



Indian Roads Congress
Special Publication 15

**RIBBON
DEVELOPMENT
ALONG
HIGHWAYS
AND ITS
PREVENTION**

NEW DELHI 1996

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Introduction

1. INTRODUCTION

This Publication was originally approved by the Prevention of Ribbon Development Committee (personnel given below) in their meeting held at Chandigarh on the 10th March 1973 :

Shri J. Datt

— Convenor

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Later, this Publication was approved by the Specifications & Standards Committee (personnel given on inside front cover) in their meeting held on the 31st January and 1st February 1974 held at New Delhi and then by the Executive Committee in their meeting held on the 1st May 1974 and finally by the Council in their 82nd meeting held on the 2nd May 1974 for being published as a Special Publication of the Indian Roads Congress.

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The Problem of Ribbon Development in India

2. THE PROBLEM OF RIBBON DEVELOPMENT IN INDIA

2.1. The growth of towns and cities in India in the past has been taking place mostly along the existing roads radiating from them. This is the natural trend elsewhere too, since communities tend to expand along the traffic arteries which serve them. Enterprising businessmen find the roadside near the outskirts of towns and cities most attractive for locating industries and commercial establishments. Shops, hotels, tea stalls, repair shops for motor vehicles, petrol stations, etc., spring up linearly along the road with direct access to the highway. Such development is known as "ribbon development".

2.2. The phenomenon is marked near all towns and cities in the country. Even newly built townships have not been immune from this menace. The situation is bound to grow worse in the coming years with increasing urbanisation and growing pressure on land near the city outskirts for residential and commercial purposes.

2.3. Cities in developed countries in the West were similarly plagued by this scourge in the past but the situation was tackled by taking recourse to a number of measures. We in our country would profit immensely by recognising the problem and applying corrective measures right now, before the conditions deteriorate to an uncontrollable extent and defy a solution.

2.4. The Publication presents a review of the various problems associated with ribbon development and what all measures are possible to control this menace. The Publication also surveys the manner in which the problem has been tackled in other countries and the steps so far taken in this country. Based on overall study, a few recommendations for immediate attention are given at the end.

3

III-Effects of Ribbon Development

3. ILL-EFFECTS OF RIBBON DEVELOPMENT

3.1. Ribbon Development strangles the road system and creates ugly and blighted spots where there might have been scenic surroundings. The beauty of the countryside is defaced and destroyed at the outskirts of towns. Where wide roads with greenery around should have predominated, one finds clutter of ill-shaped and ill-designed buildings abutting right on the roadway, Photos 1,2,3 and 4. Slum conditions and decadent environment meet the traveller at the very entrance to historic towns, noted for their monuments and architectural masterpieces. Apart from the abhorrence caused to tourists, such blighted atmosphere is repugnant to the very idea of orderly growth.

3.2. The inevitable result of ribbon development in the suburbs of the cities has been the enormous increase in congestion on the highways, Photo 5. With the opening of industries, commercial establishments and residential units, a multitude of local users swarm and choke the road. Pedestrians from the residential units have to use the main highway for every single purpose, such as for shopping, for going to offices, for going to schools and colleges, for recreational walks, etc., Photos 6 and 7. Pedestrian traffic from one side of the highway to the other can be enormous, causing serious impediments to the through flow on the highway. With linear growth, suburban bus services along the main highway come up, occupying space for bus-stops and causing further congestion, Photos 8 and 9. Parking of vehicles on the road along the frontage of houses and shops becomes unavoidable, Photos 10 and 11. Cycle rickshaws and auto-rickshaws which predominate the traffic of our towns demand stands which is another encroachment on the road space. The commercial establishments located along the main highway attract heavy cycle traffic of the industrial workers going to factories in the morning and returning in the evening. The net result is that local traffic, of a predominantly mixed character, claims heavy demand on the road space and gets its major share to the detriment of through traffic emanating from the towns and entering the towns, Photos 12 and 13.

3.3. The congestion caused by mixed local traffic creates a steep increase in accidents. Since linear development along the road is caused by establishment of various roadside structures such as residential units, petrol stations, hotels, stores, industrial units, etc., a network of closely-spaced streets at right angles to the main highway gets built, so as to afford access to the various users. The number of intersections soars up. The turning movements on to and off the highway at these intersections are potential traffic hazards. Particularly dangerous are the right-turning vehicles moving from and into the main highway. The following types of accidents are common in the stretches of road affected by ribbon development :

- (i) Moving vehicle on the highway with vehicle making a right or left turn, either entering the mainstream or proceeding from the mainstream to a side road, Photo 14.
- (ii) Moving vehicle on the highway with stationary vehicle parked on the carriageway in front of a roadside structure.
- (iii) Occupants of a vehicle opening door in the face of an on-coming vehicle having stopped in front of a roadway structure.
- (iv) Pedestrian-vehicle collision, Photos 15 and 16.
- (v) Cyclist-vehicle collision.
- (vi) Moving children in residential areas along highway suddenly entering the highway during course of play.
- (vii) Movement of domestic animals such as cows, buffaloes, dogs, etc., maintained by local residents on the main highway and the impediment caused thereby to through traffic, Photo 17.

3.4. It has been observed that ribbon development reduces the level of service of the main highway. The average speed of traffic is lowered due to a number of factors, some of which are enumerated below :

- (i) The large pedestrian movement, both along the carriageway and across it, places severe restraints on drivers.
- (ii) Due to mixed traffic conditions, with motor vehicles, buses, commercial vehicles, cycle rickshaws, cycles and autorickshaws—all using the road, the road space becomes congested and the speed falls, Photo 18.
- (iii) Turning movement made by vehicles proceeding to or out of the roadside structures seriously hampers movement on the main highway.



Photo 1. Clutter of ill-shaped and ill-designed buildings along a National Highway



Photo 2. Shapeless and ugly structures abutting right on an important National Highway



Photo 3. Ugly view along a Highway passing through a small village

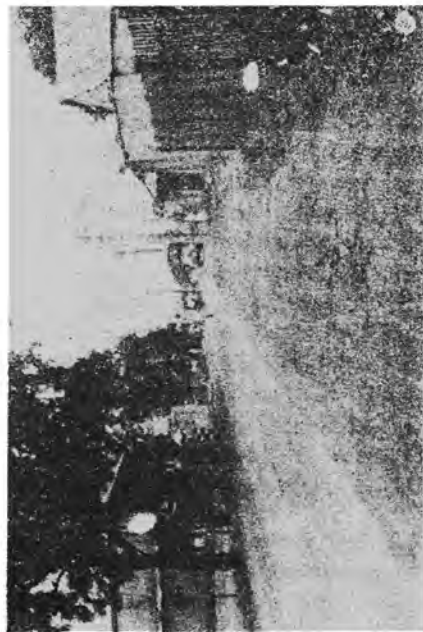


Photo 4. Aesthetics of the highway are marred by poorly designed structures close to highway



Photo 5. Ribbon development increases the congestion on highways at the suburbs



Photo 6. Predominance of pedestrian traffic causing severe congestion



Photo 7. Heavy pedestrian movements on a stretch affected by ribbon development



Photo 8. Suburban bus traffic occupies precious road space impeding through traffic

Photo 9. Heavy bus traffic catering to local needs causes congestion on a through highway

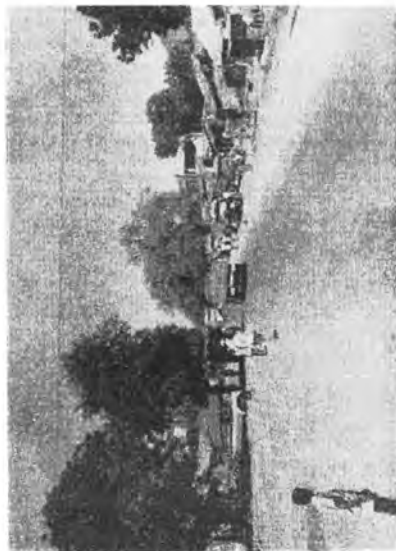


Photo 10. Parking of autorickshaws along a through highway

Photo 11. Parking vehicles along roadside in the populated area causing hindrance to moving vehicles, visibility and free flow of through traffic



Photo 12. In a stretch affected by ribbon development, local traffic predominates and makes heavy demands on road space



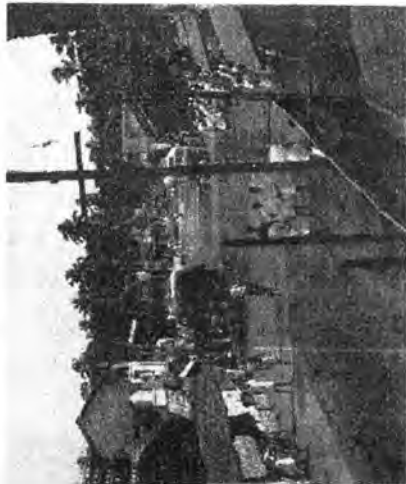


Photo 13. Another stretch affected by ribbon development where local traffic predominates to the detriment of through traffic



Photo 14. Vehicles making left or right turns from access roads are potential accident hazards

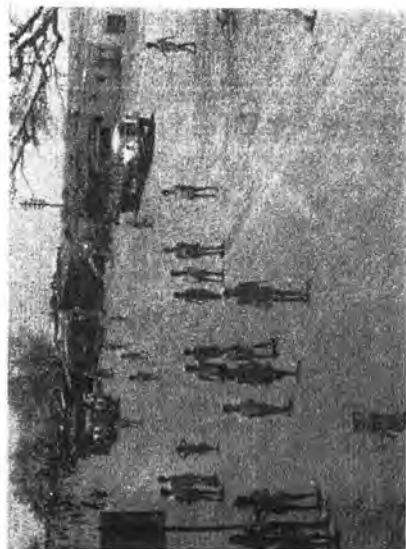


Photo 15. Predominance of pedestrian traffic is likely to cause accidents at stretches affected by ribbon development

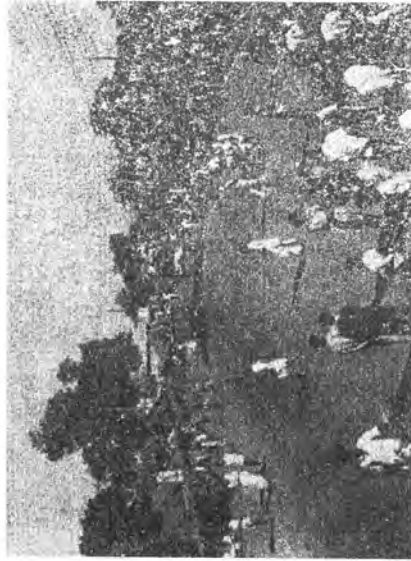


Photo 16. Child pedestrian emerging from behind parked vehicles run over by a lorry



Photo 17. Movement of domestic animals along main highway not only causes congestion, but also is a great traffic hazard

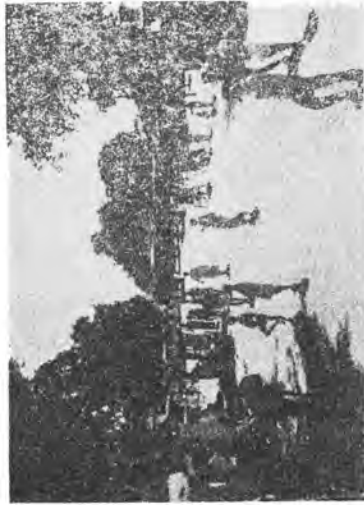


Photo 18. Roadside ribbon development resulting in mixed traffic conditions



Photo 19. Roadside advertisements not only obscure scenic views but also cause distraction to drivers, thus leading to accidents



Photo 20. Roadside encroachments



Photo 21. Roadside encroachments



Photo 22. Roadside encroachments



Photo 23. Roadside encroachments

- (iv) Parked vehicles occupy space intended for vehicular movement causing further impediment.
- (v) The sight distance available for drivers is affected by roadside structures, thus causing the drivers to be cautious and slow down.
- (vi) The local authorities themselves impose severe speed restrictions in view of the congestion and hazard caused.
- (vii) Frequent access along the road is an important factor contributing to the reduction in level of service.

As a corollary to the congestion and drop in speed, the capacity of the highway is seriously eroded. The urban conditions of traffic are prolonged along the suburban sections, with all their attendant evils. Once a network of streets has been established and local traffic predominates, the highway is soon turned into an urban main street. Facilities built at great cost thus become choked and functionally obsolescent. Vehicle operation costs also become greater because of delays and the need to stop, accelerate and decelerate at close intervals.

3.5. The presence of a large number of advertisements and sign boards on roads affected by ribbon development has been recognised as an important source of driver distraction which causes numerous accidents, Photo 19. Apart from these ill-effects, the loss in aesthetic values due to ugly roadside advertisements needs special mention. These destroy the quiet loveliness and picturesque view of the rural greenery along the highways and are eyesores. Ribbon development and roadside advertisements go hand in hand and the twin evils need to be combated on a common platform.

3.6. An inter-related problem on our roads is encroachments, Photos 20, 21, 22, 23. What normally springs up as a purely temporary hut or a stall for vending betel and cigarettes gets in course of time converted insidiously into a more permanent structure. Whole rows of permanent structures abutting right on the roadway on many of the approaches to the cities and towns can be traced to a start as a temporary encroachment. The problem has grown into serious proportions and is threatening to ensnarl the approaches to all our towns.

3.7. The improvement of an existing highway is rendered well nigh impossible if ribbon development has been allowed to take place. Widening will involve acquisition of costly properties and

cannot be easily achieved. If future traffic has to be catered to, it is necessary that adequate control is exercised on linear growth of towns and villages.

3.8. From the point of view of town planning too, ribbon development militates against sound principles. With a linear expansion, new houses and buildings become further and further away from the town. Travel time and cost of travel of the residents in going to the nucleus of the city increases. The cost of public services such as water supply, drainage, electricity, sewerage, telephones, etc., rises manifold with linear development as against an orderly group development. The houses and structures located on the highway suffer from pollution hazards such as dust, noise and fumes.

**Review of the
Measures that
are Possible for
Controlling
Ribbon
Development**

4. REVIEW OF THE MEASURES THAT ARE POSSIBLE FOR CONTROLLING RIBBON DEVELOPMENT

4.1. Acquisition of Adequate Highway Land

One of the most effective methods of ensuring that ribbon development does not take place is to acquire a liberal right-of-way at the initial stage itself, with an adequate provision for meeting both the present and the anticipated future requirements. The following standards need to be followed in this respect :

TABLE I
LAND WIDTH FOR DIFFERENT CLASSES OF ROAD

Class of road	Land width in metres							
	Plain and rolling country				Mountainous and steep terrain			
	Rural areas		Urban areas		Rural areas		Urban areas	
	Normal	Range	Normal	Range	Normal	Exceptional	Normal	Exceptional
National and State Highways	45	30-60	30	30-60	24	18	20	18
Major District Roads	25	25-30	20	15-25	18	15	15	12
Other District Roads	15	15-25	15	15-20	15	12	12	9
Village Roads	12	12-18	10	10-15	9	9	9	9

It should be noted, however, that acquisition of adequate right-of-way is itself not a panacea for the problem of ribbon development and can only be a useful supplement. Even where adequate right-of-way existed, ribbon development has taken place

on many highways, because of lack of suitable measures for controlling the general building activity and number of accesses along the highways. It is, therefore, to be stressed that acquisition of liberal right-of-way should be supplemented by other methods.

4.2. Planning Measures for Controlling Land Use along Highways

A notable cause contributory to linear development along trunk routes in the suburban sections is the growth of industrial establishments by the side of road. The advantages of locating industries along the highways are obvious since they would benefit much from the accessibility to the communication arteries and nearness to the cities. The undesirable effect of such growth can be avoided if proper control is exercised in the use to which the land abutting on the highway right-of-way is put. Conversion of agricultural land into industrial use along the strip of highway land can be prevented if the State reserves the right to determine the use to which land can be put. The process by which land use is controlled effectively by the State is known as "Zoning", and in this country, the matter is dealt with by the Town and Country Planning Authorities in the States. As part of the overall planning process, the States or the local authorities draw up rules and regulations governing the development of land in the area with a view to achieving safety, health and general welfare. Master plans are prepared for the towns and the countryside, laying down clearly the use to which land can be put, and it is incumbent on developers to conform to these plans. Such planning measures should be enforced more extensively keeping in view the traffic needs. Greater cooperation between the Highway Authorities and the Town and Country Planning Agencies in this regard will be beneficial.

4.3. Enforcement of Measures for Controlling Building Lines, Set-back Distances, Control Lines, Heights of Buildings, etc.

In order to prevent overcrowding and preserve sufficient space for future road improvements, it is often advisable to lay down restrictions regarding the building lines, set-back distances, control lines, height of buildings, provision of open spaces, etc., along the highway. Such measures can also help in securing ade-

quate sight distance and preserving the aesthetic value of the highway. Building lines express the limits beyond which only any building activity may be permitted. It may also be desirable to limit the nature of building activity even beyond the building lines. In such cases, the concept of "Control Lines" is established, and unrestrained building activity permitted only beyond these lines. Preferably the following minimum standards should be followed for Building and Control Lines:

TABLE 2. STANDARDS FOR BUILDING LINES AND CONTROL LINES

Class of Road	Plain and rolling terrain			Mountainous and steep terrain—Distance between bldg. line & road boundary (metres)			
	Rural areas		Urban & industrial areas				
	Width between Building Lines (Overall width) (metres)	Width between Control Lines (Overall width) (metres)	Distance between Building Lines & Road boundary (set-back distance) (metres)	Rural areas		Urban areas	
				Normal	Exceptional	Normal	Exceptional
1. National and State Highways	80	150	3—6	5	3	5	3
2. Major District Roads	50	100	3	5	3	5	3
3. Other District Roads	25/30*	35	—	5	3	5	3
4. Village Roads	25	30	—	5	3	5	3

*If the land width is equal to the width between building lines indicated in this column, the building lines shall be set back 2.5 metres from the road land boundary lines.

4.4. Control of Sub-Division of Land Abutting Highway Land

Even if the use to which land abutting the highway land is put is controlled by suitable zoning regulations, many a times it so happens that the land developers propose a large number of streets and subdivide the land into plots, thus resulting in high density in

development and congestion on the main highway. The planning authorities must, therefore, regulate the sub-division of the land into plots and insist on proper arrangement of streets, open spaces, recreational facilities, etc., so that the effect on roadside development on the main highway is predetermined and taken care of. In short, a satisfactory relationship between the sub-division layout and the main highway should be thought of and suitable regulations framed in safeguarding the ill-effects of intensification of land use.

4.5. Control of Access

The most serious effect of ribbon development is the appearance of cross-streets giving means of access and egress at close intervals. As pointed out earlier, these uncontrolled access points cause accidents and severely erode the capacity of the main highway. Each abutting land owner demands his own access to the main highway, whereas the needs of the highway dictate that the accesses should be controlled and spaced at safe places. A conflict of interests is thus inherent, and it is the function of the government to resolve it to the maximum good of the community. This can be done by enacting suitable legislative measures whereby the government retains the control of granting an access to the abutting land owners or by controlling it in a judicious manner. The control can be either full or only partial. Both the methods have been developed and applied with great profit in countries abroad. In this country, expressways with full control over access have not yet made their appearance, but time will not be far off when they will be conceived and constructed. On the other hand, there is an urgent need to partially control the access points on trunk routes such as National Highways and State Highways, if these highways have to retain their utility and not be impaired by the mushroom growth of access points. It is considered desirable that access points should not be closer than 300 metres. Access points for petrol filling stations can be permitted at suitable intervals depending upon their actual need. While access on new highways could be controlled by suitable laws and even new access points on existing highways, the question that immediately arises is whether the existing access points on some of the existing highways can be closed legally. In any case, it should be possible to close some of the access points if an alternative connection is given by providing parallel service roads.

The concept of control of access has immense possibilities and needs to be pursued relentlessly in the country.

4.6. Control of Geometric Standards of Access Points

It is not sufficient if the number of access points is controlled, but it is equally important that the access points conform to certain minimum geometric standards. If the minimum standards needed for safety are not attainable at a particular location, such access point locations should be discarded. The control standards for locating petrol stations and service stations are laid down in the I.R.C. standards, IRC : 12-1967 "Recommended Practice for Location and Layout of Roadside Motor-Fuel Filling-cum-Service Stations (First Revision)" and IRC : 13-1967 "Recommended Practice for Location and Layout of Roadside Motor-Fuel Filling Stations (First-Revision)" and these should be followed.

4.7. Bypasses

The construction of new bypasses for towns which are already heavily congested should be thought of where ribbon development has already taken place on the existing route. It should, however, be ensured that adequate measures are taken to prevent recurrence of the phenomenon of ribbon development on the newly constructed bypass. The question whether or not the existing route through the town is suitable for being retained as an urban link for the arterial highway, could be decided depending upon factors such as land width available within the built-up area, adequacy of geometrics, extent of congestion, etc. The criterion applied by the Government of India for National Highways is that if the present right-of-way width between buildings is a minimum of 30 metres to accommodate through traffic and parallel service roads on either side, and if the road land is free from encroachments, the existing road through the town could be retained as an urban link. If not, a bypass would be constructed. The above criterion is well conceived and it is recommended that the same be applied to State Highways also. When bypasses are constructed, it is essential that parallel service roads be constructed to limit the access on the main highway, before building activity is allowed to develop.

4.8. Service Roads

The concept of service roads or frontage roads has a relevance

in limiting the access on the main highway while simultaneously meeting the demands of the abutting land owners for ingress and egress. Such service roads can prevent the congestion caused on the main highway due to purely local traffic and at the same time reduce the number of intersections which cause traffic hazards and reduce the capacity. It is recommended that service roads be insisted upon along all highways where ribbon development has already taken place as also along new bypasses where this is feared in the near future. It would be advantageous to acquire land for service roads sufficiently in advance even though their construction may not come up for some time. To give a fillip to the provision of service roads, the Central Government in consultation with the State Governments should consider evolving a scheme of financial arrangement for meeting the expenditure on service roads on National Highways, so that this well recognised need is taken care of.

4.9. Removal of Encroachments

Encroachments are illegal intrusions by private persons into the right-of-way of the highway. They spring up because of the general lack of vigilance on the part of the highway authorities. They start as insignificant temporary structures but soon they become a permanent feature. Many of our highways are impaired by the presence of a number of encroachments. Legal remedies to evict the encroachers, either summarily or after giving due legal notice, should be resorted to by the highway authorities as soon as they are noticed. Delay in taking appropriate measures can be harmful, as with passage of time the encroacher builds more structures and it becomes extremely difficult to get the same vacated.

4.10. Accurate Land Maps

It is an unfortunate state of affairs in the country that accurate land maps showing the right-of-way clearly are not available. Most of the roads in the country have been in existence since very long. Due to this historical reason, the real ownership of land has become a matter of doubt in many cases. The need for establishing the boundaries of the highway land both physically on the ground, as well as on maps, is paramount if development alongside the roads is to be effectively regulated. The problem can only be solved if separate cells are established in the Public Works Departments with the

cooperation of Revenue Authorities, to update all land records and prepare authenticated land plans. The cell could also take care of legal requirements of the process of land acquisition and eviction of encroachments.

4.11. Control of Roadside Advertisements

Ribbon Development and Roadside Advertisements are twin evils that thrive on each other, and measures for eradicating ribbon development cannot be complete without measures for regulating roadside advertisements. In this regard, it is recommended that IRC : 46-1972 A Policy on Roadside Advertisement (First Revision) be taken as a guide in formulating enactments by the various authorities.

5

How Other Countries have Tackled the Menace

5. HOW OTHER COUNTRIES HAVE TACKLED THE MENACE

5.1. United Kingdom

Public opinion in the United Kingdom on the need to prevent ribbon development has been keen. It was as early as 1935 that the Restriction of Ribbon Development Act was enacted by the Parliament, rendering it unlawful to construct, form or lay any means of access to or from main roads or to erect any buildings upon any land within 220 ft of the centre of the road, without the consent of the Ministry of Transport. After the war, with the enactment of the Town and Country Planning Act 1947, the protection of the road system from haphazard development was ensured by means of sound planning controls. This Act, along with later enactments, empowers the Ministry of Transport to direct local planning authorities to refuse permission (or impose conditions on any consent the authorities may give) to applications for development affecting a trunk road. The current British practice is to keep to the minimum new access points to trunk and classified roads. In open country, except for agricultural purposes, new accesses to trunk roads or classified roads are seldom granted, unless there are other good planning reasons why the particular development for which access is required should be permitted. In built-up areas, new means of access are, if possible, confined to the side or the rear of the premises concerned or from less important roads. The prime consideration in allowing access points, new roadside developments, and petrol filling stations is whether highway development will be impaired. Advertisement control occupies an important place in British practice. The law provides for adequate control over advertisement and consideration of public safety and amenity occupies dominant place. By and large, the laws in England have succeeded in preventing fresh ribbon development along their highways.

5.2. United States of America

The need for control of access on new highways as well as existing ones has been well recognised in the United States of America. The problems created by uncontrolled roadside develop-

ment have been of great concern to the highway engineers in that country and a number of measures have been pressed into use. The stress is generally on control of access to new highways and to existing highways by legal means. The individual States have their own laws imposing effective control on roadside development. Generally speaking, the measures adopted in various States fall under two major categories, i.e., under the provision of police power or the power of eminent domain. Under the former category comes the power of the government to regulate private use of property on the plea of public nuisance caused by highway encroachments, annoyances, advertisements, injuries, etc., and other restrictions of general applicability imposed by statutes or administrative regulations. Zoning ordinances, set-back lines and access control measures fall under this category. The power of eminent domain is the right of the sovereign to take private property for public use upon payment of just compensation and this power is invoked in reservation easements and purchase of access rights.

5.3. Canada

The legislations of all the provinces in Canada contain some provisions for the establishment of areas of control adjacent to provisional highways. These provide for removal of objectionable features on lands adjacent to highway land and injuries to the safety or convenience of the travelling public. A building line or set-back line is usually prescribed within which no building activity is permitted. Advertisements are controlled as to their location and size.

5.4. Netherlands

The practice in Netherlands is to construct all new roads of any importance without accesses. The needs of fuel stations and places of rest are considered separately.

5.5. Federal Republic of Germany

In the Federal Republic of Germany, ribbon development along federal motorways and federal roads serving a long distance traffic is controlled by a Federal Act. Buildings are not permitted within a distance upto 40 m on federal motorways and upto 20 m on federal roads, the distances being measured from the edge of the strengthened carriageway. The access to these roads is strictly controlled, safety and smooth flow of traffic being the binding consideration.

Existing Laws in India, Their Deficiencies and Suggestions for Improvement

6. EXISTING LAWS IN INDIA, THEIR DEFICIENCIES AND SUGGESTIONS FOR IMPROVEMENT

6.1. That awareness about the seriousness of ribbon development problem in this country is not keen is evident from the rather loose and inadequate legal provisions available in the various States for combating the evil. The information collected shows that while some States have enacted laws to prevent ribbon development, others have no laws at all. Even in the States where some sort of laws exist, there are practical difficulties in their implementation and the process is tardy and long drawn-out. The laws as existing in States and some of the difficulties faced by them are given below.

6.2. Maharashtra

The Bombay Highways Act 1955 is in force in Maharashtra. This Act, among other things, provides for restriction of ribbon development and provision and removal of encroachments. For arresting ribbon development, the Act provides for :

- (i) Fixing building or control Lines so as to limit building activity,
- (ii) Restricting new accesses for the main highway, and
- (iii) Diverting existing accesses by providing alternative connections at a reasonable distance.

For removal of encroachments, the Act provides for :

- (i) Serving notice on encroachers and prosecuting them before a magistrate, and
- (ii) Summary removal of encroachments if they are of temporary or trivial nature.

For fostering traffic safety and general convenience, the Act provides for :

- (i) Making property owners alter the boundary walls, fences, hedges, trees, etc., so as not to cause obstruction of view, likely to cause danger, and
- (ii) Making property owners alter advertisements so as not to cause obstruction of view likely to cause danger.

Though the provisions in the Act are adequate, the implementation has been tardy because of the following factors :

- (i) The National Highways are not covered by the Act, being Central Government property.
- (ii) Only a few of the State roads have been brought under the purview of this Act.
- (iii) Accurate land plans are yet to be prepared.

6.3. Punjab

The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 has been enacted primarily for preventing haphazard and sub-standard development along scheduled roads and in controlled areas. The Act provides for the following measures in this direction :

- (i) Enforcement of a building line 30 metres away from the right-of-way edge, for controlling building activity close to highway in the vicinity of a town.
- (ii) Control of access to private property.
- (iii) Preparation of plans of the area showing sub-division into plots, streets, open spaces, recreation facilities, gardens, schools, etc.
- (iv) Restriction of use of land for any specific purpose, such as industries, brick-kilns, etc.

The above Act applies to National Highways owned by the Central Government as well as certain State roads.

The difficulties encountered in the implementation of the above Act are :

- (i) Development plans of controlled areas not prepared, and
- (ii) Inadequacy of the enforcement agency.

6.4. Jammu & Kashmir

The Prevention of Ribbon Development Act of Jammu & Kashmir has been enacted primarily for regulating building activity alongside highways. The Act lays down that building activity within building lines is prohibited. Experience altogether has not been satisfactory since the enforcement agency is not adequate.

6.5. Uttar Pradesh

The United Provinces Roadside Land Control Act, 1945 is in force in Uttar Pradesh. The Act provides for the following :

- (i) Restriction of building activity within the control lines,

- (ii) Control of access, and
- (iii) Restriction of land-use for brick-kilns, pottery-kilns, etc.

Even in the case of this State, the enforcement has been rather tardy due to various factors such as absence of accurate land plans, inadequate enforcement agency, etc.

6.6. Karnataka

The Mysore Highways Act, 1964 and the Mysore Highways Rules, 1965 are in force in the State of Karnataka. These enactments provide, among other things, for the restriction of ribbon development and removal of encroachments. They are applicable to highways of the State, but not to the National Highways. These have also provisions for enforcing restrictions on building activity along highways and control of access to their land.

6.7. Haryana

In addition to the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, the Haryana Public Premises Land (Eviction Rent Recovery Act, 1972) is in force in Haryana. These two Acts together deal with prevention of ribbon development, control of access and removal of encroachment. There is, however, no provision in those Acts which prohibits undesirable roadside advertisements.

Model Highway Bill of the Government of India

7. MODEL HIGHWAY BILL OF THE GOVERNMENT OF INDIA

7.1. Recognising the need for a uniform legal code to effectively deal with haphazard building development along most of our highways and to secure maximum efficiency in the road use, the Government of India had drafted a Model Highway Bill dealing with various aspects of roadside development such as prevention of ribbon development, control of access, removal of encroachments, control of roadside land use, control of advertisements, etc. The Model Highway Bill which *inter-alia* deals with the problem of ribbon development is reproduced in *Appendix 1*. Chapter IV of App. I deals with the measures necessary for preventing ribbon development.

7.2. On the basis of the provisions included in the Model Highway Bill for prevention of ribbon development, the Central Govt. drafted some time back a departmental draft Bill for the prevention of ribbon development alongside N.Hs and circulated it to the States for concurrence. So far only five States have conveyed their acceptance of the same. Under Article 252 (i) of the Constitution, the Central Government can legislate a Bill on behalf of States in case resolutions of legislatures of two or more States are received. Since there is an urgent need for a uniform pattern of enactment, and the draft Bill contains adequate provisions, it is desirable that all States empower the Central Government to legislate a common law applicable throughout the country, so far as National Highways are concerned. Likewise steps also need to be taken by States for the prevention of ribbon development alongside State roads.

8

Recom- mendations

8. RECOMMENDATIONS

Ribbon development along major highways can be prevented by a number of measures. The following recommendations deserve careful consideration :

- (1) The Central Government and the State Governments should enact suitable legislation vesting the Highway Authorities with suitable powers to control unrestricted development along highways and to remove encroachments. The Model Highway Bill drafted by the Government of India contains suitable provisions and needs to be enacted by all State Governments so that a common law can be applied throughout the country.
 - (2) There should be separate staff in the State P.W.Ds. to exercise necessary enforcement in regard to difficult aspects of ribbon development.
 - (3) Adequate land width should be acquired for highways. Building and control lines should be established for restricting the developmental activities to a desirable pattern.
 - (4) Suitable control over access points along major arterial highways should be exercised.
 - (5) Service roads should be encouraged on stretches of roads where ribbon development has already taken place or along new bypasses where it is feared that ribbon development may spread in the future.
 - (6) Bypasses should be constructed around congested towns where traffic conditions so justify.
 - (7) Planning measures for controlling the land use pattern along highways should be enforced consistent with the needs of traffic. Cooperation between the Highway authorities and Town and Country Planning agencies in this respect is highly desirable and will lead to considerable benefits.
 - (8) Roadside advertisements should be regulated more intensively based on IRC : 46—1972-A Policy on this subject.
-

Draft Model Highway Bill

**DRAFT
MODEL HIGHWAY BILL
STATEMENT OF OBJECTS AND REASONS**

The primary requisite of any planned development of the countryside is improvement of communications.

Better health, wider literacy, and greater opportunities for attaining economic well-being cannot reach the villager unless health and literacy agencies have easy access to rural areas and the villager himself has ready access to the centres of civilization where he can dispose of his produce in and purchase his requirement from the best markets and where he can maintain such contact with modern institutions as to keep him in constant touch with modern ideas and knowledge.

Improvement of communications implies widening and improving existing roads, providing bridges over waterways, and the construction of new roads. It is essential that this improvement should be executed as quickly and in as orderly a manner as possible without excessive cost to the tax payer.

Land likely to be required for widening and construction of roads should be acquired with reasonable expedition; access to roads should be controlled in accordance with the best modern practice; ribbon development and haphazard building development in the vicinity of roads should be prohibited; the betterment accruing to land values consequent on development of roads should be shared by the general community; and generally steps should be taken to bring highway legislation in the State up-to-date and in line with modern concepts of economics and justice.

The present Bill is designed to secure the immediate object of removing the main obstacles to the control of planned road development and road usage. It also provides for control of road traffic not already controlled by legislation and seeks to secure for the community the maximum benefit possible from the expenditure of public funds on road improvement.

Minister-in-Charge

The.....Highway Act, 194

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A
BILL
TO PROVIDE FOR THE REGULATION OF ROAD
DEVELOPMENT AND ROAD TRANSPORT

Preamble

Whereas it is expedient to provide generally for the regulation of road development and road transport so as to secure for the public such conditions as will ensure the maximum efficiency of all means of road transport, and, in particular, for the prevention of ribbon development along roads, it is hereby enacted as follows :

PART I
CHAPTER I
PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the.....Highway Act, 194.
- (2) It shall extend to the whole of the State of.....
- (3) It shall come into force on such date as the State Government may, by notification in the official gazette, direct.

Definitions

2. In this Act, unless there is anything repugnant in the subject to context :
 - (1) *animal* means any elephant, camel, horse, ass, mule, cattle, sheep or goat.
 - (2) *betterment* when applied to land means the increase in the value of any land arising from the execution in its vicinity of a highway development scheme at public expense.
 - (3) *betterment tax* means a tax levied on owners of land on the basis of a percentage of the betterment value of the land.
 - (4) *building line* means a line on either side of any highway or part of a highway, as determined by the highway authority under Section 12 of this Act.
 - (5) *competent authority* means the State Government or a local authority or any officer of the State Government or local authority, competent to sanction the construction of, or repair to, a highway.

- (6) *control line* means a line on either side of a highway or part of a highway beyond the building line, as determined by the highway authority under Section 12 of this Act.
- (7) *driver* means, in the case of a vehicle, the person in charge or control of the vehicle for the time being, and in the case of an animal, any person driving, leading, riding, or otherwise managing or controlling the animal and the words drive, driving, driven, shall be construed accordingly.
- (8) *encroachment* means occupation of any highway or part thereof, and includes :
 - (a) the erection of a building or any other structure, balconies, porches, chajjas or projections, on, over or overhanging the highway land,
 - (b) occupation of highway land beyond the prescribed period, if any, for stacking building materials or goods of any other description, for exhibiting articles for sale, for erecting poles, awnings, tents, pandals and other similar erections or for parking vehicles or stabling domestic animals or for any other purposes, and
 - (c) excavations or embankments of any sort made or extended on any highway land.
- (9) *highway* means any public thoroughfare, whether a road, street, lane, bridlepath or a foot-track, whether surfaced or unsurfaced, whether on land owned by Government or a local authority or on land belonging to a private person over which the public have, or have acquired, a right of way by usage, and includes :
 - (a) the slope, berm, borrow-pits, foot-paths, pavements and side drains of any such thoroughfare,
 - (b) all bridges, culverts, causeways, carriageways or other road structures, built on or across such thoroughfares, and
 - (c) the trees, fences, posts and other highway accessories and materials and material stacks on the thoroughfare or on land attached to the thoroughfare.
- (10) *highway authority' means :*
 - (a) for highways maintained by the State Government, the Department of the Government responsible for their maintenance, or any other authority specially appointed by the State Government in this behalf,
 - (b) for highways maintained by a local authority, the local authority or such other authority as may be appointed by the State Government in this behalf, and
 - (c) for highways not included in clauses (a) and (b), the authority appointed as the highway authority under Section 3 or, if no such appointment has been made, the State Government itself.

- (11) *highway boundaries* means the boundaries of the highway whether visibly demarcated or not, within which is contained the areas of land constituting the highway or land reserved or acquired for widening the highway.
- (12) *limited access highway* means a highway, access to which is permitted only at points specifically provided or agreed to for the purpose by the highway authority.
- (13) *middle of a highway* means, in relation to any highway for the improvement of which plans have been prepared by the highway authority, the middle of the highway as proposed to be improved in accordance with the plans, and where no such plans have been prepared, the point half-way between the boundaries of the highway.
- (14) *motor vehicle* means a motor vehicle as defined in the Motor Vehicles Act, 1939.
- (15) *permit* means the document issued by an authority competent to issue it authorising the use of a vehicle as a public vehicle.
- (16) *prescribed* means prescribed in this Act or under rules made under this Act.
- (17) *public place* means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a public vehicle.
- (18) *public vehicle* means any vehicle used or constructed or adapted to be used for the carriage of passengers or goods for hire or reward.
- (19) *standard width of highway* means the width of a highway between its boundaries as prescribed by the highway authority under Section 11.
- (20) *survey* includes all operations incidental to the determination, measurement and record of a boundary or boundaries or any part of a boundary and includes a resurvey.
- (21) *survey mark* means any mark or object erected, made, employed or specified by a survey officer to indicate or determine or assist in determining the position or level of any point or points.
- (22) *survey officer* means any person appointed to be a survey officer under this Act.
- (23) *vehicle* includes any wheeled conveyance drawn, propelled or driven by any kind of power including human, animals, motor, steam or electric power, and includes any barrow, sledge, plough, drag or like vehicle.

PART II
Highway Authorities, Their Powers and Functions

CHAPTER II
HIGHWAY AUTHORITIES

Appointment of highway authority

3. (1) The State Government may, by notification in the official gazette, appoint any person, either by name or by virtue of his office, to be the highway authority for all highways in the State or for all the highways in such part of the State or for such particular highway or highways in the State and subject to such conditions and limitations as may be specified in the notification.
- (2) A highway authority so appointed shall exercise and discharge throughout its jurisdiction powers and functions specified in the succeeding chapters subject only to such limitations as may have been imposed by the notification issued under sub-section (1).

Transfer of control from one highway authority to another

4. (1) The State Government may at any time by notification in the official gazette transfer control of any highway from itself or any of its departments functioning as the highway authority to another highway authority, or from one highway authority to another, in regard to such matters dealt with by this Act and on such conditions as may be specified in the notification.
- (2) When a highway authority has been changed in the manner prescribed under sub-section (1), the new highway authority shall, as from the date of the notification issued under that sub-section, exercise in respect of the highway or highways of which control has been transferred, all the powers and functions of the previous highway authority subject to the conditions if any, specified in that notification.

CHAPTER III
DEVELOPMENT AND MAINTENANCE OF HIGHWAYS

Power to enter lands for reconnaissance and preliminary survey in connection with highway schemes

5. (1) The highway authority, or any officer not below the rank of a P.W.D. or Local Board Supervisor authorised by the highway authority in this behalf, may undertake a reconnaissance survey in connection with the preparation of a highway scheme and may for this purpose—
 - (a) enter upon any land along with his workmen and survey and take measurements and levels on it,

- (b) mark such levels, dig or bore into the sub-soil and do all other acts necessary to ascertain whether the land is suitable,
- (c) set out the boundaries of the proposed highway by placing marks and cutting trenches, and
- (d) where otherwise survey cannot be completed and the levels taken and the boundaries marked, cut down and clear any part of a standing crop, fence or jungle.

Provided that no person shall enter into any building or any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least 48 hours' notice in writing of his intention to do so.

- (2) The highway authority or the authorised official shall, at the time of such entry, pay or tender payment for all necessary (damage to be done as aforesaid, and in case of dispute as to the sufficiency of the amount so paid or tendered, shall at once refer the dispute to the decision of the Collector or other Chief Revenue Officer of the district, and such decision shall be final.

Preparation of schemes for highway development

- 6. (1) The highway authority may, of its own accord, or if expressly requested by the competent authority shall, subject to the other provisions of this Act and subject to such rules as may be framed by the State Government for this purpose, prepare and submit to the competent authority for sanction, a detailed scheme for the construction of a new highway or the improvement of or repairs to an existing one.
- (2) Such a scheme may provide for:
 - (a) the acquisition of any land which in the opinion of the highway authority is considered necessary for its execution,
 - (b) the laying out or relaying out of all or any of the lands so acquired,
 - (c) the diversion or closure of any existing highway or a section of such highway,
 - (d) the construction or reconstruction of the roadway including its widening, levelling, surfacing, bridging, sewerage, draining, water supply and street lighting arrangements and planting of roadside trees,
 - (e) the laying of foot-paths, cycle tracks and special traffic lanes for any kind or class of vehicles, the designing and siting of parking bays and petrol filling and service stations, the location of advertisement posts and bill boards, and
 - (f) the lay-out of access roads at suitable distances connecting the highway or the proposed highway with the adjoining properties.

Power to do certain acts for execution of highway schemes

7. When the competent authority has sanctioned the highway scheme prepared in pursuance of Section 6 and provided the necessary finances for its execution, the highway authority shall proceed to carry out the work and may, for this purpose:—
- (1) enter into and perform all such contracts on behalf of the competent authority as may be considered necessary,
 - (2) make arrangements for the acquisition of the lands required under the scheme by outright gift or purchase by agreement with the owner or owners, or, failing such agreement, by resort to the procedure set out in the Land Acquisition Act, 1894,
 - (3) turn, divert or close either temporarily or permanently any existing highway or portion thereof, and
 - (4) regulate, subject to such rules as may be prescribed in this behalf, the kind, number and speed of vehicles using any highway or portion thereof by means of barrier, diversion roads or other means.

Maintenance of highway plans

8. (1) A highway authority shall maintain authoritative plans for the highways in its charge.
- (2) Such plans shall show clearly the boundaries of the highway, the detailed measurements of road widths, the distances between boundary marks and sufficient measurements from fixed points to enable the refixation in position of boundary marks in case they have been displaced or tampered with.
- (3) The highway authority shall have all such authoritative plans prepared after having a survey made of the highway lands and their boundaries in the manner prescribed in Chapter X and in accordance with the record of that survey as notified under Section 51 and modified, as may be, under Section 52.

Demarcation of road boundaries

9. (1) The highway authority shall have the boundaries of the highways in its charge demarcated with reference to the authoritative plans maintained by it, by planting stones or other suitable marks of a durable nature at intervals all along the highway in such a manner that the imaginary line joining such stones or marks shows the road boundary correctly.
- (2) Where there are bends or kinks in the road boundary, the stones or marks shall be so located as to give the correct configuration of the boundary if they are joined by straight lines.
- (3) The boundary stones or marks, which may be given consecutive numbers, shall be maintained on the ground as if they constitute part of the highway.

- (4) Where standard widths have been prescribed for any highway under Section 11, the distance between the highway boundaries so demarcated shall correspond to that width.

Annual check of road boundaries

10. (1) It shall be the duty of the highway authority to conduct an annual check of the boundaries of the highways in its charge with a view to the location of unauthorised encroachments, if any.
- (2) When the highway authority is satisfied that an unauthorised encroachment has been made on highway land, it shall take immediate steps as specified in Section 21 for the removal thereof.

CHAPTER IV

PREVENTION OF RIBBON DEVELOPMENT ALONG, AND CONTROL OF ACCESS TO, HIGHWAYS

Standard widths of highways

11. (1) The highway authority may, with the previous approval of the State Government, prescribe a standard width for any highway in its charge.
- (2) The standard width may be different in different portions of the same highway according to local needs.
- (3) When a highway authority proposes to prescribe a standard width in respect of any highway or a portion thereof, it shall notify the proposal in the official gazette and invite objections, if any, to be submitted to it within 60 days of the date of publication of the notification.
- (4) The notification shall also be published in at least two newspapers, one at least of which shall be in the local language, circulating in the locality where the highway is situated, and, in addition, copies of the notification shall be prominently displayed in a number of places in the locality.
- (5) All objections received within the prescribed period shall be taken into account by the highway authority before finalising its proposal for submission to the State Government.
- (6) The State Government may reject or sanction the proposal with or without modifications, and shall publish their orders in the official gazette.
- (7) When the State Government's orders sanctioning the proposal with or without modification has been issued, the highway authority shall cause further publicity to be given to the standard width, as finally approved, in the same manner as prescribed in sub-section

- (4), and the records so published shall thereupon be conclusive proof that the standard width so determined and recorded therein has been correctly determined and recorded.
- (8) In determining the standard width, the highway authority and the State Government shall take into account the requirements of public health and welfare and of safety and convenience for all classes of traffic, including pedestrians and cyclists, likely to use the highway.
- (9) The standard width so determined may at any time be altered but the procedure for such alteration shall be the same as prescribed for the determination of the original standard width.
- (10) The highway authority shall, as early as economically practicable after the prescription of the standard width, acquire either by direct negotiation or, failing such negotiation, by compulsory acquisition under the Land Acquisition Act, 1894, all land lying within the standard width not already forming part of the highway land.

Prescription of building and control lines

12. (1) The highway authority may, with the previous approval of the State Government, determine a building line and a control line in respect of any highway or part of a highway in its charge along one or both sides of the highway.
- (2) The distance between the middle of a highway and the building line or that between the building line and the control line, which shall be fixed with due regard to the requirements of safety and convenience for traffic and of public health and welfare, may vary in different portions of the highway according to local conditions.
- (3) When a highway authority proposes to determine a building and a control line in respect of a highway, the same procedure shall as far as applicable be followed as prescribed under sub-sections (3) to (7) of Section 11 for the prescription of standard width.
- (4) The building and control lines as finally determined shall be demarcated on the ground by distinctive stones or other suitable marks which may be painted with different colours and serially numbered.

Restriction of building etc. in the area between the highway and the building line

13. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be unlawful for any person, except the highway authority or any person working on behalf of the highway authority,
- (a) to construct or layout any means of access to or from a highway,

- (b) to erect or re-erect any building or materially alter the outside appearance of any existing building,
- (c) to make any excavation, or
- (d) to construct, form or lay out any works,
upon land lying nearer to the middle of a highway than a distance equal to one-half of its standard width prescribed under Section 11, or upon land lying in between the boundary of a highway and the building line determined in respect of the highway under Section 12. Provided, however, these restrictions shall not apply to any works necessary for the repair, renewal, enlargement or maintenance of any sewer, drain, electric line, pipe, duct or other apparatus, constructed in or upon the land before the date on which the restrictions came into force or, with the consent of the highway authority, on or after that date.
- (2) Should any building (including a wall) or any part thereof lie within the area between the building line and the middle of a highway, the highway authority may, whenever such building or part has been either entirely or in greater part taken down or burnt down or has fallen down, by notice require such building or part when rebuilt to be set back to the building line.

Restriction on buildings etc. between the building and the control lines

14. (1) Notwithstanding anything contained in any law for the time being in force, no person shall erect or re-erect any building or structure or make or extend any excavation or construct, form or lay out any means of access to a highway upon land lying in between the building and control lines determined in respect of the highway, except with the previous permission of the highway authority in writing.
- (2) Every person desiring to obtain the permission referred to in subsection (1) shall make an application in writing to the highway authority in such form and containing such information in respect of the building, excavation or means of access to which the application relates, and together with such fees as may be prescribed.
- (3) On receipt of such application, the highway authority after making such enquiries as it may consider necessary, shall by order in writing either :
 - (a) grant the permission, subject to such reasonable conditions, if any, as may be specified in the order, or
 - (b) refuse to grant such permission.
- (4) The highway authority shall not ordinarily refuse permission to :
 - (a) the erection of a building or structure or the making of or extending an excavation which conforms to the requirements of public health and welfare and of safety and convenience of traffic on the adjoining highway, or

- (b) the re-erection of a building or structure which was in existence on the date on which the restrictions under sub-section (1) came into force, unless such re-erection involved any material alteration to the outside appearance of the building or structure.
- (5) When the highway authority refuses the permission, the reasons therefor shall be recorded and communicated to the applicant.
- (6) In the event of refusal, the applicant may submit fresh application for permission to the highway authority, avoiding the objectionable features on account of which the first application was refused and such a fresh application shall be considered by the highway authority as if it were made for the first time.
- (7) If at the expiration of a period of three months after an application has under sub-section (1) or sub-section (6) been made to the highway authority, no order in writing has been passed by that authority, permission shall be deemed to have been given without the imposition of any conditions. Provided that no such automatic grant of permission shall be presumed if the application is one for the construction, formation or laying out of any means of access.
- (8) The highway authority shall maintain a register with sufficient particulars of all permissions given or refused by it under this section and the register shall be available for inspection free of charge by all persons interested and such persons shall be entitled to take extracts therefrom.
- (9) Any person aggrieved by an order under sub-section (2) granting permission subject to conditions or refusing permission, may within 30 days from the date of such order prefer an appeal to the State Government whose order in the matter shall be final.

Declaration of limited access highways

15. (1) The highway authority may with, the written approval of the State Government, declare a highway or any portion of it to be a limited access highway.
- (2) When a highway authority proposes to make any such declaration, the same procedure shall, as far as applicable, be followed as prescribed under sub-sections (3) to (7) of Section 11 for the prescription of standard widths.
- (3) It shall be unlawful for any person to lay out a new means of access to a limited access highway for vehicles or pedestrians, except with the specific permission of the highway authority.
- (4) The procedure for obtaining the permission of the highway authority for this purpose shall be the same as prescribed in Section 14 and in the event of refusal of permission the applicant shall have the right of making a fresh application to that authority and the

right of appeal to the State Government in the same manner as provided for in that Section.

(5) When any highway or part of it has been declared to be a limited access highway, the highway authority shall, within six months of the final publication of the declaration or such longer time as may be specially allowed by the State Government in any individual case, prepare a plan of such highway or part showing the points on which access shall, if applied for in accordance with sub-section (4), be permitted.

(6) A plan so prepared shall be available for inspection by the public in the office of the highway authority free of charge at all reasonable times, and copies of it shall be made available to any member of the public on application to the highway authority and on payment of such reasonable cost as may be prescribed.

Regulation or diversion of existing rights of access

16. (1) The highway authority may, if it is considered essential in the interests of safety or convenience of traffic, regulate or divert any existing right of access to a highway across land lying between the control line and the highway boundary.

(2) Where an existing right of access is diverted, the point at which alternative access is given to the highway shall not be unreasonably distant from the existing point of access.

(3) In the case of existing village tracks and lanes giving access to a highway at right angles, the alternative access that may be provided shall as far as possible have a diagonal approach to the highway.

Compensation

17. (1) Notwithstanding anything contained in any law for the time being in force, no person shall be entitled to claim any compensation for any injury, damage or loss caused or alleged to have been caused as a result of :

(a) the restrictions imposed against the erection or re-erection of a building or the making or extending of any excavation or the laying out of any means of access on or across land lying in between the control line and the middle of a highway under sub-section (1) of Section 13 or sub-section (1) of Section 14,

(b) the regulation or diversion under Section 16 of the existing rights of access across lands lying within the control line and the highway boundary, and

(c) the refusal of permission to the laying out of new means of access to a limited access highway under sub-section (3) of Section 15.

Provided that compensation shall be payable by the highway authority :

- (i) where in compliance with the notice served by the highway authority under sub-section (2) of Section 13 a building or part thereof has been set back to the building line of any highway, and
 - (ii) where permission to erect or re-erect a building in the area lying in between the control line and building line of a highway has been finally refused under Section 14.
- (2) Where compensation is payable under the proviso to sub-section (1), the claimant may, within three months of the date of notice issued by the highway authority under sub-section (2) of Section 13 or within three months of the date of final refusal of permission under Section 14, as the case may be, make to the State Government his claim for compensation.
- (3) On receipt of the claim under sub-section (2), the State Government shall transfer it for disposal to an officer exercising the powers of a Collector under the Land Acquisition Act, 1894.
- (4) Nothing in this section shall be deemed to preclude the settlement of a claim by mutual agreement.

Amount of compensation how determined

18. (1) When a claim is transferred for disposal under sub-section 3 of Section 17 to an officer exercising the powers of a Collector under the Land Acquisition Act, 1894, such officer shall make an award determining the amount of compensation payable to the claimant.
- (2) The amount of compensation awarded under sub-section (1) shall in no case exceed the difference between the market value of the land when permission is refused and the market value which it would have had if permission had been granted.
- (3) No compensation shall be awarded under sub-section (1) :
- (i) unless the claimant satisfies the officer making the award that proposals for the development of the land, which at the date of application under sub-section (2) of Section 14 were immediately practicable, or would have been practicable on that date if this Act had not been passed, were prevented or injuriously affected by the restrictions imposed under this Act and that there was demand for such development, or
 - (ii) If and in so far as the land is subject to substantially similar restrictions in force under some other enactment which were so in force at the date when the restrictions were imposed under this Act, or
 - (iii) if compensation in respect of the same restrictions in force under this Act or of substantially similar restrictions in force

under any other enactment has already been paid in respect of the land to the claimant or to any predecessor in interest of the claimant.

- (4) The provisions of Parts III, IV, V and VII of the Land Acquisition Act, 1894 shall, so far as may be, apply to an award made under sub-section (1) as though it were an award made under that Act.

CHAPTER V

PREVENTION OF UNAUTHORISED OCCUPATION OF HIGHWAY LAND AND REMOVAL OF ENCROACHMENTS

Highway lands to be deemed Government property

19. All lands forming part of a highway which do not already vest in the State Government shall, for the purposes of this chapter, be deemed to be Government property.

Prevention of unauthorised occupation of highway land

20. (1) No person shall occupy or encroach on any highway land without obtaining the previous permission in writing of the highway authority or any officer authorised by the highway authority in this behalf.
- (2) The highway authority or the authorised officer may, with due regard to the safety and convenience of traffic and subject to such conditions as may be imposed and such rules as may be prescribed by the State Government, and on payment of such rent or other charges as may be prescribed under such rules, permit any person:
- (i) to place a movable encroachment on any highway in front of any building owned by him or make a movable structure overhanging the highway.
 - (ii) to put up a temporary awning or tent, pandal or other similar erections or a temporary stall or scaffolding on any highway, or
 - (iii) to deposit or cause to be deposited building materials, goods for sale or other articles on any highway, or
 - (iv) to make a temporary excavation, for carrying out any repairs or improvements to adjoining buildings.
- Provided that no such permission shall be deemed to be valid beyond a period of one year unless expressly renewed by the highway authority or the authorised officer.
- (3) The permission so granted shall clearly specify the date up to which the person is authorised to occupy the highway land, the purposes for which occupation is authorised and the exact portion of the highway permitted to be occupied, and shall also be accompanied by a plan or sketch of that portion of the highway, if necessary.

- (4) The person in whose favour such a permission has been given shall produce the permit for inspection whenever called upon to do so by any highway official and shall at the end of the period prescribed in the permit release the land occupied by him after restoring it to the same state as before occupation by him.
- (5) The highway authority or the officer issuing the permission shall maintain a complete record of all such permissions issued, and shall also cause a check-up to be made in every case at the expiration of the period up to which occupation has been authorised to ensure that the land has actually been vacated.

Removal of encroachments

21. (1) When, as a result of the annual check of highway boundaries made under Section 10, or otherwise, it transpires that an encroachment has taken place on highway land, the highway authority or any officer authorised in this behalf shall serve a notice on the person responsible for the encroachment or his representative requiring him to remove such encroachment and restore the land to its original condition before encroachment within the period specified in the notice.
- (2) The notice shall specify the land encroached upon and the time-limit within which such encroachment shall be removed and shall also state that failure to comply within the prescribed period shall render the person liable to prosecution and also to summary eviction.
- (3) If the encroachment is not removed by the person or his representative within the time-limit prescribed in the notice and no valid cause is shown by him for non-compliance, the highway authority or the authorised official may prosecute him before the appropriate magistrate for his having made or caused the encroachment and for his failure to remove it within the prescribed time.
- (4) Where the encroachment is petty or of trivial nature, e.g., exposing articles for sale, opening temporary booths for vending, etc., the highway authority or the authorised official may with the help of the police if necessary have it summarily removed without the formality of issuing a notice as required under sub-section (1), or in lieu of removal of the encroachment option of executing a lease in favour of the highway authority for payment of rent for the area encroached upon.
- (5) When the encroachment is of a temporary nature and can easily be removed but is not such as can be described as petty or trivial within the meaning indicated in sub-section (4), the highway authority or the authorised official may in addition to or in lieu of prosecuting the person responsible for the encroachment under sub-section (3) have the encroachment summarily removed with the assistance of the police, if necessary.

- (6) Where the encroachment is of such a nature that its immediate removal is considered essential in the interest of safety of traffic on the highway or the safety of any structure forming part of the highway and no notice can be served immediately on the person responsible for the encroachment or his representative under sub-section (1) owing to his absence or for any other reason, the highway authority or the authorised official may, in addition to prosecution of the person under sub-section (3), either—
- (i) have such protective work as may be feasible at a reasonable cost carried out so as to minimise the danger to traffic on the highway, or
 - (ii) have the encroachment removed with the help of the police, if necessary.
- (7) Where the encroachment is of a permanent nature and has been in existence for some time but not long enough to create a prescriptive right by adverse possession, and the person responsible for the encroachment or his representative has not arranged for its removal even after he has been prosecuted under sub-section (3) and convicted, a fresh notice for its removal shall be served on him by the highway authority or the officer authorised under sub-section (1), and in the event of his failure to comply with that notice also, the highway authority or the authorised official shall institute a second prosecution against him and simultaneously apply to the magistrate having local jurisdiction to order the removal of the encroachment, and the magistrate shall thereupon have the encroachment removed.

Injunction on the highway authority to desist from removal of encroachment

22. (1) Where the person on whom notice to remove an encroachment has been served under sub-section (1) of Section 21, lays claim that the land in respect of which encroachment has been alleged is his property or that he has acquired a prescriptive right over it by virtue of adverse possession, he shall within the time limit prescribed in the notice for the removal of the encroachment, file a suit in a competent civil court and also get an injunction on the highway authority to desist from taking further action in the matter till the suit has been disposed of.
- (2) When such an injunction has been issued, the highway authority or the authorised officer shall suspend further action until the suit filed by the person has been disposed of.

Recovery of cost of removal of encroachments

23. (1) Whenever a highway authority or the officer authorised under sub-section (1) of Section 21 has under the provisions of that Section removed any encroachment or carried out any protective work in respect of any encroachment, the actual expenditure involved,

together with 15 per cent for overhead charges shall be recovered from the person responsible for the encroachment in the manner hereinafter provided.

- (2) A bill, representing the actual expenditure and the overhead charges, shall be served by the highway authority or the authorised officer referred to on the person responsible for the encroachment or his representative with a direction to pay up the total amount within a specified date to the authority mentioned in the bill.
- (3) The bill shall be accompanied by a certificate from the highway authority or the authorised officer to the effect that the amount of expenditure indicated in the bill represents the charges incurred and such a certificate shall be conclusive proof that the charges had actually been incurred and shall not be questioned in any civil court.
- (4) The materials, if any, recovered as a result of the removal of any encroachment shall be handed over to the person responsible for the encroachment on payment of the bill by him but in the event of his failure to pay up the bill within the specified date, the materials may be auctioned and after deducting the amount of the bill from the proceeds, the balance, if any, shall be made over to him.
- (5) If the proceeds of the auction sale do not cover the total billed amount, the excess over the amount realised by the sale of materials or if there are no materials to dispose of and the billed amount has not been paid by the person responsible for encroachment within the prescribed date, the entire amount of the bill shall be recovered as arrears of land revenue.

CHAPTER VI

IMPROVEMENT AND MAINTENANCE OF VILLAGE ROADS

State Govt. to direct highway authority to take over village tracks for development and maintenance

24. (1) The State Government may, whenever it deems it to be necessary in the public interest, by notification in the official gazette direct a highway authority to take over for road construction and/or maintenance any land constituting a village road or track on which the public have, or have established by long usage, a permanent right of way, irrespective of whether such village road or track has been shown in the Settlement Records as a public way or not, and whether the ownership of such land vests in the Govt. or any landlord or a proprietary body.
- (2) Such notification shall be given proper publicity in the locality of the village road or track.

- (3) All such lands taken over by the highway authority as a result of the notification issued under section (1), as are not already deemed to be crown property, shall be so deemed for purposes of Chapter V, and the provisions of that chapter shall apply fully to such lands.

Highway authority to require the proprietor of village road-land to repair the road properly where he is under obligation to do so

25. (1) Where there is any obligation by law or by custom or otherwise, on any landlord or proprietary body to maintain a village road or track on which the public have or have acquired a permanent right of way, and such road or track is not in the opinion of any highway authority properly maintained, that authority may issue a notice to the landlord or the proprietor to repair the road or track within such a reasonable time and in such manner as may be specified in the notice.
- (2) If at the end of the specified period the repairs have not been carried out in the manner specified, and the landlord or the proprietor has not furnished any satisfactory explanation for non-compliance, the highway authority may move the State Government to transfer control of the road or track to it or to any other highway authority under sub-section (1) of Section 24.
- (3) The State Government, while directing the transfer of control of such village road or track to any highway authority, may determine whether any, and if so what, portion of the cost of repair which the highway authority may incur shall be recovered from the landlord or the proprietor in discharge of his obligation to maintain the road or track.

Highway authority to acquire reversionary right of proprietors in village roadland

26. (1) Where the control of a village road or track has been taken over by a highway authority as a result of a notification issued under sub-section (1) of Section 24 and the ownership of the land constituting the road or track vests in a landlord or proprietary body, the highway authority shall acquire by direct negotiation or, failing negotiation, by resort to the Land Acquisition Act, 1894, the reversionary rights, if any, of the landlord or proprietary body to the land by paying suitable compensation.
- (2) In determining the compensation payable under sub-section (1) regard shall be had to the fact that the reversionary right is very remote.

- (3) The amount, if any, payable by the proprietor under sub-section (3) of Section 25 may be set off against the compensation payable to him under sub-section (1).

PART III

Control of land development in areas adjacent
to highways and levy of betterment tax

CHAPTER VII

CONTROL OF ROADSIDE LANDS

Appointment of Planning Boards for control of development in areas adjoining highways

27. (1) The State Government shall, by notification in the official gazette, appoint a Planning Board (hereinafter referred to as the Board) for the control of township development in the State in areas adjoining highways outside the territorial jurisdiction of Municipalities, City Corporations, City Improvement Trusts or like Bodies not being District Boards.

Provided that the State Government may, if it considers a single Board to be inadequate for handling the work in the whole State, appoint more than one such Board, each for a specified region in the State.

- (2) The State Government may, at any time by notification in the official gazette, add to or reduce the area of jurisdiction of a Board.
- (3) A Board, so appointed, shall be a body corporate and have perpetual succession and a common seal and shall sue and be sued by its own name.

Constitution of the Planning Board and transaction of business by it

28. (1) A Board shall consist of such number of members, official or non-official, not being less than three, as the State Government may from time to time determine by notification in the official gazette.
- (2) One of the members of the Board shall be a Highway engineer, a second a Town Planner with knowledge of architecture, and a third with experience in land valuation.
- (3) The Board shall meet and transact business in accordance with such rules as may be prescribed by the State Government in this behalf.
- (4) Such rules shall also provide for the appointment of a chairman from among the technical members of the Board, the payment of

remuneration and travelling allowance to him and to the other members, and the appointment of staff for the Board.

- (5) If any member of a Board owns, or has any interest in, land lying in any area the development of which is controlled by such a Board, he shall take no part in the proceedings of the Board relating to such area.
- (6) A Board shall be provided by the State Government with such funds as may be required for the proper discharge of its functions and shall maintain regular accounts in accordance with such rules as may be prescribed by the State Government in this behalf.

Specification of areas where control is to be exercised over development

- 28A.(1) Whenever a highway authority has reason to believe that an area adjacent to a highway outside the territorial limits of a Municipality, City Corporation or City Improvement Trust or other like body not being a District Board, is likely to develop into a building or industrial area and that such development if left unregulated is likely in course of time to affect the highway adversely, it shall in writing request the State Government to direct the Board, or the appropriate Board if more than one such Board have been appointed in the State, to control the development in that area.
- (2) On receipt of such request from a highway authority, or at its own instance, or at the instance of any class of public, and after making such enquiries as may be deemed necessary, the State Government may by notification in the official gazette direct the Board, or the appropriate Board if there is more than one in the State, to exercise control over development in such area.

Provided that the State Government may, at its discretion direct an adjoining Municipality, City Corporation, City Improvement Trust or other like body to exercise control over such area in accordance with the law under which such body functions within its own limits of jurisdiction.

Survey and demarcation of the area and the preparation of a layout plan for its development

29. (1) The Board shall, as soon as possible after it has been notified to exercise control over development in any area, have a survey made of such area and shall have the boundaries thereof demarcated with reference to the survey.
- (2) The boundaries so demarcated shall be notified by the Board in the official gazette in such detail as may be necessary for the proper identification of the area.

- (3) Within a year of the date of the notification issued under sub-section (2) or such longer period as may be specially permitted by the State Government in this behalf, the Board shall prepare a layout plan of the area showing the sites of proposed roads, parks, playfields, residential localities, industrial areas, access lanes to the adjacent highway, etc.
- (4) The access points to the adjacent highway and the general layout plan shall be fixed in consultation with the highway authority concerned.
- (5) The layout plan so prepared shall be deposited by the Board with the Principal Revenue Officer of the district in which such area is located and also in its own office and in the office of the highway authority concerned, and the plan so deposited shall be available for inspection by the public free of charge at all reasonable times.
- (6) Copies of the plan shall be made available to any interested member of the public on application to the Board and on payment of such reasonable cost as may be fixed by the Board.

Regulation of development in the area

30. (1) It shall be unlawful after a notification has been issued by the Board under sub-section (2) of Section 29, to construct or re-construct any building in the area so notified, or to layout any means of access in that area towards the adjacent highway without obtaining the prior permission of the Board.
- (2) Every person wishing to construct or re-construct any structure or to layout any means of access in that area shall apply to the Board for permission in such form and with such details and plans and together with such fees, if any, as may be prescribed by the Board.
- (3) The Board shall, as soon as possible after the receipt of an application, by order in writing either
 - (a) grant the necessary permission, with or without such reasonable conditions as may be specified in the order, if the proposal of the applicant is not inconsistent with the layout of the area planned or contemplated, and is otherwise unobjectionable, or
 - (b) refuse the permission.
- (4) If at the expiration of 3 months from the date of application no order in writing has been passed by the Board, permission shall be deemed to have been given without the imposition of any conditions.

Provided, however, no such automatic grant of permission shall be presumed if the application is for the laying out of any means of access towards the adjacent highway.

- (5) In the event of refusal of permission, the Board shall communicate to the applicant the defects or the objectionable features of the proposal responsible for its rejection.
- (6) The applicant may re-submit the proposal to the Board after removing the defects or objectionable features and such application shall be disposed of by the Board under sub-section (3) as if it were a fresh application.
- (7) If in course of execution of any work after obtaining the permission of the Board, the applicant desires to make any substantial alteration in the approved plan, a fresh application shall be made to the Board as if the modified plan constituted a fresh proposal and, pending the disposal of such fresh application by the Board under sub-section (3), the construction work shall be suspended by the applicant.
- (8) Any person feeling aggrieved by an order issued by the Board under sub-section (3) sanctioning any proposal subject to conditions or rejecting it, may, within three months of the date of the order of the Board, prefer an appeal to the State Government whose order in the matter shall be final.
- (9) If any person constructs or re-constructs any structure or lays out any means of access without obtaining the permission of the Board, or where permission of the Board has been obtained, makes in course of execution of the work any substantial deviation from the approved plan, the Board may, without prejudice to any other proceedings which may be taken against him, have the structure removed or the means of access closed and recover from him the expenditure involved, together with 15% departmental charges, in accordance with the procedure prescribed under Section 23 in so far as that procedure is applicable.
- (10) The Board shall be the sole judge of what constitutes substantial deviation from the approved plan for purposes of sub-section (9).

Planning Board to acquire land for planned development, where necessary

31. (1) Where after the issue of a notification under sub-section (2) of Section 29 it appears to the Board that the planned development of the notified area can be secured only by acquiring land in that area, it may, with the prior consent of the State Government, acquire the entire area or such part of it as may be considered necessary, either by direct negotiation with the owner or failing such negotiation, by resort to the provisions of the Land Acquisition Act, 1894.
- (2) Such area as may be acquired under sub-section (1) shall be properly laid out by the Board, the necessary improvements effected and

sites assigned, sold or leased to the public for a specified period not exceeding 99 years, for construction according to approved plans.

Chapter VIII

LEVY OF BETTERMENT TAX

Planning Board to decide on levy of betterment tax with the consent of State Govt. who shall determine the rate of levy

32. (1) Where a Board is of the opinion that the value of land in any area in its charge is likely to increase as a result of the development at public expense of any area adjoining a highway, it may, with the previous consent of the State Government, decide to levy a betterment tax in respect of such area.

Provided that where in pursuance of Section 31 the Board has acquired any area and has had it properly laid out and sold or leased to the public, no betterment tax shall be levied in respect of such area.

- (2) The State Government, when approached by the Board under sub-section (1) for its consent to the levy of betterment tax in any area, shall while giving such consent determine the percentage rate, not exceeding 80% of the betterment value, at which the tax shall be levied in such area and communicate the same to the Board.
- (3) Where it is decided to levy a betterment tax in respect of any area, the Board shall cause the decision to be notified in the official gazette and shall also secure further publicity to the notification in the manner prescribed under sub-section (4) of Section 11.
- (4) The notification shall specify—
- (a) the exact area in which the betterment tax is to be levied,
 - (b) the date on which the prevailing land value shall be deemed to be the basic value for purposes of commuting betterment, and
 - (c) the percentage rate of betterment value at which betterment tax shall be levied, as determined by the State Government under sub-section (2).
- (5) When the development or improvement of the area adjoining the highway has been completed or, in the opinion of the Board, has reached a stage sufficiently advanced to enable the resulting betterment to be determined, the Board shall notify in the official gazette the date on which the execution of the scheme has been completed or shall be deemed to have been completed, and shall also cause further publicity to such notification in the manner prescribed under sub-section (4) of Section 11.

Computation of betterment value

33. (1) For land which has already been built upon or on which permission to build has already been accorded before the date notified under sub-section (5) of Section 32, betterment value shall be the value on that date less the basic value as computed with reference to the date notified under sub-section (4) of that Section, less the estimated cost of improvement work, if any, carried out by the owner between the two dates.
- (2) For land which on the date notified under sub-section (5) of Section 32 has neither been built upon nor in respect of which permission to build has been accorded before that date, the betterment value shall be the value on the date when permission to build is granted less the basic value as computed with reference to the date notified under sub-section (4) of Section 32, less the estimated value of improvement, if any, carried out by the owner between the two latter dates.

Assessment of betterment tax

34. (1) The Board shall, at any time after a month of the publication of the notification under sub-section (5) of Section 32 assess the amount of betterment tax payable by every individual owner of land, and shall serve a notice on him in writing in the prescribed manner, specifying the amount of the tax payable by him, the details of calculation, the instalments if any in which payment may be made, the date or dates on or before which payment of the full amount or of the instalments shall be made, and the authority to whom payment shall be tendered.
- (2) Any person on whom a notice for payment of betterment tax has been served under sub-section (1), may within one month from the date of service of such notice, file an objection before the Board in respect of the assessment made against him. Provided that the Board shall have discretion to entertain objections even after the expiry of the period of one month if it is satisfied that the failure to file such objections in time was due to causes beyond the control of the objector.
- (3) After an opportunity has been given to the objector of being heard in person or through pleader the Board may confirm, modify or cancel the assessment made under sub-section (1).
- (4) Any person aggrieved by the order issued by the Board under sub-section (3) may, within two months from the date of such order, appeal to the appropriate Civil Court.
- (5) If any person on whom a notice has been served under sub-section (1), fails to file any objection under sub-section (2), the assessment shall be conclusive and shall not be questioned in any court of law,

Betterment tax may at option of the owner of land be made a charge on his interest in the land

35. (1) The person liable to pay a betterment tax may, at his option, instead of making either a lump-sum payment or payment by instalments where allowed by the Board, execute an agreement with the Board or any other authority specially authorised by the State Government in this behalf; to leave the said liability outstanding as a charge on his interest in the land subject to the payment in perpetuity of interest at the rate of 6 % per annum.
- (2) A person who has exercised his option under sub-section (1), may at any time after giving six months notice of his intention so to do, redeem the charge by paying the assessed amount of betterment tax or such part of it as may have been outstanding against him at the time he executed the agreement under sub-section (1).

Arrears of betterment tax to be recovered as arrears of land revenue

36. Arrears of betterment tax shall be realised in the manner provided for the recovery of arrears of land revenue.

Appropriation of the proceeds of betterment tax

37. The proceeds of the betterment tax, levied in any area, shall after deduction of the assessment and collection charges, be made over by the Board to the Provincial Government may direct.

PART IV

Miscellaneous and Supplemental Provisions

CHAPTER IX

**SUPPLEMENTAL PROVISIONS TO SECURE SAFETY
OF TRAFFIC AND PREVENTION OF DAMAGE
TO HIGHWAY**

Prevention of cover structure of view or distraction of attention of persons using any highway

38. (1) Where a highway authority is of opinion that it is necessary for the prevention of danger arising from obstruction of the view or distraction of the attention of persons using any highway, especially at any bend or corner of the highway, it may serve a notice upon the owner or occupier of land alongside or at the bend or corner of such highway to alter or remove altogether, within such time and in such manner as may be specified in the notice, the height or character of any existing wall (not being a wall forming part of a permanent structure), fence, hedge, tree, advertisement post, bill board or any

other object thereon, so as to eliminate or minimise the apprehended danger.

- (2) If any person upon whom a notice has been served under sub-section (1), objects to comply with any requirement of such notice, he may, within 14 days of its receipt, send to the highway authority his objection in writing stating the grounds thereof.
- (3) The highway authority shall, within 14 days of the receipt of the objection, consider the grounds advanced and shall, by order in writing, either withdraw the notice or amend or confirm it.
- (4) If a person is aggrieved by an order issued by a highway authority under sub-section (3), he may prefer an appeal within 7 days of the date of such order to the Collector or Chief Revenue Officer of the district, whose decision in the matter shall be final.
- (5) If any person fails to comply with the notice served on him under sub-section (1) as amended or confirmed as the case may be under sub-section (3) or (4), the highway authority may take action to alter or remove the object causing obstruction or distraction of view at its own expense, and such expenditure together with 15% departmental charges, shall be recovered from such person in accordance with the provisions of Section 23, without prejudice to any other action which may be taken against him.

Highway authority to regulate traffic when highway deemed unsafe

39. (1) If at any time it appears to a highway authority that any highway in its charge or any portion thereof is or has been rendered unsafe for vehicular or pedestrian traffic by reason of damage or otherwise, it may, subject to such rules as may be prescribed in this behalf, either close the highway or the portion of it to all traffic or to any class of traffic, or regulate the number and speed of vehicles using the highway.

Prohibition of use of heavy vehicles on certain highways

40. Where the highway authority is satisfied that the surface of any highway, or a portion thereof, or any bridge, culvert or causeway built on or across any highway, is not designed to carry vehicles of which the laden weight exceeds a certain limit, it may subject to such rules as may be prescribed in this behalf, prohibit or restrict the plying of such vehicles on or over such highway or such part of the highway or such bridge, culvert or causeway.

Power of highway authority to control traffic to be exercised through the authority appointed under Part V to control traffic

41. (1) Where in pursuance of clauses (3) and (4) of Section 7 or in exercise of the powers under Section 39 or 40, the highway authority desires

temporarily to close any highway or part of it to traffic or to restrict or regulate traffic thereon in any manner, it shall in writing request the authority authorised to control traffic under Part V of this Act to enforce the restrictions in the said manner.

- (2) Where such a request has been received from a highway authority, the authority empowered under Part V to control traffic shall take all necessary measures to enforce the said restrictions in accordance with the provisions of that part.

Procedure to be followed when highway authority wishes permanently to close any highway

42. (1) Where, in pursuance of clause (3) of Section 7 or in exercise of Section 39, a highway authority desires permanently to close down any highway or part thereof, it shall give notice of its intention so to do in the official gazette, and shall cause further publicity to be given to the notice in the manner prescribed under sub-section (4) of Section 11.
- (2) The notice shall indicate the alternative route, if any, which is proposed to be provided or which may already be in existence, and shall also invite objections, if any, to the proposal to be submitted within such time as may be specified.
- (3) The highway authority shall finalise its proposal to close down any highway or part of it after considering the objections, if any, received within the specified time, and shall submit the final proposal to the State Government for approval together with such objections as may have been received against the proposal.
- (4) The State Government may either approve the proposal, with or without modifications, or reject it.
- (5) When the State Government has approved the proposal, it shall publish its orders in the official gazette.
- (6) When the orders of the State Government have appeared in the official gazette, the highway authority shall arrange for further publicity to be given to the orders in the manner prescribed under sub-section (4) of Section 11 and the highway or part thereof shall then be closed.
- (7) Whenever any highway or any part thereof has been so closed, reasonable compensation shall be paid to every person who was entitled, otherwise than as a mere member of the public, to use such highway or part as a means of access to or from his property and has suffered damage for such closing.
- (8) Where an alternative route has been provided or is already in existence, the amount of compensation payable to any person under sub-section (7) shall in no case exceed the cost of laying a new means of access from his property to such alternative route.

- (9) Where compensation is payable under sub-section (7), the claimant shall, within 3 months of the closing of the highway or part, make to the State Government his claim for compensation, and such claim shall be disposed of in accordance with the provisions of Sections 17 (3) and 18 (1).

Consent of highway authority required to do certain acts on highways

43. (1) Notwithstanding anything contained in any other enactment for the time being in force, no person other than a highway authority or its authorised agent shall construct or carry any cable, wire, pipe, drain sewer or channel of any kind through, across, under or over any highway, except with the specific consent of the highway authority.
- (2) In giving its consent, the highway authority may impose such conditions as it may deem to be necessary and may also impose a rent or other charge for any land forming part of the highway occupied by or applied to the proposed work.
- (3) If any person constructs or carries out any work in contravention of sub-section (1), the highway authority may arrange for the removal of such work and restoration of the highway to its former condition in accordance with the provisions of Section 21 as if the work constituted an encroachment on the highways, and such expenses as the highway authority may incur for this purpose, together with 15% departmental charges thereon, shall, without prejudice to any other action that may be taken against such person, be recovered from him in accordance with the procedure prescribed under Section 23 in so far as that procedure is applicable.

Prevention and rectification of damage to highway

44. (1) No person shall wilfully or negligently cause, or allow any vehicle or animal in his charge to cause any damage to any highway.
- (2) Where in contravention of sub-section (1) any damage has been caused to any highway, the highway authority shall have the damage repaired and the expenses involved, together with 15% departmental charges, shall, without prejudice to any other action that may be taken against the person responsible for the contravention of sub-section (1), be recovered from him in accordance with the procedure prescribed under Section 23 in so far that procedure is applicable.
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CHAPTER X

**SURVEY OF HIGHWAY LANDS AND HIGHWAY
BOUNDARIES FOR PREPARATION OF
AUTHORITATIVE PLANS****State Government to order survey and appoint Survey
Officer when so requested by the highway authority**

45. (1) Where, in pursuance of sub-section(3) of Section 8, a highway authority wishes to have a survey made with a view to the preparation of authoritative plan or plans for any highway in its charge, it shall request the State Government in writing to order the survey and appoint a Survey Officer for the purpose.
- (2) If, on receipt of such request and after making such further enquiries as may be deemed necessary, the State Government is satisfied about the need for such survey, it may, by notification published in the official gazette, order that the proposed survey shall be made and shall simultaneously appoint a Survey Officer for the purpose.

Survey Officer to publish notification

46. (1) When a survey has been ordered under Section 45, the Survey Officer appointed for the purpose shall publish a notification in the official gazette inviting all persons having or claiming to have any interest on the lands adjoining the highway or its boundaries of which the survey has been ordered, to attend either in person or by agent at a specified place and time and from time to time thereafter when called upon for the purpose of pointing out the boundaries and supplying information in connection therewith.
- (2) The Survey Officer shall cause further publicity to be given to the notification issued by him under sub-section (1) in the manner prescribed in sub-section (4) of Section 11.
- (3) A notification published in accordance with sub-section (1) and further published in accordance with sub-section (2) shall be held to be a valid notice to every person having or claiming to have any interest in the land or boundary or boundaries of which the survey has been ordered.

**Survey Officer to give special notice to highway authority to
enable the latter to make representations if necessary**

47. (1) The Survey Officer shall give a special notice to the highway authority concerned intimating the date and time from which the survey of the highway shall be carried out.
- (2) The highway authority shall, on receipt of such special notice, take such steps as may be deemed necessary to watch the survey Proceed-

ings and to make representation to the Survey Officer whenever it has reason to believe that the interests of the highway are being or likely to be adversely affected.

Power of Survey Officer to determine and record undisputed boundary

48. (1) The Survey Officer shall have power to determine and record as undisputed any boundary in respect of which no dispute is brought to his notice.
- (2) Notice of every decision of the Survey Officer under sub-section(1) shall be given in the prescribed manner to the registered holders of the land the boundaries of which may be affected by the decision and also to the highway authority concerned.

Power of Survey Officer to determine and record a disputed boundary

49. (1) Where a boundary is disputed, the Survey Officer after making such enquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision and shall also record in writing the reasons for his decision.
- (2) Notice of every decision of the Survey Officer under sub-section (1) shall be given in the prescribed manner to the parties to the dispute, to the highway authority and to the other registered holders of the land the boundaries of which may be affected by the decision.

Appeals against order of the Survey Officer under Section 48 and 49

50. (1) The highway authority or any other person affected by the decision under Section 48 or 49 may, within three months of the date of service of notice under those sections, appeal to the Collector or the Chief Revenue Officer of the district and the decision of such officer shall be recorded in writing and notice of such decision given in the prescribed manner to the parties to the appeal. Any modification of the Survey Officer's decision ordered by the appellate authority shall be noted in the record prepared under Section 48 or 49, as the case may be.
- (2) No appeal preferred after the expiry of the said period of three months shall be admitted.
- Provided that the time taken to obtain a copy of the decision and the map under sub-section (3) shall not be taken into account in calculating the said period of three months.
- (3) A copy of the order and a copy of the map recording the boundaries as determined under Section 48 or 49 or sub-section (1) of this section, shall be furnished to the highway authority or to any person

interested in such order or map, as the case may be, or the application to the Survey Officer and on payment of such reasonable cost as may be fixed.

Completion of demarcation to be notified by the Survey Officer

51. (1) When the survey of any highway land or its boundaries which has been notified under Section 45 has been completed in accordance with the orders passed under Section 48, 49 or 50, the Survey Officer shall notify the fact in the official gazette and shall cause further publicity to be given to the notification in the manner prescribed under sub-section (4) of Section 11.
- (2) Unless the survey so notified is modified by a decree of a civil court under the provisions of Section 52, the record of the survey shall be conclusive proof that the boundaries as determined and recorded therein have been correctly determined and recorded and shall not be questioned in any court of law.

Institution of suit in civil court where any person is aggrieved by determination of boundary

52. (1) The highway authority or any other person deeming himself or himself aggrieved by the determination of any boundary under Section 48, 49 or 50 may, subject to the provisions of the parts II and III of the Indian Limitation Act, 1908, institute a suit within a year from the date of the notification under sub-section (1) or Section 51, to set aside or modify the said determination, and the survey, shall, if necessary, be altered in accordance with the final decree in the suit, and the alteration, if any, shall be noted in the record.
- (2) The plaintiff in such suit shall join as parties to it all persons including the highway authority (where such authority is not itself the plaintiff) whom he has reason to believe to be interested in the boundary which is the subject of the suit.

CHAPTER XI

POWER TO FRAME RULES FOR THE CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

Rules

53. (1) The State Government may make rules for the regulation of the construction and maintenance of highways and generally for carrying into effect the purposes of Parts II to IV of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

- (a) the preparation of schemes for the development of new or improvement of, or repairs to existing, highways;
- (b) the standards that have to be followed in determining a standard width and building and control lines in respect of various types of highway;
- (c) the prevention of obstruction of view or distraction of attention of persons using such highways and of annoyance, danger or injury to the public;
- (d) the prevention of obstruction, encroachment and nuisances on or near, and of damages to such highways;
- (e) the proper maintenance of boundary marks demarcating highway boundaries and building and control lines;
- (f) the prescription of various forms of application required to be made and the forms of notice and bills required to be served on persons, the charges to be made for the supply of copies of plan, etc., and the rent or other charges to be imposed or levied under the provisions of this Act;
- (g) the general guidance of the highway authority and the Planning Board in the discharge of their functions under this Act;
- (h) the transaction of business by a Planning Board including appointment of a chairman, his powers, his remuneration and travelling allowance, etc., and those of the other officers of the Board and the appointment of Staff for the Board;
- (i) the maintenance of accounts by a Planning Board and the method of audit of such accounts; and
- (j) any other matter which is to be or may be prescribed.

CHAPTER XII

GENERAL AND MISCELLANEOUS PROVISIONS

Service of notice, etc.

54. (1) Every notice or bill issued or prepared under any Section of this Act shall be served or presented :
- (a) by delivering or tendering it or sending it by post to the person to whom it is addressed, or to his agent, or
 - (b) if such a person or his agent is not found, then by leaving it at his usual or last known place of abode or by delivering or tendering it to some adult male member of his family or by causing it to be fixed on some conspicuous part of the building or land, if any, to which it relates.
- (2) Where a notice under this Act is required to be served upon an "owner" or "occupier" of a building or land, it shall not be neces-

sary to name the owner or occupier, and the service there shall be effected either :

- (a) by delivering or tendering the notice or sending it by post to the "owner" or "occupier" or if there be more owners or occupiers than once, to any one of them, or
 - (b) if no such owner or occupier is found, then by giving or tendering the notice to an adult male member or servant of his family or by causing the notice to be fixed on some conspicuous building or part of the land to which the same relates.
- (3) Whenever the person to whom a notice or a bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

Publication and commencement of rules

- 54A. (1) Every power to make rules given by this Act is subject to the condition of the rules being made after previous publication.
- (2) All rules made under this Act shall be published in the official gazette, and shall, unless some later date is appointed, come into force on the date of such publication.

Delegation of powers by the highway authority

55. The highway authority may, after obtaining the approval of the State Government, by notification in the official gazette, delegate any of its powers or duties under Section 7(3), 7(4), 10, 20, 21, 23, 38, 39, 40, 41, 42 or 43 of this Act to any officer or authority subordinate to it subject to such conditions if any, as may be specified in such notification.

Persons deemed to be public servants

56. All persons acting by the authority of the State Government or of any highway authority or a Planning Board in the carrying out of any of the provisions of this Act or of any of the rules made under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

Protection of persons taking action under this Act

57. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under or in pursuance of this Act or any rules made under this Act.

Powers and duties of police in respect of offences and assistance to highway authorities

58. Every police officer shall forthwith furnish information to the nearest highway authority, or the nearest officer subordinate to the highway authority, of any offence coming to his knowledge which has been com-

mitted against this Act or any rule made under this Act, and shall be bound to assist the highway authority and its officers and servants in the exercise of their lawful authority.

Power of arrest without warrant in case of offences involving encroachment on or damage to highways

59. A police officer in uniform may arrest without warrant any person who commits in his view an offence punishable under Section 66 or 67.

Duties of village officials to report to highway authority whenever they become aware of damage to highways or to the boundary marks of highways, etc.

60. Every village headman, village accountant, village watchman or other village official by whatever name called, shall forthwith inform the nearest police station or the nearest highway authority or any officer of the highway authority, whenever he becomes aware that any survey mark showing the building or control lines determined in respect of a highway has been destroyed, damaged, removed, displaced or otherwise tampered with, or that any damage to any highway or encroachment on any highway land has been made.

Power to utilise highway land for other than road purpose

61. The highway authority may utilise temporarily for other than road purposes land forming part of a highway which is not immediately required for the passage of traffic and dispose of the produce of such lands.

Land acquired by direct negotiation to be subsequently acquired under Land Acquisition Act, 1894

62. Where in pursuance of Section 7(2), 11(10), 26(1), or 31(1), a highway authority or a Planning Board has acquired any land by direct negotiations with the owner or owners, it shall cause the interests, if any, of other persons or persons in such land to be acquired under the Land Acquisition Act, 1894, in so far as that Act may be applicable, to ensure perfect title thereto.

Saving as regards land under Central Government Control

- 62A. Nothing in Parts II to IV of this Act shall apply to lands vested in or under the control of Central Government or to any area falling within the limits of a Cantonment Board, Major Port Trust or other local authority, under the administrative control of the Central Government.

Chapter XIII

**OFFENCES, PENALTIES AND PROCEDURE APPLICABLE
TO PART II TO IV**

General provision for punishment of offences under Parts II to IV

63. Whoever contravenes any provision of Parts II to IV of this Act or of

any rule made under these Parts shall, if no other penalty is provided for the offence, be punishable by fine which may extend to Rs 50, or, if having been previously convicted of any offence under this Act he is again convicted of an offence under this Act, with fine which may extend to Rs 200.

Disobedience of orders, obstruction and refusal of information

64. Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any functions that such person or authority is required or empowered under this Act to discharge, or, being required by or under this Act to supply any information which he knows to be false or which he does not believe to be true shall, if no other penalty is provided for the offence be punishable with fine which may extend to Rs 200.

Penalty for contravention of restrictions relating to laying of means of access or erecting many buildings, etc.

65. Whoever constructs or lays out any means of access or erects or re-erects any building or structure or does any other work in contravention of Section 13(1), 14(1), 15(3), or 30(1), he shall be punishable
- (a) with fine which may extend to Rs 500, and
 - (b) with further fine which may extend to Rs 100 for each day after the first, during which the offending means of access or structure or work is not removed, demolished or cleared and the site not restored to its original condition.

Penalty for unauthorised occupation of highway land

66. Whoever occupies or makes any encroachment on any highway land in contravention of Section 20(1), or fails to comply with the notice served on him by Section 21(1) for no valid reason, he shall on conviction be liable to pay
- (a) a fine which may extend to Rs 250 for the first offence, and
 - (b) with further fine which may extend to a lump penalty of Rs 500 plus a daily levy not exceeding Rs 50 for each day that the offence is continued in the event of a second conviction in relation to the same encroachment.

Penalty for causing damage to highways

67. Whoever in contravention of Section 4(1) wilfully causes or allows any vehicle or animal in his charge to cause any damage to any highway, he shall be punishable with fine which may extend Rs. 1,000.

Power to compound offences

68. The highway authority may, either before or after the institution of the proceedings, compound an offence against Part II to IV of this Act or any rule framed thereunder.

PART V
Traffic Provisions
CHAPTER XIV
CONTROL OF TRAFFIC

Exclusion of motor vehicles from the scope of Part V

69. In this part of this Act, unless there is anything repugnant in the subject or context, the terms "public vehicles" and "vehicle" shall not be construed to include a motor vehicle as defined in the Motor Vehicles Act, 1939.

Power to restrict the use of vehicles

70. The State Government or any authority authorised in this behalf by the State Government, if after consulting the highway authority is satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by notification in the official gazette prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of vehicles or animals, either generally in a specified area or on a specified highway or part of highway, and when such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under Section 71 at suitable places;

Provided that where any prohibition or restriction under this Section is to remain in force only for a period of one month or less, notification thereof in the official gazette shall not be necessary.

Power to erect traffic signs

71. (1) The State Government or any authority authorised in this behalf by the State Govt. may cause or Permit traffic signs to be placed or erected in any public place for the purpose of bringing to public notice any prohibitions or restrictions imposed under Section 70, or generally for the purpose of regulating traffic other than motor vehicle traffic.
- (2) Traffic signs erected under sub-section (1) for any purpose for which provision is made in the First Schedule shall have the meanings set forth in the First Schedule, but the authority empowered in this behalf by the State Government may make or authorise the addition to any sign set forth in the said Schedule of transcriptions of the words letters or figures thereon in the... script provided that the transcriptions shall be of similar size and colour to the words, letters or figures set forth in the First Schedule.
- (3) Except as provided by sub-section (1) no traffic sign shall, after the commencement of this Act, be placed or erected on or near any highway; but all traffic signs erected prior to the commencement of

this Act by any authority competent to do so shall for the purpose of this Act be deemed to be traffic signs erected under the provisions of sub-section (1).

- (4) Any authority authorised in this behalf by the State Government may, by notification in the official gazette, remove or cause to be removed any sign or advertisement which is so placed in his opinion as to obscure any traffic sign from view or any sign or advertisement which is in his opinion so similar in appearance to a traffic sign as to be misleading.
- (5) No person shall wilfully remove, alter, deface, or in any way tamper with any traffic sign placed or erected under this section.
- (6) If any person accidentally causes such damage to a traffic sign as renders it useless for the purpose for which it is placed and erected under this section, he shall report the circumstances of the occurrence to a police officer or such authority as may be authorised in this behalf by the State Government or at a police station as soon as possible, and in any case within twenty-four hours of the occurrence.

Main Roads

72. The State Government or any authority authorised in this behalf by the State Government may by notification in the official gazettee or by the erection at suitable places of the appropriate traffic sign referred to in Part A of the First Schedule, designate certain roads as main roads for the purpose of the regulations contained in the Second Schedule.

Duty to obey traffic signs

73. (1) Every driver of a vehicle or animal shall drive it in conformity with any indication given by a mandatory traffic sign and in conformity with the driving regulations set forth in the Second Schedule and shall comply with all directions given him by any police officer for the time being engaged in the regulation of traffic in any public place.
- (2) In this section "mandatory traffic sign" means a traffic sign included in Part A of the First Schedule or any traffic sign of similar form (that is to say consisting of or including a circular disc displaying a device, word or figure and having a red ground or border) or any prescribed sign painted or marked on the road erected or displayed for the purpose of regulating traffic other than motor vehicle traffic under sub-section (1) of Section 71.

Signals and signaling devices

74. The driver of a vehicle shall on the occasion specified in the Third Schedule make the signals specified therein.

Leaving vehicle or animal in dangerous position

75. No person in charge of a vehicle or animal shall causes or allow the

vehicle or animal to remain at rest on any highway in such a position or in such a condition or in such circumstances as to cause or be likely to cause danger, obstruction or undue inconvenience to other users of the highway.

Towing of persons riding cycles

76. No driver of a vehicle shall tow a person riding a cycle and no person riding a cycle shall allow himself to be towed by any other vehicle.

Leaving vehicle or animal unattended

77. No person in charge of a vehicle or animal shall allow such vehicle or animal to stand or proceed on a highway unless it is under adequate control.

Duty of driver to stop in certain cases

78. (1) The driver of a vehicle or animal shall cause the vehicle or animal as the case may be to stop and to remain stationary so long as may reasonably be necessary:
- (a) when required to do so by any police officer in uniform or by the authority authorised in this behalf by the State Government, or
 - (b) when the vehicle or animal is involved in the occurrence of an accident to a person, animal or vehicle or of damage to any property, whether the driving or management of the vehicle or animal was or was not the cause of the accident or damage, and he shall give his name and address and the name and address of the owner of the vehicle or animal to any person affected by such accident or damage who demands it, provided such person also furnished his name and address.
- (2) The driver of a vehicle or animal shall, on demand by a person giving his own name and address and alleging that the driver has committed an offence punishable under Section 86, give his name and address to that person.

Duty of owner of vehicle or animal to give information

79. The owner of a vehicle or animal the driver of which is accused of any offence under this Act shall on demand by any police officer or other authority authorised in this behalf by the State Government give all information regarding the name and address of the driver which is in his possession or could by reasonable diligence be ascertained by him.

Duty of driver in case of accident and injury to person

80. When any person is injured, or damage to property to the amount of twenty-five rupees or more is caused as the result of an accident in which a vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall:

- (a) take all reasonable steps to secure medical attention for any person so injured and, if necessary, convey him to the nearest hospital, unless the injured person, or his guardian, in case he is a minor, desire otherwise;
- (b) give on demand by a police officer or by any authority authorised in this behalf by the State Government any information required by him or, if no police officer or other authority is present, report the circumstances of the occurrence as soon as possible, and in any case within twenty-four hours of the occurrence, at the nearest police station, or if he continues his journey after the accident, at the next police station on or near his route.

Power to make rules for control of traffic

81. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

- (2) Without prejudice to the generality of the foregoing power, such rules may provide for
 - (a) the removal and the safe custody of the vehicles including their loads which have broken down or which have been left standing or have been abandoned on highways;
 - (b) the use of weighing devices;
 - (c) the determination, maintenance and management of parking places for the use of vehicles and animals and the fees, if any, which may be charged for their use;
 - (d) prohibiting the use of foot-paths or pavements by vehicles or animals.
 - (e) subject to specified conditions the segregation to any specified part of a highway of specified classes and descriptions of vehicle or animal traffic;
 - (f) prohibiting or restricting the use of audible signals at certain times or in certain places;
 - (g) regulating the loading of vehicles and in particular limiting the loads carried in relation to the size and nature of the tyres fitted;
 - (h) a right of way for ambulances and fire brigade vehicles;
 - (i) prohibiting the use of devices designed to prevent the rotation of any wheel of a vehicle;
 - (j) the control of animals likely to frighten other animals or pedestrians;
 - (k) the control of children on highways;
 - (l) prohibiting the riding by more than one person at the same time of cycles other than cycles designed for the purpose;
 - (m) prohibiting the riding of more than two cycles abreast;
 - (n) limiting the age of drivers of vehicles;

- (o) the inspection of loads carried on vehicles and animals;
 - (p) the use of nose-ropes for animals;
 - (q) regulating the driving of vehicles and animals at night;
 - (r) regulating the use of highways by pedestrians;
 - (s) generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic;
 - (t) any other matter which is to be or may be prescribed.
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CHAPTER XV

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF VEHICLES

General provision regarding construction and maintenance

82. Every vehicle used on a highway shall be so constructed and maintained as to prevent danger or inconvenience to persons using that vehicle and other road users.

Power to make rules

83. (1) The State Government may make rules regulating the construction, equipment and maintenance of vehicles used on highways.
- (2) Without prejudice to the generality of the foregoing power, rules may be made under this Section governing any of the following matters either generally in respect of vehicles or in respect of vehicles of a particular class or description or in particular circumstances, namely :
- (a) the width, height and length of vehicles,
 - (b) the size, nature and condition of wheels and tyres,
 - (c) brakes,
 - (d) lamps and reflectors,
 - (e) warning devices,
 - (f) the inspection of vehicles by prescribed authorities,
 - (g) regulating the particulars exhibited on vehicles and the manner in which particulars shall be exhibited.
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CHAPTER XVI

CONTROL OF PUBLIC VEHICLES

Power to make rules

84. (1) The State Government may make rules for the regulation of the use of public vehicles.
- (2) Without prejudice to the generality of the foregoing power, rules may be made under this section governing any of the following

matters either generally or in respect of public vehicles of a particular class or description or in particular circumstances, namely :

- (a) the issue, renewal, modification or cancellation of permits and the transfer of permits from one person to another;
- (b) the issue, renewal or cancellation of driving licenses;
- (c) the issue of duplicate copies in place of permits and driving licences mutilated, defaced, lost or destroyed;
- (d) the preferring of appeals by persons aggrieved by the refusal of the authority competent to grant or renew a permit or a driving licence, or to transfer a permit or by the cancellation or modification of a permit or the cancellation of a driving licence, and the hearing and conduct of such appeals;
- (e) the documents, plates and marks to be carried by public vehicles, the manner in which they are to be carried and the language in which such documents are to be expressed;
- (f) the badges and uniforms to be worn by drivers;
- (g) the fees to be paid in respect of permits, driving licences, duplicate copies of permits or driving licences, plates, badges, and appeals preferred under this Chapter;
- (h) the production of permits and driving licences before specified officers for purposes of inspection;
- (i) the conduct of persons licensed to act as drivers of public vehicles when acting as such and the conduct of passengers in such vehicles;
- (j) the limiting of the number of public vehicles or public vehicles of any specified class or description for which permits may be granted in any specified area, or on any specified route or routes;
- (k) the fixing of maximum or minimum fares or freights;
- (l) the minimum number of passengers or the maximum quantity of goods that may be carried in a public vehicle;
- (m) the conditions subject to which passengers' luggage or goods may be carried on public vehicle;
- (n) the construction and fittings of, and the equipment to be carried by, public vehicle, whether generally or in specified areas or on specified routes;
- (o) the safe custody and disposal of property left in public vehicles;
- (p) the conveyance in public vehicles of corpses or persons suffering from infections or contagious diseases or goods likely to cause discomfort or injury to passengers and the inspection and disinfection of such vehicles, if used for such purposes;
- (q) the requirements which shall be complied with in the construction or use of any stand or halting place, including the provi-

sions of adequate equipment and facilities for the convenience of all users thereof, the fees, if any, which may be charged for the use of such facilities, the records which shall be maintained at such stands or places, the staff to be employed thereat and the duties and conduct of such staff, and generally for maintaining such stands and place in a serviceable and clean condition;

- (r) requiring the person in charge of a public vehicle to carry any person tendering the legal or customary fare;
- (s) the inspection of public vehicles including animals used to drive them;
- (t) the records to be maintained and the returns to be furnished by the owners of public vehicles;
- (u) the appointment, terms of appointment, jurisdiction, control and functions of authorities for the purpose of administering the provision of this chapter;
- (v) any other matter which is to be or may be prescribed.

CHAPTER XVII

OFFENCES, PENALTIES AND PROCEDURE APPLICABLE TO PART V

General provision for punishment of offence under Part V

85. Whoever contravenes any provision of Part V of this Act or of any rule made thereunder shall, if no other penalty is provided for the offence, be punishable with fine which may extend to ten rupees, or, if having been previously convicted of any offence under this Act he is again convicted of an offence under this Part of the Act, with fine which may extend to fifty rupees,

Driving recklessly or dangerously

86. Whoever drives a vehicle or animal on a highway at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the highway where the vehicle or animal is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the highway, shall be punishable on a first conviction for the offence with fine which may extend to one hundred rupees and for a subsequent offence with fine which may extend to two hundred rupees.

Power of arrest without warrant

87. (1) A police officer in uniform or other authority authorised in this behalf by the State Government may arrest without warrant—
- (a) any person who being required under the provisions of Part V of this Act to give his name and address refuses to do so, or

- gives a name or address which the police officer or other authority has reason to believe to be false, or
- (b) any person concerned in an offence under Part V of this Act or reasonably suspected to have been so concerned, if the police officer or other authority has reason to believe that he will abscond or otherwise avoid the service of summons.
- (2) A police officer or other authority arresting without warrant the driver of a vehicle or animal shall, if the circumstances so require, take or cause to be taken any steps he may consider proper for the temporary disposal of the vehicle or animal.

Summary disposal of cases

88. (1) A court taking cognizance of an offence under this Act may state upon the summons to be served on the accused person that he—
- (a) may appear by pleader and not in person, or
- (b) may by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the Court such sum as the Court may specify.
- (2) Where an accused person pleads guilty and remits the sum specified, no further proceedings in respect of the offence shall be taken against him.

THE FIRST SCHEDULE

(See Sections 71, 72 and 73)

TRAFFIC SIGNS

This will be a reproduction of the Ninth Schedule to the Motor Vehicles Act, 1939 except as follows :

Part A—Mandatory signs.

Sign No. 1 "speed limit" and

Sign No. 7 "use of sound signals prohibited" to be deleted.

Sign No. 2 "weight limit" for the definition plate marking "axles over..... tons" signs indicating particular classes of traffic to be substituted.

Part C—Informatory signs

No. 3, "end of speed limit", to be deleted.

To No. 4, "parking sign", signs indicating particular classes of traffic to be added.

THE SECOND SCHEDULE

(See Sections 72 and 73)

DRIVING REGULATIONS

1. The driver of a vehicle or animal shall drive the vehicle or animal as the case may be, as close to the left-hand side of the road as may be expedient and shall allow all traffic which is proceeding in the opposite direction to pass him on his right hand side.
2. Except as provided in regulation 3, the driver of a vehicle or animal when passing shall drive to the right of all traffic proceeding in the same direction as himself.
3. The driver of a vehicle or animal when passing may drive to the left of a motor vehicle or a vehicle or an animal the driver of which having indicated an intention to turn to the right has drawn to the centre of the road;
Provided that in no case shall he pass a tramcar at a time or in a manner likely to cause danger or inconvenience to other users of the road.
4. The driver of a vehicle or animal shall not pass a vehicle travelling in the same direction as himself:
 - (a) if his passing is likely to cause inconvenience or danger to other traffic proceeding in any direction or
 - (b) where a point or corner or a hill or an obstruction of any kind renders the road ahead not clearly visible.
5. The driver of a vehicle or animal shall not, when being overtaken or being passed by any class of traffic, do anything in any way to prevent the other traffic from passing him.
6. The driver of a vehicle or animal shall drive slowly when approaching a road intersection, a road junction or a road corner and shall not drive into or cross any such intersection or junction until he has become aware that he may do so without endangering the safety of persons thereon.
7. The driver of a vehicle or animal shall on entering a road intersection, if the road entering is a main road designated as such, give way to traffic proceeding along that road and in any other case give way to all traffic approaching the intersection on his right hand.
8. The driver of a vehicle or animal shall:
 - (a) when turning to the left, drive as close as may be to the left hand side of the road from which he is making the turn and of the road which he is entering.
 - (b) when turning to the right, draw as near as may be to the centre of the road along which he is travelling and cause the vehicle or animal to move in such a manner that:

- (i) so far as may be practicable it passes beyond, and so as to leave on the driver's right hand a point formed by the intersection of the centre lines of the intersecting roads; and
 - (ii) it arrives as near as may be at the left hand side of the road which the driver is entering.
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THE THIRD SCHEDULE

(See Section 74)

SIGNALS

1. When about to turn to the right or to drive to the right hand side of the road in order to pass another vehicle or for any other purpose, the driver of a vehicle shall extend his right arm, or a whip if carried, in a horizontal position to his right outside the vehicle or otherwise so as to be visible from behind.
 2. When the driver of a vehicle wishes to indicate to the driver of a motor vehicle or a vehicle behind him that he desired that driver to overtake him, he shall extend his right arm, or a whip if carried, horizontally to his right outside the vehicle or otherwise so as to be visible from behind and shall swing the arm or the whip as the case may be backwards and forwards in a semi-circular motion.
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