

**THE EAST PUNJAB MOVEABLE PROPERTY
(REQUISITIONING) ACT, 1947.**

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THE EAST PUNJAB MOVEABLE PROPERTY
(REQUISITIONING) ACT, 1947.

EAST PUNJAB ACT XV OF 1947.

[Received the assent of His Excellency the Governor-General of India on the 12th December, 1947, and was first published in the East Punjab Government Gazette (Extraordinary), dated the 13th December, 1947].

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1947	XV	The East Punjab Moveable Property (Requisitioning) Act, 1947	Amended in part by the Adaptation of Laws Order, 1950. Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

An Act to provide for the requisitioning and acquisition of moveable property.

It is hereby enacted as follows:—

1. (1) This Act may be called the East Punjab Moveable Property (Requisitioning) Act, 1947.

Short title, extent and commencement.

(2) It extends to the whole of the ²[Union Territory of Chandigarh].

(3) It shall come into force at once.

¹For Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1947, pages 51-52; for proceedings in the Assembly, see the East Punjab Legislative Assembly Debates, Volume I, 1947, pages 179-80.

²Substituted for the words "State of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

Requisitioning of
moveable property.

2. (1) The ¹[Central Government], if it considers it necessary or expedient so to do, may by order in writing requisition any moveable property and may make such further orders as may be necessary or expedient in connection with the requisitioning :

Provided that no property used for the purpose of religious worship and no aircraft or anything forming part of an aircraft or connected with the operation, repair or maintenance of aircraft, shall be requisitioned.

(2) Where the ¹[Central Government] makes any order under sub-section (1), it may use or deal with the property in such manner as may appear to it to be expedient.

Power to acquire
requisitioned
property.

3. (1) The ¹[Central Government] may at any time acquire any moveable property requisitioned by it under section 2 by serving on the owner thereof, or, where the owner is not readily traceable or the ownership is in dispute, by publishing in the Official Gazette, a notice stating that the said authority has decided to acquire to it in pursuance of this section.

(2) Where a notice of acquisition is served on the owner of the property or published in the Official Gazette under sub-section (1) then at the beginning of the day on which the notice is so served or published the property shall vest in the ¹[Central Government] free from all encumbrances and the period of requisition thereof shall end.

Payment of com-
pensation.

4. The owner of any moveable property requisitioned or acquired under this Act shall be paid such compensation as the ¹[Central Government] may determine.

Release from
requisition.

5. (1) Where any property requisitioned under section 2 is to be released from requisition, the ¹[Central Government] may after making such inquiry, if any, as it considers necessary, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order made under sub-section (1)

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

shall be a full discharge of the Government from a liability in respect of such delivery, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered.

(3) Where the person to whom possession of any property is to be given cannot be found and has not agent or other person empowered to accept delivery on his behalf, the Government shall cause a notice declaring that the property is released from requisitioning to be published in the Official Gazette.

(4) When a notice referred to under sub-section (3) is published in the Official Gazette, the property specified in the notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to the possession thereof, and the Government shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

6. The ¹[Central Government] may, with a view to requisitioning or acquiring any property under section 2 or 3 or determining the amount of compensation payable under section 4, by order—

Power to obtain informations, and to give directions.

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be specified;
- (b) direct that the owner or person in possession shall not without permission dispose of the property till the expiry of such period as may be specified in the order.

7. The ¹[Central Government] may take or cause to be taken such steps and use or cause to be used such force as may in the opinion of that Government be reasonably necessary for securing compliance with any order made by it under this Act.

Power to give effect to orders.

8. The ¹[Central Government] may by order notified in the Official Gazette, direct that any power conferred or

Delegation functions.

of

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

any duty imposed on it by this Act shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged by such officer as may be so specified.

Offences and penalty.

9. Whoever—

- (a) obstructs the ¹[Central Government] or any person authorized by it in the discharge of the functions under sub-section (2) of section 2 or section 7 ; or
- (b) fails to furnish any information required by order under clause (a) of section 6 or furnishes any information which is false or which he either knows or has reasonable cause to believe to be false or does not believe to be true ; or
- (c) contravenes any direction given under clause (b) of section 6 ;

shall on conviction for such offence by a competent Court be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Protection of action under the Act.

10. (1) No suit, prosecution or other legal proceeding 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 or other legal proceeding shall lie against the ¹[Central 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, and no proceeding taken or order made under this Act, shall be called in question by any court.

Repeal of Ordinance.

11. The East Punjab Moveable Property (Requisitioning) Ordinance, 1947, is hereby repealed.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.