trade Balance
1990-91	736.0	844.9	-108.9
1991-92	988.2	1412.8	-424.6
1992-93	1470.8	3755.1	-2284.3
1993-94	2009.6	1366.8	642.8
1994-95	1797.0	1656.1	140.9
1995-96	2561.9	1508.0	1053.9
1996-97	5578.2	1295.5	4282.7
1997-98	5311.3	1396.8	3914.5
1998-99	4463.8	9021.9	-4558.1
1999-2000	4053.5	2967.4	1086.1

*Source : DGCI&S, Kolkata*

It will be seen that during 1990-93, India has had a deficit in the trade balance with Pakistan. The position reversed in 1993-94 when India achieved a trade surplus, albeit marginal. The favourable trade balance continued till 1997-98. However, the following year, 1998-99, a trade deficit surfaced again mainly because of heavy import of sugar by India.

The composition of imports and exports and commodity-wise share is given in Table 2.

**Table 2 : Composition of India-Pakistan Exports and Imports**

Major Export Products by India	% Share		Major Import Products from Pakistan	% Share	
	1998-1999	1999-2000		1998-1999	1999-2000
Oil Meals	23.07	19.39	Fruits & Nuts excluding Cashew Nuts	9.50	25.73
Drugs, Pharmaceuticals & Fine Chemicals	13.52	14.69	Sugar	83.09	18.56
Spices	12.14	11.80	Rice	-	7.05
Dyes & Coal Tar Chemicals	10.42	9.75	Spices	1.13	2.33
Rubber Products except Footwear	6.12	6.73	Cotton Raw & Waste	0.25	1.77
Paints, Enamels, Varnish etc.	2.78	3.24	Textile Yarn, Fabrics	0.29	1.21
Inorganic, Organic, Agro-chemicals	2.11	3.07	Leather	0.26	0.70
Plastic and Linoleum Products	0.53	2.55	Other Crude Minerals	0.04	0.54
Other Ores and Minerals	0.60	2.43	Electronic Goods	0.23	0.52
Primary and Semi-finished Iron and Steel	0.74	1.92	Organic Chemicals	0.27	0.46
Total (including others) Rs. million	4463.80	4053.50	Total (including others)	9021.9	2967.4

### **Informal Trade**

There is considerable informal trade between India and Pakistan; it is estimated at around \$1 billion, five times the official trade. The actual value of this trade will be still higher if supplies of Indian-made textile machinery, spares and equipment, tanneries equipment and machine tools, orders for which are placed in Dubai, Hong Kong or Singapore (not directly imported from India), are taken into account. Other items imported through third-country channel include chemical goods, viscose fibre, stainless steel utensils, cosmetics, cotton fabric, ayurvedic medicines, videotape and cassettes, cashew nuts, etc. The main reasons for this unofficial trade are:

- (i) restrictions imposed by Pakistan on importing goods from India;
- (ii) closure of land border route with India; and
- (iii) irregular rail traffic.

There is no restriction on import of goods by India from Pakistan. India has granted most favoured nation (MFN) status to Pakistan; however, it has not

been reciprocated by the latter. The high tariff rates, in general, are affecting the regular trade between the two countries.

### **Potential for Expansion of Trade**

There is vast potential for expansion of bilateral trade between India and Pakistan. India has lower labour costs. There is demand for Indian goods in Pakistan which is reflected in large volume of unofficial trade and the higher cost of imports which are presently made by Pakistan from far-off countries. Pakistan can give the option to its traders for trading with India at least in items which are open for the rest of the world; the restricted list presently covering 600 items is impeding the growth of trade between the two countries.

### **Transport Infrastructure**

The basic modes of transportation in Pakistan are roads, railways, airways and waterways. Road is the dominant mode of transport. Over 80% of Pakistan's freight and passenger traffic is moved by road. As regards cross-border trade, the land route via Wagah border near Amritsar (India) and Lahore (Pakistan) is convenient, but it is presently closed for road transport operations between the two countries except for politically cognised one bus service a week in either direction.

At the time of Independence, Pakistan had a road length of 50,000 km which increased to 250,000 km at the end of 1999-2000. It comprises 139,000 km of high-type roads (national highways, motorways) and 111,000 km of lower order roads. National Highways Authority (NHA) of Pakistan under the Ministry of Communications is responsible for the development and maintenance of National Highways. The total length of roads under NHA is 8479 km which accounts for over 4% of entire road network and 63% of road traffic in the country.

Road transport sector has a mix of vehicles including passenger vehicles of different types, trucks, etc. There are over 4 million vehicles registered in the

country. This sector is regulated by Provincial Motor Vehicles Ordinance (1965) along with Provincial Motor Vehicles Rules (1969). The objective of the legislation, as given in the preamble to the Ordinance, is to amend and consolidate the law relating to motor vehicles. Prior to 1965, the functions of regulation of vehicles and transport management were performed under the following Acts.

- (i) The Motor Vehicles Act, 1939
- (ii) The Motor Vehicles (Sind Amendment) Act, 1948
- (iii) The Motor Vehicles (North-West Frontier Province Amendment) Act, 1950
- (iv) The Motor Vehicle (Sind Amendment) Act, 1951
- (v) The Motor Vehicles (North-West Frontier Province Amendment) Act, 1953
- (vi) The Motor Vehicles (West Pakistan Amendment) Act, 1958
- (vii) The Motor Vehicles (West Pakistan Amendment) Ordinance, 1960
- (viii) The Motor Vehicles (West Pakistan Amendment) Ordinance, 1963

These Acts have since been repealed except for the provisions contained in Chapters 7 and 8 and Section 125 of Motor Vehicles Act 1939, which have been retained.

In all, there are 9 chapters in 1965 Ordinance which regulate road transport in Pakistan. Chapter 1 deals with definitions, chapter 2 with licensing of drivers and chapter 3 with registration of motor vehicles. Provisions for control of transport vehicles, such as issue of route permits, compensation for death and injuries to passenger are contained in chapter 4. Chapter 5 deals with Punjab Road Transport Board and chapter 6 with construction, equipment and maintenance of motor vehicles. The law relating to control of traffic, such as fixation of speed, weight and payload of vehicles, traffic signs, parking and halting places, duties of drivers and police officers in case of accidents is contained in chapter 7. Provisions relating to various offences, penalties and procedures are set out in chapter 8. Miscellaneous provisions are given in chapter 9.

The regulatory function in Pakistan is performed by the Department of Transport under the Ministry of Communications and Railways. Control of transport vehicles rests with provincial transport authority assisted by regional transport authority. Licensing is the responsibility of the police department.

**Important Provisions in the Provincial Motor Vehicles Ordinance (1965) and Provincial Motor Vehicles Rules (1969)**

The legislative provisions relating to various operating requirements of road transport are discussed in the following paragraphs:

*Permit System*

As elsewhere, the owners of transport vehicles require a permit to operate transport services in Pakistan. The permits issued by the competent authority for public carriers are generally valid for 3-5 years, as specified in the permit.

*Speed of Motor Vehicles*

Maximum speed limits for various motor vehicles have been notified in Pakistan. These are given in the Eighth Schedule annexed to the 1965 Ordinance; these vary between 25-95 km per hour. In case of goods vehicles, it varies between 25-80 km per hour. The speed of 80 km is permitted for delivery vans, 50 km in case of vehicles with registered laden weight (RLW) of 10200 kg and 25 km in other cases. It was revealed during discussions with various stakeholders that the speed limits were not being strictly enforced.

*Vehicle Dimensions and Design of Vehicles*

While vehicle dimensions are spelt out in the Motor Vehicles Rules (1969), no guidelines are issued with regard to design of vehicles.

### ***Driving Licences***

There are different procedures for licensing of drivers for private and transport vehicles. For transport vehicles, more detailed procedures are prescribed and the Board approves the issuance of a licence. Minimum age limit for applying for a licence for motor cycle and motor car is 18 years, for Light Transport Vehicle (LTV), it is 21 years and for Heavy Transport Vehicle (HTV), it is 22 years. An individual must have at least three-year old valid licence of motor car or LTV to be eligible for issue of a licence for HTV. Under the present system, the driving tests are not conducted in detail; there is no written test on *the rules of the road*.

### ***Labour Regulations***

Working hours of drivers are fixed under the labour laws; however, Motor Vehicles Ordinance is silent on the subject. The enforcement of working hours is lax.

### ***Wayside Amenities, Parking Facilities***

There is no policy at present with regard to the creation of wayside amenities. However, the government is considering the possibility of encouraging private sector investment in these facilities. As regards parking facilities, Karachi Development Authority has started such facilities. It is the policy of the government to encourage private sector to build these facilities at important places in the country.

### ***Vehicle Inspection System***

All transport vehicles are required to obtain vehicle fitness certificate. This certificate is effective for three years unless a shorter period is specified therein. In case of permit issued for a stage carriage or contract carriage, a certificate of fitness is effective for a period of six months and on the expiry of that period, the permit is deemed to be suspended until a new certificate of

fitness has been obtained. The inspection is visual at present and is not being strictly enforced.

### ***Pollution Control***

The Motor Vehicles Rules (1969) only mention that motor vehicles shall be so constructed and maintained in such a condition that these shall not emit any smoke. Pakistan Environmental Protection Agency has specified pollution norms. The implementation of these norms is under consideration.

### ***Insurance of Vehicles***

The law requires the owner of a motor vehicle or any other person using it in a public place to effect insurance against third-party risks. It is a mandatory requirement, as in India.

There is no system of insurance of cargo being carried in the vehicles. It is optional for the consignor to effect insurance of cargo. Some big companies transporting goods from the port town, Karachi, are, however, taking insurance for the cargo moved by trucks.

### ***Overloading***

Overloading is a serious problem in Pakistan. In 1995, National Transport Research Centre under the Ministry of Communications and Railways had carried out a study on Axle Load; the results of this study revealed that 88% of the trucks were loaded above the designed axle load limit of 8.2 tonnes and 43% were loaded above the axle load limit of 12 tonnes.

There is no truck manufacturing industry in Pakistan. As a result, types and makes of these trucks vary widely. Truck bodies are mostly built by local industry. Government has not issued any guidelines for the body builders so far.

There is no axle load control for overloaded trucks in the country and this has resulted in the damage of road network. Government has initiated steps to enforce axle load limit of 12 tonnes. National Highways Authority has identified locations for weighing the loaded trucks. The process for establishment of weigh stations at selected locations has been initiated and is proposed to be completed in phases.

### *Training of Drivers*

There are only a few schools imparting driver training in the country. There is demand for more institutional facilities to cater to the increasing demand for driver training.

### *Road Signs*

Recommendations of Vienna Convention on Road Signs and Signals (1968) have been followed with local adjustments within the framework of the convention, since Pakistan is a signatory to the convention.

### *Highway Police Patrol*

Highway patrolling was introduced in Pakistan in 1997 with the establishment of Pakistan Motorway Police. The objective was to ensure not only traffic discipline on motorways but also to prevent highway crimes and to provide assistance to motorists in distress. The Motorway Police comprises several policemen taken on deputation from provincial police set-ups. Currently, Motorway Police are patrolling the following motorways:

M-1	Peshawar to Islamabad	(155 km)
M-2	Islamabad to Lahore	(367 km)
M-3	Pindi to Faisalabad	(53 km)
M-4	Faisalabad to Multan	(243 km)
M-5	Multan to D.G. Khan	(84 km)
M-6	D.G. Khan to Kakkar	(467 km)
M-7	Kakkar to Karachi	(280 km)
M-8	Retodero to Gwadar	(895 km)
M-9	Karachi to Hyderabad	(136 km)

Motorway police has been provided equipment being used for traffic enforcement around the world, including laser guns, radars, video radars, hand-held radars, searchlights, accident equipment, road-safety equipment, first-aid kits, mobile repair service, etc.

The policing is now proposed to be extended to National Highways, starting with Peshawar-Karachi National Highway (N-5). It is reported that Pakistan motorway police are maintaining high standards of professionalism, efficiency and public service.

### ***Road Safety***

As in other SAARC countries, road safety is a matter of concern in Pakistan. Around 10,000 people die in road accidents every year. The factors responsible for high rate of fatality include poor road infrastructure (most of the roads are single-lane) overspeeding and overtaking of vehicles, lax licensing system, lack of training infrastructure and inadequate vehicle inspection system. Analysis of accident data shows that public transport vehicles are involved in 38 per cent of accidents; trucks in 24 per cent, cars and pick-ups in 16 per cent and motor cycles in 14 per cent.

According to Pakistan National Highway Authority, traffic violations are responsible for most of the accidents. These violations may relate to wrong overtaking, overloading of both passenger and goods vehicles, poor maintenance of vehicles, poor placement of signposts for diversion of traffic, etc.

Concerned over the high accident rates, the Government of Pakistan promulgated National Highway Safety Ordinance which came into force w.e.f. 02.09.2000. The *do's and don'ts* are given in the eighth schedule of the ordinance. The important provisions are given in Annexure 2.

Association of Road Users of Pakistan with Headquarters at Islamabad is also active in the area of road safety. It is giving wide publicity to traffic safety rules.

Pakistan motorway police is being strengthened to patrol the National Highways as well. It is reported to have played a useful role in enforcing discipline on the roads, prevent highway crimes and reduce accidents. Traffic rules, including speed limits, are being enforced on the motorways which contribute to road safety. For example, on M-2 motorway, it extended help to 3526 commuters in 1997; the number increased to 65602 commuters in 2000. Challans for traffic violations increased from 1515 to 61426 during the same period. The number of accidents declined from 539 in 1998 to 188 in 2000. Other SAARC countries may take a leaf out of the working of the Pakistan motorway police and consider setting up a separate police force for patrolling the highways in their respective countries.

Road safety is indeed a focus area in Pakistan. NGOs are being encouraged to develop road safety materials for road users. This is expected to improve road safety awareness among the users.

#### **Problems Faced in Inter-country Trade**

India-Pakistan bilateral trade suffers from a number of bottlenecks. Considering that both the countries need to liberalise trade fully over a period of 4-5 years due to WTO compulsions, it would be advantageous to both if, in the first phase, trade is opened up on a regional basis. If this is done, the difficulties of adjustment due to competition from other countries will be minimised. The main problem areas are briefly discussed below:

- (i) India has opened up trade completely with Pakistan and any commodity can be imported from Pakistan. However, at present, Pakistan businessmen can import goods from India only out of the prescribed list of 600 items. They should be allowed to import from India at least the commodities which are already being imported from other countries of

the world, if Indian goods are found competitive with regard to price and quality.

- (ii) Unrestricted movement of goods and people is essential for trade and commerce. Presently, there are visa restrictions between the two countries. There is need for easing the visa requirement for businessmen to ensure free travel between two countries so that trade can grow. Visa should be available on demand on either side; it should be free from the provisions of police reporting, single port of entry and exit and city-wise visa. There is need to do away with these regulations so that there is no harassment to the people.
- (iii) The existing trade infrastructure is inadequate. At present, there is no treaty between India and Pakistan for movement of goods by road. It will be useful to encourage trade between the two countries through land route, as it is economical in comparison to trade through circuitous sea route. Presently, both the countries are trading through the third countries and this is detrimental to both the countries. Wagah border near Amritsar should be opened up to facilitate free flow of goods and services between the two countries. Presently, the railway connection for cargo movement is highly irregular and suffers from shortage of wagons and lack of coordination between the two rail authorities. On the other hand, the shipping linkage is very expensive; at present, ships from Karachi port cannot land at Mumbai or at any other port in India and vice versa, unless they have touched a third-country port.
- (iv) The high tariff rates in general are hampering trade between the two countries. Under SAARC Preferential Trading Arrangements, both Pakistan and India have offered concessions on a number of commodities. This is not adequate; it is necessary to give greater concessions in tariff rates on items of trade between the two countries.

- (v) India has given Pakistan the preferential MFN status for trade while Pakistan has not done so. The grant of MFN status to India by Pakistan will promote healthy growth of trade between the two countries.
- (vi) At the border posts, it is essential to provide adequate toilet facilities, drinking water supply, first-aid and banking facilities. At present, these facilities are not available.
- (vii) Presently, infrastructure in the form of truck terminal and warehousing facilities are not available at the border. There is need to build up adequate warehousing capacity for storage of goods at the border. For parking of trucks, pending clearance of goods by the customs, it is essential to create a truck terminal to avoid congestion on the road.

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## SECTION 3

### COUNTRY STATUS : BHUTAN

#### India-Bhutan Trade

There is free trade and commerce between India and Bhutan. Also, India provides unhindered transit facilities to Bhutan for her trade with third countries. An agreement on trade and commerce was signed between the two countries in February 1995 which came into force w.e.f 2<sup>nd</sup> March 1995. The agreement will operate for a period of 10 years, but can be renewed by mutual consent. Table 1 gives the data for India-Bhutan trade for the period 1991-1999.

**Table 1 : Trends of India-Bhutan Trade**

*(Rs. Million)*

Year	Exports to Bhutan	Imports from Bhutan	Trade Surplus
1991	1650.00	940.00	710.00
1992	1740.00	1100.00	640.00
1993	1930.35	1785.98	144.37
1994	2876.40	2082.70	793.70
1995	3641.90	3349.10	292.80
1996	2896.16	3226.98	(-) 330.82
1997	3453.59	4041.94	(-) 588.35
1998	3620.94	4175.64	(-) 554.70
1999	5845.28	4711.23	1134.05

*Source : DGCI&S, Kolkata*

India's share in external trade of Bhutan is 82% while it is 97% of Bhutan's trade with all the SAARC countries. In 1999, imports from India accounted for Rs. 5845 million or 75% of the total imports of Bhutan. Pakistan's exports to India amounted to Rs. 4711 million which constituted 94% of the total exports of the country. The composition of imports and exports in 1999 is given in Table 2

**Table 2 : Share of India's Major Exports to and Imports from Bhutan**

<b>Major Export Products</b>	<b>% Share</b>	<b>Major Import Products</b>	<b>% Share</b>
Machinery & mechanical appliances	18.72	Mineral products	57.61
Mineral products	14.37	Chemical products	12.01
Base metals and products	13.04	Base metals and products	11.74
Vegetables, fruits, nuts, coffee, tea and spices	11.92	Wood and wood products	6.30
Transport equipment	9.90	Vegetables, fruits, nuts, coffee, tea & spices	5.60
Prepared foodstuffs	6.65	Prepared foodstuffs	4.71
Chemical products	5.44	Transport equipment	1.40
Plastic and rubber products	3.04	Plastic and rubber products	0.28
Animals and animal products	2.94	Machinery & mechanical appliances	0.13
Vegetable fats and oils	2.77	Stone, plaster, cement and asbestos products	0.13
Textiles	2.69		
Wood pulp products	2.02		
Wood and wood products	1.90		
Total in million Rs. (incl. others)	5845.28	Total in million Rs. (incl. others)	4711.23

### ***Informal Trade***

Informal trade between India and Bhutan is estimated at Rs.1031 million. Rice, sugar, flour, yarn, garments and aluminum constitute informal exports from India. Unofficial imports from Bhutan are mainly alcoholic beverages, footwear and electronic items. Informal trading with Bhutan is carried out primarily through two border points in Assam. It may be mentioned that composition of informal trade is distinct from official flows. This fact has a positive implication if informal trade is to be brought into the mainstream trade flows.

### **Transport Infrastructure**

As a land-locked country, Bhutan's economic growth depends largely on an efficient and reliable road network. Road development has, therefore, been given priority in the country's five-year plans. At present, Bhutan has a cumulative road length of 3746 km serving all district headquarters and a large proportion of the rural settlements. Details of category-wise road length are given below.

**Table 3 : Category-wise Road Length**

Category	Total Length (km)	Black-topped Length (km)
National Highways	1558.00	1529.44
District Road	476.80	358.80
Feeder Road	1092.90	366.09
Urban Road	88.71	80.11
Forest Road	529.47	--
Total	3745.88	2334.44

The country's steep and fragile terrain, lack of trained and skilled manpower as well as budgetary constraints present a challenge to construction and maintenance of new roads. In order to guide future investment in roads, the preparation of a road sector master plan has been taken up with Asian Development Bank assistance. This is expected to be finalised by the end of 2001. Private sector participation is also proposed to be encouraged to develop the road sector for commercially viable projects particularly bridges.

Transport by road is constrained by temporary blockages due to landslides. Also, because of the terrain, the roads are narrow, reducing the speed of vehicles and thus raising the transport cost. The road from the border town of Phuentsholing to Thimphu is the lifeline of the country. It is narrow and is susceptible to land slides at certain locations, namely, Sorehen, Jumja and Takhtislide which impede the smooth flow of traffic. It is learnt that last year, the road was closed for a month due to landslides. It has been decided to build a bypass to Sorehen which will create an additional route to Thimphu. This bypass is expected to be completed by 31<sup>st</sup> March, 2002.

Road transport is the commonly used mode of transport in Bhutan and will continue to be so in the foreseeable future. There are 19463 registered vehicles in the country comprising:

Type	Number
Medium/heavy vehicles	2838
Light vehicles	7327
Taxis	770
Two-wheelers	7793
Others	735

The regulatory agency for road transport is Road Safety and Transport Authority (RSTA) under the Ministry of Communications. It is headed by a Director who is assisted by a Dy. Director, a Sr. Mechanical Engineer and supporting staff. The Road Safety and Transport Act which was passed in 1999 is applicable to road transport sector currently. Prior to the passing of this Act, different organisations were involved in regulating, licensing and registration of motor vehicles with little coordination. This hampered the development of the road transport sector. The objectives of Road Safety and Transport Act are:

- (i) to provide for a safe and efficient use of road system of the Kingdom of Bhutan;
- (ii) to establish systems and procedures for the licensing of drivers and the registration of motor vehicles;
- (iii) to provide an efficient and safe public transport system;
- (iv) to establish a Road Safety and Transport Authority to oversee compliance of provisions under this Act.

The Act is divided into four parts. Part 1 deals with the establishment of a road safety and transport authority under the Ministry of Communications; part 2 covers road safety; part 3 deals with commercial vehicles and part 4 covers offences and legal proceedings.

In pursuance of section 15 of the Act, the Royal Government of Bhutan have published road safety and transport regulations. These deal with registration and licensing regulations, commercial vehicle regulation and traffic control and enforcement mechanism. These regulations provide appropriate guidelines and procedures for the enforcement agencies to provide better services to the people.

#### **Important Provisions in Road Safety and Transport Act**

In the context of standardisation of important legislative provisions governing motor vehicles in countries of the SAARC region, the position in

respect of important operational parameters in Bhutan is examined in the following paragraphs:

#### ***Permit/Licence System***

The owners of commercial vehicles require a licence to operate transport services in Bhutan. The licence is either valid for one year from the date of issue or for a period determined by Road Safety and Transport Authority.

#### ***Speed***

Maximum speed limits have been prescribed vide regulation No. 100(1)(C). These vary from 50 km/hr in case of two-wheelers and light vehicles to 35 km/hr in case of medium and heavy vehicles.

#### ***Vehicle Dimensions and Design***

Under section 23 of the Road Safety and Transport Act, the Authority may publish standards for motor vehicles covering their construction, efficiency, safety, design and equipment. In exercise of these powers, guidelines have been issued by the government for body builders and requirements of vehicle specifications have been laid down in schedule 4 to Road Safety and Transport Regulations, 1999.

#### ***Driving Licence***

Road Safety and Transport Authority (RSTA) is responsible for licensing of drivers and issue of licences to people subject to passing of test of competence. A driving licence is issued for 5 years at a time.

#### ***Labour Regulations***

Maximum working hours of drivers of vehicles have been fixed at 8 hours as per Regulation No. 26 Chapter 4 of Road Safety and Transport Regulations. In practice, it has been found difficult to enforce this provision.

### *Wayside Amenities*

There is no uniform government policy with regard to creation of wayside amenities. At present, such facilities are created by private entrepreneurs.

As regards, truck terminals, one such terminal is proposed to be built at Phuentsholing by a parastatal. At other places, private sector will be encouraged to establish such terminals.

### *Vehicle Inspection System*

RSTA inspects a motor vehicle for roadworthiness (i) twice every year in case of commercial vehicles including taxis; and (ii) once every year in case of other category of vehicles. Presently, vehicle inspections are based only on visual inspection.

### *Pollution Norms*

National Environment Commission of Bhutan is engaged in formulating pollution standards for the country. The auto emission norms are expected to be issued by November 2001. RSTA have already procured 8 sets of auto emission testing equipment. It has set up 4 auto emission testing centres, one each at Thimphu, Phuentsholing, Gelephu and Samdrupjongkhar. It has conducted a mass awareness campaign on the reduction of auto emission by organising “NO VEHICLE DAY” at the above centres.

### *Insurance of Vehicles*

Road Safety and Transport Act requires every owner of a motor vehicle to effect insurance on the vehicles. It is mandatory for commercial vehicles to go in for comprehensive insurance. For other vehicles, only third-party insurance is mandatory.

### *Overloading*

Schedule 2 to the Road Safety and Transport Regulations indicates the loading capacity and gross vehicle weight of vehicles. The maximum permissible loading capacity of a medium truck is 3 tonnes in hills and 5 tonnes in the plains; the corresponding capacity of heavy trucks is 8 tonnes and 15 tonnes, respectively. Overloading is strictly prohibited and is treated as a cognisable offence.

### *Training of Drivers*

At present, there are two drivers training institutes in Bhutan; one in the public sector and the other in the private sector. The National Driving Training Institute at Phuentsholing is a public sector institute under the National Technical Training Authority with a capacity of training 60 drivers in a year. There are proposals to enhance the training capacity to 300 persons in a year by setting up additional institutes. The private sector institute located at Thimphu has a capacity of training 50 persons in a year.

### *Road Safety*

Road Safety is a priority area in Bhutan and there exists a Road Safety and Transport Authority for this purpose. The Authority is expected to develop and implement road safety strategies and also to promote road safety education and training programmes. It is required to specify road accident prevention practices and promote the adoption of these practices within these community.

With the increasing number of motor vehicles in Bhutan, there is a growing need for safety on road. The Authority has already published the Drivers Manual. The manual gives a brief description of the important rules governing traffic behaviour on the roads. It provides the basis for theoretical and practical training as well as testing of all categories of drivers. It covers everything a beginner needs to know and all that an experienced driver should keep in mind.

The manual provides a clear understanding of the role and responsibility of a driver. It provides valuable information and instructions which a driver needs to know and adhere to. Abiding by the manual will help safeguard lives, improve the life of vehicles and reduce the high cost involved as a result of road accidents.

Overspeeding, overloading, driving without licence, negligent and careless driving coupled with bad road conditions have been identified as major causes of road accidents. RSTA has strengthened its institutional capacity by establishing 4 regional offices and 8 base offices in order to monitor safety measures and facilitate provision of better services.

Licensing system and procedures have been streamlined. It is now mandatory that all drivers must go through oral/written and practical tests conducted by RSTA. Driving licences of those drivers who do not qualify will be revoked. They will be considered for a re-test after 3 months.

Among the steps taken by RSTA to improve road safety, are its recommendations to the Department of Road and the Dantak (Border Roads Organisation) to improve sharp turns and bends, widen roads and install road and traffic signs at critical locations. It has distributed audio cassettes containing safety messages to the drivers who are required to play these in the vehicles. Besides, it has also distributed large number of educational material containing road safety messages for general awareness among the public. It has so far trained 3438 professional drivers and 50 non-professional drivers including 12 women drivers through refresher driving training courses.

### ***Warehousing Facilities***

At present, warehousing facilities at the border town Phuentsholing are inadequate. There is a small warehouse owned by the Customs. It can accommodate 15 containers. It is proposed to expand the storage capacity by constructing a six-storeyed building to cope with the increasing demand for

such facilities. There are some private godowns, owned by the traders, generally for captive use.

### **Cross-border Movement**

About 98% of the external trade of Bhutan moves either by road or by sea-cum-road; bulk of it moves by land border route through Phuentsholing. Imports from India and exports to India are cleared at the checkpost near the gate. There are no problems with regard to the clearance of such goods. The third-country imports are cleared at the office of the Regional Director (Customs), a little away from the gate.

### ***Freight Traffic***

Customs house at Phuentsholing is headed by a Regional Director assisted by Deputy Director, 3-4 Assistant Directors, 8-9 Inspectors and supporting staff. The normal working hours of the customs are from 9 a. m. to 5 p.m. Third-country imports are cleared even after office hours on overtime basis.

Bhutan's transit arrangement with India is based on a treaty signed in 1949 between the two governments. The most recent agreement was signed in March 1995. The third-country trade of Bhutan is not subject to any custom's duties and trade restrictions by India.

The main port used by Bhutan, in case of imports from third countries, is Kolkata, about 800 km from Thimphu, Bhutan's capital town. Bhutan's imports transiting Kolkata amount to about 4500 tonnes and exports about 1000 tonnes. All transit activities take place under the control of Royal Bhutan Customs. The clearance of such cargo at the port by the Indian customs is easy. Bhutan's imports are unstuffed at Kolkata Port and the cargo moves break-bulk, with a transit permit, to Bhutan by road. In some cases, containerised goods also come to Bhutan by truck. Considering the hilly terrain and narrow roads in Bhutan, trucks from Kolkata are normally unloaded at Phuentsholing

and the cargo is re-loaded into Bhutanese trucks with smaller capacity. It is rare for the cargo to go to its destination in Bhutan in the same truck that brought the goods from Kolkata.

Under the present arrangement, the importers of third-country goods face the following problems all of which add to the cost of the goods.

- (i) Lengthy processing time of documents
- (ii) Clearance of cargo through agents at Kolkata which adds to cost
- (iii) Delay in clearance due to strikes/bandhs in Kolkata
- (iv) Demurrage charged by Kolkata Port
- (v) Pilferage of cargo during stuffing and destuffing at the port
- (vi) Delay in transporting goods till the truck gets full load, in case the consignment is less than a truck-load.

#### *Dry Port*

Both the government and the trade in Bhutan feel that a dry port should be established in the country for the following reasons.

- (i) The movement of goods in containers to and from Bhutan, transiting Kolkata, will drastically reduce the time required for customs clearance at Kolkata. This, in turn, will reduce dwell time of cargo at Kolkata.
- (ii) The current practice of stuffing and destuffing containers at Kolkata Port and consequential pilferages, damages, etc. will be avoided.
- (iii) Once goods move in containers, losses and breakages of goods en-route will also be reduced.
- (iv) In such a case, a multimodal transport operator (a sub-contractor to a shipping line) will take the responsibility of delivering and collecting

goods against standard bills of lading to and from other destinations. This will encourage other economic activities in Bhutan.

- (v) The dry port will improve the prospects of increasing exports involving new commodities and new destinations.

### ***Passenger Traffic***

At present, there is a limited agreement between India and Bhutan for passenger services. As per this agreement, Bhutanese buses are allowed to ply to certain towns in West Bengal and Assam. The agreement also allows vehicles of His Majesty's Government of Bhutan to ply on government duty on Indian routes without any restrictions on number of vehicles and the routes. Private sector vehicles of Bhutan are allowed to proceed to railheads and nearest business centres in the district of Darjeeling for business purposes. These ply under the authority of a certificate issued by Bhutan. As regards Indian buses, these can come up to the Bhutanese border.

### **Problems Faced in Cross-border Trade**

Bulk of the trade between India and Bhutan takes place through Phuentsholing. The Indian checkpost is about a kilometer inside Jaigaon (the border town of West Bengal) from the border town of Phuentsholing in Bhutan. There is free flow of traffic across the border on either side without any registration. While imports from and exports to India are easy, third-country imports pose many problems. The main problems faced by the trade are as follows.

- (i) There is a small parking place for vehicles on the Phuentsholing side of the border. It can accommodate only 3-4 trucks. As a result, there is congestion when more trucks arrive from the Indian side. There is a proposal to shift the parking to a closeby site; it will have capacity to park 15 trucks at a time. It was stated by the Bhutan customs that the augmented facility would be adequate for the next 5-10 years, since these trucks would be leaving after customs clearance and unloading

of cargo, making way for other trucks entering Bhutan with imported cargo.

- (ii) The handling and transport charges on imports through Kolkata are high for various reasons mentioned earlier. There is a need to reduce the cost which is possible only if a dry port is set up at the border town of Phuentsholing. The feasibility study of the proposed dry port has already been completed. Action needs to be taken to expedite the establishment of the port.
- (iii) Cargo clearing agents at Kolkata Dock are charging high fees for their services. The Bhutanese trade feels that there is need to regulate their remuneration.
- (iv) According to State Trading Corporation of Bhutan (STCB), they face a special problem in case of imports of foreign brand goods assembled in India (e.g. computers, fax machines). They have to incur heavy expenditure including payment of custom duty if these are sent back, though temporarily, for the purpose of arranging repairs.
- (v) STCB face another problem in respect of import of IBM computers from Bangladesh. These are received at Burimari-Changrabandha border, about 120 km from Phuentsholing. According to them, Indian customs insist that Bhutanese customs should come to the border post and clear the consignment; this involves additional expenditure for the importer.
- (vi) The condition of road from Phuentsholing to Thimphu is bad. It is narrow and frequently suffers from landslides at various locations, thus creating blockade. A bypass is proposed to be constructed which is expected to be completed by March 2002. It is necessary to ensure that the bypass is completed by the target date so as to avoid disruption to traffic.
- (vii) As per the order of Bangladesh government, a Pre-Shipment Inspection (PSI) certificate is to be obtained by the importer of perishable goods like fruits and vegetables as a condition preceding

the clearance of goods by the customs. The certificate is to be obtained from a firm located at Kolkata. This delays the clearance of the consignment involving damage/loss to the goods. It is understood that on the request of Bhutanese trade, the Bangladesh government have now dispensed with this requirement. However, the condition still applies to tinned food resulting in delayed clearance of such goods and involving additional cost to the importer.

- (viii) With a view to further supplement and facilitate the regulation and movement of motor vehicle traffic across the Indo-Bhutan border and to encourage development of trade and tourist traffic and strengthen the economic bonds between the two countries, a proposal in the form of a draft agreement was prepared and discussed between the delegations from the two countries. The Royal Government of Bhutan has since returned the draft document to the Government of India suggesting certain modifications.

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## SECTION 4

### **STATUS REPORT : MOVEMENT OF DANGEROUS GOODS**

#### **A. India**

The movement of dangerous goods poses a threat to the community and the environment in a country. Therefore, safety in the movement of such goods has been one of the critical concerns of the government. In India, Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules (CMVRs), 1989 deal with safety aspects in the transport of dangerous goods by road. The legislation lays down the responsibilities of the owner of goods carriage, consignor, consignee and the driver. There are also provisions regarding fitness of vehicles, manner of display of class labels and emergency information display on the vehicles carrying dangerous/hazardous goods.

Relevant extracts from the CMVRs concerning transport of dangerous goods are given at Annexure 4. It will be seen from these Rules that the consignor has the following responsibilities with regard to transport of such goods.

- (i) Ensuring that the vehicle has valid registration to carry such goods.
- (ii) Ensuring that the vehicle is equipped with necessary first-aid, safety equipment and also antidotes to contain any accident.
- (iii) Ensuring that the vehicle owner/transporter is provided with full information about dangerous/ hazardous goods so as to be aware of the risks involved.
- (iv) Ensuring that the driver is trained in handling the dangers posed during transportation and is aware of the risks created by such goods.

As for the carriage of explosives and petroleum products, their transportation is further subjected to the Explosives Act, 1884 and Petroleum Act, 1934 and the rules framed thereunder. These Acts are administered by the Chief Controller of Explosives (CCE) under the Ministry of Commerce and Industry. The movement of radioactive materials is regulated by Atomic

Energy Regulatory Board (AERB). Transport of commodities which are dangerous but not within the ambit of CCE and AERB, is regulated by the respective state transport authority.

### **Coordinating Mechanism**

There are several ministries/departments of the Government of India and the state governments involved in the regulation of transport of dangerous goods. Details are given below:

#### *Government of India*

- (i) Ministry of Road Transport and Highways
- (ii) Ministry of Railways
- (iii) Ministry of Commerce and Industries, Department of Explosives
- (iv) Ministry of Petroleum and Natural Gas
- (v) Ministry of Environment and Forests
- (vi) Ministry of Chemicals and Fertilisers
- (vii) Ministry of Civil Aviation
- (viii) Ministry of Law
- (ix) Ministry of Defence
- (x) Department of Atomic Energy
- (xi) Central Pollution Control Board
- (xii) Directorate General of Shipping
- (xiii) Port Trusts
- (xiv) Directorate General of Factory Adviser Service
- (xv) Bureau of Indian Standards
- (xvi) Department of Mercantile Marines
- (xvii) Inland Waterways Authority of India

#### *State Governments*

- (i) State Transport Authority
- (ii) State Pollution Control Board

There is no formal coordination among different ministries/departments responsible for safe transport of such goods. However, there is wider scope of consultations among them in that before finalisation of any rules, the draft rules framed by any ministry, are circulated to all the organisations concerned inviting objections/suggestions. Besides, Department of Explosives maintain contact with the Ministry of Road Transport and Highways, Ministry of Railways, Ministry of Defence, Ministry of Civil Aviation, Ministry of Petroleum and Natural Gas, Port Authorities and Bureau of Indian Standards.

Having regard to the all-round concern for safety in the transportation of dangerous goods, the following aspects are stressed in prescribing the regulations.

- (i) Classification of dangerous goods (in line with the UN classification).
- (ii) Packaging requirements so as to meet certain performance standards – capable of withstanding normal and accident conditions of transport.
- (iii) Marking and labelling on packages, containers, tanks, wagons, barges, etc.
- (iv) Inspection of tanks.
- (v) Danger labels or placards on different means of transportation.
- (vi) Type approval and regular inspection of road vehicles. Type approval of vehicles is carried out on the basis of a pre-determined test procedure.
- (vii) Safety equipment on board the vehicles, such as fire extinguishers, etc.
- (viii) Type approval and regular inspection of rail wagons.
- (ix) Precautions for protection of personnel involved in handling dangerous goods.
- (x) Transport documents, such as declaration of goods, vehicle packaging certificate, instructions for the driver, emergency response personnel, special permits.
- (xi) Security of cargo.

- (xii) Mixed loading, separation of cargo.
- (xiii) Driver training, driver certificate.
- (xiv) Training of personnel other than drivers.
- (xv) Precautions during accident, emergency response system.

### **Emergency Response System**

Formal arrangements for handling of emergency situations are in place for radioactive materials. The Department of Atomic Energy have established a Crisis Management Group (CMG) which coordinates response efforts for all nuclear emergencies. Each consignment has to be accompanied with a Transport Emergency Card (TREM CARD) which spells out the actions to be taken in an emergency and the contact particulars of the Emergency Control Room.

For other dangerous substances, the usual practice in an emergency is to notify the police and fire brigade of the area. As in the case of radioactive substances, there is provision of TREMCARD to be carried by each road vehicle transporting dangerous goods. In the case of explosives, petroleum products, intimation about the accident is also to be sent to CCE.

The driver of the transport vehicle is expected to have sufficient understanding of the nature of goods and the nature of risks involved in their transport and to be capable of taking appropriate action in the case of an emergency.

It is felt that every road vehicle should have arrangements for display of contact particulars (to be contacted in the event of fire or other accident) and the telephone number of the consigner or the other person from whom necessary information and expert advice can be obtained concerning the measures that should be taken in the event of an emergency involving such goods.

## **Training Facilities**

National Organic Chemicals Industries Ltd. (NOCIL) has developed material for training; it has designed a four-day training course for trainers who, in turn, can train drivers engaged in transportation of dangerous goods. So far, NOCIL has trained 2700 drivers and 500 trainers. Considering that there are more than 3 lakh drivers engaged in transporting dangerous goods, their training is a formidable task.

In addition, several industries related to oil and gas, petroleum products, and chemicals, Loss Prevention Association, Labour Institute, Fire Service College, etc. also provide expert knowledge and training inputs. However, there is no system of knowing the training programmes being run for drivers by the various institutes, industries, NGOs, etc.

### **B. Bangladesh**

As per the existing legislation and regulations, Department of Explosives and Deputy Commissioners are the regulatory agencies authorised to administer the carriage of dangerous goods by road, rail and inland waterways. Department of Explosives was set up by the Government of British India in 1884; it has been regulating the import, export, use and movement of dangerous goods by any mode of transport. At present, this Department is attached to the Ministry of Energy and Mineral Resources. Bangladesh Railways administer the transport of goods through rail; Department of Shipping regulates the movement of dangerous goods through inland waterways and maritime shipping.

In 1997, Government of Bangladesh passed the Road Transportation and Traffic Act. It does not have any specific provision for handling, storing or carrying of dangerous goods by road. It only specifies the driver's responsibility for transporting hazardous materials by road.

At present, the following Ministries are involved in regulating the transport of dangerous goods in Bangladesh.

- (i) Ministry of Energy and Mineral Resources.
- (ii) Ministry of Ports, Shipping and Inland Waterways.
- (iii) Ministry of Communications.
- (iv) Ministry of Home Affairs.
- (v) Ministry of Science and Technology.

The coordination among the various Ministries and agencies under them is carried out through inter-ministerial consultations. These authorities not only cooperate with each other but also coordinate with the industrial organisations, carriers, freight forwarders, etc.

#### **Emergency Response System**

For transport of dangerous goods in Bangladesh, the transport operator needs to have a licence or a permit. The licensee or the holder of the permit is responsible for emergency response planning during carriage of dangerous goods. The emergency plan contains:

- (i) an emergency organisation;
- (ii) an outline of the lines of communication with appropriate authorities;
- (iii) measures to be taken during emergency;
- (iv) the intervention levels for different emergency situations; and
- (v) a list and description of the equipment necessary for use during an emergency, etc.

#### **Training Facilities**

Bangladesh is yet to work out a comprehensive training programme for transport of dangerous goods. But Department of Explosive examines the performance of the personnel (responsible for handling and transporting

hazardous materials) of the licensee at the time of approval. In keeping with this requirement, these private bodies are supposed to train their drivers. Notwithstanding this stipulation in the rules, there is no organisation in the country having expertise to provide training in this area.

**C. Other SAARC Countries**

As in India and Bangladesh, other countries in the SAARC region also follow some precautions in the movement of hazardous/dangerous goods by road. However, the details of regulations followed in these countries are not readily available. It is desirable that all SAARC countries have a legislation to regulate transportation of such goods. This will be useful in harmonising the law governing transport of such goods in the region.

**D. Recommendations**

- (i) There is a need to establish a harmonised national policy concerning transportation of dangerous goods.
- (ii) Proper training of drivers involved in the transportation of dangerous goods is absolutely essential. For effective results, it is essential to devise a suitable scheme for training of trainers, on the lines of NOCIL, India.
- (iii) Government may take steps to develop awareness among vehicle owners, consignors and consignees about the rules relating to transport of dangerous goods. National level workshops and seminars may be organised. NGOs could also be roped in for creating public awareness in this regard.
- (iv) A system should be evolved for collection and compilation of data on quantities of dangerous goods carried in the country/ region.

- (v) A system should be evolved for recording the incidents/accidents in which vehicles carrying dangerous goods are involved.
- (vi) Emergency response system should be strengthened. This can be done as a part of overall disaster management system.
- (vii) Channels for coordination between various agencies and departments concerned with the regulation of movement of dangerous goods by road may be created. Besides, some linkage with the international agencies may be established so as to be in constant touch with the latest developments across the globe.
- (viii) Concerned over some serious accidents in the recent years, transport of dangerous goods has attracted public attention in Europe and other parts of the world. European countries have worked out a mutual agreement concerning the international carriage of dangerous goods by road (ADR). A similar arrangement may be considered for adoption by the SAARC countries so that the various provisions of the agreement are in line with the UN system.

## SECTION 5

### **FACILITATION MEASURES FOR CROSS-BORDER ROAD MOVEMENT OF GOODS AND PEOPLE**

Member States of SAARC region shall adopt measures to facilitate the free flow of goods and passengers in the region and shall, endeavour to coordinate the activities of the concerned agencies which impact on road transport, especially at border-posts and inland clearing depots. To this effect, they shall agree to develop a harmonised road transport policy providing for non-discrimination, reciprocity and fair competition, harmonised operating conditions and promoting the establishment of an integrated transport system. This should be possible only if they conclude bilateral or multilateral agreements which promote the following:

- (i) single SAARC carrier permits or licences;
- (ii) carrier registration;
- (iii) quota and capacity management systems;
- (iv) harmonised administrative procedures, documentation and fees;
- (v) information management and exchange of information procedures;
- (vi) establishment of joint route management committees on a bilateral or multilateral basis; and
- (vii) carrier obligations in respect of drivers, vehicles, passenger manifests, cargo manifests and returned permits or licences as well as sanctions against carriers in the event of contraventions.

#### ***Route Management Groups***

Member states shall ensure that domestic measures conform to regional policies and co-ordinate their efforts in this regard. They shall establish bilateral or multilateral Route Management Groups on high volume routes for

the regulation and management of cross-border road transport services. These Groups shall define their own functions and devise procedures in accordance with the objectives of this Protocol.

### ***Information Management***

Member States shall maintain and update information on specific matters on a corridor basis and provide such information upon demand to other Member States and participants in Route Management Groups.

### **Road Transport Law Enforcement**

For the effective implementation of road transport policies, Member States shall harmonise:

- (i) definitions, classifications and description of road transport offences;
- (ii) penalties, including the imposition of penalties in host countries;
- (iii) administrative action against carriers committing offences;
- (iv) the training of law enforcement officers; and
- (v) the maintenance of a comprehensive road transport offence register.

They shall optimally utilise regional resources in respect of law enforcement by the establishment of joint training facilities or programmes; undertaking joint law enforcement exercises and sharing equipment; and expanding the role of the private sector to regulate itself.

### **Road Traffic**

Member States should enhance the overall quality of road traffic in the region with emphasis on promoting acceptable levels of safety, security, order, discipline and mobility on roads and protecting the environment and road infrastructure.

In order to attain road traffic objectives, Member States agree to develop a harmonised regional road traffic policy in respect of (a) the harmonisation of relevant road traffic and safety legislation; (b) control measures in respect of vehicles, drivers and traffic operations; and (c) the harmonisation and implementation of relevant technical standards.

#### *Fitness of Vehicles*

- (i) Member States shall ensure acceptable levels of vehicle fitness in the region. To this effect, they shall develop and implement a vehicle fitness system which shall entail harmonised standards in respect of:
  - (a) vehicle testing, including vehicle categories to be tested, the frequency of testing and testing procedures;
  - (b) testing stations and testing equipment, including certification, inspection and calibration;
  - (c) vehicle examiners, including training and certification; and
  - (d) vehicle fitness standards.
- (ii) Member States shall develop a common format for roadworthy certification and vehicle fitness certification.
- (iii) A Member State shall recognise the roadworthy certification and/or vehicle fitness certification issued in another Member State in respect of a vehicle registered in that State for the purposes of the free movement of such vehicle within its territory subject to the proviso that it shall retain the right of scrutiny to prevent the use of falsified documentation.

#### *Safety Standards of Vehicles*

Member States shall adopt and implement harmonised regulations on vehicle safety and equipment on or in respect of vehicles, as well as markings on vehicles, and, for this purpose, Member States who have not yet acceded to the Agreement Concerning the Adoption of Uniform Conditions of Approval

and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts, 1958, shall consider acceding thereto.

*Dimensions of Vehicles*

- (i) Member States shall develop and implement harmonised standards in respect of vehicle dimensions and vehicle combinations.
- (ii) Vehicles or vehicle combinations which exceed the harmonised standards referred to in paragraph 1 may only be authorised to operate on the basis of special permits issued by authorities designated by each Member State for that purpose.

*Loads on Vehicles*

- (i) Member States shall implement harmonised permissible axle loads and gross vehicle weight limitations keeping in view the need to balance financial requirements and interests of preserving the region's road infrastructure, optimising road transport operations and enhancing road traffic safety.
- (ii) In order to attain the objectives stated in paragraph 1, Member States shall develop a sustainable strategy, which shall include:
  - (a) an action programme for the phased implementation of harmonised maximum axle loads by Member States which are not in a position to implement such loads immediately;
  - (b) the procurement of adequate and sustainable funds for improvement, extension and maintenance of the region's road infrastructure; and
  - (c) the development and implementation of a regional overloading control strategy which, among others, shall provide for:
    - coordinated programming of overloading control activities;

- co-operation with regard to the sharing of weighbridge facilities and equipment in the region;
- a coordinated approach in respect of practices and procedures followed and the management of information collected at weighbridges;
- harmonised legislation which ensures the necessary legislative authority to prosecute offenders;
- harmonised penalties or administrative fees for vehicle overload offences which take account of factors, such as pavement damage and travel distance;
- effective enforcement procedures;
- the introduction of special training programmes for traffic officers, prosecutors and transport operators and their employees;
- common training standards and the provision of joint training to enforce the sharing of technical resources and expertise;
- the possibility of involving the private sector as a form of self-regulation in order to promote voluntary compliance;
- introduction of administrative control measures in respect of habitual offenders; and
- launching of public awareness campaigns.

***Abnormal and Hazardous Substance Loads***

- (i) Member States shall develop and implement harmonised standards for the conveyance of abnormal and hazardous substance loads *inter alia* in respect of:
- (a) the classification of such loads; and
  - (b) the requirements and conditions in respect of the conveyance of such loads, including:
    - the issuing of authorisations;

- the nature and mass dimensions of the load;
  - the designation of routes;
  - the need for escort vehicles;
  - maximum speed limits; and
  - harmonised authorisation, escort and other relevant fees in this regard.
- (ii) Member States which have not yet acceded to the Basel Convention on the Transboundary Movements of Hazardous Substances and their Disposal, 1989, shall consider acceding to that Convention.

#### *Third-party Insurance*

- (i) Member States shall investigate mechanism for the creation of a harmonised system of third-party insurance in the region.
- (ii) For this purpose, they shall take cognisance of existing systems to provide third-party insurance in the region and shall, in devising the aforesaid mechanism be guided by the following principles:
- (a) adequacy of cover;
  - (b) affordability;
  - (c) efficient procedures to collect premiums; and
  - (d) recognition of insurance issued in a Member State throughout the region.

#### *Training and Testing of Drivers*

Member States shall develop and implement harmonised standards with regard to training and testing of drivers for issuing driving licences and professional driving permits or other documentation issued for the same purpose, including:

- (i) curricula;
- (ii) examination and testing procedures;
- (iii) inspection and certification of testing facilities;
- (iv) training and certification of examiners; and
- (v) training and certification of driving instructors.

#### ***Driving Licences***

- (i) A Member State shall issue, upon successful completion of the relevant test in respect of a certain licence code, a driving licence for the categories to be agreed upon.
- (ii) Member States shall adopt a harmonised format for driving licences.
- (iii) Each Member State shall recognise driving licences issued according to the agreed SAARC codes and format by other Member States or an International Driving Permit as corresponding and equal to its own, and, for this purpose, a licence issued in one Member State shall be valid for the driving of a vehicle, in respect of which it has been issued, in any other Member State.
- (iv) Member States shall require drivers to carry their driving licences and professional driving permits, as the case may be, at all times during journey on a public road.

#### ***Traffic Operations***

- (i) Member States shall co-operate in traffic operations management and, for this purpose, they shall take steps to adopt and implement harmonised minimum standards in respect of:
  - (a) traffic signs including traffic signals, road signs and markings;
  - (b) rules of the road;
  - (c) speed limits appropriate to road design;

- (d) driving signals; and
  - (e) driving hours.
- (ii) Member States shall develop, adopt and implement a harmonised road traffic signs and signals system.
  - (iii) For the purpose of developing harmonised rules of the road, Member States shall consider accession to the UN Conventions on Road Traffic of 1949 and 1968.

***Road Traffic Quality Management Plan***

- (i) Member States shall co-operate to develop and implement a coordinated regional road traffic quality management plan to:
  - (a) improve road traffic safety which contributes to the quality of life of the region's inhabitants;
  - (b) reduce the burden imposed on their economies by traffic-related fatalities and injuries suffered by inhabitants as also the damage to property;
  - (c) improve discipline on the roads;
  - (d) protect the road infrastructure and environment against willful and unnecessary damage.
- (ii) The plan enunciated in paragraph 1 is intended to promote collaboration between Member States to:
  - (a) create, enhance and maintain awareness of road traffic quality issues, inform target groups and change perceptions in this regard amongst the general population through communication;
  - (b) develop human resources in road traffic management and traffic control;
  - (c) increase and maintain related knowledge and skills through education and training;

- (d) conduct joint research and share research findings, especially in the field of road traffic operations, traffic quality and road and vehicle engineering;
  - (e) exchange and transfer technology;
  - (f) improve road traffic control and policing and the adjudication of offences.
- (iii) Member States shall establish a regional coordinating body comprising representatives of all executive law enforcement authorities responsible for roads, traffic management and traffic control with a view to developing, implementing, operating and managing a harmonised road traffic quality management plan.

#### ***Road Traffic Control and Policing***

Member States shall co-operate in developing and implementing a regional road traffic control and law enforcement plan which shall provide for:

- (i) development of a system encompassing common powers for enforcers of road traffic legislation;
- (ii) development of a common schedule of road traffic-related offences and penalties as well as documentation used by law enforcers;
- (iii) development of a common syllabus and minimum standards for the training and certification of road traffic enforcers, the designation of joint training centres to provide joint training and the reciprocal recognition of qualifications;
- (iv) development of coordinated traffic control or law enforcement programmes in respect of critical road traffic offences, such as
  - (a) overloading control;
  - (b) speed management;
  - (c) control of alcohol and drug impaired drivers;
  - (d) safety aspects of vehicles;
  - (e) vehicle, driver and operator documentation; and

- (v) development of harmonised standards in respect of law enforcement equipment, such as weighbridges, speed measuring devices and alcohol meters.

#### *Incident Management Systems*

- (i) Member States shall agree to develop compatible incident management systems with a view to reducing safety hazards and restoring road capacity as soon as possible after an incident occurs by minimising the time during which the dangerous obstructions remain on the roads.
- (ii) In order to attain the above-said objectives, Member States agree to develop harmonised strategies which cater to:
  - (a) the rapid detection and reporting of incidents, such as vehicle accidents and hazardous or chemical spills;
  - (b) rapid and effective response and the safeguarding of incident scenes;
  - (c) the effective removal of wreckage, debris and spilled materials;
  - (d) appropriate traffic management to mitigate the effects of incidents;
  - (e) communicating information on road and traffic conditions and alternative routes to road users;
  - (f) the listing of regional emergency assistance centres or locations which include hospitals, ambulance and fire brigade services and chemical response units.

#### *Environmental Control*

Member States shall adopt and implement road traffic measures which shall enhance their capability to control the impact of road transport on the environment, including:

- (i) common standards to enhance vehicle pollution control;
- (ii) measures relating to the transboundary movements of hazardous substances; and

- (iii) developing and implementing incident management systems for environmental incidents impacting on road transport mentioned above.

*Development of Road Traffic Information Systems*

- (i) Member States shall develop national road traffic information systems in support of the administration and enforcement of their national and regional road traffic and road traffic quality systems.
- (ii) The road traffic information systems shall contain information *inter alia* in respect of:
  - (a) vehicle registration and licensing;
  - (b) driver and professional driver registration;
  - (c) registration of authorised officers;
  - (d) registration of vehicle and driver testing facilities;
  - (e) traffic offences and prosecutions;
  - (f) collisions;
  - (g) traffic offence patterns and traffic incidents.

## SECTION 6

### **DRAFT AGREEMENT AMONG SAARC COUNTRIES ON ROAD TRANSPORTATION**

The Governments of Bangladesh, Bhutan, Maldives, Nepal, Pakistan, Sri Lanka and India being Member States of South Asian Association for Regional Cooperation (SAARC);

With the aim of strengthening relations between the people in the region on the principles of equality and promoting mutual interests;

And

Recognising the role of transport in promotion of economic growth and betterment of quality of life of people in the SAARC region;

Do hereby agree as follows:

#### *Article 1 : General Provisions*

The Member States recognise the need for harmonisation of policies and related rules and regulations to facilitate cross-border carriage of goods and passengers in the SAARC region.

#### *Article 2 : Definitions*

For the purpose this Agreement, the following definitions will apply:

*Carrier* means any legal person who, in the territory of a Member State engages himself in the activity of carriage of passengers and/or goods by road in accordance with the relevant national laws and regulations.

*Commercial Vehicle* means a vehicle operated by a carrier authorised to carry passengers or goods for hire.

*Competent Authority* means authority or authorities designated by each Member State to regulate transport of goods and passengers and deal with matters connected therewith.

*Contracting Party/Parties* means a Member State that is signatory to this Agreement.

*Designated Authority* means the authority designated by each Member State to administer and regulate cross-border traffic.

*Driver's Licence* means a document issued by the competent national authority, authorising the licence holder to drive a road vehicle, over the national territory.

*Goods* means any livestock, container, pallet and any other thing carried by a vehicle but excludes baggage/personal effects of a passenger.

*Passenger* means any living person travelling in a commercial vehicle.

*Trailer or Semi-trailer* means any road vehicle, designed to be drawn by a power-driven vehicle and manufactured or adapted for use on the road for carriage of goods.

*Note: Any combination of trailers driven by a single power-driven vehicle shall be considered as one vehicle.*

*Vehicle or Road Vehicle* means any mechanically propelled equipment meant for the carriage of passengers or goods on roads registered with the appropriate authority in a Member State.

**Article 3 : Authorisations**

Each *contracting party* hereby agrees that any person in possession of a valid driving licence for a particular class of vehicle, issued by the competent authority of any *contracting party*, shall be permitted to drive that class of vehicle in its territory.

The Competent Authorities of the *contracting parties* hereby agree to issue transport permit(s) for the motor vehicles registered in any Member Country signatory to this Agreement, to enable cross-border transportation of goods and passengers between the concerned countries, in conformity with mutually agreed conditions.

No permit shall, however, be required in the case of following vehicles for passage through the designated border posts, between/among the territories of the *contracting parties*, or in transit through the territory of any of the *contracting parties*:

Vehicles owned by diplomatic missions, international organisations, governments of *contracting parties*, official missions, ambulances or any other vehicles as agreed to.

**Article 4 : Number Plate, Driver's Licence, Operating Licences,  
Third Party Liability Insurance**

Drivers of goods and passenger vehicles entering territory of a Member State shall:

- (i) ensure that the vehicle bears a number plate evidencing its registration with the competent authority of the Member State in which it is registered;
- (ii) possess a valid driver's licence for the category of vehicles they are driving;

- (iii) possess a valid permit for entry, issued by the competent authority of the Member State in whose territory the vehicle is to enter. The respective embassy of the concerned Member State, if so authorised by the government, may also issue such permits;
- (iv) possess the operating licence, issued by the competent authority of his country, authorizing him to drive the type/class of vehicle being driven;
- (v) ensure that the vehicle is covered by third-party liability insurance extending over the countries of transit and destination and he is in possession of the relevant Insurance Certificate;
- (vi) undertake to ply his vehicle only over the permitted route or routes;
- (vii) undertake not to carry any articles/goods prohibited for transit or entry by the relevant Member State.

Commercial vehicles, shall, in addition, carry all other documents relating to commercial, safety and customs regulations, as mutually agreed to by the Member States and duly notified.

Member States hereby agree to formulate and notify special rules for carriage of hazardous goods.

Carriers operating in the territory of any *contracting party* shall follow national laws, rules and regulations regarding route management, maximum permissible loads, vehicle dimensions, axle load restrictions, road signages and signals, safety regulations, markings on vehicles, carriage of dangerous goods, insurance requirements, environmental control regulations and all other laws and regulations pertaining to transport.

***Article 5 : Movement of People, Valid Passport and Visa***

The cross-border movement of people living in the vicinity of notified border areas of the *contracting parties* shall be subject to separate agreements.

All other citizens of any Member State moving by road into the territory of another Member State must be in possession of a valid passport and visa, unless such documents are not required, by mutual agreement between the concerned Member States.

Vehicle drivers and persons who are required to frequently cross the national borders using road transport may be granted multiple entry/exit visa by *contracting parties*, over whose territory they traverse.

Passenger vehicles shall be accorded preference in providing entry permits over goods vehicles.

Accompanying baggage of passengers shall be permitted in accordance with the national customs laws and regulations.

***Article 6 : Production of Documents***

Permits and any other documents required in accordance with the provisions of this Agreement shall be carried by the driver of the passenger or goods vehicle to which they relate and shall be produced upon request of the competent authority.

***Article 7 : Prohibition on Picking Up Goods and Passengers***

Goods and passenger vehicles of one *contracting party*, when in transit en-route to a third country shall be prohibited from picking-up or off-loading goods or passengers (including tourists) in the territory of the transit country except when especially so authorised.

***Article 8 : Specification of Operating Routes***

All transport vehicles, operating under the provisions of this Agreement shall follow the specified route(s) defined in the transport permit.

**Article 9 : Fuel and Materials for the Vehicles**

Following items brought from the territory of one *contracting party* into the territory of the other *contracting party* shall be declared to the Customs Office and shall be exempt from import-export taxes and duties:

- (i) Fuel held in the tanks fitted in/on each type of road transport vehicle and which is installed technically and structurally in accordance with the international manufacturer's design,
- (ii) Lubricants in quantity necessary for use during transport operation;
- (iii) Emergency spares and materials for the vehicles.
- (iv) Standard safety equipment such as caution signs or lights, fire extinguishers, etc.

Unused spare parts or defective components dismantled from the vehicle shall be declared to the customs authorities and taken back out of the country unless specifically authorised by the competent authority.

Road transport vehicles of each *contracting party* when carrying goods or passengers in the territory of the other *contracting party* shall not leave behind any substances that may damage the person, property or environment of the other *contracting party*.

**Article 10 : Customs Formalities**

Priority for completing customs formalities for crossing the trans-border between the *contracting parties'* territories shall be mutually decided:

Carriers shall be subject to the laws of the country of entry and exit as per the regulations agreed upon between/among the *contracting parties*.

***Article 11 : Charges, Transit Fees***

The owners of all road transport vehicles, which are registered in the territory of one *contracting party* when entering into the territory of the another *contracting party* shall undertake to pay the prescribed transit fees and other charges, such as, for use of toll roads, bridges, ferries, etc.

All transit fees and charges shall be determined by the competent authority/authorities of the *contracting party/parties* through mutual consultation.

***Article 12 : Compliance with National Laws***

Carriers who are permitted to operate transport services either between the territories of the *contracting party/parties* or in transit through the territory of *contracting parties* shall comply with national laws and regulations in force in that territory.

One *contracting party* shall not impose on passenger or goods vehicles of the other *contracting party* requirements which are more restrictive than those applied by its national regulations upon its own vehicles.

***Article 13 : Accidents and Relief Measures***

In case any vehicle of one *contracting party* meets with an accident or any untoward incident while operating in the territory of the other *contracting party*, the competent authority of the country where the accident or incident occurred shall attend to the incident, provide relief and resolve the related issues according to its national laws, and also inform the designated/competent authority of the other *contracting party* of the action taken.

***Article 14 : Dispute Settlement***

All disputes arising from application of this Agreement shall be negotiated and resolved by the Designated Authorities of the *contracting parties*.

All disputes arising between the carriers or between carriers and private parties relating to the execution of their contract shall be settled by the parties themselves, in accordance with the provisions of their contract. In case of non-resolution, disputes shall be settled in accordance with the national laws or regulations of the country, where the cause of action arises.

***Article 15 : Existing Treaties not to be Affected***

All the provisions stipulated herein, shall not affect the interests and obligations of the *contracting parties* as defined in the existing bilateral or international treaties to which the *contracting parties* have acceded unless specifically superseded.

***Article 16 : Implementing Agency of the Agreement***

The Designated Authority of each *contracting party* shall authorise one or more agencies to be responsible for issuing instructions, checking the implementation of the Agreement, issuing transport permits to vehicles involved in this Agreement and dealing with all related matters during the implementation of this Agreement and notify the same.

***Article 17 : Commencement and Validity***

This Agreement shall come into force from a date agreed upon by the Member States and agreements between different Member States may be brought into force from different dates decided mutually.

The Agreement may be terminated by any *contracting party* by giving a written notice of a minimum of six months to the other *contracting party/parties*.

Amendments during the validity of this Agreement:

This Agreement may be amended or modified by mutual consent of the *contracting parties* in writing. Such amendments and modifications shall become effective from mutually agreed dates so notified by the parties and shall form an integral and authentic part of this Agreement.

This Agreement is signed this ----- day ----- month ----- year.

For the Government of  
People's Republic of Bangladesh

For the Royal  
Government of Bhutan

For the Government of  
India

For the Republic of  
Maldives

For His Majesty's  
Government of Nepal

For the Government of  
Islamic Republic of Pakistan

For the Government of Democratic

Socialist Republic of Sri Lanka

**List of Persons and  
Organisations Contacted in Pakistan**

- (i) Ministry of Communications and Railways, Government of Pakistan, Islamabad.

*National Highways Authority*

- Mr. Muhammad Firdous, Director
- Mr. Mukhtar Durrani, Chief Engineer

*National Transport Research Centre*

- Mr. M.S. Qureshi, Dy. Chief

- (ii) Federation of Pakistan Chamber of Commerce & Industry, (Karachi) Camp-Islamabad

- Mr. Anwarul Haque, Secretary General

- (iii) SAARC Chamber of Commerce and Industry, Islamabad

- Sheikh Jamil Mehboob Magoon, Vice President
- Mr. Muhammad Zafar, Executive Member

- (iv) TAQ Logistics (Freight Forwarders), Lahore

- Mr. Shams-Ul-Islam Khan, General Manager
- Mr. Tariq Hafeez, Projects/Customs House Broker

- (v) Academy for Education and Training, (Karachi) Camp-Lahore

- Mr. Ehsan Ilahi, Director

- (vi) Goods Transport Association, Lahore

- Mr. Tariq Nabeel Mehmood, Member, Executive Committee

**Important Provisions of  
National Highway Safety Ordinance  
(Pakistan)**

**Part I : For All National Highway Users**

- (i) No person shall push another person while boarding or alighting a bus or other vehicle.
- (ii) No passenger shall board or alight a bus or other transport vehicle at a place other than recognised bus stop and till the vehicle has come to a complete stop except at an intersection.
- (iii) The guardian of minor children shall make sure that a minor child does not play on or near a national highway or crosses a national highway alone.
- (iv) The passengers in a transport vehicle shall not distract the attention of the driver in any way that may hamper his driving.
- (v) The passenger in a transport vehicle, other than the driver, shall always enter or get off from the left side.
- (vi) No road user shall act in a manner, which is likely to cause inconvenience or obstruction to another road user or damage to property.

**Part II : For Drivers of Road Vehicles**

The driver of a road vehicle shall:

- (i) Not drive or cause to be driven, a motor vehicle unless it is in fit mechanical and technical condition and fulfils body building requirements as per rules,
- (ii) Observe the speed limits as indicated by an appropriate sign or as laid down in the Fifth Schedule.

- (iii) Give appropriate light or manual signals before starting, stopping, slowing down, turning or changing lanes, clearly, correctly and well in time as laid down in the sixth schedule.
- (iv) Not drive a vehicle without seat belts and properly functioning lights and indicators.
- (v) Ensure that his view through the rear-view mirror is not obstructed in any way.
- (vi) Keep the rear screen of the vehicle, if installed, clear at all times.
- (vii) Not engage in any action which is likely to distract his attention or impair his driving concentration in any manner.
- (viii) Keep a slow moving vehicle in the extreme left lane.
- (ix) While following another vehicle, maintain a minimum safe distance equal to one meter for every two km per hour of speed, i.e. thirty meters if the speed is sixty kilometers per hour.
- (x) Not attempt to gain a forward position by “Jumping the Queue” if traffic in front is held-up’
- (xi) Give way to ambulance, fire engine and police vehicle, funeral procession and emergency vehicle on emergency run.
- (xii) Not cross a single or double unbroken continuous lines marked on the road under any circumstances except when getting in or out of premises or a side road.
- (xiii) Not use indicators for any purpose other than to signal turning, lane changing manoeuvre or emergency.

**Part VII : For Driving on Motorway**

- (i) Entry of animal drawn vehicles, farm machinery including tractor, harvester, etc. and construction machinery including roller and bulldozers on any part of the motorway including slipway and shoulders, etc is prohibited.

- (ii) Do not walk along any part of the motorway including shoulders and slip way except:
- (iii) In case of emergency, walk on the shoulders to reach the nearest point for help;
- (iv) To retrieve an object which is a source of hazard to the traffic, provided approaching traffic is at a safe distance and it is not a very busy motorway
- (v) Do not enter the motorway except at the designated points. When joining the motorway, approach from the slip road on the left, check the traffic already on the motorway and adjust your speed look over the right shoulder or the outside mirror and join only when there is a safe gap between you and the approaching traffic.
- (vi) Always drive in the assigned lane except when necessary to overtake. Do not weave in and out of lanes
- (vii) Transport vehicles and vehicles drawing a trailer are prohibited to use any lane other than the extreme left lane except for overtaking or when otherwise unavoidable in the interest of safety.
- (viii) Park only in the areas specially designated for the purpose and in the service areas.
- (ix) Do not park on any part of the motorway including shoulder, slip way or central reserve.
- (x) In case of breakdown, move the vehicle immediately on to the shoulder, turn on the hazard warning lights and place the red warning triangle 50-100 metres back from the rear of the vehicle.
- (xi) Change lane only when it is necessary and do not change more than one lane at a time.
- (xii) Never reverse or drive in the direction opposite to the traffic, even on the shoulders or slipway.

- (xiii) Do not cross the central reserve (median) to make U-turn.
- (xiv) Do not drive slower than the posted minimum speed limit unless dictated by the traffic conditions.
- (xv) Do not overtake using extreme left lane or the shoulder.
- (xvi) Overtake only on the right unless traffic is moving in queues and the queue on your right is moving slower. Do not move to a lane on your left to overtake.
- (xvii) Take special care at road works. One or more lanes may be closed to traffic. Slow down and merge with traffic on adjoining lanes only when a safe gap becomes available. Do not force your way into other traffic.
- (xviii) Do not stop on a slip road or on any other part of the motorway (including shoulder) to pick up or set down anyone.
- (xix) Leave the motorway by a slip road on your left when a sign indicates so. Move into it well before reaching your exit and stay in it. Signal left in good time and slow down to the exit speed of the slip way or ramp.
- (xx) All the rules other than those concerning particular class of road users or situations apply to motorway driving.
- (xxi) Do not use any kind of phone inside a vehicle in any manner, which is likely to adversely affect-driving concentration.

**List of Persons and Organisations Contacted in Bhutan**

- (i) Office of Road Safety and Transport Authority, Ministry of Communications, Thimphu
  - Mr. Yeshe Tshering, Director
  - Mr. Harka S. Tamang, Dy. Director
  - Mr. ER. Thinlay Namgay, Sr. Mechanical Engineer
  - Mr. Karma Pemba, Regional RSTA Office, Phuentsholing
  
- (ii) Office of Bhutan Post, Thimphu
  - Mr. Meghraj Gurung, Managing Director
  
- (iii) Department of Roads, Ministry of Communications, Thimphu
  - Mr. Rinchen Dorji, Director
  
- (iv) Department of Trade, Ministry of Trade & Industry
  - Mr. Achyut Bhandari, Director General, Thimphu
  - Mr. Gyamtsho, Regional Trade & Industry Office, Phuentsholing
  
- (v) Revenue and Customs Division, Ministry of Finance
  - Mr. Nima Wangdi, Director, Thimphu
  - Mr. Ugay Namgay, Regional Director, Phuentsholing
  
- (vi) Department of Immigration, Ministry of Home Affairs, Thimphu
  - Mr. Rinzin Wangchuk, Director
  
- (vii) National Technical Training Authority
  - Mr. Dawa Gyalthen, Director, Thimphu
  - Mr. Bomchu Wangdi, Principal, National Driving Training Institute, Phuentsholing

- (viii) Ministry of Urban Development and Housing, Thimphu
  - Mr. Tshering Dorjee, Joint Secretary
  
- (ix) Bhutan Chambers of Commerce and Industry, Thimphu
  - M/s Pema Tshering and Other Members
  - Mr. Tshering Dorji, General Secretary
  - Mr. Karma Tenzin, Member based at Phuentsholing
  
- (x) Border Roads Organisation, Phuentsholing
  - Mr. Dikshit, Executive Engineer
  
- (xi) State Trading Corporation of Bhutan, Phuentsholing
  - Mr. Dorjee Namgyel, Managing Director
  - Mr. V. Shibu
  
- (xii) Food Corporation of Bhutan, Phuentsholing
  - Mr. Desang Dorji, Director
  
- (xiii) Custom Station at Jaigaon (West Bengal)
  - Mr. P.K. Bhattacharya, Superintendent
  
- (xiv) Importers and Exporters at Phuentsholing
  - Mr. Pasang Dorji, Tashi Commercial Corporation
  - Col. B.B. Rana, Rana Transport Company
  - Mr. Pasang Dorji, Namgay Exports and Imports
  - Mr. Tshering Dorji, Asian Minerals Exports
  - Mr. Chheteri Dorji, KCD Travels.

**Extracts from the Central Motor Vehicles Rules, 1989**

129. *Transportation of goods of dangerous or hazardous nature to human life:*

- (1) Every owner of a goods carriage transporting any dangerous or hazardous goods shall, in addition to complying with the provisions of any law for the time being in force in relation to any category of dangerous or hazardous goods, comply with the following conditions, namely:
  - (i) Every such goods carriage, carrying the same type of dangerous or hazardous goods (whether in bulk or in packages), shall display a distinct mark of the class label appropriate to the type of dangerous or hazardous goods specified in column 3 of the Table 1 to Rule 137.
  - (ii) In the case of packages containing goods listed in Table III in Rule 137 and which represents two hazards as given in column 2 thereof, such package shall display distinct labels to indicate both the hazards.
  - (iii) Every package containing dangerous or hazardous goods shall display the distinct class labels appropriate to the type of dangerous or hazardous goods specified in column 3 of the Table I to Rule 137.
  - (iv) Every goods carriage carrying any dangerous or hazardous goods shall be equipped with safety equipment for preventing fire, explosion or escape of hazardous or dangerous goods.
- (2) One year from the date of commencement of Central Motor Vehicles (Amendment) Rules, 1993, every goods carriage carrying

goods of dangerous or hazardous nature to human life, shall be fitted with tachograph (an instrument to record the lapse of running time of the motor vehicle: time speed maintained, acceleration, deceleration, etc.) conforming to the specifications of the Bureau of India Standards.

*A spark arrester:* Six months from the date of commencement of Central Motor Vehicles (Amendment) Rules; 1993, every goods carriage carrying goods of dangerous or hazardous nature to human life shall be fitted with a spark arrester.

130. *Manner of display of class labels:* Where a class label is required to be displayed on a vehicle, it shall be so positioned that the size of the class label is at an angle of 45 degrees to the vertical and the size of such label shall not be of less than twenty-five millimetres square which may be divided into two portions, the upper half portion being reserved for the pictorial symbol and the lower half for the text:

Provided that in the case of smaller packages a suitable size of the label may be adopted.

- (1) Where the class label consists of adhesive material, it shall be waterproof and where it consists of metal or other substance on which the pictorial symbol and the text are printed, painted or affixed, they shall be affixed directly on such material and in every case, the surface of the vehicle surrounding the label shall be of a colour that contrasts vividly with the background of the class label.
- (2) Every class displayed on a vehicle shall be positioned in such a manner that it does not obscure other markings required to be displayed under any other law.
- (3) Every goods carriage carrying any dangerous or hazardous goods shall display the class label both in the front and in the rear in a conspicuous manner.

131. *Responsibility of the consignor for safe transport of dangerous or hazardous goods:*

- (1) It shall be the responsibility of the consignor intending to transport any dangerous or hazardous goods listed in Table III, to ensure the following, namely:
  - (i) the goods carriage has a valid registration to carry the said goods;
  - (ii) the vehicle is equipped with necessary first-aid, safety equipment and antidotes as may be necessary to contain any accidents.
  - (iii) that the transporter or the owner of the goods carriage has full and adequate information about the dangerous or hazardous goods being transported; and
  - (iv) that the driver of the goods carriage is trained in handling the dangers posed during transport of such goods.
- (2) Every consignor shall supply to the owner of the goods carriage, full and adequate information about the dangerous or hazardous goods being transported as to enable such owner and its driver to:
  - (i) comply with the requirements of Rules 129 to 137 (both inclusive) of these rules; and
  - (ii) be aware of the risks created by such goods to health or safety of any person;
- (3) It shall be the duty of the consignor to ensure that the information is accurate and sufficient for the purpose of complying with the provision of Rule 129 to 137 (both inclusive) of these rules.

132. *Responsibility of the Transporter or owner of goods carriage:*

- (1) It shall be the responsibility of the owner of the goods carriage transporting any dangerous or hazardous goods to ensure the following, namely:
  - (i) that the goods carriage has a valid registration to carry the said goods and the said carriage is safe for the transport of the said goods; and
  - (ii) the vehicles is equipped with necessary first – aid, safety equipment, tool box and antidotes as may be necessary to contain any accident.
- (2) Every owner of a goods carriage shall before undertaking the transportation of dangerous or hazardous goods in his goods carriage, satisfy himself that the information given by the consignor is full and accurate in all respects and correspond to the classification of such goods specified in Rule 137.
- (3) The owner of a goods carriage shall ensure that the driver of such carriage is given all the relevant information in writing as given in annexure V of these rules in relation to the dangerous or hazardous goods entrusted to him for transport and satisfy himself that such driver has sufficient understanding of the nature of such goods and the nature of the risks involved in the transport of such goods and is capable of taking appropriate action in case of an emergency.
- (4) The owner of the goods carriage transporting dangerous or hazardous goods, and the consignor of such goods shall lay down the route for each trip which the driver shall be bound to take unless directed or permitted otherwise by the Police Authorities. They shall also fix a time table for each trip to the destination and back with reference to the route so laid down.

- (5) It shall be the duty of the owner to ensure that the driver of the goods carriage carrying dangerous or hazardous goods holds a driving license as per provisions of Rule 9 of these rules.
- (6) Notwithstanding anything contained in Rule 131 and 132, it shall be sufficient compliance of the provisions of these rules if the consignor transporting dangerous or hazardous goods and the owner of the goods carriage or the transporter, abides by these conditions within six months after the date of coming into force of the Central Motor Vehicles (amendment) Rules, 1993.

133. *Responsibility of the driver:*

- (1) The driver of a goods carriage transporting dangerous or hazardous goods shall ensure that the information given to him in writing under sub-rule (3) of Rule 132 is kept in the driver's cabin and is available at all times while the dangerous or hazardous goods to which it relates, are being transported.
- (2) Every driver of a goods carriage transporting any dangerous or hazardous goods shall observe at all times all the directions necessary for preventing fire, explosion or escape of dangerous or hazardous goods carried by him while the goods carriage is in motion, and when it is not being driven he shall ensure that the goods carriage is parked in a place which is safe from fire, explosion and any other risk, and at all times the vehicle remains under the control and supervision of the driver or some other competent person above the age of 18 years.

134. *Emergency information panel:*

- (1) Every goods carriage used for transporting any dangerous or hazardous goods shall be legibly and conspicuously marked with an emergency information panel in each of the three places

indicated in the Table below so that the emergency information panel faces to each side of the carriage and to its rear and such panel shall contain the following information, namely:

- (i) the correct technical name of the dangerous or hazardous goods in letters not less than 50 millimetres high;
  - (ii) the class labels of the dangerous or hazardous goods of the size of not less than 260 millimetres square;
  - (iii) the name and telephone number of the emergency service to be contacted in the event of fire or any other accident in letters and numerals that are not less than 50 millimetres high and the name and telephone number of the consignor of the dangerous/ hazardous goods or of some other person from whom expert information and advice can be obtained concerning the measures that should be taken in the event of an emergency involving such goods.
- (2) The information contained in sub-rule (I) shall be displayed on the vehicle by means of a sticker relating to the particular dangerous or hazardous goods carried in that particular trip.
- (3) Every class label and emergency information panel shall be marked on the goods carriage and shall be kept free and clean from obstructions at all times.

135. *Driver to be instructed:* The owner of every goods carriage transporting dangerous or hazardous goods shall ensure to the satisfaction of the consignor that the driver of the goods carriage has received adequate instructions and training to enable him to understand the nature of the goods being transported by him, the nature of the risks arising out of such goods, precautions he should take while the goods carriage is in motion or stationary and the action he has to take in case of any emergency.

136. *Driver to report to the police station about accident:* the driver of a goods carriage transporting any dangerous or hazardous goods shall, on the occurrence of an accident involving any dangerous or hazardous goods transported by his carriage, report forthwith to the nearest police station and also inform the owner of the goods carriage or the transporter regarding the accident.