

West Bengal Act XXXIV of 1979

THE WEST BENGAL REQUISITIONING OF VEHICLES ACT, 1979.

[7th December, 1979.]

An Act to provide for the requisition of vehicles for the purposes of maintaining supplies and services essential to the life of the community.

Whereas it is expedient to provide for the requisition of vehicles for securing the maintenance of supplies and services essential to the life of the community:

It is hereby enacted in the Thirtieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (i) This Act may be called the West Bengal Requisitioning of Vehicles Act 1979. commence-
and ment.
it shall extend to the whole of West Bengal.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

- (a) "prescribed" means proscribed by rules made under this Act;
- (b) "vehicle" means any motor vehicle constructed or adapted for use for the carriage of goods or any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a motor cab, contract carriage and stage carriage.

3. (1) If the State Government is of opinion that it is necessary so to do for maintaining supplies and services essential to the life of the community it may, by order in writing, requisition any vehicle for such period as may be mentioned therein, but not exceeding one year, and make such further orders as may appear to it to be necessary and expedient in connection with the requisitioning. Requisitioning of vehicles for public purposes.

For the meaning of "vehicle" and "Requisitioning of Vehicles", see the *West Bengal Requisitioning of Vehicles Act, 1979*.

Part IV of the Bill was passed by the West Bengal Legislative Assembly on the 17th September, 1979. The Bill was passed by the West Bengal Legislative Assembly on the 17th September, 1979.

This Act came into force on the 1st January, 1981. It is published in the *West Bengal Legislative Assembly Debates*, Vol. 1, Part I, 1981, page 1000. It is also published in the *West Bengal Legislative Assembly Debates*, Vol. 1, Part I, 1981, page 1000.

(Sections 4, 5.)
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(2) An order of requisition under sub-section (1) shall be served on the person deemed by the State Government to be the owner of the vehicle or, if at the time of requisitioning the vehicle is in possession or a person other than the owner, then on such person as well as on the owner.

(3) Any vehicle requisitioned under sub-section (1) shall vest in the State Government for the period of the requisition and the State Government may use or deal with it in such manner as may appear to it to be expedient.

4. (1) Whenever the State Government requisitions any vehicle under section 3, the owner of such vehicle shall be paid compensation. The amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle.

(2) The owner of a vehicle requisitioned under section 3, aggrieved by the amount of compensation determined, may make an application to the State Government within thirty days from the date of service on him of the order determining the compensation, for determination of the amount or compensation by an Arbitrator.

Payment
of com-
pensu-

(3) On receipt of an application under sub-section (2), the State Government shall appoint an Arbitrator and the amount of compensation determined by the Arbitrator shall be final-

(4) If, immediately before the requisitioning, the vehicle was, by virtue of a hire-purchase agreement, in the possession of a person other than the owner, the amount determined as compensation under subsection (1) or sub-section (3), as the case may be, shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an Arbitrator appointed by the State Government in this behalf may decide.

(5) Any amount payable under this section as compensation shall be paid by the State Government but the State Government may recover the whole or a portion of such amount from any person or body on whose account the requisition is made.

Power to
obtain
information.

5. The State Government may, for the purpose of requisitioning any vehicle under section 3 or determining the compensation payable under section 4, 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!

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6. Any person authorised in this behalf by the State Government may enter into any premises and inspect any vehicle [herein 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 with any order made under that section.

Power of entry into and inspection of premises, etc.

7. (1) When a vehicle returned under section 3 is released, the possession thereof shall be delivered to the person from whom possession was taken at the time when the vehicle was requisitioned, or if there was no such person, to the person deemed by the State Government to be the owner of such vehicle, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any right in respect of the vehicle to 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.

Release of vehicles from requisition.

(2) Where the person from whom possession was taken at the time when the vehicle was requisitioned or the person deemed by the State Government to be the owner of such vehicle cannot be found and has no legal agent or other person empowered to accept delivery on their behalf, the State Government shall cause a notice, declaring that the vehicle is released from requisition, to be published in the *Official Gazette*.

(3) When a notice referred to in sub-section (2) is published in the *Official Gazette*, the vehicle specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the State Government shall not be liable for any compensation or other claims in respect of the vehicle for any period after the said date.

8. If during the period of requisition a vehicle requisitioned under section 3 is damaged otherwise than by normal wear and tear or lost and if such damage or loss to the vehicle is not insured, there shall be paid to the person entitled to compensation under section 4 an additional compensation to the extent of damage or loss suffered as may be determined by the State Government in such manner as may be prescribed.

Payment of additional compensation in respect of vehicles.

9. The State Government may, by notification in the *Official Gazette*, direct that any power conferred on any duly imposed on the State Government by any of the provisions except section 14 of this Act shall, under such conditions, if any, as may be specified in the notification, be exercised or discharged by such officer or class of officers as may be specified.

Delegation of functions of the State Government.

(Sections 10-14.)
The West Bengal Requisitioning of Vehicles Act, 1979.

10. The owner or [the person in possession of a vehicle on the date of the order or requisition made under section 3 shall be liable—

(a) to pay the tax and other dues that may become payable during the period of

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requisition, and

(b) to keep all necessary documents in respect of the vehicle as are required to be kept,

under the provisions of any law for the time being in force.

Liability of the owner or the person in possession of a vehicle. Family for conviction of any offence.

11. (1) Any person who contravenes an order made under section 3 or section 5 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) No court shall take cognizance of an offence punishable under this section except on a complaint in writing of an officer authorised by the State Government in this behalf.

12. Subject to the provisions of this Act, no decision or order made in exercise of any of the powers conferred by or under this Act shall be called in question in any court.

Saving.

13. No suit, prosecution or other legal proceeding (including an action for damages) shall lie against the State Government or any person for anything in good faith done or intended to be done or for any damage caused or likely to be caused for anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Protection of action taken under this Act.

14. The State Government may make rules for carrying out the purposes of this Act.

Power of State Government to make rules.