

The U.P. Government Estates Thekedari Abolition (Re-Enactment and Validation) Act, 1970

UTTAR PRADESH

India

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Act 28 of 1970

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The U.P. Government Estates Thekedari Abolition (Re-Enactment and Validation) Act, 1970(U.P. Act No. 28 of 1970)Statements of Objects and Reasons. - The provisions of the Uttar Pradesh Government Estates Thekedari Abolition Act, 1958, were held to be ultra vires of the Consolidation by the Allahabad High Court in their judgment in Writ Petition No. 3043 of 1956 - Ganga Singh Chooramani and others v. State of Uttar Pradesh on the following grounds. First, that the ceiling imposed on the area under personal cultivation of a lessee under Section 4 (b) of this Act was lower than the ceiling imposed by the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960. Second that, the delay in introducing land reforms created doubts that the object of determination of the leases was not introduction of land reforms. The present Bill is being introduced to re-enact the Uttar Pradesh Government Estates Thekedari Abolition Act, 1958 with suitable amendments in the light of the judgment of the High Court and to validate the action already taken under that Act.The effect of the proposed amendments will be that a lessee having land under his personal cultivation will become a hereditary tenant of the entire area under his cultivation if such area together with area of other land held in Uttar Pradesh is equal to or less than the ceiling area applicable to him under the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960. In the event of the aggregate of the leased area under his personal cultivation and other area held by him in Uttar Pradesh being in excess of the ceiling area the excess area will be demarcated as surplus area under the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 and compensation for such surplus area will also be paid according to the provision of that Act.Section 6-B is being added with a view to make it obligatory to enforce the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, within three months of this enactment in area whether the leases were determined under Section 3 of the principal Act before the coming into force of this Act and within three months of every notification under Section 3 of the principal Act that may be issued in future.Published in U.P. Gazette, (Extraordinary), dated 18th July, 1970, at 3-4.An Act to re-enact the U.P. Government Estates Thekedari Abolition Act, 1958

with certain amendments and to validate action taken thereunder and to provide for matters connected therewith. It is hereby enacted in Twenty-first Year of the Republic of India as follows :

1. Short title.

- This Act may be called the Uttar Pradesh Government Estates Thekedari Abolition (Re-enactment and Validation) Act, 1970.

2. Re-enactment of U.P. Act I of 1959 with effect from June 20, 1964.

- The Uttar Pradesh Government Estates Thekedari Abolition Act, 1958, hereinafter referred to as the principal Act, is hereby, with effect from June 20, 1964, repealed and re-enacted with the amendments set out in Sections 3, 4, and 5. Amendments made by Sections 3 to 5 have been incorporated in the principal Act.

3. Validation.

- Notwithstanding any judgment, decree or order of any Court or Tribunal to the contrary anything done or purporting to have been done and any action taken or purporting to have been taken under any provision of the principal Act before the commencement of this Act, including in particular, any notification under sub-section (3) of Section 1, any determination of lease under Section 3, or the recovery of any of rents or other dues under Section 4 or the taking over of possession or charge of land or of books, accounts or other documents under Section 6 of the Act, shall be deemed to be, and always to have been as valid as if the provisions of this Act were in force at all material time.