

Rules Made Under Section 30 of the Punjab Military Transport Act, 1916

PUNJAB

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Rule

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Rules Made Under Section 30 of the Punjab Military Transport Act, 1916Published vide Notification No. 68-Military-11-16, dated 18th September, 1916[18th September, 1916]No. 68-Military-11-16 - In exercise of the powers conferred by section 30 of the Punjab Military Transport Act, 1916 (1 to 1916), the Lieutenant-Governor of the Punjab is pleased hereby to make the following rules :-Powers and Duties of Transport Inspection Officers and of Transport Assistants

1.

Subject to the general control of the Deputy Commissioner, the Transport Inspection Officer may inspect all animals and things liable to impressment within the area in which he exercises his powers under the Act.Note. - Things liable to impressment include motor vehicles as defined in section 2 of the Indian Motor Vehicles Act, 1914.

2.

Every Transport Inspection Officer will send to the Deputy Commissioner concerned a programme of the tour of inspection which he proposes to make.

3.

Every Transport Inspection Officer may issue such orders as he may deem necessary for the due discharge of his duties under the Act to any Transport Assistant in his circle; but orders for the

collection of animals or things for inspection shall ordinarily be sent by him direct to the Zaildar Transport Assistants and not to the Tehsildar.

4.

Every Transport Assistant shall obey to the best of his ability all orders which he may receive from the Transport Inspection Officer.

5.

Every Zaildar Transport Assistant shall render all reasonable and to the patwaris of his zail in the biennial enumeration of camels and mules made under these rules.

6.

Every Zaildar Transport Assistant shall keep a memorandum of the number of bullocks fit for Military Transport to see that only fit animals or things are sent to the collecting centre. Enumeration of Mules and Camels

7.

During the first week of August in every alternate year commencing from the year Patwari shall make a count of all mules and camels present in his circle, and shall enter in a register to be known as the Patwari's Military Transport Register the total number of mules, the total number of male camels of 6 years of age and over, the total number of male camels under 6 years of age, and the total number of female camels. In the case of mules and camels which do not belong to his circle he shall make a note showing the principal areas or districts from which they come and the gross number from each such area or district. The register shall be in Form I appended to these rules.

8.

Every owner or person in charge of any mule or camel and every lambardar shall be bound to give to the best of his ability and information which the Patwari may require to fill up the entries in his register, and every owner or person in charge shall be bound, if so required by the Patwari, to produce such animal or camel for enumeration at such time and place within the limits of his village as the Patwari may fix.

9.

The Patwari shall be bound to produce his register for inspection by the Transport Inspection Officer whenever the later may so order.

10.

The Patwari shall take or send his register to the Tahsil not later than the 15th of August, for the purpose of filling up the entries in the Tahsil Military Transport Register which shall be in Form 2 appended to these rules. The Patwari's Register shall be returned to the Patwari not later than the end of August. Before the 15th of September, the Tahsil Register shall be sent to the district head-quarters for the purpose of filling up the entries in the District Military Transport Register, Form 3. The Transport Inspection Officer may examine any of these registers.

11.

In municipalities, in notified areas and in small towns the Deputy Commissioner may require the committee to have the enumeration of camels and mules carried out as aforesaid by servants of the municipal committee, the notified area committee or the small town committee. The committee shall send its returns to the office of Deputy Commissioner and they shall be entered in the district register, but it shall not be necessary for the committee to maintain a register of its own. In other respects the above rules shall apply in the case of this agency equally as (in the case of the Patwari).Inspections

12.

When a Transport Inspection Officer wishes to hold an inspection, of any animals or things liable to impressment, he shall give notice in good time to the Deputy Commissioner of his intended visit, and shall also send an intimation to the Transport Assistant concerned, stating what animals or things he wishes to inspect and the places and times at which he will inspect them.

13.

The Transport Assistant shall, on receipt of this intimation take all necessary steps to ensure the presence of the animals or things at the times and places appointed. He will ordinarily cause a notice of the inspection to be proclaimed in each village or town where such inspection is to take place, and may in such notice call upon any owner or person in charge of animals or things then present in the town or village to produce them at the time and place appointed, and may also require any person owing land or resident in the village to bring in for inspection any animals or things belonging to him which may be in the neighbouring villages.

14.

Every lambardar and village watchman shall be bound to give the Transport Inspection Officer and the Transport Assistant all reasonable aid in procuring the presence of the said animals or things.

15.

Every owner or person in charge of any animal or thing shall be bound to give the Transport Inspection Officer such information as he may require regarding the fitness of the animal or thing for purposes of Military Transport, and shall in the case of camels and mules state, if required, their permanent abodes and the places where they usually ply for hire. Distribution list for purposes of requisition

16.

The Collector in consultation with the Transport Inspection Officer shall prepare distribution statement (Form 4) showing the number of bullocks which are available for requisition for purposes of Military Transport from his district, the figures being given by Tahsils. This statement shall be entered in the District Military Transport Register, Similarly, the Tehsildar shall prepare a distribution statement (Form 5) for his Tahsil, giving the figures by zails and entering the figures in his Tahsil Military Transport Register. The Zaildar shall keep a memorandum showing the number of bullocks available from each village in his zail. The distribution statements shall be revised from time to time, as may be necessary. Copies of the original statements and of the revised statements shall be forwarded by the Collector to the Director of Land Records, Punjab. Committee of Assessment

17.

Omitted by Punjab Government Notification No. 3099-H 38/21321, dated 21.5.1938.

18.

The Register of Assessment to be maintained by the Committee shall be in Form 6 appended to these rules. Impressment for hire in times of peace

19.

The Collector may impress for hire for the purposes of Military Transport on occasions other than active service and grave emergency all animals and things liable to impressment under the Act. The terms and conditions of hire are set out in the appendix to these rules. Powers of entry

20.

Except in cases of suspected concealment of animals or things liable to impressment, the power of entry conferred by section 21 of the Act shall not be exercised after sunset or before sunrise.

21.

In cases of entry under section 21 of the Act, reasonable opportunity shall be given to the women of the household to withdraw. Establishment of depots

22.

The Collector shall provide at least one depot at each collecting centre in his district, and shall provide the necessary establishment for the same.

23.

The Collector shall make adequate arrangements for the safe-guarding of goods deposited in each depot, and for their protection from weather and inspect pests and vermin.

24.

The person appointed by the Collector to be in charge of the depot shall maintain a register of deposits in Form 7 appended to these rules, and such other records as may be prescribed by the Collector.

25.

A receipt in Form 8 shall be given by the person in charge of the depot for all goods deposited in the depot.

26.

The person in charge of the depot shall cause a number to be marked in clear figures on each separate article or package to enable it to be readily identified.

27.

Any person depositing any goods in a depot shall draw the attention of the person in charge of the depot to any goods of a perishable nature among those deposited by him, and the person in charge shall without delay obtain the orders of the Collector regarding their sale or disposal.

28.

Subject to the provisions of section 25(4) of the Act, goods deposited in a depot shall be returnable to person making the deposit or to the consignee declared by the person making the deposit.

29.

The Collector shall in the notice to the consignee in which he calls upon him to take delivery warn him that if delivery is not taken within three months, the goods will be sold by auction.

30.

Auction sales shall be held by a person deputed for this purpose by the Collector.

31.

No goods shall be deposited in a depot except goods taken from an animal or things purchased or hired under this Act for active service or for an occasion of grave emergency. The depot shall not be available for the deposit of goods taken from animals or things hired in times of peace, or from animals or things before they are approved for hire or purchase by the officer appointed under Section 11.

32.

No fees shall be chargeable in respect of the deposit of goods in a depot or for their sale by auction.

33.

The deposit of goods in a depot shall not be compulsory, but the owners or persons in charge of animals or things impressed should be informed that loads can be deposited in a depot free of charge. General

34.

On occasion of active service or grave emergency all animals or things, except boats, impressed shall be purchased and not hired. This rule does not apply to grantee camels.

35.

The Register of Assessment referred to in rule 19 shall be kept in the office of the Deputy Commissioner of the district concerned.

36.

It shall not be necessary to assess the value of animals or things impressed for hire in times of peace.

37.

Owners of animals collected at a collecting centre in pursuance of an order under section 8 of the Act shall receive from the purchasing officer if the animals are not accepted, as subsistence allowance at the following rates:

-----	It seized or collected within 15 miles from the collecting centre	It seized or collected over 15 miles and within 30 miles from the collecting centre	If seized or collected beyond 30 miles from the collecting centre	Rs. a. p.		Rs. a. p.	
	Rs.	a.	p.	Rs.	a.	p.	Rs.
For each pony or mule	1	0	0	2	0	0	2
For each camel or bullock	0	8	0	1	0	0	2
For each donkey	0	4	0	0	8	0	1

An allowance will also be paid for each complete day's detention at the collecting centre at the following rates :-

	Rs. a. p.	
For each mule or pony	0	8 0
For each camel or bullock	0	4 0
For each donkey	0	2 0

38.

The purchasing officer will maintain a register of sums paid as subsistence allowance in Form II appended to these rules. (Forms omitted) [Carriage] [Vide Part H. of F.C.'s Standing Order No. 58.] The following are the military rules on this subject. - Vide Appendix XVI of the Regulations for the Army in India (1930 edition) :-

1. Indents. - Indents on the civil authorities for hired carriage required for the movements of troops or stores will be prepared on India Army form Section 1675, giving full details of requirements, and sent so as to reach the district of political officer concerned, if possible, not less than fifteen days (one month in Gwalior State), before the carriage is required.

2. Collection and payments. - Hired carriage will not ordinarily be required to proceed beyond the limits of the next civil district on the route, but will be exchanged, if possible, at such stations as may be fixed by the local civil authorities.

It will be paid for at the authorised local hire rates from the date on which it is engaged by the civil officer for the march to the date of its discharge, both inclusive. If double marches are undertaken double rates will be paid for each march. Half hire will be paid for the return journey from the exchange station to the place where the carriage was engaged. If the carriage is taken beyond the exchanging station full hire will be paid for the return journey from the place where the carriage is released to the place where it was engaged, without any allowance for the halts. If the carriage has to be collected before the date on which it is required, the civil authorities will notify the indenting officer the time required for collection prior to the start, and the probable extra expense that will be incurred. Carriage which ordinarily plies for hire, and is on the list to be kept by the district officer will first be called upon and the balance will be made up by impressment. Carriage indented for in excess of requirements and discharged, will be paid for at the full hire rate for each day or part of a day for which it is retained. If carriage is declared unserviceable through deliberate fault or culpable negligence of the cartman by a committee of officers (which will include a civil officer) it will not be paid for. When chaudhris are engaged to collect carriage, their fees at the local rates will be paid by the Army Department.

3. Advances and handing over of carriage. - On engagement of the carriage, the civil or political officer will advance to the owners half the estimated hires for the full journey. The carriage will be sent to the place required in charge of a tahsil or darbar official, who will hand to the indenting officer a detail of the composition of the carriage, authorised loads, hire rates, owners names, amount advanced and receipt for the same, and intimation as to the station at which the carriage should be exchanged (see Royal Indian Army Service Corps. Section 1675). The amount advanced will be at once repaid to the civil officer by the Royal Indian Army Service Corps.

4. Exchanging station. - The civil officer supplying the carriage will at the same time warn the civil officer at the first exchanging station of the transport requiring exchange and the date and place at which it will be required. The latter will then proceed as in paragraph 3 and warn the next exchanging station. Similar action will be taken at each exchanging station on the route.

5. Change in original transport requirements. - Should any change be required enroute in the original quantity and description of transport supplied, the Officer Commanding the troops must give the civil officer at the exchanging station concerned as much notice as possible.

6. Unserviceable carriage. - Carriage breaking down between exchanging stations should be replaced on the spot in communication with the local civil officials, and paid off. If the advance received has not been liquidated the owner must refund the amount then due.

7. Discharge of carriage. - On arrival at an exchanging station or at destination, the carriage will be at once released and paid of by the Royal Indian Army Service Corps. Officer, if there is one, otherwise by a British officer of the marching unit in the presence of the civil official attached to the troops, the acquittance roll being signed by both and countersigned by the officer commanding. Any disputes will referred to and settled by the district civil officer at the place at which the transport is released.

8. Detention of transport. - If carts are brought from a distance and detained at a camp of exercise, etc., the full rate of hire will be paid for each day for such detention. Carriage will not, however, be detained at a camp which lasts for five days or over, except in very special circumstances.

9. Protective certificate. - When carriage is discharged, a certificate in English and the vernacular should be given by the civil officer at the exchanging station or by the civil officer accompanying the troops to each person in charge thereof, to protect the carriage from being taken for the use of troops while on its return journey unless such troops are marching in the direction of the owner's home. If so employed the full hire rate will be paid.

Vide paragraph 565 (part) of the Regulations for the army in India (1930 edition)

10. - The Officer Commanding troops is responsible that animals are not overladen or ill treated and that on arrival at the destination or at an exchanging station, all hired transport is released without delay. Animals must always be unloaded when crossing rivers in boats.

11. - Any serious misbehaviour on the part of drivers of hired transport, when these are not amenable to military law, must be dealt with in communication with the civil authorities.

II. - The following supplementary rules are issued by the Financial Commissioner with the approval of the local Government :-

- (1) The responsibility for the supply of the carriage for the movement of troops or for individuals in military employ, authorised to travel at the public expense, or for stores, rests, in the first instance, with the Royal Indian Army Service Corps. It is only when that corps is unable to meet the demand that a call will be made on the civil authorities.
- (2) A copy of India Army form Section 1675, referred to in rule 1(1) is given as Appendix A to this standing order; the exchanging stations referred to in rule 1(2) are detailed in Appendix B and the local hire rates in Appendix C.
- (3) The cost of return hire for carriage taken beyond an exchanging station (rule 1(2)), will be a charge against the Army department if the commanding officer of the regiment has failed to give due notice of the requirements, or if a relief has not been provided in spite of due notice to the civil officer the excess payment will ordinarily be a charge against the civil department. The district officer should report to the Commissioner each case in which he has declined to furnish a relief, assigning reasons for the same. The Commissioner will notice any cases in which the reasons are not satisfactory; for much of the hardship entailed under existing arrangements upon owners of cattle is owing to the rules regarding relief not being attended to.
- (4) For carriage, employed to any part of the Punjab during the rainy season or between the 15th of June and 1st of October, an additional charge will be made equivalent to 25 per cent on the hire that would be leviable according to the local rates. This rule is subject to the special provisions of the Simla rules, which allow half rates for halts and back hire in certain cases, and dispense with the additional charge of 25 per cent. This rule does not apply to the Gurdaspur, Attock and Rawalpindi districts, rates for which are specially provided.
- (5) Ordinarily chaudhris will arrange with the owners of carriage as to the scale of fees to be paid, but in the absence of any special engagement, they will be entitled to 6 pies or half an anna per rupee on the total hire due for carriage from the station at which is engaged to the station at which it ought to be relieved. In the case of coolies and bearers the chaudhri's fee will be 6 pies or half anna per man.
- (6) An exception to the military rule, which lays down that chaudhri's fees will be paid by the owners, exists in the Simla district, where chaudhri's fees are added to the rates of hire fixed by the Local Government, and are, therefore, paid by the hirers of carriage.
- (7) (i) The civil officer furnishing the carriage is bound to see that the advance referred to in rule 1(3) is made before the carriage is made over to the applicant. He is also bound before granting the passport referred to in rule 1(9) and formally discharging the carriage, to satisfy himself that the owners have been paid in full according to the prescribed rates. (ii) This advance will be drawn from the treasury on a simple receipt, and on its being recouped by the Royal Indian Army Service Corps. will be refunded into the treasury.
- (8) The owner of carriage should be supplied with a copy of the requisition filled up in English and Urdu characters.
- (9) All tolls will be payable by the hirers of carriage in cash or by free pass.
- (10) The rules and tables of rates should be hung up to dak bungalow, serais, tahsils, thanas and other public places.
- (11) Monthly rates, when not specified, will be determined by mutual agreement.
- (12) For the purpose of calculating remuneration for carriage, a part of a stage must be treated as equivalent to a whole stage.
- (13) The authorised loads, except in the Rawalpindi and Gurdaspur districts, and the Kulu sub-division of the Kangra district, are as follows :-

Description of carriage	Load		
	Pacca road in plains	Kacha road	Hill road
1. Bullock Train Carts, 4 wheeled	30 maunds	30 maunds	24 maunds
2. " " " "	15 "	15 "	15 "
3. 4-Bullock Carts	20 "	16 "	16 "
4. 3 " "	15 "	12 "	12 "
5. 2 " "	10 "	8 "	8 "
6. Camels	5 "	5 "	4 "
7. Bullocks	3 "	3 "	2-1/2 "
8. Mules and ponies	3 "	3 "	2-1/2 "
9. Asses	1-1/2 "	1-1/2 "	1-1/4 "
10. Collies	20 seers	20 seers	20 seers