

West Pakistan Requisitioning of Stage Carriages (Temporary Powers) Ordinance, 1970.

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(Temporary Powers) Ordinance, 1970

(NO>XIII OF 1970)

[April 30, 1970]

An Ordinance to provide for requisitioning of stage carriages.

Preamble.-Whereas it is expedient to make provision for temporary requisitioning of stage carriages;

Now therefore, in pursuance of the Martial Law Proclamation of 25th 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 West Pakistan Requisitioning of Stage Carriages (Temporary Powers) Ordinance, 1970.

(2) It shall extend to the whole of West Pakistan, except the Tribal Areas.

(3) It shall come into force at once.

2. Definitions.-The words and expressions used in this Ordinance shall have the same meaning as is assigned to them in the West Pakistan Motor Vehicles Ordinance, 1965.

3. Requisitioning of motor vehicles.-If in the opinion of the District Magistrate it is necessary or expedient for maintenance of passenger transport service, to requisition any motor vehicle which was used is being used as a stage carriage, he may, be order in writing, requisition such 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.

Explanation.-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 and has no agent or other person to accept service on his behalf, the District Magistrate shall cause notice to be affixed on the motor vehicle itself or on some conspicuous part of his place of business or residence.

(2) Where the District Magistrate has requisitioned any motor vehicle under sub-section (1) the same may be maintained used as stage carriage in such manner as may appear to him to be expedient.

4. Appeal.- (1) The owner aggrieved by an order of the District Magistrate under sub-section (1) of Section 3, may within seven days of the order, appeal to the Commissioner.

(2) The order of the Commissioner on appeal shall be final.

5. Power to give effect to orders.-The District Magistrate may make take or cause to be taken such steps and use or cause to be used as may in his 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 Magistrate 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 West Pakistan 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 charges, taxes, etc.-The District Magistrate may in respect of any motor vehicle requisitioned under sub-section (1) of Section 3, or expenses for maintenance and repairs and pay fees, taxes and insurance premiums payable under any law for the time being in force.

9. Compensation.-Where any motor vehicle is requisitioned under sub-section (1) of Section 3, there shall be paid to the owner compensation for its use at the rate of rupees fifty per diem, notwithstanding any expenditure incurred by the District Magistrate under the provisions of Section 8.

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:-

(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 and tube, except for purpose of repairing it, or of replacing it by another not less serviceable or of repairing the vehicle or in accordance with an order in writing of the District Magistrate.

11. Penalty.-Whoever contravenes the provisions of this Ordinance he shall be punishable 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 Magistrate 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 released cannot be found and has no agent or other person empowered to accept delivery of possession on his behalf the District Magistrate 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 Magistrate 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 when 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 order 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.

14. Protection of actions under this Ordinance.-(1) No suit, prosecution of other legal proceeding shall lie against any person for anything which is in good faith, done or intended to be done in pursuance of this 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 Magistrate 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 of the purposes of carrying into effect the provisions of this Ordinance.