



**The Uttar Pradesh Requisition of Motor Vehicles (Emergency Powers)
(Amendment) Act, 1970**

Act 26 of 1970

Keyword(s):

Emergency Powers, Public Safety, Compensation, Hire-Purchase Agreement, Arbitrator, Motor Vehicle, requisition

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**THE UTTAR PRADESH REQUISITION OF MOTOR
VEHICLES (EMERGENCY POWERS) (AMENDMENT)
ACT, 1970.***

(U. P. ACT NO. 26 OF 1970) ✓

[*Authoritative English Text of the Uttar Pradesh Motor Gadiyon Ko Hastgat Karne Ke Sambandh Men Asadharan Adhikaron Ka (Sanshodhan) Adhiniyam, 1970.*]
(As passed by the Uttar Pradesh Vidhan Mandal)

**AN
ACT**

U. P. Act XXVII of 1947. to amend the United Provinces Requisition of Motor Vehicles (Emergency Powers) Act, 1947, for the purposes hereinafter appearing.

IT IS HEREBY enacted in the Twenty-first Year of the Republic of India as follows :—

1. This Act may be called The Uttar Pradesh Requisition of Motor Vehicles (Emergency Powers) (Amendment) Act, 1970.

Short title.

*(For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated August 7, 1969.)

(Passed in Hindi by the Uttar Pradesh Legislative Council on April 7, 1970 and by the Uttar Pradesh Legislative Assembly on May 4, 1970.)

(Received the Assent of the President on July 8, 1970, under article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated July 10, 1970.)

Price .05 Paise

Substitution of new section for section 3 of U. P. Act XXVII of 1947.

2. For section 3 of the United Provinces Requisition of Motor Vehicles (Emergency Powers) Act, 1947, hereinafter referred to, as the principal Act, the following section shall be substituted namely :—

"3. (1) If in the opinion of the State Government it is necessary or expedient to do so for securing the defence of India and civil defence, the public safety, the efficient conduct of military operations or the maintenance of services and supplies essential to the life of the community, it may, by order in writing, requisition any motor vehicle and may make such further order as appear to it to be necessary or expedient in connection with the requisition.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or to any person in possession or control of the motor vehicle, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) If the person on whom an order is served under sub-section (2) fails or omits to place the motor vehicle in possession of the authority mentioned therein, such authority may seize the motor vehicle from any person who may for the time being be in possession thereof.

(4) Where the State Government has requisitioned any vehicle under this section it shall vest in the State Government for the period of the requisition and the State Government or the authority specified in that behalf may use or deal with it in such manner as may appear to it to be expedient."

Substitution of new section for section 4.

3. For section 4 of the principal Act the following section shall be substituted, namely :—

"4. (1) Whenever any motor vehicle is requisitioned under section 3, there shall be paid to the owner thereof compensation the amount of which shall be determined by the District Magistrate on the basis of the rate prevailing in the locality for the hire of such vehicle after taking into account the provisions of section 4-A :

Provided that where the owner of such vehicle being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the District Magistrate for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where immediately before the requisitioning the vehicle was the subject of a hire-purchase agreement, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between the hirer and the financier in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed in this behalf by the State Government may decide.

(2) The arbitrator shall be a person who is qualified for appointment as a Judge of a High Court.

(3) The award of the arbitrator under sub-section (1) shall be final.

(4) All other matters relating to arbitration under this section shall be governed by rules made under this Act, and except as provided in such rules, nothing in the Arbitration Act, 1940, shall apply to it."

Omission of Schedule.

4. The Schedule to the principal Act shall be omitted.