

**THE UNITED PROVINCES REQUISITION OF MOTOR VEHICLES (EMERGENCY
POWERS) ACT, 1947**

[U.P. Act No. XXVII of 1947]

Amended by

U. P. Act No. VI of 1950

U. P. Act No. XVII of 1958

U. P. Act No. 26 of 1970

**Adopted and modified by the Adoption of Laws Order, 1950
[Passed by the United Provinces Legislative Assembly on November 7, 1947,
and the United Provinces Legislative Council on December 2, 1947.]**

**[Received the assent of the Governor on December 22, 1947, under
section 75 of the Government of India Act, 1935 as adapted by the India
(Provisional Constitution) Order, 1947 and was ² published in the United
Provinces Government Gazette Extraordinary, dated December 22, 1947.]**

Preamble An Act to provide for the requisition of Motor Vehicles WHEREAS It is expedient to provide for the requisition of motor Vehicles;
It is here by enacted as follows;

Short title, 1. (1) This Act may be called the United Provinces Requisition of Motor
extent and Vehicles (Emergency Powers) Act, 1947 ;
Commencement (2) It extends to the whole of ³[Uttar Pradesh] ;
(3) ⁴[It shall be deemed to have come into force on the date it was first
published in the Official Gazette.]

-
- 1- For Statement of Objects and Reasons please see Gazette Extraordinary, dated Sep. 15, 1947, p. 1; for discussion, see L. A. Pro., dated Nov. 7, 1947, in Vol. XLIII, pp. 374-380, dated March 15, 1948, in Vol XLVI, pp. 514-515 and L. C. Pro., dated Nov. 10 and Dec. 2, 1947, in Vol. X, pp. 11 and 208-220 and dated March, 15, 1948, in Vol. XI, p. 20 respectively.
- 2- See Gaz. dated Aug. 28, 1948. Pt. VII-A, pp. 63-64 for English version and Gaz. Extra., dated Dec. 22, 1947, for Hindi version.
- 3- Subs. by the A. O. 1950 for [United Provinces].
- 4- Subs. by S. 2 of U. P. Act VI of 1950 for sub-s. (3) which ran as follows :—

Areas	Act or order Under Which Extended	Notification, if any, under which enforced	Date From Which enforced
1	2	3	4
1. Rampur District	Rampur (Application of Laws) Act, 1950	.	Dec. 30, 1949
2. Banaras District	Banaras (Application Laws) Order, 1949	No. 3262 (1) dated Nov. 30, 1949	July 1, 1950
3. Tehri-Garhwal District	Tehri-Garhwal (Application of Laws) Order, 1949	No. 3262 (2) dated Nov. 30, 1949	Ditto.

-
- For the removal of doubts it is hereby declared that notwithstanding anything contained in sub-section (3) of Section 1 of the Principal Act as it existed immediately before the commencement of this Act, all orders made action or proceedings taken, directions issued or jurisdiction exercised by any authority under or in accordance to the provision of the Principal Act during the period from December 22, 1947, up to the commencement of this Act shall be deemed to be as good and valid in law as if such orders actions proceedings, directions and jurisdictions had been duly taken or issued or exercised under the said Act as amended by this Act.”

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

- (a) “Motor Vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power or propulsion is transmitted thereto from an external or internal source.
- (b) “Owner” includes where the person in possession of the motor vehicle is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchase agreement the person in possession of the vehicle under that agreement ;
- (c) “Prescribed” means prescribed by the rules made under this Act;
- (d) ¹[State Government] mean the Government of ¹[Uttar pradesh].

²[3. (1) If in the opinion of the State Government it is necessary or expedient to do so for securing the defence of India and civil defence, the public safety, the efficient conduct of military operations or the maintenance of services and supplies essential to the life of the community, it may, by order in writing, requisition any motor vehicle and may make such further order as appear to it to be necessary expedient in connection with the requisition. **Requisitioning of Motor Vehicles**

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or to any person in possession or control of the motor vehicle, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) If the person on whom an order is served under sub-section (2) fails or omits to place the motor vehicle in possession of the authority mentioned therein, such authority may seize the motor vehicle from any person who may for the time being be in possession thereof.

(4) Where the State Government has requisitioned any vehicle under this section it shall vest in the State Government for the period of the requisition and the State Government or the authority specified in that behalf may use of deal with it in such manner as may appear to it to be expedient.]

³[4. (1) Whenever and motor vehicle is requisitioned under Section 3, there shall be paid to the owner thereof compensation the amount of which shall be determined by the District Magistrate on the basis of the rate prevailing in the locality for the hire of such vehicle after taking into account the provisions of Section 4-A: **Compensation**

1. Subs. by the A. O. 1950 for [United Provinces].
2. Subs. by sec. 2 of U. P. Act No. 26 of 1970.
3. Subs. by sec. 3 of U. P. Act No. 26 of 1970.

[The United Provinces Requisition of Motor Vehicles (Emergency Powers) Act, 1947]

Provided that where the owner of such vehicle being Aggrieved by the amount of compensation so determined makes an application within the prescribed time to the District Magistrate for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine ;

Provided further that where immediately before the requisitioning the vehicle was the subject of a hire-purchase agreement, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between the hirer and the financier in such Manner as they may agree upon, and in default of agreement, in such Manner as an arbitrator appointed in this behalf by the State Government may decide.

(2) The arbitrator shall be a person who is qualified for appointment as a Judge of a High Court.

(3) The award of the arbitrator under sub-section (1) shall be final.

(4) All other matters relating to arbitration under this section shall be governed by rules made under this Act, and except as provided in such rules, nothing in the Arbitration Act, 1940, shall apply to it.]

**Charges on
account of
Fuel,
lubricant,
etc.**

¹[4-A. Where a vehicle has been requisitioned under Section 3—

(1) the charges on account of —

(a) the road tax arising out of the use of the vehicle on account of such temporary requisition ;

(b) fuel and lubricant required for the propulsion of such vehicle ; and

(c) repairs of the damage caused to the vehicle in the event of an accident during the period of requisition in a case where the vehicle is not covered by a comprehensive insurance policy, shall be paid for by the State Government ; and

(2) the charges on account of —

(a) pay of the driver and a cleaner or a conductor, and

(b) the usual repairs for the purposes of obtaining the certificate of fitness for keeping the vehicle road worthy,

shall be paid for by the owner of the vehicle :

Provided that no charges for a driver or a cleaner shall be paid as aforesaid in the case of a motor cycle ;

1. Added by U. P. Act No. XVII of 1958.

Provided further that where the Owner of a Vehicle refuses or fails to pay the charges as aforesaid the ¹[State Government] may deduct them from the amount of compensation payable to the owner under Section 4.]

5 The ¹[State Government] may, with a view to requisitioning any motor vehicle under section 3 or determining the compensation payable under section 4, by order —

**Orders to
furnish
information and
not to remove
the motor
Vehicle**

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the motor vehicle as may be specified ;
- (b) direct that the owner or the person in possession of the motor vehicle shall not without the permission of the ¹[State Government] dispose of it or remove it till the expiry of such period as may be specified in the order from the premises in which it is kept.

6. Any person authorized in this behalf by the ¹[State Government] may enter any premises and inspect any motor vehicle for the purpose of determining whether such motor vehicle plying for hire should be requisitioned.

**Entry and
inspection**

7. No owner of any motor vehicle or any person, in possession thereof shall, after service of the order under section 3 remove any part, tyre, tube or any other accessory or in any way injure the motor vehicle so as to reduce the usefulness of such vehicle.

**Preventing
removal of parts,
etc**

8. The ¹[State Government] may require any person or persons owning or having in his possession or under his control, any motor vehicle, or class of motor vehicles to comply with such directions as it may give in writing.

**Compliance of
directions**

9. The ¹[State Government] may by order direct that any ²powers or duty which is conferred or imposed on the ¹[State Government] 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.

**Delegation of
powers**

10. (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.

Protection

(2) No suit or other legal proceeding shall lie against the [] 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.

.Subs. by the A. O. 1950 for [United Provinces].

. For delegation of power, see Noti. No. B-373/XXV-C—X, dated Feb. 4, 1948, Extra., Gazette, dated Feb. 5, 1948,

[The United Provinces Requisition of Motor Vehicles (Emergency Powers) Act, 1947]

Saving

11. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any rules.

(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 it shall within the meaning of the Indian Evidence Act, 1872 be presumed that such order was so made by that authority.

Penalty

12. If any person contravenes any order 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.

Power to arrest

13. Any police officer not below 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.

Continuance of orders, U.P. Ordinance No. VIII of 1947

14. Any order made under the United Provinces Requisition of Motor Vehicles (Emergency Powers) Ordinance, 1947, and in force immediately before the commencement of this Act shall continue in force and be deemed to be an order made under this Act, and all directions issued under any such order and in force immediately before its commencement shall likewise continue in force and deemed to be issued in pursuance of this Act.

Rule making power

15. The ¹[State Government] may make rules to give effect to the purposes of this Act.

²[X X X X]

1. Subs. by the A. O. 1950 for [United Provinces].

2. Omitted by Schedule sec. 4 of U. P. Act No. 26 of 1970.