

Assam Highways Act, 1989

Section 2 - Definitions In this Act, unless there is anything repugnant in the subject or 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 on owners of land on the basis of 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 S. 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 S. 12 of this Act; (7) "driver" means in the case of vehicle the person in charge or control of the vehicle for the time being, and in the case of an animal, any person driving, loading, 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, pendals and other similar erection or for parking vehicles or stabling domestic animals or for any other purposes, and (c) excavations or embankment 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-trade, whether surfaced or unsurfaced, whether on land owned by the State 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, bank, 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; (c) the trees, fences, posts and other highway accessories and materials and material stacks on the thoroughfare or on land attached to the thoroughfare but does not include the national highway as defined under the National Highway Act, 1956; (10) "highway authority" means - (a) for highways maintained by the State Government, the Department of the State Government responsible for their maintenance or any other authority specially appointed by the State Government in this behalf; (b) for highway maintained by a local authority or such other authority as may be appointed by the State Government in this behalf; and (c) for highways not included in Cls. (a) and (b), the authority appointed as the "highway authority" under S. 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 contained the areas of land constituting the highway or land reserved or acquired for widening the highway; (12) "Limited across 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 documents issued by authority competent to issue it authorizing the use of a vehicle; (16) "prescribed" means prescribed in this Act, or by 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 adopted 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 S. 11; (20) "survey" includes all operation incidental to the determination, measurement and record of a boundary or boundaries or any

part of a boundary and includes a re-survey; (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 or any point or points; (22) "survey officer" means any person appointed to be survey officer under this Act; (23) "vehicle" includes the wheeled conveyance drawn. Propelled or driven by any kind of power including human, animal, motor, steam or electric power, and includes any borrow, sledge, plough, drag or like vehicle.

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