

Assam Highways Act, 1928

02 of 1928

[21 November 1928]

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PREAMBLE

An Act to provide for the better maintenance and control of Government roads in Assam.

Whereas it is Expedient to Provide for the Regulation and Safety of Traffic on Government Roads in Assam, for the Prevention of Obstruction and Encroachments, and of Nuisances on or Near Such Roads, For The Preservation of Such Roads, and For the Temporary Closing of Such Roads For Repairs or Other Works, or For Public Purposes;

And Whereas The Previous Sanction of The Governor General Under Sub-Section (3) of Section 80a Of The Government of India Act Has Been Obtained to The Passing of This Act ((5 and 7 Geo. V. c. 61;6 and 7 Geo. V. c. 37; 9 and 10 Geo. V. c. 101);

It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Assam Gazette, 1928, Part V p. 95; for Proceedings in Council, see Assam Gazette. Part VI, 1928, p. 777-778.

1. Short title, extent and commencement :-

- (1) This Act may be called the Assam Highways Act, 1928.
- (2) It shall extend to the whole of Assam including [the tribal areas specified in the Table appended to paragraph 20 of the sixth schedule to the Constitution]³ (5 and 6 Geo. V. c. 61).
- (3) It shall come into force on such date⁺ as the [Provincial Government]² may (6 and 7 Geo. V. c. 37) , by notification in the [Official Gazette]¹, direct (9 and 10 Geo. V. c. 101).

+ 1st January 1929, see Notification No.230C., dated 17th December 1928.

1. Substituted by the A.O. for "L.G."
2. Substituted by the A.O. for "Assam Gazette."
3. Substituted by A.O. 1950.

2. Definition :-

In this Act, unless there is anything repugnant in the subject or context,--

"Government road" means a road vested in His Majesty, or under the control and administration of the [Provincial Government]¹, and includes--

- (a) the slope, berm, borrow-pits and side-drains of any such road;
- (b) all lands and embankments vested in His Majesty or under the control and administration of the [Provincial Government]¹, and attached to a Government road;
- (c) all bridges, culverts or causeways built on or across any Government road; and
- (d) all fences and posts on any Government road or on any land attached to a Government road, and all roadside trees on such land.

3. Temporary closing of Government road :-

The [Provincial Government]¹ or any officer empowered by the [Provincial Government]¹ in this behalf may, by public notice, displayed in a conspicuous portion of the road, declare any Government road or part thereof to be closed temporarily for the purpose of repairing such road, or for the purpose of constructing any sewer, drain, culvert or bridge, or for any other similar public purpose:

Provided that the [Provincial Government]¹ or any officer

empowered by the [Provincial Government]¹ in this behalf shall, before declaring any such road or part thereof to be closed, be bound, where possible, to provide other means of access to holdings adjacent to such road or part, if no such means of access already exist:

Provided also that where there is a stretch of road over half a mile in length, the road or part thereof closed at any one time shall not exceed half a mile in length, and that, where possible, in such closed parts, an alternative route shall be provided.

1. Substituted by the A.O. for "L.G."

4. Resumption by Government of control of roads placed under local authorities :-

The [Provincial Government]¹ may, at any time, by notification, withdraw any Government road from the control and administration of any local authority under which it may have been placed by or under any law, and resume the control and administration thereof itself; and thereupon the right of control and administration of the local authority in respect of such road shall cease.

1. Substituted by the A.O. for "L.G."

5. Power to make rules :-

The [Provincial Government]¹ may, subject to the condition of previous publication, make rules ²--

- (i) for the regulation and safety of traffic on Government roads;
- (ii) for the prevention of obstruction and encroachments and of nuisances on or near such roads;
- (iii) for the preservation of such roads; and
- (iv) for the temporary closing of such roads for repairs or other works, or for the purposes specially set forth in section 3.

1. Substituted by the A.O. for "L.G."

2. For rules, see Notification No. 42-C., dated the 20th February 1934, in the Manual of Local Rules and Orders, Volume III.

6. Penalties :-

In making any rule under this Act, the [Provincial Government]¹ may direct that a breach thereof shall be punishable with a fine which may extend to ten rupees, and when the breach is a

continuing one, with a further fine not exceeding one rupee for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

1. Substituted by the A.O. for "L.G."