

THE KERALA DISPOSAL OF CONFISCATED AND OTHER VEHICLES BILL A BILL

A bill for the disposal of vehicles confiscated in cases and other uneconomical vehicles of Government.

WHEREAS it is expedient to provide a speedy procedure for disposal of vehicles confiscated in cases under different statute and for the disposal of Government vehicles the use of which are no longer economical;

BE it enacted in the Fifty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Kerala Disposal of Confiscated and Other Vehicles Act —

(2) It shall come into force at once.

2. Definition.— In this Act unless the context otherwise requires.—

(a) “Confiscated vehicle” means any vehicle in the custody of any officials of the Government including court in connection with any cases registered under any statute.

(b) “Government Vehicle” means and includes the vehicles ownership of which are vested with the Government, court or other office or institution, any public sector undertaking, statutory board or corporation, company owned or controlled by Government, local body, University and Co-operative Societies.

(c) “Prescribed” means prescribed by rules made under the Act.

(d) “Uneconomical vehicle” means any Government vehicle where the maintenance cost exceeds the amount as may be prescribed by the Government.

3. Vehicles involved in offences.—(1) Notwithstanding anything contained in any other law for the time being in force no vehicle taken into custody for involvement in any offence shall be kept for a period longer than six months by any authority entitled to keep them in custody under any law.

(2) Any vehicle taken into custody for involvement in any offence and produced before any court or other authority shall be disposed of in the following manner:—

(a) In cases where the owner of the vehicle is willing to take it on furnishing sufficient security as decided by the court or other authority, the vehicle shall be returned to him after observing the prescribed legal formalities, if any.

(b) In cases where the owner is not willing or able to produce sufficient security for the release of the vehicle, the court or the authority concerned may permit the officials who produced the vehicle before it to sell the vehicle in question.

(c) On getting permission from the court or other authority, the official shall sell the vehicle with notice to the owner of the vehicle in such manner as may be prescribed.

(d) The amount realized by sale of the vehicle shall be deposited in the court or authority concerned.

(3) Any vehicle in the custody of the officials for involvement of any offence or otherwise and the owner or the person involved in the offence cannot be traced out, such vehicle shall be disposed of in the following manner.

(a) A report shall be filed before the court or other authority explaining the circumstance in which the vehicle is in the custody of the officials.

(b) A notice shall be published in two local newspapers regarding the custody of the vehicle and the decision to dispose of the vehicle by auction if the owner or anyone claiming the vehicles is not turning up within 15 days from the date of notice.

(c) In case any one claiming the vehicle as its owner or in lawful possession is willing to furnish sufficient security before the authority, the vehicle may be released to him after due enquiry about the ownership and possession.

(d) In cases where no one comes forward claiming the vehicle, the officials may sell the vehicle in such manner as may be prescribed.

(4) The amount realized by sale of the vehicle shall be deposited in Treasury.

4. Confiscated Vehicle.—Any vehicle confiscated under any law for the time being in force shall be disposed of in the following manner, in cases where such laws do not provide for the procedure for disposal of such vehicles, namely:—

(a) The vehicle shall be offered to the owner of the vehicle on payment of the market value of the vehicle.

(b) If the owner pays the amount, the vehicle shall be released to him.

(c) If the owner is not willing to take the vehicle, it shall sell the vehicle in such manner as may be prescribed.

(d) The amount realized by sale of the vehicle shall be deposited in Treasury.

5. Disposal of Uneconomical Government Vehicle.—(1) No uneconomical Government vehicles shall be used by any officials.

(2) Any Government vehicle which is uneconomical shall be disposed of by the custodian of that vehicle in the following manner, namely:—

(a) A report regarding the present condition of the vehicle, repairs needed and its approximate expenses, mileage of the vehicle shall be obtained from the competent authority as may be prescribed.

(b) If the custodian of the vehicles considers that the further use of the vehicle is uneconomical, he may report the matter to the competent authority to fix the market value of the vehicle.

(c) On receipt of the market value of the vehicle, the vehicle shall be auctioned based on the market value in such manner as may be prescribed.

6. *Penalty.*— Any officer, responsible for not complying with the provisions of this Act shall be punished with a fine not exceeding rupees ten thousand.

7. *Power to make rules.*—(1) The Government may by notification in the Gazette make rules for carrying out the provisions of this Act.

(2) Every rule made under this section, shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.

Statement of Objects and Reasons

The object of the Bill is to enact a law to make it compulsory for various officers who are empowered to confiscate or seize vehicles and other articles to see that confiscated, seized and non-economical vehicles are disposed of within a maximum period of 6 months in public auction and to deposit the money obtained in treasury so that the property is not allowed to be wasted. Of course, before auctioning the articles the authority shall offer the articles to be taken by its owner if he is ready to pay the value of the vehicles.

The Bill is intended to achieve the above object.
