

CENTRAL PROVINCES AND BERAR HIGHWAY ACT, 1936**34 of 1936**

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CENTRAL PROVINCES AND BERAR HIGHWAY ACT, 1936**34 of 1936**

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An Act for the regulation of traffic on public roads and places in Madhya Pradesh WHEREAS it is expedient to make provision for the regulation of traffic on public roads and places in Madhya Pradesh; AND WHEREAS the previous sanction of the Governor General required by sub-section (3) of Section 80-A of the Government of India Act, has been obtained to the passing of this Act; It is hereby enacted as follows

1. Short title, extent and commencement :-

(1) This Act may be called the Central Provinces ¹[and Berar] Highway Act, 1936.

(2) It shall extend to the whole of ²[Vidarbha Region of the State of Maharashtra]

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

1. Inserted by Section 2 of C.P. and Berar Act XV of 1941.

2. Substituted by A. O. 1956 and 1960

3. This Act came into force on the 1st March, 1937, see Police Department Notification No. \109-54 VI, dated the 5th February, 1937, published in Part III, page 345, of the Central \Provinces Gazette, dated the 19th February, 1937

2. Definitions :-

¹ In this Act, unless there is anything repugnant in the subject or context,

(a) 'public road or place' means a road, street, way or other place, whether a thoroughfare or not, in charge of, or maintained by, the State Government or any local authority and notified by the State Government as such road or place ;

(b) 'local authority' means the City of Nagpur Corporation, the City of Jabalpur Corporation, a municipal committee or a notified area committee constituted under the Central Provinces and Berar Municipalities Act, 1922, or a Janpada Sabha constituted under the Central Provinces and Berar Local Government Act, 1948, or a gram panchayat constituted under the Central Provinces and Berar Panchayats Act, 1946, as the case may be,]

1. Substituted by M. P. Act No. 4 of 1954.

3. Power to make rules :-

The State Government may make rules for the regulation of traffic on **¹**[public] roads or places.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules for all or any of the following matters, namely

(a) prohibiting or restricting the use of vehicles of any particular class or description considered likely to cause obstruction on a **¹**[public] road or place and where a berm or side-track is provided, confining such vehicles to the berm or side-track ;

(b) prohibiting or restricting the use of vehicles not provided with brakes of such character as may be required by the rules ;

(c) prohibiting or restricting the use of vehicles or animals which are of such a nature or in such a condition as is likely to cause annoyance, inconvenience or danger to the public ;

(d) prohibiting the leaving of vehicles or animals unattended or in the charge of persons incapable of controlling them ;

(e) the speed at which vehicles or animals may be driven or ridden;

(f) the rule of the road ;

(g) prohibiting the driving or riding of vehicles or animals on

footways or other places where their use may be attended with danger to the public ;

(h) prohibiting the halting of vehicles or animals at places other than the proper camps or refugees, if such halting is likely to cause obstruction to traffic ;

(i) the carrying and use on vehicles of a bell or other instrument for giving audible and sufficient warning of their approach or position ;

(j) the stoppage of vehicles or animals when required by the police for the regulation of traffic or for other reasonable purpose ;

(k) the maximum weight of the number of passengers to be carried on each description of vehicle plying for hire or animal;

(l) empowering specified officers to issue notices requiring owners or occupiers of land

(i) to lop the branches of any trees growing on such land and overhanging a ³[public] road so as to cause obstruction or danger ;

(ii) to cut or trim any hedges or noxious vegetation, growing on such land, which may be considered likely to intercept a view of approaching traffic on a ²[public] road, or on any side road or other approach thereto, and

(iii) to remove from a ²[public] road any branches, trimmings and vegetation lopped or cut by such owners or occupiers ;

(m) imposing on such owners or occupiers of land the duty to comply with such notices within a reasonable time and authorizing such officers to lop, cut or trim such trees, hedges and vegetation in a case of default;

(n) regulating the driving or riding of animals after dusk and before day-break;

(o) the use of nose-ropes for animals ;

(p) the minimum age-limit of drivers of vehicles ; and

(q) generally the prevention of obstruction to traffic and of annoyance, danger or injury to the public.

(3) A rule may be general for ²[public] roads or places, vehicles or animals or may be special for a particular ²[public] road or place, vehicle or animal or class of vehicles or animals.

(4) All rules shall be subject to the condition of previous publication. A copy of the draft of the proposed rules shall be laid ⁸[before each of the Houses of the State Legislature]. The State Government shall give ³[both Houses] an opportunity of discussing them and shall take into consideration any resolution concerning the same ³ [in which both the Houses concur] before finally publishing them in the Official Gazette.

(5) In making any rule, the State Government may direct that a breach thereof shall be punishable with fine which may extend to twenty-five rupees, or, in the case of a second or subsequent breach, to fifty rupees.

1. Substituted *ibid*.

3. Substituted by M. P. Act No. 4 of 1954.

8. Substituted by A. O. 1956.

4. Power to close roads :-

(1) The State Government or any officer authorized by the State Government in this behalf may, by order, prohibit or restrict for such period as may be specified in the order, the use of any [public] road or place.

(2) If any person contravenes any order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.