

The Bihar and Orissa Highways Act, 1926

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Act 3 of 1926

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The Bihar and Orissa Highways Act, 1926 Bihar and Orissa Act 3 of 1926 [Dated 13th October, 1926] An Act to provide for the better maintenance and control of Government roads in Bihar [and Orissa]. Preamble. - Whereas it is expedient to provide for the regulation and safety of traffic on Government roads in Bihar [and Orissa], for the prevention of obstruction and encroachments, and of nuisance 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 subsection (3) of Section 80A of the Government of India Act has been obtained to the passing of this Act. It is hereby enacted as follows:

1. Short title, extent and commencement.

(1) This Act may be called the Bihar and Orissa Highways Act, 1926. (2) It shall extend to the whole of Bihar [and Orissa] including the Santhal Parganas. (3) It shall come into [force] [The Act came into force on the 1st December, 1926, see Notification No. 12795-C., dated the 27th November, 1926.] on such date as the [State] [Substituted by A. L.O.] Government may by notification direct.

2. Definition.

- In this Act, unless there is anything repugnant in the subject or context-"Government road" means a road vested in [Government] [Substituted by A. L.O. for 'His Majesty'.], or under the control and administration of, the Public Works Department of [State] [Substituted by A. L.O.] Government, and includes-(a) the slope, berm, borrow-pits side-drains of any such road; (b) all lands and embankments vested in, or under the control and administration of, the said Public Works Department, 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 road-side trees on such land.

3. Temporary closing of Government road.

- The [State] [Substituted by A. L.O.] Government or any officer empowered by the [State] [Substituted by A. L.O.] Government 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 [State] [Substituted by A. L.O.] Government or any officer empowered by the [State] [Substituted by A. L.O.] Government in this behalf shall, before declaring any such road or part thereof to be closed, be bound, where possible, to provide other reasonably sufficient means of access to holding 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.

4. Power to make Rules.

(1) The [State] [Substituted by A. L.O.] Government may make Rules-(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 specifically set forth in Section 3. (2) All Rules made under this Section shall be published in the [Official Gazette] [Substituted by A. O for 'Gazette'.] and, on such publication, shall have the same effect as if enacted in this Act. (3) The power to make Rules under this Section is subject to the condition of the Rules being made after previous [publication] [As to the procedure for previous publication, see Bihar and Orissa Act 1 of 1917, Section 26.] and to the following further conditions, namely:-(a) a draft of the Rules shall be published by notification in the [Official Gazette] [Substituted by A. O for 'Gazette'.] and in local newspapers, and (b) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication.

5. Penalties.

- In making any Rule under this Act, the [State] [Substituted by A. L.O.] Government 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.