

TAMIL NADU TRAFFIC CONTROL ACT, 1938

1938 : T.N. Act V) Traffic Control 607 *LTAMIL NADU] ACT No. V OF 19382. [THB '(TAMIL NADU) TRAFFIC CONTROL ACT, 1938.] (Received the assent of the Governor on the 28th March 1938; first published in the Fort St. George Gazette on the 29th March 1938.) An Act to provide for the control of tramc in public places in the '[State of Tamil Nadu*], WHEREAS it is expedient to enable the '[State Govern- ment] to make provision for the control of tramc in public places in the '[State of Tamil Nadu], and for that purpose further to amend the Madras City Municipal Act, 19195, the 1[Tamil Nadu] District Municipalities Act, 19290, the 11 Tamil Nadu] Local Boards Act, 19206, the Indian Motor Vehicles Act, 19147, in its application to the 3[State of Tamil Nadul, and the 11 Tamil Nadu] Motor Vehicles It is hereby enacted as Taxation Act, 1931s ; follows :— 1. (1) This Act may be called the IL Tamil NaduJ Short title, extent and Tramc Control Act, 1938. commence 1 These words were substituted for the word " Madras " by the Inent. Tamil Nadu Adaptation ot Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. a For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 22nd February t I V , pages 46—49. This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1940 (Tamil Nadu Act XXXV of 1949). So much of this Act as was in force on the date of the commence- ment of the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960) in the State of Madras ex- cept in the transferred territory upas extended to the said territory by section 3 of, and the First Schedule to, the latter Act. This expression was substituted for the expression " Province of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deaned to have come into force on the 14th January 1969. This expression was substituted for the expression " Provincia.' Government " by the Tamil Nadu Adaptation of Laws Order, 1970. 5 The short title of this Act has now been altered as the Madras City Municipal Corporation Act. 1919. 6 Now the Tamil Nadu District boards Act, 1920 (Tamil Nadu Act xrv of 1920). Now the Motor Vehicles Act, 19.39 (Central Act of 1939). This Act has now been repealed by the Tamil Nadu Mot' Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974), section 26. 608 Trgffic Control (1938 : T.N. Act V Definition. Power of State Government to make rules for the control of traffic. (2) It extends to the whole of the i[State of Tamil Nadul. (3) This section shall come into force at once, and the rest of this Act shall come into force on such *date as the '(State) Government may, by notification, appoint

2. 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 '[Tamil (a) in the City of Madras, a public street as Nadul defined in clause (20) of section 3 of the Madras Act IV of City Municipal Act, 1919t; (b) ina municipality governed by the 8[Tamil Na«lu] District Municipalites Act, 1920, a public street as defined in clause (21) of section 3 of that *Act; (c) in a local area governed by the 3[Tamil Nadu-l Local Boards Act, 19204 a public road as defined in clause (18) of section 3 of that Act

3. The 2(State) Government niay, after previous publication, make rules to provide—(a) for the regulation of the use of any public piace and the closing thereof or parts thereof ; and This expression was substituted for the expression ' 'State of .Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amend- ment) Order, t 969. - This word was substituted for the Word " Provincial " by the Adaptation Order of 1950. 3 These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Atncndment) Order, 1969. Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act of 1920). *Came into force on the 1st April 1938. t The short title of this Act has now been altered as the Madrag City Municipal Corporation Act, 1919. ttramil Nadu] Act V of 1920. 'CTamil Nadul Act xlv of 1920. Amend. ment of Central Act of 1914 in its applica• tion to : fiö\Contro (b) for the regulation of .traffic im anyopublic place or its reservation for particular kinds•oftramc

4. In making any rule under section 3, the (State) Penalty for breach of ruks.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 reach ; or (b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from an offcer empowered in that behalf by

the (State) Government, to discontinue such breach. 5. [Amendments made by section 5 have been incorporated in the Madras City Municipal Corporation Act, 1919.] 6. [Amendments made by section 6 have been incorporated in the Tamil Nadu District Municipalities Act, 1920.] 7. [Amendments made by section 7 have been incorporated in the Tamil Nadu District Boards Act, 1920.] 8. The Indian Motor Vehicles Act, 1914, shall in its application to the [State of Tamil Nadu], be construed as if the rule-making power conferred by section 11 of that Act extended to the following matters, namely " (a) The prescription of the conditions subject the State. to which, and the fees (if any) on payment of which, This word was substituted for the word " Provincial " by the Adaptation Order of 1950. Now the Motor Vehicles Act, 1939 (Central Act IV of 1939). This expression was substituted for the expression " State of " by the Adaptation of Laws (Second Amendment) Order, 1969. (b) constitution for each district of a transport authority and the prescription of its powers and functions in particular, its powers and functions regard to— (i) the issue or the authorisation of the issue of 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 or 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 (State) and the prescription of its powers and functions including, in particular— (i) its powers and functions in regard to motor transport 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 transport ; and (ii) its appellate Jurisdiction in respect of orders passed by the transport authorities referred to in clause (b). This Act has now been repealed by the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974). 125-14—39A

10. Control [1938: T.N. V] Notwithstanding anything contained in this {Tamil Nadu) Act, the Madras Act V of 1931. Power to remove difficulties. Act, all by-laws relating to any of the matters mentioned in section 3 of this Act which have been made under of 1919. the Madras City Municipal Act, 1919, the Tamil District Municipalities Act, 1920, or the [Tamil Nadu] Local Boards Act, 1920, and are in force at 1920. the commencement of this Act shall continue to be in Tamil Nadu) valid, but any such by-law may be cancelled or altered Act by a rule made under section 3 aforesaid. of 1920

11. The Madras Government Roads Traffic Control Act, 1931, is hereby repealed. 12, If any difficulty arises in giving to the [Tamil provisions of this Act or of the Madras City Municipal Act, 1919], the [Tamil Nadu] District Municipalities Act IV of 1920, the Tamil Nadu) Local Boards Act, 1920] the Indian Motor Vehicles Act, 1914, or the [Tamil Nadu] Motor Vehicles Taxation Act, 1939, as amended Act of 1920. by this Act, the [State] Government. as occasion may require, may, by order, do anything which Madras] Act XIV to them to be necessary for the purpose of removing of 1920. Central Act of 1914. (Tamil Nadu) Act 111 of 1939]. The words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order. 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. 2 The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919. Now the Tamil Nadu District Boards Act, 1920

(Tamil Nadu Act xrv of 1920). Now the Motor Vehicles Act, 1939 (Central AGt IV of 1939), This Act has now been repealed by the Tamil Nadu Motot Vehicles Taxation Act, 1974 (Tamil Nadu 13 of 1914), section 26 s This word was substituted for the word "Pcovincial" by the A&ptation Order of 1950. f 189 .entra Centr

