

# **The U.P. Industrial Area Development (Removal of Doubts and Validation) Act, 1991**

UTTAR PRADESH

India

## **The U.P. Industrial Area Development (Removal of Doubts and Validation) Act, 1991**

### **Act 27 of 1991**

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The U.P. Industrial Area Development (Removal of Doubts and Validation) Act, 1991U.P. Act No. 27 of 1991Statement of Objects and Reasons. - Clause (d) of Section 2 of the Uttar Pradesh Industrial Area Development Act, 1976 defines the expression 'industrial development area' to mean an area declared as such by the State Government by notification. Section 3 of the said Act provides for the constitution of an authority for an industrial development area. In exercise of the powers thereunder the Sataharia Industrial Development Authority, Gorakhpur Industrial Development Authority and the Greater New Okhala Industrial Development Authority were constituted by the State Government on November 30,1989, November 30, 1989 and January 28, 1991 respectively. The notification constituting the Greater New Okhala Development Authority was challenged in a writ petition filed in the Allahabad High Court on the ground that the said clause (d) is merely a definition clause and not a substantive provision, as such, the Government has no power to declare an industrial development area thereunder. Besides, the said clause (d) of Section 2 is not mentioned in the notification constituting the industrial development area. It was apprehended that if the notification is declared invalid by the Allahabad High Court, all the proceedings with respect to the constitution of Greater New Okhla Industrial Development Authority would be in jeopardy and the planned industrial development of the State would be adversely affected. In order to avoid this situation, it was considered necessary to validate the notifications of the said Industrial Development Authorities and to clarify that the said clause (d) is a substantive provision by an enactment.2. Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Industrial Area Development (Removal of Doubts and Validation) Ordinance, 1991 (U. P. Ordinance No. 33 of 1991) was promulgated by the Governor on July 19, 1991.3. This Bill is introduced to replace the aforesaid Ordinance.[Dated 20th August, 1991]Received the assent of the Governor on August 20, 1991 and published in the U.P. Gazette (Extraordinary), Part 1, Section (ka), dated 21st August, 1991.[As passed by the Uttar Pradesh Legislature]It is hereby enacted in the Forty-second Year of the Republic of India as follows :An Act

to provide for the removal of doubts in respect of certain provisions of the Uttar Pradesh Industrial Area Development Act, 1976 and to validate certain acts and proceedings thereunder

## **1. Short title and commencement.**

(1) This Act may be called the Uttar Pradesh Industrial Area Development (Removal of Doubts and Validation) Act, 1991. (2) Sections 2, 3 and 4 shall be deemed to have come into force on July 19, 1991 and the remaining provisions shall come into force at once.

## **2. Removal of doubts.**

- For the removal of doubts it is hereby declared that the provisions of clause (d) of Section 2 of the Uttar Pradesh Industrial Area Development Act, 1976, hereinafter referred to as the principal Act, empower and shall be deemed always to have empowered, the State Government to declare any area as industrial development area.

## **3. Validation.**

- The area specified in the respective Schedules to Government's Notifications No.,-(a)8425-Bha. U./XVIII-11-223-Bha-88, dated 30th November, 1989;(b)8425-(1) Bha. U./XVIII-11-223-Bha-88, dated 30th November, 1989; and(c)7436-Bha. U./XVIII-11-107-Bha-85, dated 28th January, 1991, shall be deemed to be, and always to have been, declared by the State Government as industrial development areas under clause (d) of Section 2 of the principal Act and the said notifications shall be, and be deemed always to have been valid and lawful as if the provisions of this Act were in force at all material times.

## **4. Overriding effect.**

- The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any judgment, decree or order of any Court or authority.

## **5. Repeal and savings.**

(1) The Uttar Pradesh Industrial Area Development (Removal of Doubts and Validation) Ordinance, 1991 (U. P. Ordinance No. 33 of 1991), is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.