

The following Act of the Maharashtra Legislature, having been assented to by the President on the 28th January 1966, is hereby published for general information.

B. P. DALAL,

Secretary to the Government of Maharashtra,
Law and Judiciary Department.

MAHARASHTRA ACT No. II OF 1966.

*(First published, after having received the assent of the President, in the
" Maharashtra Government Gazette " on the 5th February 1966)*

An Act to provide for the requisitioning and control of motor vehicles in certain emergent circumstances.

WHEREAS it is expedient to provide for the requisitioning of motor vehicles, and to control their use, in certain emergent circumstances, and for matters connected therewith ; It is hereby enacted in the Sixteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Requisitioning (and Control) of Motor Vehicles Act, 1965.

Short title,
extent and
commence-
ment.

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

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

Definitions.

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

(a) “ motor vehicle ” or “ vehicle ” means any vehicle used or capable of being used, for the purpose of road transport, which is mechanically propelled, whether used for drawing other vehicles or otherwise ;

(b) “ owner ” includes, where the person in possession of a 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 rules made under this Act.

Requisitioning of motor vehicles.

3. (1) If in the opinion of the State Government it is necessary or expedient so to do for securing the maintenance of services and supplies essential to the life of the community, the maintenance of public order, or the relief of distress caused by serious draught, flood, fire or other natural calamities, the State Government may, by order in writing, requisition any motor vehicle and may make such further orders as appear to it to be necessary or expedient, in connection with the requisitioning.

(2) Where the State Government has requisitioned any motor vehicle under sub-section (1), it shall vest in that Government for the period of the requisitioning and that Government may use or deal with it in such manner as may appear to it to be expedient.

(3) Any person authorised by the State Government may at any reasonable hour enter any premises and inspect any motor vehicles therein or thereon for the purpose of determining whether, and, if so, in what manner, any order under this section should be made in relation to such vehicle, or with a view to securing compliance with any order made under this section.

Release from requisitioning.

4. (1) The State Government may, at any time release from requisitioning any motor vehicle requisitioned under the last preceding section and shall, as far as possible restore the vehicle in as good a condition as it was when possession thereof was taken, subject only to the changes caused by reasonable wear and tear.

(2) When any vehicle is to be released from requisitioning, the State Government may, after such enquiry, if any, as it may in any case consider necessary to make or cause to be made, specify by order in writing to whom possession of the vehicle shall be given.

(3) The delivery of possession of the requisitioned vehicle to the person specified in the order made under sub-section (2) shall be a full discharge of the State Government from all liability in respect of such property and the requisitioning shall be at an end :

Provided that, nothing in this section shall prejudice any rights in respect of the property which any other person may be entitled to by due process of law to enforce against the person to whom the possession of the property is so delivered.

(4) Where the person to whom the possession of any requisitioned vehicle is to be given cannot be found and has no legal agent or other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that the vehicle is released from requisitioning to be published in the *Official Gazette*.

(5) When such notice is published in the *Official Gazette*, the vehicle specified therein shall cease to be subject to requisitioning 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 property for any period after such date.

5. (1) The compensation payable in respect of requisitioning of any motor vehicle shall be the sum total of the following items :—

Compensation for requisitioning.

(i) interest on the cost at which the owner had purchased the vehicle calculated in a manner and at a rate, not being less than 3 per cent. and above 6 per cent. per annum, that may be prescribed for all or any class of motor vehicles :

Provided that, where the vehicle had been obtained by the owner as a gift or its cost cannot be established by him to the satisfaction of the State Government or its cost exceeds the current replacement price of the vehicle, the current price of the same vehicle or vehicle which, in the opinion of the State Government, is substantially similar to it, shall be taken to be its cost ;

(ii) an amount representing depreciation of the vehicle during the period of its requisitioning calculated at a rate not exceeding 30 per cent. per annum and in a manner that may be prescribed for all or any class of motor vehicles ;

(iii) an amount for the loss of the use of the vehicle or of any profits that might have been earned but for the requisitioning, at such percentage not being less than 3 per cent. per annum, as may be prescribed, of the cost referred to in clause (i) above as reduced by depreciation calculated at the same rate as for clause (ii) above in such manner and for such period as may be so prescribed ;

(iv) any further amount that the State Government may by general or special order specify :

Provided that, if during the period of requisitioning the vehicle is damaged otherwise than by normal wear and tear, or lost at a time when it is not insured, there shall be paid to the owner additional compensation of a sum equal to the cost of making good the damage or, in the case of a total loss, a sum equal to the compensation that may be payable if the property is acquired on the date of the loss, such compensation being determined in the prescribed manner.

(2) Where the owner is aggrieved by the amount of compensation determined in accordance with sub-section (1), he may make an application within such time and in such form and manner as may be prescribed to the State Government, for referring the matter to an arbitrator appointed in this behalf by that Government. Such arbitrator shall be a person who has had judicial experience. The amount of compensation to be paid shall be such as may be determined by the arbitrator in accordance with sub-section (1).

(3) Where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred to such arbitrator appointed in this behalf by the State Government for determination, and shall be determined in accordance with the decision of such arbitrator.

(4) Any decision of the arbitrator under sub-section (2) or (3) shall be final.

Payment of compensation.

6. The compensation determined under the last preceding section for requisitioning any motor vehicle shall be paid within such period, at such intervals and in such manner as may be prescribed :

Provided that, where payment of the compensation is delayed beyond the period so prescribed, interest shall be payable on the amount or part of the amount in arrear at such rate not being less than 3 per cent. or above 6 per cent. per annum and with effect from such date or dates as may be prescribed.

Power to require information, etc.

7. The State Government may, with a view to requisitioning any motor vehicle or determining the compensation payable therefor or taking any other action in pursuance of the foregoing provisions, by order in writing,—

(a) require any person to submit to it or such authority as may be specified in the order, within such time or at such intervals, such information and documents in his possession relating to the vehicle as may be specified therein, being information and documents reasonably necessary for carrying into effect the provisions aforesaid ;

(b) direct that the owner or person in charge of the property shall not without the permission of the State Government dispose of it, or remove it or any tyres, tubes, accessories or parts from the vehicle, from the premises in which it is kept, till the expiry of such period as may be so specified.

Penalty for contravention of any order regarding requisitioning.

8. If any person contravenes any order made under section 3 or section 7, he shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Control of motor vehicles.

9. (1) If in the opinion of the State Government it is necessary or expedient so to do for securing the maintenance of services and supplies essential to the life of the community, the maintenance of public order, or the relief of distress caused by serious draught, flood, fire or other natural calamity, the State Government may without prejudice to other provisions of this Act, by general or special order, in such area and for such period as may be specified in the order,—

(a) regulate, restrict or give directions with respect to, the use of any motor vehicle for the purpose of road transport, or the sale or purchase of any such vehicle ;

(b) require any person owning, or having in his possession or under his control, any motor vehicle (hereinafter in this section referred to as " the said person ") to make to any person specified in this behalf a return giving such particulars as may be specified in the order with regard to such vehicle and require such return to be verified in such manner as may be specified therein ;

(c) require the said person to give notice in such manner as may be specified in the order before disposing of the motor vehicle or allowing it to pass out of his possession or control ;

(d) require the said person, or any person employed in connection with any motor 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 said person or such employed person to use the vehicle for the conveyance of such persons or goods at such time and by such routes as may be set forth in the directions ;

(e) prescribe the conditions subject to which, and the rates at which any motor vehicle may be hired for the purpose of road transport and persons or goods may be carried by road, and the conditions subject to which goods so carried or to be carried may be discharged or loaded ;

(f) provide for the giving of directions with respect to the carriage of persons or goods on any particular motor vehicle, or by any particular route, or to any particular clearing house or depot ;

(g) provide for the regulation of the priority in which persons and goods are to be carried by road and vehicles are to be used for the purpose of road transport ;

(h) make such other provisions in relation to road transport as appear to the State Government to be necessary or expedient.

(2) If any police officer or any other person authorised by the State Government in this behalf has reason to believe that any motor vehicle is or is kept, in or upon any building, land or other premises, or is being used by any person in contravention of an order made under sub-section (1), such officer or person may—

(a) enter and search any such premises, and seize any motor vehicle found which he suspects to be therein or thereon in contravention of the order ;

(b) stop such person and seize any motor vehicle which is being used in contravention of the order.

(3) If any person contravenes any order made in pursuance of this section, he shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

10. Save as otherwise expressly provided in this Act, any order made or notice issued under the provisions of this Act shall be deemed to have been served on the owner of a motor vehicle if it is served on the person having possession or control of that vehicle. Services of orders and notices.

11. The State Government may, by notification in the *Official Gazette*, direct that any powers conferred or any duty imposed on that Government by any of the provisions of this Act (except the power to make rules) shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged also by such officer or class of officers as may be so specified, being not lower in rank than Deputy Collector or Executive Engineer or Deputy Commissioner of Police. Delegation of powers and duties of State Government.

12. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or omitted to be done in pursuance of this Act or any rules or orders made thereunder. Protection of action taken under this Act.

(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 omitted to be done in pursuance of this Act or any rules or orders made thereunder.

Power to
make rules.

13. (1) The power to make rules under this Act shall be exercisable by the State Government by notification in the *Official Gazette*.

(2) Without prejudice to any power to make rules contained in the foregoing provisions, the State Government may make rules consistent with this Act generally to carry out the purposes thereof.

(3) All rules made under this Act shall be subject to the condition of previous publication.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty 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 session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, from the date of publication of a notification in the *Official Gazette*, of such decision, 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 or anything previously done or omitted to be done under that rule.