

THE TRIPURA ACT No. 9 of 2016.

THE TRIPURA REQUISITION AND CONTROL OF VEHICLE ACT 2011.

**AN
ACT**

An Act to provide for requisition and control of Vehicles

BE it enacted in *the* Tripura legislative Assembly in this sixty second year of the Republic of India as follows:-

1. Short title, extent and commencement:

- (1) This Act may be called the Tripura Requisition and Control of Vehicles Act, 2011
- (2) It should extend to the whole of the Tripura.
- (3) It shall come into force at once.

2. **Definition:** In this Act unless the context otherwise requires, the words and expressions under this Act shall have the same meaning as is assigned to there in the Motor Vehicles Act 1988,

- (a) "Owner" includes where the person in possession of the vehicle is a minor, the guardian of such a minor, and in relation to a vehicle which is the subject of a hire-purchase agreement the person on 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 Tripura;
- (d) "Vehicle" means and includes any vehicle used or capable of being used for the purpose of transport of persons or goods upon roads.
- (e) Appellate Authority means Authority to be appointed by the State Government to hear appeals against orders requisitioning vehicles.
- (f) 'Court' means a Principal Civil Court of original jurisdiction and includes the Court of

Civil Judge (Sr. Division) or Civil Judge (Jr. Division) whom the State Government may appoint, by name or by virtue of his office, to perform, concurrently with any such Principal Civil Court, all or any of the functions of the Court under this Act within any specified local limits and in case of Civil Judge (Jr. Division) upto to the limits of the pecuniary jurisdiction with which he is vested under the relevant provisions of The Tripura (Courts) Order 1950.

3. Power to requisition vehicle:

- (1) If in the opinion of the State Government, it is necessary or expedient so to do for purposes essential to the life of the community or for maintaining public order or for transportation of essential commodities or for management of disasters or for providing 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 give requisition for 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 the possession of the officer or authority mentioned therein, such officer or 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 charges for requisitioning of vehicles:

- (1) Whenever in pursuance of section 3, the State Government requisition any vehicle, there shall be paid to the owner such charges for detention and use of the vehicle as may be determined by the State Government.
- (2) While determining the charges, under Sub-section (1), the State Government shall take into consideration-
 - (a) the model, make, type, class and condition of the vehicle ;

(b) the loss of earning, if any, sustained by the owner by reason of requisition; and fix the charges at such rate as the State Government may deem fair.

- (3) The charges fixed under sub-section(2) 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.

5. Appeal :

- (1) The owner aggrieved by an order of the State Government under sub-section (1) of Section 3 may within 7 days of the order, appeal to the Appellate authority..
- (2) The order of the Appellate authority shall be final.

6. Release from requisition:

- 1) The officer or authority requisitioning a vehicle may at any time release the vehicle from requisition.
- (2) With effect from such date no further liability for payment of any charges of any other kind shall lie with the officer or authority requisitioning the vehicle:
- (3) 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.
- (4) If the owner fails to take delivery of the vehicle on or within the specified date the officer or authority who passed the order of release of the vehicle may dispose of the same thereafter :

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

- (5) The disposal of a vehicle under sub-section (4) 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 officer of authority releasing the vehicle due to the owner not taking delivery of it on or within the specified date.

7. **Power to obtain information:** The State Government may, with a view to requisitioning any vehicle under section 3 or determining the cost or charges payable under Section 4, by order:

- (a) require any person to furnish to such officer or 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.

8. **Power to inspect :** Without prejudice to any power otherwise conferred by this Act any person authorized in this behalf by the State Government may enter any place or 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.

9. **Restriction or 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.

10. **Control of Vehicle:** 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 passenger 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 authorized 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 of 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 17 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.

11. **Delegation of function:** 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.

12. 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 specified therein.

13. Jurisdiction of Courts barred:

- (1) No order made in exercise of any power conferred by or under this act shall be called in question in any Court.
- (2) Where an order purports to have been made or signed by any authority in exercise of any power conferred by or under this Act, it shall be presumed that such an order was so made by that authority. Provided that if the owner of the vehicle is aggrieved by the amount of compensation so determined, he may make an application to the State Government or any officer so entrusted by the State Government for referring the matter to the Court.

14. Protection of action under the Act:

- (1) No suit prosecution or other legal proceeding shall lie against any person for anything which is done in good faith done or intended to be done in pursuance of this Act or any rules made there under or any order made there under.
- (2) Save as otherwise expressly provided under this Act, No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything done in good faith or intended to be done in pursuance of this Act or any order made there under.

15. Penalty: whoever contravenes any provision of this Act, shall be punishable with imprisonment for a term which may extend to six months or fine not exceeding one thousand rupees or with both.

16. **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.

17. **Power to make rules:**

(1) The State Government may, by notification in the official gazette make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Tripura Legislative Assembly.

18. **Power to remove difficulties:**

If any difficulty arises in giving effect of the provision of this Act the Government may by order, do anything not inconsistent with provision of the Act, which appear to, it to be necessary to remove the difficulty.

D.M. Jamatia
LR & Secretary, Law
Government of Tripura.