

Madras Traffic Control Act, 1938

05 of 1938

[29 March 1938]

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PREAMBLE

An Act to provide for the control of traffic in public places in the Province of Madras.

Whereas it is expedient to enable the Provincial Govern-ment to make provision for the control of traffic in public places in the Province of Madras, and for that purpose further to amend the Madras City Municipal Act, 1919 (Madras Act IV of 1919), the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), the Indian Motor Vehicles Act, 1914 (Central Act VIII of 1914), in its application to the Province of Madras, and the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931); It is hereby enacted as follows:--.

1. For Statement of Objects and Reasons, see Fort St. George

Gazette, dated 22nd February 1938--Part IV, pages 46-49.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

2. Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920.)

1. Short title, extent and commencement :-

(1) This Act may be called the Madras Traffic Control Act, 1938.

(2) It extends to the whole of the ¹(State) of Madras.

(3) This section shall come into force at once, and the rest of this Act shall come into force on such* date as the ²(State) Government may, by notification, appoint.

1. This word was substituted for the word "Province" by the Adaptation Order of 1950.

2. This word was substituted for the word " Provincial" by ibid.

* Came into force on the 1st April 938.

2. Definition :-

In this Act, public place means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass and includes--

(a) in the City of Madras, a public street as defined in clause (20) of section 3 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919);

(b) in a municipality governed by the Madras District Municipalities Act, 1920 (Madras Act V of 1920), a public street as defined in clause (21) of section 3 of that Act; and

(c) in a local area governed by the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), ¹a public road as defined in clause (18) of section 3 of that Act.

1. Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

3. Power of State Government to make rules for the control of traffic :-

The ¹(State) Government may, after previous publication, make

rules to provide--

(a) for the regulation of the use of any public place and the closing thereof or parts thereof; and

(b) for the regulation of traffic in any public place or its reservation for particular kinds of traffic.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

4. Penalty for breach of rules :-

In making any rule under section 3, the ¹(State) Government may provide that a breach thereof shall be punishable--

(a) with fine which may extend to fifty rupees and, in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from an officer empowered in that behalf by the ¹(State) Government, to discontinue such breach.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

5. Section 5 :-

[Amendments made by section 5 have been incorporated in the Madras City Municipal Act, 1919.]

6. Section 6 :-

[Amendments made by section 6 have been incorporated in the Madras District Municipalities Act, 1920.]

7. Section 7 :-

[Amendments made by section 7 have been incorporated in the Madras District Boards Act, 1920.]

8. Amendment of Central Act VIII of 1914 in its application to the State :-

The Indian Motor Vehicles Act, 1914, shall in its application to the ¹(State) of Madras, be construed as if the rulemaking power

conferred by section 11 of that Act extended to the following matters, namely:--

"(a) The proscription of the conditions subject to which, and the fees (if any) on payment of which, motor vehicles or any class of such vehicles may be used in public places generally or in any particular public place.

(b) The constitution for each district of a transport authority and the proscription of its powers and functions including, in particular, its powers and functions in regard to--

(i) the issue or the authorization of the issue of prescribed permits in respect of motor vehicles or any specified class of motor vehicles, for their use in all, or any public places in the district;

(ii) the determination of the areas in the district on the routes or public places situated in which, or of the routes or public places in the district on which, motor vehicles or any specified class of motor vehicles may be used; and

(iii) the restriction of the number of motor vehicles or of any specified class of motor vehicles to which permits may be issued in respect of such areas, routes or public places.

(c) The constitution of a central transport authority for the ²(State) and the prescription of its powers and functions including, in particular--

(i) its powers and functions in regard to motor traffic extending over the jurisdiction of two or more of the transport authorities referred to in clause (b), and the exercise of the powers and functions of, and the control to be exercised over, such authorities in respect of such traffic; and

(ii) its appellate jurisdiction in respect of orders passed by the transport authorities referred to in clause (b).

(d) The powers of the ³(State) Government to control the central transport authority referred to in clause (c) and the prescription that the decisions and orders of such authority--

(i) shall not be liable to be questioned in any Civil Court by suit or otherwise; and

(ii) shall be final except in so far as they may be set aside or revised by the ³(State) Government.

(e) The powers of the ³(State) Government to control the transport authorities referred to in clause (b) and the prescription that the decisions and orders of such authorities shall not be liable to be questioned in any Civil Court by suit or otherwise.

(f) The prescription of a limit of speed in respect of motor vehicles

or any specified class of motor vehicles, generally or in any particular public place.

(g) The empowering of any authority to limit by general or special order the speed at which motor vehicles or any specified class of motor vehicles may be driven, generally or in any particular public place.

1. This word was substituted for the word "Province" by *ibid*.

2. This word was substituted for the word "Province" by the Adaptation Order of 1950.

3. This word was substituted for the word "Provincial" by *ibid*.

9. Section 9 :-

[Amendments made by section 9 have been incorporated in the Madras Motor Vehicles Taxation Act, 1931]

10. Existing by-laws to continue :-

Notwithstanding anything contained in this Act, all by-laws relating to any of the matters mentioned in section 3 of this Act which have been made under the Madras City Municipal Act, 1919 (Madras Act IV of 1919), the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), and are in force at the commencement of this Act shall continue to be valid, but any such by-law may be cancelled or altered by a rule made under section 3 aforesaid.

11. Repeal of Madras Act V of 1931 :-

The Madras Government Roads Traffic Control Act, 1931, is hereby repealed.

12. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Madras Local Boards Act, 1920 (Madras Act XIV of 1920)¹ the Indian Motor Vehicles Act, 1914 (Central Act VIII of 1914), or the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), as amended by this Act, the ²(State) Government, as occasion may

require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

1. Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

2. This word was substituted for the word "Province" by the Adaptation Order of 1950.