

The M.P. Highway Act, 1936

MADHYA PRADESH

India

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Act 34 of 1936

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The M.P. Highway Act, 1936M.P. Act No. 34 of 1936Statement of Object and Reasons. - The Road Conference of 1931 drew attention to the necessity of legislation for the purpose of enforcing the rule of road and of regulation generally the use of public roads and places. Legislation in this province is at present confined to traffic by motor vehicles. The object of this Bill is to provide for the regulation of all kinds of vehicular and animal traffic on Government roads and places. Published in the "Central Provinces Gazette", dated the 11-12-1936. An act for the regulation of traffic on public roads and places in [Madhya Pradesh] [Substituted by Section 3 (4) of the M.P. Extension of Laws Act, 1958 (XXIII of 1958).]. Whereas it is expedient to make provision for the regulation of traffic on public roads and places in [Madhya Pradesh] [Substituted by Section 3 (4) of the M.P. Extension of Laws Act, 1958 (XXIII of 1958).]; 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 [Madhya Pradesh] [Substituted by Section 3 (4) of the M.P. Extension of Laws Act, 1958 (XXIII of 1958).] Highway Act, 1936. (2) It extends to and shall be in force in the whole of Madhya Pradesh.

2. [Definition. [Substituted by M.P. Act No. 4 of 1954.]

- 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 a Municipal Corporation, Municipal Committee, Notified Area Committee, Town Committee, District Board, Janapada Sabha, Mandal Panchayat, Gram Sabha, Gram Panchayat, Village Panchayat, or other authority entitled to or entrusted by the Government, with the control or management of a municipal or local fund; and includes any authority deemed to

be a local authority under any enactment.] [Substituted by M.P. Act No. 4 of 1954.]

3. Power to make Rules.

(1)The State Government may make rules for the regulation of traffic on [public] [Substituted by M.P. Act No. 4 of 1954.] 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 restriction the use of vehicles of any particular class or description considered likely to cause obstruction on a [public] [Substituted by M.P. Act No. 4 of 1954.] 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 to be 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 refuges, if such halting is likely to cause obstruction to traffic;(i)the carrying and use on vehicles or animals 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 or the number of passengers to be carried on such 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 [public] [Substituted by M.P. Act No. 4 of 1954.] 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 [public] [Substituted by M.P. Act No. 4 of 1954.] road, or on any side road or other approach thereto, and(iii)to remove from a [public] [Substituted by M.P. Act No. 4 of 1954.] 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 authorizing such officers to lop, cut or trim such tree, 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 all [public] [Substituted by M.P. Act No. 4 of 1954.] roads or places, vehicles or animals or may be special for a particular [public] [Substituted by M.P. Act No. 4 of 1954.] 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 on the table of the Legislative Assembly. The State Government shall give the Assembly an opportunity of discussing them and shall take into consideration any resolution concerning the same which may be passed by the Legislative Assembly 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.

4. [Power to close roads. [Inserted by C.P. and Berar Act No. 27 of 1947.]

- The State Government or any officer authorised 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.]NotificationIn pursuance of the present section the Provincial Government notified every road or place specified in the Schedule annexed to be a Government road or place. See Police Department Notification No. 978-1045-IV, dated 11-7-1945, published in C.P. and Berar Gazette, dated 3-8-1945, Part III, from pages 266 to 275.Certain roads or places were further notified to be Government roads or places, See Police Department Notification No. 1837-1735-IV, dated 12-12-1945, Published in C.P. and Berar Gazette, dated 14-12-1945, Part III. For further amendments see notification No. 310-364-IV (MV), dated 6-5-1954, published in M.P. Rajpatra, dated 14-5-1954, Part IV (G) at page 146.