

**THE JAMUNA MULTIPURPOSE BRIDGE AUTHORITY
ORDINANCE, 1985**

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**THE JAMUNA MULTIPURPOSE BRIDGE AUTHORITY
ORDINANCE, 1985**

ORDINANCE NO. XXXIV OF 1985

[4th July, 1985]

**An Ordinance to provide for the establishment of the
Jamuna Multipurpose Bridge Authority.**

WHEREAS it is expedient to provide for the establishment of the Jamuna Multipurpose Bridge Authority and for matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

Short title

1. This Ordinance may be called the Jamuna Multipurpose Bridge Authority Ordinance, 1985.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context :-

(a) "Authority" means the Jamuna Multipurpose Bridge Authority established under this Ordinance;

¹[(aa) "bridge" means a bridge having a length of one thousand five hundred meters or more on any river or water body established or being established by the Authority, and includes-

(i) a multipurpose bridge,

(ii) approach roads of any such bridge,

(iii) slope, berm, borrow-pits and side drains of the approach roads of any such bridge,

¹ Clause (aa) was inserted by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

- (iv) all lands and embankments attached to any such bridge vested in the Authority for the purpose of the bridge,
 - (v) all *ghats*, landing places, jetties, spurs and protective bunds in the river or water body within the area of any such bridge,
 - (vi) river or water bed below the area of any such bridge;]
- (b) “Chairman” means the Chairman of the Authority;
 - (c) “Executive Director” means the Executive Director appointed under this Ordinance;
 - (d) “Government Agency” means any Ministry, Division, Department or Organisation of the Government and includes a Corporation or other body or authority established by a law for the time being in force or set up by the Government;
- ¹[(dd) “maintenance”, in relation to a bridge or toll-road, includes maintenance of such facilities and establishments as may be necessary for the purpose of keeping the bridge or, as the case may be, the toll-road fit for use and for preserving and protecting it, and, in relation to a bridge, it also includes maintenance of river training works;]
- ²[(e) “multipurpose bridge” means a bridge established for more than one purpose;]
- (f) “Member” means a member of the Authority;
 - ³[(g) “operation”, ⁴[in relation to a bridge or toll-road, includes] control of traffic and inspection of vehicles on

¹ Clause (dd) was substituted by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

² Clause (e) was substituted by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

³ Clauses (g), (h), (i) and (j) were substituted for former clause (g) by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1996 (Act No. XII of 1996).

⁴ The words and comma “in relation to a bridge or toll-road, includes” were substituted for the words and comma “in relation to the multipurpose bridge, includes control of the approach roads thereof and” by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

such ¹[bridge or toll-road] or within the restricted area, and activities connected therewith;

(h) “prescribed” means prescribed by rules or regulations made under this Ordinance;

²[(hh) “regulation” means a regulation made by the Authority under this Ordinance;]

(i) “restricted area” means such area or areas in the vicinity of ³[a bridge or toll-road, as the case may be,] as the Authority may specify for the purposes of this Ordinance;

(j) “river training works” means guide bunds, grounds, embankments, protected banks, filled areas and other works forming the protection system of ⁴[a bridge], both upstream and downstream, ⁵[and, in relation to the Bangabandhu Bridge on the Jamuna river, includes] the protection works at Bhuapur hard point ⁶;

(k) “rule” means a rule made by the Government under this Ordinance;

(l) “toll-road” means a road, bypass, flyover, expressway, causeway or ring road constructed or being constructed by the Authority for the use of which toll shall be charged and collected from the users, and includes-

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

¹ The words “bridge or toll-road” were substituted for the words “roads or the bridge” by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

² Clause (hh) was inserted by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

³ The words and the commas “a bridge or toll-road, as the case may be,” were substituted for the words “the multipurpose bridge” by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

⁴ The words “a bridge” were substituted for the words “the multipurpose bridge” by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

⁵ The words and commas “and, in relation to the Bangabandhu Bridge on the Jamuna river, includes” were substituted for the words “and includes” by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

⁶ The semi-colon (;) was substituted for the full-stop (.) and thereafter clauses (k) and (l) were added by section 2 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

- (ii) all lands and embankments attached to any such road vested in the Authority for the purpose of the road,
- (iii) access or link roads, if any, of any such road,
- (iv) all bridges and culverts built on or across any such road,
- (v) all fences, posts, structures and facilities on any such road or on any land attached to any such road and all road side trees on such land.]

3. The provisions of this Ordinance and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Ordinance to override other laws, etc.

4. (1) There shall be an Authority to be called the Jamuna Multipurpose Bridge Authority for carrying out the purpose of this Ordinance. Establishment of the Authority

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

5. (1) The Head Office of the Authority shall be located in Dhaka. Head Office, etc.

(2) The Authority may establish offices at such other places as it may think fit.

¹[6. The Authority shall consist of the following members, namely:- Composition of the Authority

- (a) Minister-in-charge of the Ministry or Division dealing with the Authority, who shall also be the Chairman of the Authority, *ex-officio*;

¹ Section 6 was substituted by section 3 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

- (b) Secretary-in-charge of the Ministry or Division dealing with the Authority, who shall also be the Vice-Chairman of the Authority, *ex-officio*;
- (c) Chief of General Staff, Bangladesh Army, *ex-officio*;
- (d) Secretary-in-charge of the Ministry or Division dealing with roads and railways, *ex-officio*;
- (e) Secretary-in-charge of the Ministry or Division dealing with police, *ex-officio*;
- (f) Secretary-in-charge of the Ministry or Division dealing with electricity and gas, *ex-officio*;
- (g) Secretary-in-charge of the Ministry or Division dealing with land, *ex-officio*;
- (h) Secretary-in-charge of the Ministry or Division dealing with water resources, *ex-officio*;
- (i) Secretary-in-charge of the Ministry or Division dealing with economic relations, *ex-officio*;
- (j) Secretary-in-charge of the Ministry or Division dealing with finance, *ex-officio*;
- (k) Secretary-in-charge of the Ministry or Division dealing with law, *ex-officio*;
- (l) Member, Planning Commission, dealing with physical infrastructure, *ex-officio*;
- (m) Executive Director, who shall also be the Secretary to the Authority, *ex-officio*.]

Adviser

¹[6A. (1) There shall be two Advisers to the Authority who shall be nominated by the Government from amongst the members of Parliament.

(2) An Adviser shall hold office for such period as the Government may determine from time to time.

¹ Section 6A was inserted by section 4 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

(3) An Adviser may resign his office by writing under his hand addressed to the Government.]

7. Subject to general direction, supervision and control of the Government, the functions of the Authority shall be to- Functions of the Authority

- ¹[(a) undertake a feasibility studies for the establishment of bridges or for the construction of toll-roads;
- (b) prepare comprehensive plans for the establishment of bridges or for the construction of toll-roads for the consideration and approval of the Government;
- (c) take all necessary actions for the implementation of the plans approved by the Government under clause (b);]
- (d) undertake steps to secure required fund both from external and internal sources for the implementation of such ²[plans];
- ³[(e) enter into agreements with various agencies or organisations, internal or external, for securing funds for the implementation of such plans;]
- ⁴⁵[(f) carry on administration, management, operation and maintenance of bridges and toll-roads established or constructed by it;]
- ⁶[(g) take necessary steps to control, regulate or prohibit on, above or under any bridge or toll-road or in any part

¹ Clauses (a), (b) and (c) were substituted by section 5 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

² The word “plans” was substituted for the word “plan” by section 5 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

³ Clause (e) was substituted by section 5 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

⁴ Clauses (f), (g) and (h) were substituted for the former clause (f) by section 5 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1996 (Act No. XII of 1996).

⁵ Clause (f) was substituted by section 5 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

⁶ Clauses (g) and (gg) were substituted for the former clause (g) by section 5 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

thereof, or in any restricted area of a bridge or toll-road, or in any part thereof, movement of any vehicles, men, animals or goods or carrying on any kind of activity or work, including construction, installation, repairing, or excavation work, which is prejudicial or likely to be prejudicial to the administration, management, operation, maintenance, preservation, safety and land use plan of such bridge or toll-road;

- (gg) provide for the control, regulation and safety of traffic and vehicles on any bridge or toll-road and for the prevention and removal of obstructions, encroachments and nuisances on or near any bridge or toll-road;]
- (h) do all necessary acts and things connected with the above functions and such other functions as may be advised by the Government for the purposes of this Ordinance.]

Meetings of the Authority

8. (1) The meetings of the Authority shall be held at such time and places and in such manner as may be prescribed:

Provided that, until so prescribed, such meetings shall be held at such times and places as may be determined by the Chairman.

(2) To constitute a quorum at a meeting of the Authority, not less than one-third of the total number of members shall be present:

Provided that for calculating the requisite one-third of the number of members, fraction of one-third shall be ignored and fraction of two-thirds shall be rounded off into a whole number.

¹[(3) All meetings of the Authority shall be presided over by the Chairman and, in his absence, by the Co-Chairman; and in the absence of both the Chairman and the Co-Chairman, by the Vice-Chairman.]

(4) All matters at a meeting of the Authority shall be decided by the votes of the majority of the members present and voting.

¹ Sub-section (3) was substituted by section 3 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1992 (XXXVI of 1992).

(5) At a meeting of the Authority, each member shall have one vote and, in the event of equality of votes, the person presiding shall have a second or casting vote.

(6) No act or proceeding of the Authority shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Authority.

9. (1) Any land required by the Authority for carrying out the purpose of this Ordinance shall be deemed to be needed for a public purpose and such land may be requisitioned or acquired according to the requirements of the Authority.

Acquisition of land

(2) Whenever the Authority decides to lease or sell land acquired by it from any person, it shall offer to that person, or his heirs, executors or administrator, as the case may be, a prior right to take on lease or to purchase such land, at a rate to be fixed by the Authority.

(3) If, in any case, two or more persons claim to exercise a right offered under sub-section (2), to take on lease or to purchase any land, the right shall be exercisable by the persons who agrees to pay the highest sum for the land, not being less than the rate fixed by the Authority under that sub-section to the exclusion of the others.

10. (1) Subject to the other provisions of this Ordinance and the rules made thereunder the Authority may take such measures and exercise such powers as may be necessary for carrying out the purposes of this Ordinance.

General power of the Authority

(2) Without prejudice to the generality of the foregoing powers, the Authority may-

- (a) cause studies, surveys, experiments and technical researches to be made or contribute towards the cost of any such studies, experiments or technical researches made by any other person at the request of the Authority;
- (b) train personnel for the purposes of the ¹[any bridge or toll-road];

¹ The words "any bridge or toll-road" were substituted for the words "multipurpose bridge" by section 6 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

- (c) undertake any work or incur any expenditure within the budget or special allotment of fund for the purposes of the ¹[any bridge or toll-road];
- (d) place wires, poles, wall brackets, pipes, apparatus and appliances and erect pillars and construct bridge for transmission of electricity, gas, telephonic or telegraphic communications or movement of railways or road transport necessary for the ²[establishment, construction, operation or maintenance of any bridge or toll-road];
- (e) seek and obtain advice and assistance for any purpose relating to the ³[any bridge or toll-road] from any local authority or Government agency and such local authority or Government agency shall give advice and assistance sought by the Authority to the best of its ability, knowledge and judgement and the expenditure, if any, involved in such advice or assistance shall be borne by the Authority ⁴;
- (f) allow, under written agreement or other suitable arrangement, any Government agency or other organisation or person to install, operate and maintain such establishment and facilities on ⁵[any bridge or toll-road or in any part of the restricted area thereof] as the Authority may consider necessary for public purpose;

¹ The words “any bridge or toll-road” were substituted for the words “multipurpose bridge” by section 6 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

² The words and commas “establishment, construction, operation or maintenance of any bridge or toll-road” were substituted for the words and comma “establishment, operation and maintenance of the multipurpose bridge” by section 6 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

³ The words “any bridge or toll-road” were substituted for the words “multipurpose bridge” by section 6 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

⁴ The semi-colon (;) was substituted for the full-stop (.) and thereafter clauses (f), (g) and (h) were added by section 6 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1996 (Act No. XII of 1996).

⁵ The words “any bridge or toll-road or in any part of the restricted area thereof” were substituted for the words “the multipurpose bridge or within the restricted area” by section 6 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

- (g) charge and collect fees and tolls for the use of ¹[any bridge or toll-road or any part of the restricted area thereof] by any Government agency or other organisation or person or any specified class of them;
- (h) prohibit, for the purpose of maintenance of ²[any bridge or toll-road or for such other purposes as the Authority may consider necessary, the use of the bridge or toll-road] or any part thereof by all or any class of user for a specified period:

Provided that where the Authority so prohibits, it shall notify all concerned in such manner as it may consider appropriate in the prevailing circumstances.]

11. ³[(1) No person shall, except with the previous permission of the Authority, clear or break any land or erect or remove any structure within or from ⁴[any restricted area] or such part thereof as the Authority may specify.]

Clearing and breaking of certain land prohibited

(2) The Authority shall pay compensation to such persons as may be affected by the prohibition under sub-section (1) in such manner and at such rate as may be prescribed.

12. (1) The Executive Director or any ⁵[officer of the Authority or other person] authorised by him in this behalf may, with or without assistants or workmen, enter into or upon any

Power to entry

¹ The words “any bridge or toll-road or any part of the restricted area thereof” were substituted for the words “the multipurpose bridge or any part of the restricted area” by section 6 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

² The words and comma “any bridge or toll-road or for such other purposes as the Authority may consider necessary, the use of the bridge or toll-road” were substituted for the words and comma “the multipurpose bridge and for such other purposes as the Authority may consider necessary, the use of the bridge” by section 6 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

³ Sub-section (1) was substituted by section 7 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1996 (Act No. XII of 1996).

⁴ The words “any restricted area” were substituted for the words “the restricted area” by section 7 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

⁵ The words “officer of the Authority or other person” were substituted for the word “officer” by section 8 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1996 (Act No. XII of 1996).

land or order to make any inspection, survey, experiment or enquiry or to erect pillars, make boring and excavation or to do any other act which may be necessary for the purpose of the Ordinance:

Provided that no such entry shall be made without giving the owner or the occupier of the land at least three days previous notice of the intention to make such entry.

(2) The Authority shall pay compensation for the damage, if any, caused to the land on account of any action under subsection (1) at such rate and in such manner as may be prescribed.

Executive
Director

13. (1) There shall be an Executive Director of the Authority who shall be appointed by the Government on such terms and conditions as may be determined by it or as may be prescribed.

(2) The Executive Director shall be a whole time officer and the chief executive of the Authority.

(3) Subject to the provisions of this Ordinance, the Executive Director shall manage the business and fund of the Authority and shall be responsible for the proper execution of the decisions of the Authority.

(4) The Executive Director shall perform such other functions as may be assigned by the Authority or as may be prescribed.

(5) If a vacancy occurs in the office of the Executive Director or if the Executive Director is unable to discharge the functions of his office on account of absence, illness or any other cause, the Authority shall make such arrangement for discharging the functions of the Executive Director as it may consider expedient.

Appointment of
officers, etc.

14. (1) The Authority shall, subject to such general and special instruction as the Government may give from time to time, appoint such officers, advisers, experts, consultants or other employees as it may consider necessary for the performance of its functions on such terms and conditions as may be determined or as may be prescribed.

(2) Where the service of a person in the service of the Republic or of a local authority is considered necessary for the purpose of establishment ¹[or construction of any bridge or toll-road], it shall be lawful for the Government or, as the case may be, local authority to depute, upon a requisition from the Authority, that person to the Authority.

(3) A person deputed under sub-section (2) shall serve the Authority on such terms and conditions as may be determined by the Government or, as the case may be, local Authority.

15. The Authority may, with the previous approval of the Government, borrow money for carrying out the purposes of this Ordinance and for securing any loan obtained by it. Power to borrow

16. (1) There shall be a fund to be called the Jamuna Multipurpose Bridge Authority Fund which shall be utilised by the Authority to meet the charges in connection with its functions under this Ordinance. Authority Fund

(2) To the credit of the Jamuna Multipurpose Bridge Authority Fund shall be placed-

- (a) grants made by the Government;
- (b) loans obtained from the Government;
- (c) grants made by the local authorities;
- (d) loans raised by the Authority from inside Bangladesh;
- (e) foreign aid and loans obtained with the approval of the Government;
- (f) sale proceeds of bonds issued by the Authority;
- ²[(ff) tolls and fees collected by the Authority;]
- (g) all other sums received by the Authority.

¹ The words “or construction of any bridge or toll-road” were substituted for the words “of the multipurpose bridge” by section 8 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

² Clause (ff) was inserted by section 9 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

(3) The funds of the Authority shall be kept in such scheduled bank or banks as it may deem fit.

Budget

17. The Authority shall, by such date as the Government may fix, submit to the Government for its approval a budget for each financial year showing the estimated receipts and expenditure during that year and the sum which are likely to be required from the Government for that financial year.

Audit and
Accounts

18. (1) The Authority shall maintain its accounts in such manner and form as the Government may prescribe.

(2) The accounts of the Authority shall be audited by not less than two auditors, being chartered accountants within the meaning of the Bangladesh Chartered Accountants Order, 1973 (P.O. No. 2 of 1973), who shall be appointed by the Authority with the approval of the Government.

(3) Every auditor appointed under sub-section (2) shall be given a copy of the accounts of the Authority together with the accounts books and vouchers relating thereto for examination and shall at all reasonable times have access to all records, books, documents, cash, sureties, stores and other property of the Authority, and may in connection with such accounts examine the Chairman, any member, officer or employee of the Authority.

¹[(4) The auditors shall complete the audit within six months of the expiry of the financial year in respect of which the audit is made and shall, within three months send to the Authority the audit report with a copy thereof to the Government.]

(5) The accounts of the Authority shall also be audited by the Comptroller and Auditor-General of Bangladesh, hereinafter in this section referred to as the Auditor-General, in such manner as he deems fit.

¹ Sub-section (4) was substituted by section 9 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1996 (Act No. XII of 1996).

(6) For the purpose of an Audit under sub-section (5), the Auditor-General or any person authorised by him in this behalf shall have access to all records, books, documents, cash, securities, stores and other property of the Authority and may examine the Chairman, any member or any officer or employee of the Authority.

(7) The Auditor-General shall, as soon as possible after completion of the audit, send to the Authority his audit report with a copy thereof to the Government.

19. (1) The Authority shall submit a half-yearly report to the Government on the conduct of its affairs. Submission of reports and returns

(2) The Government may require the Authority to furnish any return, statement, estimate, statistics or other information regarding any matter under the control of the Authority and the Authority shall comply with every such requisition.

20. The Authority may appoint such committees as may be necessary to discharge such functions as may be assigned to them by the Authority or to assist the Executive Director in the performance of his functions. Committee

¹**20A.** (1) There shall be established two police stations—one for the eastern part of the Bangabandhu Bridge on Jamuna river, including the restricted area thereof, in the district of Tangail and the other for the western part of the said Bridge including the restricted area thereof, in the district of Sirajganj. Establishment of Police Stations

(2) The Government may, if deemed necessary for proper administration, by notification in the *official Gazette*, add any other areas to the said police stations.

(3) The areas of the said police stations, including the areas added to them under sub-section (2), shall stand excluded from the areas of the police stations to which they were included immediately before their forming the police-stations or addition

¹ Sections 20A-20P were inserted by section 10 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

thereto, as the case may be; and the relevant notifications or orders relating to the areas of the old police station shall also stand amended accordingly.

(4) The officer-in-charge of each such police station shall be a police officer not below the rank of an Inspector of Police.

(5) The expenditure in respect of the police stations shall be borne by the Authority.

(6) In discharging their duties in respect of any matter under this Ordinance or under any rules or regulations, or, under any orders or directions made or given by the Authority thereunder, the police officers of these police stations shall be under the supervision and control of the Authority and accountable to it.

(7) The Government may, if deemed necessary, establish similar police stations for any other bridges or for any toll-roads, and where any such police station is established the provisions of sub-sections (3), (4), (5) and (6) shall, *mutatis mutandis*, apply.

Closure of
bridges or toll-
roads

20B. If the Authority is of opinion that any bridge or toll-road, or any specified part thereof, can not be used without danger to the users or the public, or is no longer in a fit state for the carriage of any specified class of traffic, it may, by notice in writing displayed prominently in or near such bridge or toll-road, order that the bridge or toll-road, or any specified part thereof, shall be closed to the users or the public or to all traffic or to any specified class of traffic.

Prevention of
encroachments,
etc.

20C. The Authority may take such measures, including causing use of force, as may be necessary for the prevention of any encroachments or obstructions, movable or immovable, or any nuisance on, over, under or near any bridge or toll-road or in any part thereof, or for removal of the same therefrom.

Halt, etc.

20D. Any police officer or any officer of the Authority authorised by it in this behalf, either by general or by special order, may halt, inspect and search any vehicle on or near any

bridge or toll-road, or may examine and search any person driving, travelling in or in charge of such vehicle, if there is reason to believe that any provisions of this Ordinance, or of any rules or regulations, or of any orders or directions made or given by the Authority thereunder, have been contravened in respect of such vehicle or by such person.

20E. If any vehicle without any lawful excuse is found on any bridge or toll-road parking, stopping, moving or plying in contravention of any provisions of this Ordinance, or of any rules or regulations, or of any orders or directions made or given by the Authority thereunder, or carrying any passenger or goods in contravention thereof, the vehicle, and the goods where applicable, may be forfeited to the Authority in such manner as may be prescribed by regulations.

Forfeiture

20F. Whoever without lawful excuse wilfully-

Penalty for unlawful obstructions, etc.

- (a) obstructs traffic on any bridge or toll-road;
- (b) injures, damages or destroys any boundary or demarcation line, wall or fence or any mark, sign or symbol, made or displayed for the purpose of setting out the line or route of traffic on any bridge or toll-road or safety of vehicles or passengers thereon, or preserving it;
- (c) removes, destroys, defaces or otherwise obliterates any notice or document put up or exhibited by the Authority on or near any bridge or toll-road,

shall be punishable with fine which may extend to two thousand taka.

20G. Any rules or regulations may provide that a contravention or breach thereof, or a disobedience of any orders or directions made or given by the Authority thereunder, shall be punishable, where no penalty has been specified therefore in this Ordinance, with fine which may extend to five thousand taka, and, in the case of a continuing contravention or breach or disobedience, with a further fine which may extend to five hundred taka for every day after the first during which the offence continues to be committed.

Penalty for contravention of rules and regulations

Removal or
arrest without
warrant

20H. (1) Any police officer, or any officer of the Authority authorised by it in this behalf, either by general or by special order, may arrest without warrant any person committing on any bridge or toll-road within his view an offence under section 20F or a breach or contravention of any provisions of any rules or regulations, or of any orders or directions made or given by the Authority thereunder, and such arrested person shall be punishable with fine which may extend to one thousand taka or more:

Provided that if a mere removal of the said person from the bridge or toll-road, as the case may be, is considered enough and no further action is deemed necessary in the circumstances of the case, the person may be removed therefrom without arresting him using such force as may be necessary to effect the removal.

(2) The person arrested under sub-section (1) shall be released, if he has given his name and address on demand and there is reason to believe that the name and address given by him are correct, or if his true name and address are ascertained, on his executing a bond without sureties for his appearance before a Magistrate when required.

(3) If the person arrested under sub-section (1) can not be released under sub-section (2), he shall, forthwith be forwarded to the nearest Magistrate having jurisdiction, or to the nearest police-station, to be dealt with in accordance with law.

(4) The provisions of Chapter XLII of the Code of Criminal Procedure, 1898 (V of 1898) shall, so far as may be, apply to bond executed under this section.

Special
procedure for
disposal of
cases before
trial

20I. (1) Any Court taking cognizance of an offence punishable under this Ordinance or the rules or regulations shall state in the summons to be served on the accused person that he may-

- (a) appear by an advocate and need not attend in person,
- (b) by a date specified in the summons, admit that he has committed the offence complained of by a registered

letter sent to the Court or by a petition submitted to it, and remit to the Court or pay in it such sum, not exceeding one-fifth of the maximum amount of fine specified for such offence, as may be mentioned by the Court in the summons.

(2) Where the accused person admits that he has committed the offence complained of, and remits or pays the sum mentioned in the summons, no further proceedings in respect of the offence shall be taken against him.

(3) Where the accused person does not admit that he has committed the offence and does not remit or pay the sum mentioned in the summons within the time specified therein, further proceedings in respect of the offence shall continue against him.

20J. (1) Notwithstanding anything contained elsewhere in this Ordinance, where any police-officer not below the rank of a Sub-Inspector or Sergeant, or any officer of the Authority authorised by it in this behalf, either by general or by special order, finds that a person is committing, or has committed, within his view on any bridge or toll-road, or in any restricted area thereof, an offence punishable under any rules or regulations with fine not extending to one thousand taka, he may fine him on the spot, the amount of which shall not exceed one-fifth of the maximum amount of fine specified for the offence.

Power of
police-officers
or officers of
the Authority to
impose fine on
the spot

(2) Before any fine is imposed under sub-section (1), the accused shall be served with a notice in the form prescribed by regulations, by handing it over to him, specifying-

- (a) the offence committed by him,
- (b) the amount of fine which he is to pay,
- (c) the manner in which and the time within which the fine is to be paid,

and directing him to say whether he admits that he has committed the offence and agrees to pay the fine specified therein.

(3) Where the accused person admits that he has committed the offence, and agrees to pay the fine, specified in the said notice, it shall be noted on the body of the notice and signed by him, whereupon no prosecution in respect of the offence shall be initiated against him.

(4) Where the accused person fails to pay the fine agreed as aforesaid in the manner and within the time specified in the said notice, it shall be recovered from him as a public demand.

(5) Where the accused person does not admit that he has committed the offence and does not agree to pay the fine specified in the said notice, he may be prosecuted for the offence before the Court.

Cognizance and trial

20K. (1) No Court shall take cognizance of an offence punishable under this Ordinance or the rules or regulations except on a report in writing made by a police officer not below the rank of a Sub-Inspector or Sergeant or by an officer of the Authority authorised by it in this behalf, either by general or by special order.

(2) An offence punishable under this Ordinance or the rules or regulations shall be tried in a summary way following the procedure laid down in Chapter XXII of the Code of Criminal Procedure, 1898 (V of 1898).

Formation of companies for transfer of bridges and toll-roads to them

20L. (1) Notwithstanding anything contained elsewhere in this Ordinance, the Authority may, if it deems it expedient in the public interest so to do, form, with the prior approval of the Government, one or more companies, with such share capital as it may determine, for the purpose of transferring to them the ownership, administration, management, operation and maintenance of any bridge or toll-road, or both, after the completion thereof.

(2) The Authority may own and hold all or any number of shares of any such company, but initially it shall hold all the shares thereof.

(3) The Authority may, with the prior approval of the Government, transfer to the public or to any organisation or institution all or any number of shares of any such company owned and held by it.

20M. (1) Where any company is formed under section 20L for any bridge or toll-road, the Authority shall transfer its ownership, right, title, interest, power and possession, together with its obligations, debts and liabilities, in respect of such bridge or toll-road, as the case may be, to the company in such manner, and on such terms and conditions, and for such consideration, as may be agreed upon between the Authority and the company.

Transfer of ownership, etc. of bridges and toll-roads

(2) Upon the transfer as aforesaid, the said company shall carry on the administration, management, operation and maintenance of the bridge or toll-road, as the case may be, so transferred in an efficient and business like manner keeping in view the investments made, costs incurred, purpose for which it is established or constructed and the interest of the public.

(3) Notwithstanding the transfer of any bridge or toll-road under sub-section (1), the provisions of this Ordinance and the rules and regulations shall continue to apply to such bridge or toll-road, as the case may be, and the said company shall exercise all rights and powers of the Authority regarding the administration, management, operation and maintenance of such bridge or toll-road, as the case may be, under this Ordinance and the rules and regulations, including the power to make or give orders or directions in respect thereof under any regulations, as if it were the Authority.

20N. (1) The Authority may, if it deems it fit so to do, lease out any bridge or toll-road to any person for such period, and on such terms and conditions, as may be determined by it for the purpose of administration, management, operation and maintenance of such bridge or toll-road, as the case may be.

Lease of bridges and toll-roads

(2) The Authority shall select the lessees through open tenders invited in such manner as may be prescribed by regulations.

(3) The instrument of lease under this section shall provide for termination of the lease, and for compensation, in case of failure on the part of the lessee to fulfil the terms and conditions of the lease.

(4) A lessee shall have all the powers and rights of the Authority in respect of administration, management, operation and maintenance of the bridge or toll-road, as the case may be, leased out to him, and he shall exercise those powers and rights under this Ordinance and the rules and regulations.

(5) All arrear payments due from the lessee to the Authority shall be recoverable as public demand.

Management,
etc. of bridges
and toll-roads
through agents

20 O. (1) The Authority may, if it deems it expedient in the interest of better administration, management, operation and maintenance of any bridge or toll-road so to do, appoint, on contract in writing, any person as its agent for the administration, management, operation and maintenance of such bridge or toll-road, as the case may be.

(2) The instrument of contract under this section shall provide for termination of the appointment of the agent for his inefficiency, misconduct or corruption or for his negligence or failure to discharge his duties to the satisfaction of the Authority.

(3) The agent shall discharge his duties under the supervision and control of the Authority and shall be responsible to the Authority for all his activities as its agent.

(4) Notwithstanding anything contained elsewhere in this Ordinance, the Authority may authorise the Agent or any officer employed by it to exercise any functions under sections 20D, 20H, 20J and 20K as if he were an officer of the Authority.

Savings of
prosecution
under other
laws

20P. Nothing in this Ordinance or in the rules or regulations shall prevent any person from being prosecuted under any other law for any offence punishable under this Ordinance or under the rules or regulations:

Provided that no person shall be punished twice for the same offence.]

Delegations of
powers

21. The Authority may, by notified orders, direct that any power or duty, conferred or imposed by this Ordinance upon the Authority shall, in such circumstances and under such

conditions, if any, as may be specified in the order, be exercised or discharged also by the Chairman or a member, or by the Executive Director or any other officer of the Authority.

¹[21A. The provisions of sections 23 and 23A of the Insurance Corporations Act, 1973 (VI of 1973) shall not apply to an insurance relating to any work which is necessary for the establishment ²[or construction of any bridge or toll-road].]

Section 23 and 23A of Act VI of 1973 not to apply

22. No suit, prosecution or other legal proceeding shall lie against the Authority, the Chairman, any member, Executive Director or any other officer, consultant or employee or the Authority for anything done or intended to be done in good faith under this Ordinance.

Indemnity

23. The Government may, by notification in the *official Gazette*, make rules for carrying out the purpose of this Ordinance.

Power to make rules

24. ³[(1)] The Authority may make regulations, not in consistent with the provisions of this Ordinance and the rules made thereunder, to provide for all matters not required to be provided for by rules and for which provisions is necessary or expedient for carrying out the purpose of this Ordinance.

Power to make regulations

⁴[(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, and all matters incidental, consequential and supplementary thereto, namely:-

- (a) regulation and control of vehicles and traffic on or near any bridge or toll-road for the purpose of preventing danger to, and ensuring safety and convenience of, the vehicles, traffic and the public;

¹ Section 21A was inserted by section 10 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1996 (Act No. XII of 1996).

² The words "or construction of any bridge or toll-road" were substituted for the words "of the multipurpose bridge" by section 11 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

³ The existing provision of section 24 was numbered as sub-section (1) of that section by section 12 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

⁴ Sub-sections (2) and (3) were added by section 12 of the Jamuna Multipurpose Bridge Authority (Amendment) Act, 1998 (Act No. XXI of 1998).

- (b) regulation of the use of any bridge or toll-road, code of traffic signal, and hour of lighting;
- (c) provision of safety of traffic on any bridge or toll-road;
- (d) prohibition or regulation of the use of any bridge or toll-road for any purpose other than the purpose for which it is established or constructed;
- (e) prohibition or regulation of the use of any bridge or toll-road by persons walking, riding, cycling, or leading or accompanying cattle, so as to prevent danger or obstruction to, or inconvenience of, the traffic and the public;
- (f) prohibition or regulation of movement of animals, goods, heavy machinery, dangerous materials or explosives or any specified type of vehicle on any bridge or toll-road;
- (g) fixation of maximum length, height, width, axle load, weight or carrying capacity of any vehicle, including train, permitted to use any bridge or toll-road, number of vehicles that may be allowed thereon at a time, and the maximum and minimum limit of speed of any type of vehicle, including train, moving on the same;
- (h) prohibition or regulation of parking any vehicle, or storing of any goods on or near any bridge or toll-road;
- (i) inspection, search, seizure, removal or forfeiture of any vehicle or goods found on or near any bridge or toll-road in violation of any regulation or any order or direction made or given by the Authority thereunder;
- (j) search, examination or removal of any person found walking, loitering or driving any vehicle or cattle, or causing any nuisance, on or near any bridge or toll-road in violation of any regulation, or any order or direction made or given by the Authority thereunder;
- (k) definition, prevention and removal of nuisances on or near any bridge or toll-road;
- (l) prevention and removal of obstruction or encroachment on or near any bridge or toll-road;

- (m) stopping unauthorised work, and demolition of unauthorised construction or installation, on or near any bridge or toll-road;
- (n) temporary closing of any bridge or toll-road, or any part thereof, for repairs or other maintenance work, or for any construction installation or maintenance work being done by any Government agency in respect of any establishment owned or operated by such agency or for any other public purpose;
- (o) regulation of any kind of construction, installation or excavation work for any purpose whatsoever on or near any bridge or toll-road or in any restricted area thereof;
- (p) prohibition or regulation of any stall, shed, shop, market, bazar or vending, or any trading, commercial or industrial activity on or near any bridge or toll-road;
- (q) regulation and control of river traffic, anchoring or fastening of vessels, and loading and unloading of passengers and cargo in the river or water body, or embankments thereof within the area of any bridge;
- (r) administration, operation, maintenance and preservation of any bridge or toll-road;
- (s) charge of tolls and fees on the users of any bridge or toll-road, or of any facility attached thereto, and collection thereof;
- (t) penalty for contravention or disobedience of any regulation or any order or direction made or given by the Authority thereunder.

(3) All regulations shall be notified in the *official Gazette* and copies thereof shall be kept available at all offices of the Authority for inspection and sale.]
