



The Nagaland (Requisition of Porters) Act, 1965

Act 7 of 1965

Keyword(s):

Emergency, Road, Public Purpose, Calamity

Amendments appended: 1 of 1985, 2 of 1995

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NAGALAND ACT 7 OF 1965

[THE NAGALAND (REQUISITION OF PORTERS) ACT, 1965.]

Received the assent of the Governor on the 28th November, 1965.

[Published in the Nagaland Gazette-Extraordinary, Dated 4th December, 1965]

An Act to provide for requisition of service of porters.

Preamble.—WHEREAS it is expedient to provide for requisition of porters during any emergency in Nagaland for public purposes including movement of stores and equipment essential to the life of the community and transport of Government stores and baggages in connection with movement of officials on duty within the State of Nagaland ;

It is hereby enacted in the Sixteenth Year of the Republic of India as follows :—

Short title, extent and commencement.—1. (1) This Act may be called the Nagaland (Requisition of Porters) Act, 1965.

(2) It extends to the whole of Nagaland.

(3) It shall come into force at once.

Definitions.—2. Unless the context otherwise requires :—

(a) "emergency" includes a situation whereunder, due to concerted action on the part of the people of any area with a view to hamper the State Government :—

(1) a public servant is unable to deal adequately with a calamity or threatened calamity such as fire, flood, famine, earthquake, violent epidemics, epizotic diseases, invasions by animals, insects or vegetable pests for want of porters to carry any essential items of equipment and baggage ;

(2) movement of commodities, and stores and equipment deemed essential to the life of the community or to the maintenance of the law and order or prevention of any threat to peace, to a place not connected by "road" or rail is impeded for want of porters ; or

(3) movement of Police Forces, Assam Rifles or Units of the regular armed forces to a place not connected by "road" or rail to deal with a breach of the peace, or any threat to law and order is impeded for want of porters to carry any essential items of equipment and baggages.

(h) "road" means a road over which the mechanically propelled vehicles can ply.

Requisition of porters.—3. (1) Any Deputy Commissioner in his district in Nagaland or any other officer authorised by him in writing in this behalf, may during an emergency, issue an order requisitioning the services of able bodied adult males for public purposes including movement of stores and equipment essential to the life of the community or maintenance of law and order and transport of Government stores, equipment and baggage in connection with movement of officials on duty within the State of Nagaland ;

Provided that in requisitioning such services no discrimination shall be made on grounds only of religion, race, caste or class or any of them ;

Provided further that payment shall be made for such service at rates not less than the normal daily rates of wages prevailing in the locality.

(2) The circumstances under which a Deputy Commissioner or any other officer authorised by him in writing in this behalf exercises the powers conferred by sub-section (1) shall on every occasion be recorded by him in writing.

(3) Nothing in this section shall be deemed to authorise a Deputy Commissioner or any other officer to requisition the services of porters to or from a place which is accessible by road or rail.

Powers to make rules.—4. (1) The State Government may make rules for the purposes of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the rules made by the State Government may provide for all or any of the following matters, namely :—

(i) the circumstances under which the services of porters should be requisitioned ;

(ii) the terms and conditions governing the employment of requisitioned porters ;

(iii) any other matter connected with or ancillary to the matters aforesaid.

(3) Every rule made under this section shall be laid as soon as may be, after it is made, before the Nagaland Legislative Assembly while it is in session, and if before the expiry of the session in which it is so laid or the session immediately following, the Nagaland Legislative Assembly agree in making any modification in the rule or the Nagaland Legislative Assembly agree 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 have without prejudice to the validity of anything previously done under that rule.

Penalty.—5. If any person wilfully disobeys any order issued under section 3, he shall be punishable with imprisonment which may extend to one year or with fine which may extend to five hundred rupees or with both.

Appeal.—6. Any order of conviction passed under this Act shall be appealable to the Court to which an appeal ordinarily lies under any law for the time being in force from a sentence passed by a Court exercising the powers of a magistrate of the first class.

Repeal and saving.—7. (1) The Naga Hills District (Requisition of Porters) Regulation, 1953 (Regulation 11 of 1953) and the North East Frontier Agency (Requisition of Service as Porters) Regulation, 1954 (Regulation 2 of 1954) so far as it may be applicable to the Tuensang District are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Regulations shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the date on which such thing was done or action was taken.

THE NAGALAND (REQUISITION OF PORTERS) (AMENDMENT ACT) 1985

NAGALAND ACT NO. 1 OF 1985

(Received the assent of the Governor on the 24th March, 1985)

AN

ACT

to amend the Nagaland (Requisition of Porters) Act, 1965
(No 7 of 1965).

It is hereby enacted in the thirty-sixth year of Republic of India
as follows :

1. Short title, extent and commencement.

- (1) This Act may be called the Nagaland Requisition of Porters (Amendment) Act, 1985.
- (2) It extends to the whole of Nagaland.
- (3) It shall come into force at once.

2. Insertion of sub-section.

In Section 3 of the Nagaland (Requisition of Porters) Act, 1965 the following sub-section (4) shall be inserted, namely :

"(4) Requisitioning the service of able bodies males for public purposes shall be confined to cases where it is necessary to meet the emergency situation, the duration and extent of compulsory service shall be limited to what is required by the exigency of the situation."

THE NAGALAND (REQUISITION OF PORTERS) (AMENDMENT) ACT, 1995.

(THE NAGALAND ACT NO. 2 OF 1995)

(Received the assent of the Governor of Nagaland on 5 April, 1995 and published in the Nagaland Gazette extraordinary dated 25th April, 1995)

An

Act

to further amend the Nagaland (Requisition of Porters) Act, 1965. (Act, No. 7 of 1965)

It is hereby enacted in the Forty Sixth years of the Republic of India as follows :—

1. Short title, extent and Commencement.

- (i) This Act may be called the Nagaland (Requisition of Porters) Amendment Act, 1995.
- (ii) It extends to the whole of Nagaland.
- (iii) It shall come into force at once.

2. Amendment of section 2 of the Nagaland (Requisition of Porters) Act, 1965:

For clause (a) of section 2 the following shall be substituted; namely:

(a) Emergency includes a situation where under a public servant is unable to deal with a calamity or threatened calamity such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasions by animals insects, or vegetable pests, and in general any circumstances that would endanger the existence or the well-being of the whole or part of the community for want of porters to carry any essential items of equipment and stores and to a place not connected by road or rail.