



The Madhya Pradesh Highway Act, 1936

Act 34 of 1936

Keyword(s):

Public Road or Place, Regulation of Traffic, Prohibiting or restricting the use of a vehicle, Power to close roads

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No. 34 of 1936

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(No. 34 of 1936)¹

An Act for the regulation of traffic on [public]³ roads and places in [Madhya Pradesh].²

Preamble.

Whereas it is expedient to make provision for the regulation of traffic on [public]² roads and places in [Madhya Pradesh]³;

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:—

Short title, extent and commencement.

1. (1) This Act may be called the [Madhya Pradesh]³ Highway Act, 1936.

[(2) It extends to and shall be in force in the whole of Madhya Pradesh.]⁴

Definitions

⁵[2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “public road or place” means a road,² street, way or other place, whether a through fare 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 legally 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.]⁶

1. For Statement of Objects and Reasons and Report of Select Committee, see Central Provinces Gazette, dated the 3rd August, 1934 and 20th December, 1935 Part II pages 172-174 and pages 410-414, respectively. For discussion see Central Provinces Legislative Council Proceedings, dated the 22nd August, 1934, 10th August, 1935, 23rd January, 1936, 27th July, 1936 and 4th August, 1936, page 566 of Volume VIII of 1934, pages 149-159 of Volume X of 1935, page 50 of Volume XI of 1936, pages 149-159 of 1935, pages 20-22 and pages 627-642 of Volume XII of 1936, respectively.
2. Subs. by M.P. Act 4 of 1954, S.2 for “Government”.
3. Subs. by M. P. Act 23 of 1958, S. 3 (4), for “Central Provinces and Berar”.
4. Sub. by M. P. Act 23 of 1958, for sub-sections (2) and (3), Part A, Sch. item, 34.
5. Subs. by M. P. Act 4 of 1954, S. 3.
6. Sub. by M. P. Act 23 of 1953, Part-A Sch, item 34.

3. (1) The State Government may make rules for the Power to make Rules. regulation of traffic on [public]¹ road or place.

(2) In particular, and without prejudice to the generality of the foregoing powers, 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 [public]¹ road or place and where a berm or side-track is provided, confining such vehicle 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 rules 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 positions;
- (j) the stoppage of vehicle or animal 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 each description of vehicle plying for hire or animal;
- (1) empowering specified officer 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]¹ road so as to cause obstruction or danger;

1. Subs, by M.P. Act 4 of 1954, S 4, for "Government".

- (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]¹ road, or on any side road or other approach thereto, and
 - (iii) to remove from a [public]¹ 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 all [public]¹ roads or places, vehicles or animals or may be special for a particular [public]¹ 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].² The State Government shall give the [Assembly]² an opportunity of discussing them and shall take into consideration and resolution concerning the same which may be passed by the Legislative [Assembly]² 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 case of a second or subsequent breach, to fifty rupees.

Power to close roads.

³[4. (1) 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]¹ road or place.

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

1. Subs. by M. P. Act 4 of 1954, S.4. for "Government".

2. Sub. by A. O. 1937, for "Council".

3. Subs. by C.P. and Berar Act 27 of 1947, S. 4.