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The 25th April 1969
No.LJL.3/68/16.—The following Act of the Assam Legislative Assembly which received the assent of the President is hereby published for general information.

ASSAM ACT V OF 1969

(Received the assent of the President on the 18th April, 1969)

THE ASSAM REQUISITION AND CONTROL OF VEHICLES
ACT, 1968

(Published in the *Assam Gazette* Extraordinary, dated the 26th April, 1969)

An

Act

to provide for requisition and control of Vehicles

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

It is hereby enacted in the Nineteenth Year of the Republic of India as follows:—

Short title
extent and
commence-
ment. 1. (1) This Act may be called the Assam Requisition and Control of Vehicles Act, 1968.

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

(3) It shall come into force with immediate effect.

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

- (a) "Court" means a principal Civil Court of original jurisdiction and includes the Court of Assistant District Judge or Munsiff 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 the case of Munsiff, upto the limits of the pecuniary jurisdiction with which he is vested under section 19 of the Bengal, Agra and Assam Civil Court Act, 1887 ;
- (b) "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 in possession of the vehicle under that agreement ;
- (c) "prescribed" means prescribed by the rules made under this Act ;
- (d) "State Government" means the Government of Assam ;
- (e) "Vehicle" means any vehicle used or capable of being used for the purpose of transport of persons or goods upon roads or inland waterways, whether propelled by mechanical power or not.

Act XII of 1887

Power to requisition vehicles.

3. (1) If in the opinion of the State Government it is necessary or expedient so to do for purpose 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 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.

Payment of
compensa-
tion.

4. (1) Whenever in pursuance of section 3, the State Government requisition any vehicle, there shall be paid to the owner such compensation as may be determined by the State Government.

(2) While determining the compensation 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 compensation at such rate as the State Government may deem fair.

(3) The compensation 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.

Release
from requi-
sition.

5. (1) The officer or authority requisitioning a vehicle 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.

(2) 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 that 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 in the manner mentioned in sub-section (2) of section 4 of this Act.

(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 or authority releasing the vehicle due to the owner not taking delivery of it on or within the specified date.

Reference to Court. 6. If the owner of the vehicle is aggrieved by the amount of compensation so determined, he may make an application to the State Government for referring the matter to the Court.

Power to obtain information. 7. 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 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.

Power to inspect. 8. Without prejudice to any power otherwise conferred by this Act any person authorised 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.

Restriction or removal of accessories.

9. 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.

Control of vehicle.

10. 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 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 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.

Delegation of function. 11. 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.

Compliance with order or direction. 12. 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.

Protection of action taken under the Act. 13. (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 rule made thereunder or any order issued under any such rule.

Savings. 14. (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, presume that such order was so made by that authority. Act I of 1872.

Penalties. 15. 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.

Power to arrest without warrant. 16. 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.

Power to make rules. 17. (1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly while it is in Session for a total period of fourteen days which may be comprised in one Session or in two successive Sessions, and if, before the expiry of the Session

in which it is so laid or the Sessions immediately following the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the 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 under that rule.

Repeal and
Savings.

18. (1) The Assam Requisition and Control of Vehicles Ordinance, 1968 is hereby repealed. Assam Ordinance IV of 1968.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under this Act as if this Act had commenced on the thirteenth day of July, 1968 (the date of promulgation of the Ordinance).

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