

Punjab Military Transport Act, 1916

HARYANA

India

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Act 1 of 1916

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Punjab Military Transport Act, 1916 Punjab Act No. 1 of 1916 Statement of Objects and Reasons - The present Bill has its inception in the recommendations put forward by a small committee which was convened in 1910 to consider and report on the working of the Punjab Military Transport Animals Act of 1903. It abolishes branding and individual registration, both of which were condemned by the committee as unpopular and ineffectual. In their place the bill contemplates enumerations and test inspections, the actual machinery for which is left to be prescribed by rules to be framed by Local Government. It is intended that the rules shall provide for a biennial enumeration of nomadic animals, and for periodical test inspection of bullocks. Masters of bullocks at appointed centres are not under contemplation. Provisions for the supply of bullocks on occasions of mobilisation will be made by an equitably distributed levy from zails and villages carried out through local agency. The Bill declares that all animals, vehicles and boats together with their equipment are liable to impressment for military transport. Impressment by purchase is confined to mobilisation for active service and for occasions of grave emergency. The elaborate sections of the present Act dealing with valuation have been much shortened, and the criterion of value is to be the market value at the time of the award, plus the present 15 per cent. Received the assent of the Lieutenant-Governor of the Punjab on the 2nd December, 1915, and that of the Governor-General on the 24th January, 1916 and was first published in the [Punjab Gazette] [Substituted for the words 'East Punjab' (which had been inserted for the words 'the Punjab' by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, by the Adaptation of Laws (Third Amendment) Order, 1951.] of the 4th February, 1916 An Act to make better provision for the Impressment of Animals, Vehicles, Boats and Gear in [Principal Territories] for the purposes of Military Transport. Whereas it is expedient to make better provision for the impressment of animals, vehicles, boats and gear in Principal Territories for the purposes of military transport : It is hereby enacted as follows :-

Chapter I

Preliminary

1. Short title and local extent.

(1) This Act may be called the Punjab Military Transport Act, 1916. (2) It extends to Principal Territories.

2. Repeal.

- The Punjab Military Transport Animals Act, 1903, is hereby repealed.

Chapter II

Liability to Impressment

3. Liability to impressment.

(1) All animals, vehicles and boats, together with gear and equipment for the same, shall be liable to be impressed for military transport, whether for service within or without the limits of India, in accordance with the provisions of this Act. Explanation. - "Vehicles" shall be deemed to include also doilies, dandies, jhampan and palkies. (2) Impressment may be for hire or for purchase.

Chapter III

Appointment of Officers

4. Appointment of Transport Inspection Officers and Transport Assistants.

(1) The [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] may by notification appoint any person to be a Transport Inspection Officer or Transport Assistant for the purposes of this Act, and may define the area within which he shall exercise his powers. (2) All the powers conferred on a Transport Inspection Officer or Transport Assistant by this Act shall, unless the [Central Government] by special order otherwise directs, be exercised by him subject to the control of the Deputy Commissioner. (3) All Transport Inspection Officers and Transport Assistants shall be deemed to be public servants within the meaning of the Indian Penal Code.

5. Meaning of term "Collector".

- In this Act "Collector" shall include any person appointed by the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] or by the Deputy Commissioner to exercise the functions of a Collector under this Act.

Chapter IV

Enumeration and Inspection

6. Enumeration and Inspection.

- The [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] may make rules for the enumeration and inspection of animals or things liable to impressment under this Act, and may by rule require any person owning or keeping any such animal or thing to produce it for enumeration or inspection at such time and place within the limits of the Village in which he ordinarily resides or in which he holds or cultivates land as the enumerating or inspecting officer may fix and to give such information regarding such animal or thing as the rules may prescribe.

Chapter V

Impressment for Active Service or Grave Emergency

7. Declaration authorising impressment.

(1)On any occasion of the mobilization of troops for active service or at any time during the employment of troops on active service or on any occasion which, in the opinion of the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] or any person authorized in this behalf by the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] may direct the Collector to take steps to provide within a reasonable time to be specified in the direction such animals or things as are stated to be required from his district for the purposes of military transport.

8. Order for collection and power to seize.

(1)On receiving a direction under the preceding section the Collector shall, forthwith issue orders requiring the persons therein named to collect the animals or things therein specified at the time and place appointed by the Collector.(2)Such orders may be addressed to any Transport Assistant or to any Revenue Officer or to any zaildar, inamdar, or village officer.(3)Any person owing or keeping animals or things liable to impressment shall, when required by any Transport Assistant or Revenue Officer or any zaildar, inamdar or village officer in pursuance of an order issued under sub-section (1), be bound to produce the same at the time and place appointed by the Collector.(4)Should any such person refuse or fail so to produce the animals or things, the Transport Assistant or other officer to whom the order is addressed may seize them by force.

9. Obligation of person in charge to proceed with animal to collecting centre.

- Except as may otherwise be provided by rules made in this behalf by the [Central Government], the person in charge for the time being of any animals or things impressed under this Act or such other person competent to take charge thereof as may be appointed by the person in charge shall proceed with such animals or things to the place appointed by the Collector under section 8(1).

10. Notice regarding claim for compensation.

- Notice shall be given by the Collector of the time and place at which claims for compensation for any animals or things impressed may be made.

11. Selection of animals.

- Any person authorized in this behalf by the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] may approve as suitable any animals or things collected or seized in accordance with section 8, and may require the Transport Assistant or other officer who collected or seized the rejected animals or things to collect or seize others in place thereof, and for such further collection or seizure the order issued under section 8(1) shall be deemed to be valid authority.

12. Committee of assessment.

(1)When any animal or thing has been so approved a committee of assessment constituted as the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] may by general or special order direct shall record -(a)a brief description of such animal or thing;(b)the name and address of the owner, if known;(c)the name and address of the person in charge;(d)the market value at the time of the award according to the opinion of the committee.(2)One member of every committee of assessment shall be a "Land-owner" as defined in the Punjab Land Revenue Act.

13. Taking possession.

- Any officer appointed by the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] of any animal or thing in respect of which the committee has recorded the particulars prescribed by section 12.If the animal or thing is to be purchased, the said officer shall forthwith deposit with the committee a sum equivalent to the value thereof as fixed by the committee plus 15 per cent and upon such deposit the animal or thing shall become the absolute property of the [Government.] [Substituted for the word 'Crown' by the Adaptation of Laws Order, 1950.]If the animal or thing is hired the [Central Government] shall pay hire at such rates as it shall from time to time fix.

14. Value fixed to be final.

- The value fixed by the committee for any animal or thing shall be conclusive as between the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] and any person claiming any interest therein.

15. Payment.

(1)When any sum is deposited with the committee under section 13 the committee shall, except in the cases specified in the next sub-section, pay the same to the person whom they consider prima facie entitled thereto.(2)If he shall not consent to receive such sum, or if there be no person present competent to sell the animal or thing, or if there be any dispute as to the title to receive compensation or as to the person to whom the same is payable or as to the apportionment of the same, the committee shall deposit the said sum with the Collector, and the Collector shall pass orders as to the payment, investment or disposal of the same, and such order shall be final as between the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] and any person claiming any interest therein.

16. Power to call for information.

- The Collector may require any person claiming compensation in respect of any animal or thing impressed under this Act to state the name of every other person whom he knows or believes to possess any interest in such animal or thing and also the nature of such interest.

17. Procedure when animal or thing is purchased when on hire.

(1)Any animal or thing hired in accordance with the foregoing provisions, may be purchased at any time by the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] for a sum equivalent to the value fixed by the committee under section 12 plus 15 per cent.(2)Notice of such purchase shall be sent by registered post to the Collector, and the purchase money shall be deposited with him.(3)The Collector shall give notice of the purchase to the owner or the keeper of the animal or thing.(4)The Collector shall deal with the purchase money as if it were a sum deposited with him under section 15(2) of this Act.(5)When notice has been sent to the Collector under sub-section (2) of this section the animal or thing shall become the absolute property of the [Government.] [Substituted for the word 'Crown' by the Adaptation of Laws Order, 1950.]

18. Compensation payable for loss of animals or thing hired.

- Compensation shall be payable by the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] for the loss, destruction or deterioration of any animal or thing hired under this Act, but shall not exceed a sum

equivalent to the value fixed by the committee under section 12 plus 15 per cent. Explanation. - The compensation so payable shall be in addition to any sum due as hire.

Chapter VI

Impressment for Hire otherwise than for Active Service or Grave Emergency

19. Impressment for hire otherwise than for active service.

(1)The [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] may make rules to provide for the impressment for hire for purposes of military transport within India, on occasions other than those specified in section 7, of any animal or thing liable to impressment under this Act, and for the terms and conditions of such impressment.(2)Any animal or thing liable to impressment under this Act may be impressed for hire in accordance with such rules.

Chapter VII

Miscellaneous

20. Compensation claimable in accordance with Act.

- No compensation shall be claimable on account of any animal or thing impressed in accordance with this Act except as provided in this Act; but nothing in this section contained shall affect the liability of any person to whom the whole or any part of any compensation awarded under this Act has been paid to pay the same to the person lawfully entitled thereto.

21. Power of entry.

- Subject to any rules made in this behalf by the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.], the Collector or any Transport Inspection Officer or Transport Assistant or any officer to whom an order under section 8 is addressed, shall be entitled at all reasonable times to enter for the performance of any duty imposed on him by this Act any place where he has reason to believe that any animal or thing suitable for military transport may be found, and to inspect any animal or thing found there.

22. Obligation to render aid.

- Every person shall be bound to assist any Transport Inspection Officer, Transport Assistant or Revenue Officer or any zaildar, inamdar or village officer, who reasonably demands his aid in the execution of any duty imposed by this Act.

23. Service of notice.

- Service of any notice this Act or rules thereunder may be made by registered post or by delivering or tendering a copy thereof signed by the officer therein named or by beat of drum or other customary method or by the posting of a copy thereof in some conspicuous place in the village or town.

24. Power to summon and enforce attendance of witnesses and production of documents.

- For the purposes of enquiries under this Act the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

25. Establishment of depots for safe custody of loads.

(1)The Collector shall provide one or more suitable depots at which goods carried by animals or things impressed under this Act may be deposited.(2)Any person depositing any goods at a depot shall on demand by the person in charge of the depot give to the best of his information the names and addresses of the consignor and consignee of the goods and of the owner of the animal or thing by or in which the goods were being carried and a description of the goods.(3)The Collector shall cause a notice to be sent by registered post to the consignor and consignee of the goods, informing them of the deposit of the goods and calling upon the consignee to take delivery thereof.(4)If delivery of goods is not taken within three months from date of the deposit, the Collector may cause them to be sold by auction, provided that if the goods are perishable they may be sold forthwith.(5)The responsibility of the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] for the loss, destruction or deterioration of goods deposited at a depot under this section shall be that of a bailee under section 151 and 152 of the Indian Contract Act, 1872, provided that the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] shall not be liable for any loss resulting in any way from the detention of the goods or from their sale under sub-section (4).(6)The Collector shall pay the sum realised from the sale to the person who appears to him to be entitled thereto, and after such payment no suit to recover such sum or any part thereof shall be brought against the [Government by any person claiming to be entitled thereto] [Substituted for the word 'Crown' by the Adaptation of Laws Order, 1950.]:Provided that nothing herein contained shall affect the liability of any person to whom any sum has been paid by the Collector under this sub- section to pay the same to the person lawfully entitled thereto.

26. Certain suits barred.

(1) No suit for any default due to proceedings taken under this Act shall lie against the owner or person in charge of any animal or thing impressed under this Act or any person liable in respect of any contract connected with such animal or thing. (2) No Civil Court shall take cognizance of the manner in which the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] or any person exercise any power vested in it or in him by or under this Act. (3) No suit shall lie against the [Government] [Substituted for the word 'Crown' by the Adaptation of Laws Order, 1950.] or any officer or person for damages for any act in good faith done or ordered to be done in pursuance of this Act. (4) Nothing in this section shall be deemed to bar a suit for compensation for the loss, destruction or deterioration of goods in accordance with section 25(5) of this Act.

27. Exclusion of legal practitioners.

- No legal practitioner shall be entitled as such to appear in any proceedings under this Act.

28. Penalties.

- Any person who - (1) without reasonable excuse refuses or fails to comply with any order lawfully given under this Act requiring him to produce any animal or thing, or (2) with intent to avoid the production or impressment of any animal or thing removes or conceals such animal or thing or obstructs the production or impressment thereof, or (3) omits to do any thing which he is legally bound to do under this Act or the rules thereunder, shall be punishable with fine which may extend to fifty rupees or should the offence be committed on an occasion of the mobilization of troops proceeding on active service, shall be punishable with imprisonment of either description not exceeding three months or fine which may extend to one hundred rupees or both.

29. Cognizance of offences.

- No Court shall take cognizance of any offence punishable under this Act except with the previous sanction of the Deputy Commissioner.

30. Power to make rules.

- The [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] may make rules consistent with this Act for carrying out the provisions of this Act, and in particular may make rules - (a) defining the duties and powers of Transport Inspection Officers and Transport Assistants; (b) providing for the constitution and defining the powers and duties of committees appointed under section 12; (c) providing for the establishment and maintenance of depots under section 25 and for the safe custody of goods deposited thereat; (d) fixing the compensation payable by the [Central Government] [Substituted for the words 'Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] for

the loss, destruction or deterioration of any animal or thing hired under this Act;(e)fixing the subsistence or other allowance payable on account of animals or things collected or seized under this Act; and(f)prescribing forms for such registers, books, statistics accounts or receipts as the [Central Government] [Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937.] may think necessary to be kept, made, compiled, or given and specifying the particulars to be entered therein.