

THE WEST PAKISTAN REQUISITIONING OF STAGE

CARRIAGES (TEMPORARY POWERS) ORDINANCE, 1970

(XIII of 1970)

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'THE [PUNJAB] REQUISITIONING OF [MOTOR VEHICLES] (TEMPORARY POWERS) ORDINANCE, 1970

(XIII of 1970)

[30" April, 1970]

An
Ordinance
to provide for requisitioning of [Motor Vehicles].

Preamble— WHEREAS it is expedient to make provision for temporary requisitioning of [Motor Vehicles]:

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25h March, 1969, read with the Provisional Constitution Order, and in exercise of all

powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.— (1) This Ordinance may be called the '[Punjab] Requisitioning of [Motor Vehicles] (Temporary Powers) Ordinance, 1970.

(2) It shall extend to the whole of [the Punjab], [*¥ * * * *].

(3) It shall come into force at once.

'This Ordinance was promulgated by the Governor of West Pakistan on 30th April, 1970; published in the Punjab Gazette (Extraordinary), dated 30th April, 1970, pages 749-752; saved by Article 281 of the Interim Constitution of Islamic Republic of Pakistan (1972); and, validated by the Validation of Laws Act, 1975 (LXIII of 1975).

?Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1974, Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP

SSubstituted for the words "Stage Carriages" by the Punjab Requisitioning of Stage Carriages (Temporary Powers) (Amendment) Ordinance, 1978 (XVII of 1978), w.e.f.3.8.1978, s.2; and published in the Punjab Gazette (Extraordinary), pages 996-C to 996-E.

'Substituted for the words "Stage Carriages" by the Punjab Requisitioning of Stage Carriages (Temporary Powers) (Amendment) Ordinance, 1978 (XVII of 1978), w.e.f.3.8.1978, s.2; and published in the Punjab Gazette (Extraordinary), pages 996-C to 996-E.

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°Omitted the words “except the Tribal Areas” by the Punjab Requisitioning of Stage Carriages (Temporary Powers) (Amendment) Ordinance, 1978 (XVII of 1978), w.e.f.3.8.1978, s.3; and published in the Punjab Gazette (Extraordinary), pages 996-C to 996-E.

2. Definitions. The words and expressions used in this Ordinance shall have the same meaning as is assigned to them in the "[Punjab] Motor Vehicles Ordinance, 1965".

"13. "[Requisitioning of motor vehicles].— (1) If in the opinion of the "[District Officer (Revenue)], any motor vehicle is needed or is likely to be needed for any public purpose, he may, by order in writing, requisition any motor vehicle maintained or kept within his jurisdiction after giving the owner thereof an opportunity of being heard and showing cause against the proposed action.

(2) | Where the owner of a motor vehicle to whom opportunity to show cause as required under sub-section (1), is to be given, cannot be found or has no agent to accept service on his behalf, the "[District Officer (Revenue)] shall cause notice to be affixed on the motor vehicle intended to be requisitioned or on outer door or some other conspicuous part of his place of business or residence.

(3) |The motor vehicle requisitioned under sub-section (1), may be maintained and used for such public purpose as may appear to the "[District Officer (Revenue)] to be necessary and expedient.]

4. Appeal.— (1) The owner aggrieved by an order of the "[District Officer (Revenue)]under sub-section (1) of section 3, may within seven days of the order, appeal to the "[Government of the Punjab].

(2) The order of the "[Government of the Punjab] on appeal shall be final.

5. Power to give effect to orders.— The "[District Officer (Revenue)]may take or cause to be taken such steps and use or cause to be used such force as may in

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"West Pakistan Ordinance XIX of 1965.

"Substituted by the Punjab Requisitioning of Stage Carriages (Temporary Powers) (Amendment) Ordinance, 1978 (XVII of 1978), w.e.f.3.8.1978, s.4; and published in the Punjab Gazette (Extraordinary), pages 996-C to 996-E.

*8 Not printed in the Gazette.

"Substituted for the words "District Magistrate" by the Punjab Requisitioning of Motor Vehicles (Temporary Powers) (Amendment) Ordinance, 2002 (VI of 2002), w.e.f.17.1.2002, s.2; and published in the Punjab Gazette (Extraordinary), pages 117-118.

"Substituted for the words "District Magistrate" by the Punjab Requisitioning of Motor Vehicles (Temporary Powers) (Amendment) Ordinance, 2002 (VI of 2002), w.e.f.17.1.2002, s.2; and published in the Punjab Gazette (Extraordinary), pages 117-118.

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"8Substituted for the word "Commissioner" by the Punjab Requisitioning of Motor Vehicles (Temporary Powers) (Amendment) Ordinance, 2002 (VI of 2002), w.e.f.17.1.2002, s.3; and published in the Punjab Gazette (Extraordinary), pages 117-118.

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this opinion be reasonable and necessary for securing compliance of any order made by him under this Ordinance.

6. Power to search and seize.— The “ [District Officer (Revenue)] may enter and search or authorize any person to enter and search any premises and seize or authorize any person to seize any motor vehicle in respect of which he has reason to believe that a contravention of the provisions of this Ordinance has been or is likely to be committed.

7. Permit not necessary.— Notwithstanding anything contained in the “[Punjab] Motor Vehicles Ordinance, 1965”, or any other law for the time being in force, no permit for running a motor vehicle requisitioned under section 3 shall be required.

8. Payment of repair chargers, taxes, etc.— The “(District Officer (Revenue)] may in respect of any motor vehicle requisitioned under sub-section (1) of section 3, incur expenses for maintenance and repairs and pay fees, taxes and insurance premiums payable under any law for the time being in force.

“19. Compensation. Notwithstanding any expenditure the “[District Officer (Revenue)] may have incurred under section 8, there shall be paid to the owner of the motor vehicle requisitioned under this Ordinance compensation for the period the motor vehicle is kept in possession by the “[District Officer (Revenue)], to be calculated on the basis of the value of the vehicle keeping in view the following factors:—

(a) Depreciation on the basis of five years life of the vehicle;

(b) Margin of profit at the rate of 19 per centum per annum.

10. | Sabotage.— (1) No person shall do any act with intent to impair the efficiency

or impede the working of, or to cause damage to, any motor vehicle liable to requisition under section 3.

(2) | Without prejudice to the generally of the provisions of sub-section (1), no person shall—

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(a) remove a vehicle or cause or allow it to be removed from the locality in which it is being kept except in accordance with an order in writing of the District Magistrate;

(b) remove from the vehicle any part, necessary, tyre or tube, except for purpose of repairing it, or of replacing it by another not less serviceable, or of repairing the vehicle or in an accordance with an order in writing of the "[District Officer (Revenue)]".

11. | Penalty.— Whoever contravenes the provisions of this Ordinance he shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.

12. Release from requisition.— (1) Where any motor vehicle requisitioned under section 3 is to be released from requisition, the "[District Officer (Revenue)] shall arrange the restoration of the possession of the vehicle to its owner.

(2) | Where the owner of the motor vehicle to whom possession is to be given cannot be found and has no agent or other person empowered to accept delivery of possession on his behalf the "[District Officer (Revenue)] shall cause a notice declaring that the motor vehicle is released from requisition to be affixed on some conspicuous part of his place of business or residence.

(3) | When a notice referred to under sub-section (2) is served in the manner indicated, the motor vehicle specified in the notice shall cease to be subject to requisition on and from the date of such service and shall be deemed to have been delivered to the owner and the "[District Officer (Revenue)] shall not be liable for any compensation or other claim in respect of the same for any period after the said date.

13. Jurisdiction of courts barred.— (1) No injunction or an order for delivery of possession or appointment of a receiver in respect of any motor vehicle which has been requisitioned under this Ordinance shall be granted or be made by any court or by any other authority.

(2) No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any court.

(3) | Where an order purports to have been made and signed by the authority in exercise of any power conferred by or under this Ordinance it shall be presumed that such an order was so made by that authority.

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(Amendment) Ordinance, 2002 (VI of 2002), w.e.f.17.1.2002, s.2; and published in the Punjab Gazette (Extraordinary), pages 117-118.

14. Protection of actions under this Ordinance.— (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 the Ordinance or any order made thereunder.

(2) Save as other expressly provided under this Ordinance no suit or other legal proceedings shall lie against the “[District Officer (Revenue)]for any damage caused or likely to be caused by anything, in good faith, done or intended to be done in pursuance of this Ordinance or any order made thereunder.

15. Power to make rules.— Government may make rules for the purposes of carrying into effect the provisions of this Ordinance.

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