

The U.P. House Sites (Flood Affected Areas) (Temporary Powers) Act, 1957

UTTAR PRADESH

India

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Act 3 of 1958

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The U.P. House Sites (Flood Affected Areas) (Temporary Powers) Act, 1957(U.P. Act No. 3 of 1958)[Dated 19th January, 1958]Received the assent of the President on January 19, 1958 under Article 201 of the Constitution of India and was published in the U. P. Gazette, Extraordinary, dated January 22, 1958.(Authoritative English Text of the Uttar Pradesh Grihithai Baarh Pirhit Kshettra Asthayi Adhikar) Adhiniyam, 1957)An Act to provide for the continued occupation of house sites by the existing occupants thereof in areas affected by floods.Whereas Uttar Pradesh House Sites Flood Affected Areas (Temporary Powers) Ordinance, 1957 was promulgated by the Governor under Article 213 of the Constitution of India to provide for the continued occupation of house sites by the existing occupants in areas affected by the floods;And whereas it is expedient that the said Ordinance be replaced by an Act of the Legislature;It is hereby enacted in the Eighth Year of the Republic of India as follows :

1. Short title, extent and commencement.

(1)This Act may be called the Uttar Pradesh House Sites (Flood Affected Areas) (Temporary Powers) Act, 1957.(2)It extends to the whole of Uttar Pradesh.(3)[It shall come into force at once.] [In its application to the territories transferred from Bihar by or under the Bihar and U. P. Alteration of Boundaries Act, 1968, sub-section (3) stands omitted, vide U. P. Act 52 of 1976.]

2. Definitions.

- In this Act unless there is anything repugnant in the subject or context-(i)"Central Government" shall have the meaning assigned to it in Section 3 of the General Clauses Act, 1897;(ii)"flood-affected area" means such area as the State Government may from time to time by notification in the Official Gazette, specify in this behalf;(iii)"notified date" and "notified period" means such date and such

period as the State Government may, by notification in the Official Gazette, specify in this behalf;(iv)"prescribed" means prescribed by the rules made under this Act;(v)"State Government" means the Government of Uttar Pradesh.

3. Declaration regarding continued occupation of house sites by existing occupants in flood-affected areas.

(1)If in the opinion of the State Government it is necessary or expedient to rehabilitate persons affected by floods during the notified period in any area it may, by a notification in the Official Gazette, declare such area to be flood-affected area.(2)All house sites in a flood affected area, held or occupied on the notified date, for building purposes by any person in pursuance of any contract, custom or usage, the houses whereon have completely or partially fallen down or damaged owing to rain or floods, shall continue to be held or occupied by such persons, for such purposes subject to such terms and conditions as may be prescribed, and contract, custom or usage or provisions of any law to the contrary, notwithstanding :Provided that the house shall be reconstructed, remodelled or repaired by the holder or occupier of the house site within a period of one year or such further period as may by State Government be fixed by notification in the Official Gazette.(3)Nothing in this Act shall affect the terms and conditions under which the house site was originally held or occupied except in so far as under this Act the holder or occupier has been given the right to continue to hold or occupy the house sites as well as to repair, remodel or reconstruct his house.

4.

Nothing in this Act shall apply to house sites owned by the Central Government or the State Government or any Local Authority.

5.

(1)The State Government may make rules for the purpose of carrying into effect the provisions of this Act.(2)All rules made under this Act shall be laid for not less than fourteen days before the Legislature as soon as it is made,' and shall be subject to such modifications as the Legislature may make.

6. Repeal of U, P. Ordinance No. III of 1957.

- The Uttar Pradesh House Sites (Flood Affected Areas) (Temporary Powers) Ordinance, 1957, is hereby repealed and the provisions of Sections 6 and 24 of the U. P. General Clauses Act, 1904 shall apply to it as if it had been an enactment repealed by an U. P. Act.