

**THE RAJASTHAN REQUISITIONING OF PUBLIC SERVICE VEHICLES ACT,
1987**

(ACT NO. 22 OF 1987)

[Received the Assent of the President on the 23rd day of May, 1987.]

An

Act

to provide for requisitioning of public service vehicle for purposes of maintaining transport service in the State during strike period.

Be it enacted by the Rajasthan State Legislature in the Thirty-eighth Year of the Republic of India as follows:-

1. Short title, extent and commencement. - (1) This Act may be called the Rajasthan Requisitioning of Public Service Vehicle Act, 1987.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. Interpretation. - In this Act, unless there is anything contrary in the subject or context,-

(i) "Government" means the Government of the State of Rajasthan;

(ii) "Public service vehicle" has the same meaning as in clause (25) of section 2 of the Motor Vehicle Act, 1939 (Central Act IV of 1939);

(iii) "Strike" means any cessation of work (including any unauthorized absence from duty) by a body of persons employed in the Rajasthan State Road Transport Corporation acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue any number of persons who are or have been employed to continue to work or to accept employment and includes-

(a) refusal to work over-time where such work is necessary for the maintenance of essential transport service;

(b) any other conduct which is likely to result in or results in cessation or substantial retardation of work in any essential transport service.

3. Requisitioning of Public Service Vehicles for purposes of transport of passengers. - (1) If it appears to the Government that on account of strike or imminent threat of strike by the employees of Rajasthan State Road Transport Corporation, any public service vehicle in any part of Rajasthan is needed or is likely to be needed for the purposes of transport of passengers to, from, or within any area of Rajasthan, the Government may, by order in writing requisition any such vehicle and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning.

(2) The requisition under sub-section (1) shall be affected by an order in writing addressed to the person deemed by the Government to be the owner or person in possession of the public service vehicle and such order shall be served in the manner provided in sub-section (3) on the person to whom it is addressed.

(3) An order of requisition under sub-section (1) shall be served-

(a) Where the person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2 of Order XXIX, or rule 3 of Order XXX, as the case may be, in the first Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908); and

(b) Where the person to whom such order is addressed is an individual-

(i) personally by delivering or tendering the order, or

(ii) by registered post, or

(iii) If the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

4. Accessories not to be removed. - No owner of any public service vehicle or any person in possession of it shall, after service of an order under section 3, remove or allow to be removed any part, tyre, tube or any other accessory from the vehicle so as to hamper the use of such vehicle.

5. Duration of requisition. - Whenever any vehicle is requisitioned under sub-section (1) of section 3, the period of such requisitioning shall not extend beyond the period for which such vehicle is required for any of the purposes mentioned in that sub-section.

6. Payment of requisition. - Whenever, in pursuance of section 3, the Government requisitions any public service vehicle, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Government on the basis of the rates prevailing in the locality for the hire of such vehicle:

Provided that the owner of such vehicle, if aggrieved by the amount of compensation so determined, may, within fourteen days from the date of determination of the amount of such compensation or, where the amount of such compensation has been determined in the absence of the owner, within fourteen days from the date on which intimation of such determination is sent to the owner, make an application to the Government for referring the matter to an arbitrator, and in that case the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine:

Provided further that where immediately before the requisitioning, such vehicle was by virtue of a hire-purchase agreement in the possession of the person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default or agreement in such manner as the arbitrator appointed by the Government in this behalf may decide.

7. Power to obtain information. - The Government may, with a view to requisitioning any public service vehicle or determining the compensation payable under section 6, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such vehicle as may be so specified.

8. Powers of entry into and inspection of premises, seizure of vehicles. - Any person, authorised in this behalf by the Government, may enter into any premises and inspect any vehicle therein for the purpose of determining whether, and if so, in what manner, an order under section 3 should be made in relation to such vehicle or with a view to securing compliance of any order made under that section, and may vehicle requisitioned under section 3 from any person who may for the time being be in possession thereof.

9. Delegation of functions of the Government with regard to requisitioning. - The Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on the Government by any of the provisions of this Act except power to make rule, shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such authority, person, officer or class of officers as may be so specified.

10. Penalties. - If any person contravenes any order made under section 3 or section 7 or contravenes any provision of section 4, he shall be punishable with imprisonment for a term which may extend to one year; or with fine, or with both.

11. 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 offense punishable under this Act.

12. Offenses by companies. - (1) If the person contravening an order made under section 3 or section 7 or any provision of section 4 is a company, every person who, at the time the contravention was committed, was in-charge of and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where an offense under this Act has been committed by a company and it is proved that the offense has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, managing agent, secretary, treasurer or other officer of the company, such director, manager, managing agent, secretary, treasurer or other shall also be deemed to be guilty of that offense and shall be liable to be proceeded against and punished accordingly.

Explanation. - For the purpose of this section,-

(a) "company" means any body corporate, and includes a firm or other association of individuals: and

(b) "director" in relation to a firm means a partner in the firm.

13. Protection of action taken in good faith. - (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) No suit prosecution or other proceedings shall lie against the 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 order made thereunder.

14. Bar of jurisdiction. - No civil court shall have jurisdiction in respect of any matter which the Government or arbitrator is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

15. Power to make rules. - (1) The Government may make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid, as soon as may be after they are so made, before the house of the State Legislature, while it is in session, for a period of not less than thirty days which may be comprised in one session or in two, successive sessions and if, before the expiry of the session in which they are so laid or of the session immediately following, the house of the State Legislature makes any modification in any of such rules, or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may, be. so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.
