

The U.P. Abolition of Zare Chaharum Act, 1951

UTTAR PRADESH

India

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Rule THE-U-P-ABOLITION-OF-ZARE-CHAHARUM-ACT-1951 of 1951

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02.

Statement of Objects and Reasons. - The statement of Objects and Reasons were published in the U.P. Gazette, Extraordinary, dated 27th August, 1951. The bill was passed in Hindi by the U.P. Legislative Assembly on 6th of September, 1951 and by the U.P. Legislative Council on 11th of September, 1951. It received the assent of the President on 7th November, 1951 under Article 201 of the Indian Constitution. It was thereafter published in the U.P. Gazette, Extraordinary, dated 24th of November, 1951. The Act came into force with effect from 25th of November, 1951. [7th November, 1951] An Act for abolition of custom of Zare Chaharum Whereas it is expedient to provide for the abolition of the custom of Zare Chaharum; It is hereby enacted as follows:

1. Short title, extent and commencement.

(1) This Act may be called the U.P. Abolition of 'Zare Chaharum' Act, 1951. (2) It extends to the whole of Uttar Pradesh. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a) 'Zare Chaharum' means the right by whatever name known and whether based on custom or contract, of the landlord to receive a share or portion of the purchase price upon the sale of house or building. Explanation I. - "Sale" includes foreclosure of sale in execution of a decree. Explanation II. - "Landlord" means the Zamindar or proprietor of land occupied by house or other building. (b) "Rent" includes Ghardwari and Parjoti.

3. Abolition of the custom of Zare Chaharum.

- It is hereby declared that notwithstanding anything in any Wajib-ul-arz agreement, judgment decree or order of -a court, or any other document, the custom of 'Zare Chahaurm' shall be and is hereby abolished with effect from the 25th day of August, 1951.

4. Right of Zare Chaharum to be void.

- Notwithstanding anything contained in any custom, agreement or other document, no person, shall in respect of any sale so made on or after the 25th day of August, 1951, be entitled to realise on account of 'Zare Chaharum' whether from the seller or the purchaser, any share or portion of the purchase price of any house or building on land of which he is the landlord and any agreement for the payment of any such share or portion shall to that extent but no more be void with effect from the day aforesaid.

5. Agreement etc., to remain in force in respect of other matters.

- Whereby reason of Section 4 any promise for the payment of any amount by way of 'Zare Chaharum' has become void, the document containing the agreement shall, except to the extent aforesaid not thereby become void, any law to the contrary notwithstanding.

6. Suits in respect of liability incurred after August 25, 1951, to abate.

- Notwithstanding anything contained in any law for the time being in force all suits, application or proceedings for the recovery of any amount on account of 'Zare Chaharum' in respect of a sale made on or after the 25th day of August, 1951, shall abate and be dismissed but the cost shall be in the discretion of the court.

7. Right to enhance rent by suit.

(1)Notwithstanding anything contained in any contract or custom, it shall be lawful for landlord of any land in relation to which a right of 'Zare Chaharum' existed on the 24th day of August, 1951, to enhance by suit the rent payable therefor on the aforesaid:Provided firstly, that the enhancement is not more than 33 1/3 per centum of such rent:Provided secondly, that no enhancement shall be allowed if the landlord is proved to have at any time realised any amount on account of 'Zare Chaharum' in respect of any house or a building standing on the land.(2)Where rent payable for any land has been enhanced under sub-section (1) it shall not be enhanced a second time until the period of thirty three years has expired from the date on which the enhancement takes effect.

8. Order 2, Rule 2, C. P. C. not a bar to enhancement of rent under Section 7.

- Nothing in Order 2, Rule 2 of the Code of Civil Procedure, 1908, shall be deemed to preclude the landlord from bringing a suit for enhancement of rent under sub-section (1) of Section 7 by reason

merely of the institution of the suit referred to in Section 6.

9. Penalty.

- Whoever shall receive any amount on account of 'Zare Chahurm' in respect of sale made on or after the 25th day of August, 1951, shall be punishable with fine which may extend to twice the amount so levied or received and out of the fine so realized the court may direct that such portion on exceeding the amount paid by the seller or purchaser shall be refunded to the seller or, the purchaser as the case may be.