

SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Mazhar Alam Khan Miankhel

(AFR)

C.M.A.No.46 of 2021 in H.R.C.No.12726-B of 2020

[In the matter regarding poor conditions of RCD Highway]

In attendance

: Mr. Sohail Mehmood, Additional
Attorney General for Pakistan
: Mr. Ayaz Khan Swati, Additional
Advocate General, Balochistan
Mr. Kamran Murtaza, Sr.ASC for NHA
Mr. Shehzad Ata Elahi, ASC for NHA
Cap. (R) Muhammad Khurram Agha,
Chairman, NHA
Syed Nazir Ahmed Agha, ASC
(applicant in person
via video link from Quetta)

Date of Hearing : 13.10.2021

ORDER

Report has been filed by way of CMA No.46 of 2021 by the National Highway Authority (NHA). Chairman, NHA has also appeared in Court. The perusal of report shows that some sort of work is being conducted by NHA on Hub-Khuzdar-Quetta-Chamman National Highway (N-25) but its condition as given in the report itself shows that 22.63% of this Highway is in poor condition, 69.13% is in fair condition while only 8.24% is in a good condition.

2. We note that despite spending of billion of rupees on maintenance of N-25, the only portion that is being shown as good condition by the NHA itself in its report is 8.24% rest of the road seems to be farce. This is a very serious state of affairs regarding maintenance of N-25 by NHA and the Chairman of NHA is directed to ensure that N-25 should be 100% in good condition and with all facilities of the Highway on it. Normally, it has been noted that reflectors and road signs are installed at the Highway but those reflectors do not reflect at all because they are only painted and can only be seen in the day time. Road lines are painted in a manner that they are washed away only in one rain although they are required to have a certain life. Besides, other signs of roads, which are required to be installed for the safety of the public, are also not provided on the Highway and all the Highways are apparently, shorn of trees, as no trees are planted/grown on the sides of the Highway, which is also a requirements.

3. The report at page-60 shows that there is National Highway/Strategic Road, namely, N-140 from Chitral to Gilgit and onward. The Chairman, NHA states that this road has been handed over to NHA only last year and it is going to construct the Highway. The overall conditions of the N-25 and non-existence of the Highway between Chitral and Gilgit, although shown in the map of the Highway, reflects the efficiency of the NHA, in that, its work is pathetic, non-conforming to the rules and the building codes, and the Highways are in dangerous condition, where life of the people is at constant risk, and except for doing certain routine

work on the Highways, NHA seems to be doing no major work to ensure safe travel of the people on them.

4. The report also shows that National Highway and Safety Ordinance, 2000 has been promulgated but no Highway Police has been established for ensuring safe road travel and control of traffic on N-25.

5. Mr. Kamran Murtaza, learned Sr.ASC for NHA states that it is the function of the Inspector General of National Highways and Motorways Police to provide police force for performing police and traffic control functions on N-25.

6. Let a report be called from the Inspector General, National Highways and Motorways Police as to why police force has not been deployed on N-25 and if deployed why so many accidents are taking place on this Highway.

7. It is also complained by the applicant, who has appeared in person via video-link from Quetta that Frontier Constabulary (FC) and Coast Guard (CG) on N-25 constantly harass the travellers, in that, their vehicles are stopped at various places and they are made to wait for hours altogether for checking purposes. Learned Additional Attorney for Pakistan is present in Court, he has been asked to seek instructions on such conduct of the FC and CG and provide comprehensive report to the Court. We may further note that FC and CG has to conduct themselves in a manner, where they do not cause humiliation and insult to the people in going about their work.

8. Let all these reports be filed in the first week of December, 2021. The Chairman, NHA shall file a comprehensive report regarding all the Highways in Pakistan.

9. Adjourned to a date in the first week of December, 2021.

Bench-I

Islamabad

13.10.2021

NOT APPROVED FOR REPORTING

Rabbani/*