

ASSAM ACT XVII OF 1948

THE ASSAM REQUISITION AND CONTROL OF  
VEHICLES ACT, 1948

(Passed by the Assembly)

[Received the assent of the Governor on the 15th October 1948]

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*An*

*Act to provide for the requisition and control of vehicles*

Preamble.

WHEREAS it is expedient to provide for the requisition and control of vehicles ;

It is hereby enacted as follows :—

Short title,  
extent, com-  
mencement  
and duration.

1. (1) This Act may be called the Assam Requisition and Control of Vehicles Act, 1948.

(2) It extends to the whole of Assam.

(3) It shall come into force in any revenue district or part thereof on such date as the Provincial Government may by notification appoint and shall continue in force until the thirtieth day of September, 1950.

Definitions.

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

(a) "Owner" includes where the person in possession of the vehicle is a minor, the guardian of such 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 ;

(b) "Prescribed" means prescribed by the rules made under this Act.

(c) "Provincial Government" means the Government of Assam.

(d) "Vehicles" 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.

Power to  
requisition  
vehicles.

3. (1) If in the opinion of the Provincial Government it is necessary or expedient to do so for purposes 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 Provincial 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 possession of the authority mentioned therein, such authority may seize the vehicle from

*Price 1 anna or 2d.*

any person who may for the time being be in possession thereof.

(4) Where the Provincial 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 compensation.

4. Whenever in pursuance of section 3 the Provincial Government requisitions any vehicle the owner thereof shall be paid such compensation as the Provincial Government may determine.

Power to obtain information.

5. The Provincial 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 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 Provincial 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.

6. Without prejudice to any powers otherwise conferred by this Act any person authorised in this behalf by the Provincial 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 on removal of accessories.

7. 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 vehicles.

8. Notwithstanding any other provision of this Act the Provincial Government may by order—

(a) regulate, restrict or give directions with respect to the use of any vehicle for the purpose of transport of passengers 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 Provincial 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 15 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 functions.

9. The Provincial Government may by order direct that any power or duty which is conferred or imposed on the Provincial 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.

10. 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.

11. (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 Provincial 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 rules made thereunder or any order issued under any such rules.

Savings.

12. (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.

13. 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. 14. 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. 15. (1) The Provincial Government may, subject to the condition of previous publication, make rules to give effect to the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may prescribe—

(a) the principles on which and the manner in which, and the authority by whom compensation may be determined and paid :

(b) the manner in which and the authority to whom appeals may be instituted :

(c) all matters which are required by this Act to be prescribed.

Repeal. 16. The Assam Requisition and Control of Vehicles Ordinance, 1948, is hereby repealed ; provided that any order or direction made, notification issued, right accrued, penalty incurred, or anything done or deemed to have been done under the said Ordinance and in force immediately before the date of commencement of this Act shall continue in force and be deemed to have been made, issued, accrued, incurred or done under the corresponding provisions of this Act. Assam Ordinance No. I of 1948.