

The Gorakhpur Gorais Act, 1919

UTTAR PRADESH

India

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Act 1 of 1919

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The Gorakhpur Gorais Act, 1919(U.P. Act No. 1 of 1919)[Dated 8th January, 1919]Received the assent of the Lieutenant-Governor on the 8th January, 1919, and of the Governor-General on the 30th January, 1919, and was published under Section 81 of the Government of India Act, 1915, on the 15th February, 1919. For S.O.R., see Gazette 1918, Part VII, at 797, published in Gazette 1919, Part VII, at 81. Whereas in future the landholders of the Gorakhpur District will not be required to maintain gorais and the rent-free holdings (locally known as Jagirs) now possessed by gorais will be assessed to land revenue: And whereas it is not expedient that jagirs now held by gorais should be liable to resumption under the provisions of the [Agra Tenancy Act, 1901;] [Repealed see now the U.P. Tenancy Act, 1939 (U.P. Act XVII of 1939).] It is hereby enacted as follows:

1. Short title, extent and application.

(1) This Act may be called the Gorakhpur Gorais Act, 1919. (2) It extends to the Gorakhpur District of [Uttar Pradesh] [Substituted by A.O. 1950 for the 'United Provinces'.]; (3) It applies to all holding granted in lieu of service as a gorait and held rent-free by a gorait at the commencement of this Act.

2. Definitions.

- In this Act "Settlement Officer" and "Assistant Settlement Officer" mean respectively a Settlement Officer and an Assistant Settlement Officer appointed under Section 60 of the United Provinces Land Revenue Act, 1901.

3. Exclusion of Chapter X of the Agra Tenancy Act.

- Nothing in Chapter X of the Agra Tenancy Act, 1901, shall apply to any holding to which this Act applies, but every such holding shall be liable to have rent fixed on it, and the grantee thereof shall be deemed to have been a tenant from the date of the grant and the class of his tenancy shall be determined with reference to the provisions of the Agra Tenancy Act, 1901.

4. Settlement officer, to fix rents and determine class of tenure.

(1)The Settlement Officer or any Assistant Settlement Officer empowered under clause (9) of Section 231 of the [United Provinces Land Revenue, Act, 1901] [Repealed see now the U.P. Tenancy Act, 1939 (U.P. Act XVII of 1939).], to determine rents, shall fix the rent of any holding to which this Act applies and determine whether the tenant thereof is an occupancy or non-occupancy tenant, and in the case of non-occupancy tenant the date from which the tenancy commenced:Provided that after the close of settlement operations the State Government may invest any officer with the powers of a Settlement Officer for the purpose of this Act.(2)Rent fixed under sub-section (1) shall be payable from such date as the Settlement Officer or Assistant Settlement Officer may determine.(3)A non-occupancy tenant, whose rent has been fixed under sub-section (1) shall be entitled to hold the land at that rate for a period of seven years, and an order under sub-section (1) shall have the same force and effect as a registered lease under the provisions of Section 11 of the [Agra Tenancy Act, 1901.] [Repealed see now the U.P. Tenancy Act, 1939 (U.P. Act XVII of 1939).]

5. Method of fixing rents.

- In fixing rents under this Act, the Settlement Officer or Assistant Settlement Officer shall have regard to the rent-rates for occupancy and non-occupancy tenants, respectively, sanctioned by the Board in passing orders on the report submitted under Section 63 of the United Provinces Land Revenue Act, 1901, for similar land with similar advantages in the circle in which the holding of tenant is situated, or the special rent-rates (if any) employed for the assessment of the mahal in which the holding is situated.

6. Procedure.

- The proceedings of a Settlement Officer or Assistant Settlement Officer under this Act shall be governed by the provisions of Chapter IX of the United Provinces Land Revenue Act, 1901, so far as they are applicable.

7. Appeals and review.

(1)Any order passed under Section 4 shall be subject to appeal and revision as if it were an order of a Settlement Officer under the provisions of the United Provinces Land Revenue Act, 1901.(2)The Settlement Officer or Assistant Settlement Officer shall be competent to review in accordance with the provisions of Order XLVII of the Code of Civil Procedure, 1908, any order passed under Section 4.(3)Except as provided in sub-section (1) and sub-section (2), no order passed under the provisions of this Act shall be called in question in any civil or revenue court.

8. Special rule of succession.

- Where prior to this Act, any village gorait has succeeded to or obtained possession as such gorait or rent-free holding on the death or resignation of a previous holder to whose interest in holding he

might, in the absence of other heirs, have succeeded under the provisions of Section 22 of the [Agra Tenancy Act, 1901] [Repealed see now the U.P. Tenancy Act, 1939 (U.P. Act XVII of 1939).], such previous holder having also been a village gorait, the person so succeeding shall, notwithstanding anything contained in the said section, be deemed to have inherited from the previous holder, whether or not he shared in the cultivation in the life-time of such holder.

9. Powers of the Board of Revenue to make rules.

- The Board of Revenue may, after previous publication, make [rules] [For rules, see Notification No. 207/1-59-C, dated March 12, 1949, in Gazette 1949, Part II.], consistent with this Act regulating the procedure of the Settlement Officer or Assistant Settlement Officer in fixing rents and determining the class of tenancy under Sections 4 and 5, and generally for carrying out the provisions of this Act.