
Legal framework for Government's vehicles in Balochistan



RESEARCH CENTER, HIGH COURT OF BALOCHISTAN



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COURT: HON'BLE MR. JUSTICE SHOUKAT ALI RAKHSHANI
SUBJECT: PUBLIC LAW
DATE: 04TH MAY 2024.
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QUERY OVERVIEW

QUERY: WHAT IS THE LEGAL FRAMEWORK FOR ALLOCATION, USE AND MAINTENANCE ETC. OF OFFICIAL VEHICLES & MECHANISM FOR CURBING MISUSE?

My Lord! It is respectfully submitted for consideration as under:-

LEGAL FRAMEWORK

Primary legal instrument which provides for allocation, utilization and maintenance of government-owned vehicles is the *Balochistan Staff Cars Rules 2000* notified by the Services, General Administration & Information Department Government of Balochistan vide Notification No. S.G.A.(TPT)1-3/94/570-740 on 24th July 2000. The *Balochistan Employees Efficiency & Discipline Act 2011*, may also be relevant where the misuse of vehicles amounts to misconduct calling for initiation of disciplinary action.

Summary of Balochistan Staff Cars Rules, 2000

Short Title, Application, and Commencement

- These rules are known as the *Balochistan Staff Cars Rules, 2000*.
- They apply to all vehicles owned by the Government of Balochistan.
- Effective immediately upon publication.

Definitions

- Various terms such as "Department," "Entitled Officer," "Minister," and "Officer" are defined in relation to their roles and entitlements within the provincial government structure.

Number of Staff Cars

- The SGA&ID is responsible for providing staff cars for Ministers, protocol, Secretaries, and OSDs.
- Departments provide staff cars to all entitled persons as per the schedule.
- No purchase of staff cars without a No Objection Certificate from the SGA&ID.

Administrative Arrangements

- Departments with staff cars must designate an Officer-in-Charge for maintenance and record-keeping.
- Staff cars must be registered and parked appropriately.

Use of Staff Cars

- Staff cars are allocated for state guests, foreign delegations, dignitaries and officers specified in the schedule.
- Officers of Grad 19 or above may use staff cars for official functions.
- Charges apply for occasional use by the head of the department.
- Law Department maintains a staff car for Assembly duty.
- Restrictions on use for officers receiving an allowance or beyond entitlement.

Use of Staff Cars in Contravention of Rules

- Charges apply for journeys made in contravention of the rules.
- Staff cars must be driven by official drivers or, in exceptional cases, by the officer themselves.
- Details of Journey to be Given
- Logbook entries must detail specific places and purposes of journeys.
- For official duty beyond municipal limits, details of duty points must be recorded.

Use of Staff Car of an Attached Department by Administrative Department

- Staff cars of attached departments or subordinate offices cannot be used by the Administrative Department or by Ministers.

Staff Car Driver

- Staff cars are to be driven by authorized drivers in official livery.
- Recruitment of drivers follows codal formalities and skill assessments.

Areas within which Staff Cars are to be Used

- Staff cars are primarily for use within municipal and cantonment areas.
- Exceptions for state guests, foreign delegations, and with special permissions.

Maintenance of Record

- A logbook and a copy of the rules must be maintained for each staff car.
- Responsibility for the logbook lies with the driver, Officer-in-Charge, and the entitled officer.

Checking of the Logbook

- Officer-in-Charge must ensure proper authorization and avoidance of unnecessary journeys.
- A Deputy Secretary (Admn) in each Department scrutinizes logbook entries
- Recovery of Charges for Private Use
- Monthly billing for private use of staff cars.
- Recoveries must be made within one month.
- Expenditure beyond POL limits will be recovered from the user.

Audit

- Periodic audits by the Accounts General of Balochistan.
- Auditing staff ensures adherence to rules and recovery of unauthorized expenditures.
- Hiring of Taxi for Official Business
- Strict control over taxi hiring.
- Deputy Secretary (General) SGA&ID authorizes taxi hiring when staff cars are unavailable.

Instructions for Staff Car Drivers

- Drivers are responsible for the upkeep, maintenance, and adherence to driving regulations.
- Any non-cooperation from officers should be reported without argument
- Periodical Maintenance of Staff Cars
- Daily and weekly maintenance tasks are outlined for drivers.
- Repairs and servicing must be done at specified or approved workshops.

Additional Provisions

- Weekly inspections by Officer-in-Charge.

- *Categories of staff cars and entitlements for use.*
- *Guidelines for replacement, exceptions, disposal, and pooling of cars.*

Research analysis note:-

- **Balochistan Staff Cars Rules, 2000** provide a comprehensive framework for the allocation, use, and maintenance of official vehicles. These rules stipulate the number of staff cars to be provided by the SGA&ID* and the concerned departments; the necessity of obtaining a No Objection Certificate from the SGA&ID* for purchasing of staff cars, and the designation of an Officer-in-Charge for each department with a staff car for proper maintenance and utilization of the vehicles.
- These rules permit the use of staff cars for state guests, foreign delegations, dignitaries, and government officials specified in the schedule. Charges are applicable for occasional use. The rules also address the misuse of staff cars, detailing the charges for journeys made in contravention of the rules, the requirement for official drivers, and the necessity of logbook entries for all journeys.
- The rules emphasize the responsibility of the staff car driver, Officer-in-Charge, and the entitled officer for the up-to-date maintenance of the logbook. The rules provide for the recovery of charges for private use, the periodic audit of accounts relating to staff cars, and the hiring of taxis for official business only when staff cars are unavailable.

Matters for Consideration:

In response to the allegations contained in the Constitutional Petition, the court may consider issuing any one or more of the following directives or any other which may be deemed fit and necessary falling within the existing legal framework, instead of ordering the extrinsic measures suggested by the petitioner, inasmuch as intrinsic checks exist in the rules to curb the misuse of official vehicles and prevent loss of public exchequer if implemented strictly:

- ***Strict Enforcement of Existing Rules:*** The court may direct the concerned departments to strictly enforce the Balochistan Staff Cars Rules, 2000. This includes adherence to the rules regarding the allocation of staff cars, proper utilization, and maintenance of logbooks.
- ***Special Audit Teams:*** The court may direct the S&GAD, in consultation with the Finance Department, to constitute special audit teams for the audit of departments having sizable number of staff cars.
- ***Audit and Accountability:*** The court may direct the Accounts General of Balochistan to conduct periodic audits of the use of staff cars to ensure compliance with the rules and to treat any expenditure made in contravention of these rules as unauthorized.
- ***Review of Entitlements:*** The court may direct a review of the entitlements to ensure that they are in line with the current needs and to prevent excess allocation of vehicles.
- ***Regular Scrutiny of Logbooks:*** The court may direct that logbooks be scrutinized monthly by the Officer-in-Charge and biannually by a S&GAD to ensure that all journeys are properly authorized and that no avoidable journeys are made.
- ***Recovery of Charges for Private Use:*** The court may direct the Officer-in-Charge to prepare and recover charges for any private use of staff cars as per the rules, ensuring that recoveries are made at the end of each month without delay.
- ***No Objection Certificate for Purchases:*** The Court may direct No department shall purchase a staff car without obtaining a No Objection Certificate from the concerned department, ensuring purchasing surplus vehicles.

- **Disciplinary Action:** *The court may direct that immediate disciplinary action be taken against any officer found misusing official vehicles, including the withdrawal of the vehicle and other penalties as per the rules.*
- **Awareness Campaign:** *The court may direct the Service & General Administration Department to conduct an awareness campaign for all government officials regarding the rules and consequences of misuse.*
- **Compliance Report:** *The court may require a compliance report to be submitted to the court by the SGA&ID detailing the measures taken to curb the misuse of official vehicles.*
- **Public Display of Rules:** *The court may direct that a copy of the Balochistan Staff Cars Rules, 2000, be prominently displayed in all government departments for easy reference by all officials.*

Conclusion:

By issuing these directives, the existing rules can be effectively implemented and that additional measures may not be needed for preventing the misuse of official vehicles and safeguarding the public exchequer.

Ultra-measures for consideration

- **Installation of Tracking Devices:** *The court may order the installation of GPS tracking devices in all official vehicles to monitor their movement and ensure they are used strictly for official purposes.*
- **Whistleblower Campaign:** *The Court may direct the establishment of a whistleblower protection mechanism to encourage the reporting of misuse without fear of retaliation.*
- **Establishment of Vigilance Committees:** - *The Court may direct establishment of provincial, divisional and district level Vigilance Committees. The district and divisional level Committees should oversee the compliance of the rules by the officers allotted official vehicles and other concerned officials and identify the officers or official indulged in the misuse of the vehicle and submit their report to the S&GAD department for perusal of the competent authority and the performance of divisional or district level committees should be supervised by the provincial level Committee. The concept of vigilance committee has been provided under “The Government Staff Vehicles (Use and Maintenance) Rules 1997” of Khyber Pakhtunkhwa province.*

Annexure(s)

Balochistan Staff Cars Rules 2000.
The Government Staff Vehicles (Use and Maintenance) Rules 1997” for comparative analysis

RCBHC