

## The Tamil Nadu Traffic Control Act, 1938

Act 5 of 1938

**Keyword(s):**

**Public Place, Control of Traffic**



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<sup>1</sup>[TAMIL NADU] ACT No. V OF 1938<sup>1</sup>.

[THE <sup>1</sup>(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 traffic in public places in the <sup>2</sup>[State of Tamil Nadu].

WHEREAS it is expedient to enable the <sup>4</sup>[State Government] to make provision for the control of traffic in public places in the <sup>3</sup>[State of Tamil Nadu], and for that purpose further to amend the Madras City Municipal Act, 1919<sup>5</sup>, the <sup>1</sup>[Tamil Nadu] District Municipalities Act, 1920, the <sup>1</sup>[Tamil Nadu] Local Boards Act, 1920<sup>6</sup>, the Indian Motor Vehicles Act, 1914<sup>7</sup>, in its application to the <sup>3</sup>[State of Tamil Nadu], and the <sup>1</sup>[Tamil Nadu] Motor Vehicles Taxation Act, 1931<sup>8</sup>; It is hereby enacted as follows :—

1. (1) This Act may be called the <sup>1</sup>[Tamil Nadu] Traffic Control Act, 1938. Short title, extent and commencement.

<sup>1</sup> 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 Amendment) Order, 1969.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 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 Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

So much of this Act as was in force on the date of the commencement of the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960) in the State of Madras except in the transferred territory was extended to the said territory by section 3 of, and the First Schedule to, the latter Act.

<sup>3</sup> This expression was substituted for the expression " Province of Madras " by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

<sup>4</sup> This expression was substituted for the expression " Provincia; Government " by the Tamil Nadu Adaptation of Laws Order, 1970.

<sup>5</sup> The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.

<sup>6</sup> Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

<sup>7</sup> Now the Motor Vehicles Act, 1939 (Central Act IV of 1939).

<sup>8</sup> This Act has now been repealed by the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974), section 26.



(2) It extends to the whole of the [State of Tamil Nadu].

(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.

**Definition.**

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—

(a) in the City of Madras, a public street as defined in clause (20) of section 3 of the Madras City Municipal Act, 1919†; <sup>3</sup>[Tamil Nadu] Act IV of 1919.

(b) in a municipality governed by the [Tamil Nadu] District Municipalities Act, 1920, a public street as defined in clause (21) of section 3 of that Act; and <sup>2</sup>[Tamil Nadu] Act V of 1920.

(c) in a local area governed by the [Tamil Nadu] Local Boards Act, 1920<sup>4</sup>, a public road as defined in clause (18) of section 3 of that Act. <sup>1</sup>[Tamil Nadu] Act XIV of 1920.

**Power of State Government to make rules for the control of traffic.**

3. The (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

<sup>1</sup> 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 Amendment) Order, 1969.

<sup>2</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

<sup>3</sup> 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 Amendment) Order, 1969.

<sup>4</sup> Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

\*Came into force on the 1st April 1938.

† The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.



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

4. In making any rule under section 3, the <sup>1</sup>(State) Government may provide that a breach thereof shall be punishable—

Penalty for breach of rules.

(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 officer empowered in that behalf by the <sup>1</sup>(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.]

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

8. The Indian Motor Vehicles Act, 1914<sup>2</sup>, shall in its application to the <sup>3</sup>[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 to which, and the fees (if any) on payment of which,

<sup>2</sup> This word was substituted for the word “ Provincial ” by the Adaptation Order of 1950.

<sup>3</sup> Now the Motor Vehicles Act, 1939 (Central Act IV of 1939).

<sup>4</sup> 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 Amendment) Order, 1969.



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 prescription 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 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).

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



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(d) The powers of the <sup>1</sup>(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 <sup>1</sup>(State) Government.

(e) The powers of the <sup>1</sup>(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.”

9. [Amendments made by section 9 have been incorporated in the Tamil Nadu Motor Vehicles Taxation Act, 1931.\*]

<sup>1</sup> This word was substituted for the word “ Provincial ” by the Adaptation Order of 1960.

\* This Act has now been repealed by the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974).

Existing  
by-laws to  
continuc.

10. 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<sup>1</sup>, the [Tamil Nadu] District Municipalities Act, 1920<sup>2</sup>, or the [Tamil Nadu] Local Boards Act, 1920<sup>3</sup>, 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.

[Tamil Nadu] Act IV of 1919.  
[Tamil Nadu] Act V of 1920.  
[Tamil Nadu] Act XIV of 1920.

Repeal of  
Madras  
Act V of 1931.

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

Power to  
remove diffi-  
culties.

12. If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919<sup>4</sup>, the [Tamil Nadu] District Municipalities Act, 1920, the [Tamil Nadu] Local Boards Act, 1920<sup>5</sup>, the Indian Motor Vehicles Act, 1914<sup>6</sup>, or the [Tamil Nadu] Motor Vehicles Taxation Act, 1931<sup>7</sup>, as amended by this Act, the [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.

[Tamil Nadu] Act IV of 1919.  
[Tamil Nadu] Act V of 1920.  
[Tamil Nadu] Act XIV of 1920.  
Central Act VIII of 1914.  
[Tamil Nadu] Act III of 1931.

Central Act IX of 1894  
Central Act IV of 1912  
Central Act IX of 1894

<sup>1</sup> 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 Amendment) Order, 1969.

<sup>2</sup> The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.

<sup>3</sup> Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

<sup>4</sup> Now the Motor Vehicles Act, 1939 (Central Act IV of 1939).

<sup>5</sup> This Act has now been repealed by the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974), section 26.

<sup>6</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.