

THE HIGH WAYS ACT, 1925

ACT NO. III OF 1925

[24th September, 1925]

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

WHEREAS it is expedient to provide for the regulation and safety of traffic on Government roads in Bangladesh, 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;

¹[* * *]

It is hereby enacted as follows:—

1. (1) This Act may be called the ²[* * *] Highways Act, 1925.

Short title,
extent and
commencement

(2) It extends to the whole of Bangladesh.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct.

2. In this Act unless there is anything repugnant in the subject or context,—

Definition

"Government road" means a road vested in the Government, or under the control and administration of the Works Department of the Government, and includes—

- (a) the slope, berm, borrow-pits and side-drains of any such road;

* Throughout this Act, except otherwise provided, the words "Bangladesh" and "Government" were substituted, for the words "East Pakistan" and "Provincial Government" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The second paragraph of the preamble was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word "Bengal" was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (b) all lands and embankments vested in, or under the control and administration of, the said 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 roadside trees on such land.

Temporary closing of Government road

3. The Government or any officer empower by the Government in this behalf may, by public note, 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 Government or any officer empowered by the 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 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.

Presumption by Government of control of roads placed under local authorities

¹[**3A.** The Government 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 Section 3A was inserted by section 5 of the Bengal Highways (Extension to Sylhet) Ordinance, 1959 (Ordinance No. LXII of 1959).

4. (1) The Government may, after previous publication, make rules— Power to make rules

- (i) for the regulation and safety of traffic on Government roads;
- ¹[(ia) for the regulation of construction works within ten meters of such Government roads called National Highways and Regional Highways;]
- (ii) for the prevention of obstruction and encroachments and of nuisances on or near such roads;
- (iii) for the preservation of such road; 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) and (3) [*Omitted by the Bengal Highways (Extension to Sylhet) Ordinance, 1959 (Ordinance No. LXII of 1959), section 6(ii).*]

5. In making any rule under this Act, the Government may direct that a breach thereof shall be punishable with a fine which may extend to ²[ten thousand taka, and a continuing breach shall be punishable with a simple imprisonment for a period of six months and also with a further fine not exceeding one hundred taka] for every day after the date of the first conviction during which the offender is proved to have persisted in the offence. Penalties

¹ Clause (ia) was inserted by section 2 of the Highways (Amendment) Act, 1994 (Act No. VI of 1994).

² The words and commas "ten thousand taka, and a continuing breach shall be punishable with a simple imprisonment for a period of six months and also with a further fine not exceeding one hundred taka" were substituted, for the words and commas "ten taka, and when the breach is a continuing one, with a further fine not exceeding one taka" by section 2 of the Highways (Amendment) Act, 1994 (Act No. VI of 1994).