

*THE ASSAM REQUISITION AND CONTROL OF VEHICLES ACT, 1950

[Published in the "Assam Gazette, Extraordinary", dated the 22nd November 1950.]

An

Act to provide for the requisition and control of vehicles

Preamble.—Whereas it is expedient to provide for the requisition and control of vehicles ;

It is hereby enacted as follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the Assam Requisition and Control of Vehicles Act, 1950.

(2) It extends to the whole of Assam.

(3) It shall [be deemed to have come into force on the first day of October, 1950]¹ and shall continue in force until the 30th day of September, [1954]². ✓ 1964

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

(a) "Owner" includes where the person in possession of the vehicle is a minor, the guardian of such minor, and in relation to a vehicle which is the subject of a hire purchase agreement the person in possession of the vehicle under that agreement ;

(b) "Prescribed" means prescribed by the rules made under this Act.

(c) "State Government" means the Government of Assam.

(d) "Vehicles" means any vehicle used or capable of being used for the purpose of transport of persons or goods upon roads or inland whaterways, whether propelled by mechanical power or not.

*For statement of object and reasons see "Assam Gazette, Extraordinary", dated September 27, 1950, page 276.

¹Substituted by the Assam Requisition and Control of Vehicles (Amendment) Act, 1951, Act XII of 1951 for the words "come into force as from the 1st day of October, 1950".

²Substituted by the Assam Requisition and Control of Vehicles (Amendment) Act, 1953 (Act XXVIII of 1953), for "1953". 1961

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3. Power to requisition vehicles.—(1) If in the opinion of the State Government it is necessary or expedient to do so for purposes essential to the life of the community or for maintaining public order or for facility of public transport, it may pass an order in writing requisitioning any vehicle and may make such orders as may appear to it to be necessary or expedient in connection with such requisition.

(2) The State Government may requisition any vehicle by serving on the owner thereof, or where the owner is not readily traceable or the ownership is in dispute, by publication in the official Gazette, an order under sub-section (1).

(3) If the owner of the vehicle does not, after service of the order in the manner provided in sub-section (2), place the vehicle in possession of the authority mentioned therein, such authority may seize the vehicle from any person who may for the time being be in possession thereof.

(4) Where the State Government has requisitioned any vehicle it may use or deal with it in such manner as may appear to it to be expedient.

4. Payment of compensation.—(1) Whenever in pursuance of section 3, the State Government requisitions any vehicle, there shall be paid to the owner such compensation as may be agreed upon between him and the State Government and in the absence of such agreement, such compensation as may be determined by a Committee consisting of the Deputy Commissioner, the Executive Engineer, Public Works Department, and the Superintendent of Police of the District where the vehicle is requisitioned.

[The Committee shall, after taking into consideration—

(a) the model, make, type, class and condition of the vehicle ;

(b) the loss or damage, if any, sustained by the owner by reason of the requisition ;

(c) the expense or inconvenience, if any, to which the owner is put by reason of the requisition ; and

(d) all other relevant factors, fix the compensation payable to the owner in respect of the period of requisition at such rate, not exceeding Rs.25 per day, as the Committee may deem fair]¹.

(2) The compensation fixed under sub-section (1) shall be paid by the officer or authority requisitioning the vehicle ; such officer or authority shall not be bound to pay any dues outstanding on mortgages and other encumbrances of the requisitioned vehicle.

(3) Release from requisition.—The officer or authority requisitioning a vehicle or the Controller may at any time release the vehicle from requisition and when it is decided so to do, a notice in writing shall be served on the owner to take delivery of the vehicle on or within such date and from such place and such person as may be specified therein.

(4) With effect from such date no further liability for compensation or payment of any other kind shall lie with the officer or authority requisitioning the vehicle :

Provided such officer or authority may make such further payment on account of compensation for any material damage done to the vehicle during the period of requisition, as assessed by the Committee mentioned in sub-section (3) above.

¹Substituted by Assam Act XII of 1951 for the words "In determining the amount of compensation the Committee shall take into consideration the loss of earning if any sustained by the owner by reason of requisition or the model, make, type, class and condition of the vehicle :

Provided that the maximum rate of compensation payable to the owner shall not exceed Rs.20 per day during the period of requisition",

(5) The delivery of possession of the vehicle to the owner or his accredited agent shall be a full discharge of any liability of the State Government to deliver possession to such person as may have rightful claim to possession thereof but shall not prejudice any right in respect of such vehicle which any other person may be entitled by due process of law to enforce against the person to whom possession of the vehicle is so delivered.

(6) If the owner fails to take delivery of the vehicle on or within the specified date the authority who passed the order of release of the vehicle may dispose of the same thereafter :

Provided that such authority shall be competent to allow to the owner such extension of time as he deems proper without any liability for any compensation or other payment for the period of extension.

(7) The disposal of a vehicle under sub-section (6) shall be by public auction and at the risk of the owner and the sale proceeds shall be made over to the owner after deducting any expenditure incurred by the authority releasing the vehicle due to the owner not taking delivery of it on or within the specified date.

5. Power to obtain informations.—The State Government may, with a view to requisitioning any vehicle under section 3 or determining the compensation payable under section 4, by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the vehicle as may be specified ;

(b) direct that the owner or the person in possession of the vehicle shall not without the permission of the State Government dispose of it or remove it till the expiry of such period as may be specified in the order from the premises or the place in which it is kept.

6. Power to inspect.—Without prejudice to any powers otherwise conferred by this Act any person authorised in this behalf by the State Government may enter any place of premises and inspect any vehicle for the purpose of determining whether, and if so, in what manner an order under this Act should be made in relation to such vehicle or with a view to securing compliance with any order made under this Act.

7. Restriction on removal of accessories.—No owner of any vehicle or any person in possession of it shall after service of order under section 3 remove or allow to be removed any part, tyre, tube or any other accessory or in any way injure the vehicle or permit it to be injured so as to reduce the usefulness of such vehicle.

8. Control of vehicles.—Notwithstanding any other provision of this Act the State Government may by order—

(a) regulate, restrict or give directions with respect to the use of any vehicle for the purpose of transport of passengers or goods by road or river :

(b) require any person owning, or employed in connection with, or having in his possession or under his control, any vehicle to comply with any directions given by any person specified in, or duly authorised in pursuance of, the order ; and such directions may require the person owning or employed in connection with, or having in his possession or under his control, any vehicle to use such vehicle for the conveyance of such persons or goods at such time and by such routes as may be set forth in the directions ;

(c) prescribe the conditions subject to which, and the rates at which, any vehicle may be hired for the purpose of transport of persons or goods by road or river, and the conditions subject to which goods so carried or to be carried may be discharged or loaded ;

(d) provide for prohibiting or restricting the carriage of persons or goods of any class by any route and for prescribing the radius or distance within which persons or goods of any class may be carried by any route ;

(e) make such other provisions in relation to transport by any vehicle by road or inland water as appear to the State Government to be necessary or expedient for securing public safety, the maintenance of public order or for maintaining supplies and services essential to the life of the community :

Provided that any order or direction made under this Act or under any rule made under section 15 of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

9. Delegation of functions.—The State Government may by order direct that any power or duty which is conferred or imposed on the State Government by this Act shall in such circumstances and under such conditions, if any, as may be specified in that direction, be exercised or discharged by any officer or authority subordinate to it.

10. Compliance with order or direction.—Any person on whom an order is served or to whom a direction is made under provisions of this Act shall carry out such order or direction in such manner and within such time as may be specified therein.

11. Protection of action taken under the Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act, or any rules made thereunder or any order issued under any such rule.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder or any order issued under any such rules.

12. Savings.—(1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court of law.

(2) Where any order purports to have been made or signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of Indian Evidence Act, 1872 (Act I of 1872), presume that such order was so made by that authority.

13. Penalties.—If any person contravenes any order or direction made under this Act, he shall be punishable with imprisonment for a term which may extend to six months or fine not exceeding one thousand rupees or with both.

14. Power to arrest without warrant.—Any police officer of or above the rank of a Sub-Inspector may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

15. Power to make rules.—(1) The State Government may, subject to the condition of previous publication, make rules to give effect to the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may prescribe—

(a) the manner in which and the authority to whom appeals may be instituted ;

(b) all matters which are required by this Act to be prescribed.

16. **Savings.**—On the expiration of this Act, such expiration shall not,—

(a) affect any penalty or punishment incurred in respect of any offence committed under this Act before its expiration ; or

(b) affect any investigation, legal proceeding or remedy in respect of any such penalty or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if this Act had not expired.
