

The East Punjab Moveable Property (Requisitioning) Act, 1947

PUNJAB

India

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Act 15 of 1947

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The East Punjab Moveable Property (Requisitioning) Act, 1947 East Punjab Act No. 15 of 1947 Received the assent of His Excellency the Governor General of India on the 12th December, 1947, and was first published in the East Punjab Government Gazette Extraordinary, dated the 13th December, 1947. An Act to provide for the requisitioning and acquisition of movable property. It is hereby enacted as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the East Punjab Movable Property (Requisitioning) Act, 1947. (2) It extends to the whole of the [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950.]. (3) It shall come into force at once

2. Requisitioning of movable property

. - (1) The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, if it considers it necessary or expedient so to do, may by order in writing requisition any movable property and may make such further orders as may be necessary or expedient in connection with the requisitioning: Provided that no property used for the purpose of religious worship and no aircraft or anything forming part of an aircraft or connected with the operation, repair or maintenance of aircraft, shall be requisitioned. (2) Where the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government makes any order under sub-section (1), it may use or deal with the property in such manner as may appear to it to be expedient.

3. Power to acquire requisitioned property

. - (1) The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may at any time acquire any movable property requisitioned by it under section 2 by serving on the owner thereof or, where the owner is not readily traceable or the ownership is in dispute, by publishing in the Official Gazette, a notice stating that the said authority has decided to acquire it in pursuance of this section.(2)Where a notice of acquisition is served on the owner of the property or published in the Official Gazette under sub-section (1) then at the beginning of the day on which the notice is so served or published the property shall vest in the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government free from all encumbrances and the period of requisition thereof shall end.

4. Payment of compensation.

- The owner of any moveable property requisitioned or acquired under this Act shall be paid such compensation as the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may determine.

5. Release from requisition

(1)Where any property requisitioned under section 2 is to be released from requisition, the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may after making such inquiry, if any, as it consider necessary, specify by order in writing the person to whom possession of the property shall be given.(2)The delivery of possession of the property to the person specified in an order made under sub-section (1) shall be a full discharge of the Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered.(3)Where the person to whom possession of any property is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Government shall cause a notice declaring that the property is released from requisitioning to be published in the Official Gazette.(4)When a notice referred to in sub-section (3) is published in the Official Gazette, the property specified in the notice shall cease to be subject to requisition on and from the date of such proclamation and shall be deemed to have been delivered to the person entitled to the possession thereof, and the Government shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

6. Power to obtain information and to give directions.

- The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, with a view to requisitioning or acquiring any property under section 2 or section 3 or determining the amount of compensation payable under section 4, by order -(a)require any person to furnish to such authority as may be specified in the order such information in his

possession relating to the property as may be specified;(b)direct that the owner or person in possession shall not without permission dispose of the property till the expiry of such period as may be specified in the order.

7. Power to give effect to orders.

- The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may take or cause to be taken such steps and sue or cause to be used such force as may in the opinion of that Government be reasonably necessary for securing compliance with any order made by it under this Act.

8. Delegation of functions.

- The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by order notified in the Official Gazette, direct that any power conferred or any duty imposed on it by this Act shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged by such officer as may be so specified.

9. Offences and penalty.

- Whoever -(a)obstructs the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or any person authorised by it in the discharge of the functions under sub-section (2) of section 2 or section 7; or(b)fails to furnish any information required by order under clause (a) of section 6 or furnishes any information which is false or which he either knows or has reasonable cause to believe to be false or does not believe to be true; or(c)contravenes any direction given under clause (b) of section 6; shall on conviction for such offence by a competent Court be punishable with imprisonment for a term which may extend to one year or with fine or with both.

10. Protection of action under the Act.

(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 this Act or any order made thereunder.(2)No suit or other legal proceeding shall lie against the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act, or any order made thereunder, and no proceeding taken or order made under this Act shall be called in question in any court.

11. Repeal of Ordinance.

- The East Punjab Movable Property (Requisitioning) Ordinance, 1947, is hereby repealed.