

Uttar Pradesh Agricultural Tenants (Acquisition Of Privileges) (Amendment) And Miscellaneous Provisions Act, 1950

07 of 1950

[17 June 1950]

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SCHEDULE 1 :- SCHEDULE I

Uttar Pradesh Agricultural Tenants (Acquisition Of Privileges) (Amendment) And Miscellaneous Provisions Act, 1950

07 of 1950

[17 June 1950]

An Act to amend the United Provinces Agricultural Tenants (Acquisition of Privileges, Act, 1949 and to make certain other miscellaneous provisions with a view of facilitate the abolition of Zamindari. Whereas the Uttar Pradesh Agricultural Tenants (Acquisition of Privileges) (Amendment) and Miscellaneous Provisions Ordinance, 1950 was promulgated to amend the United Provinces Agricultural Tenants (Acquisition of Privileges) Act, 1949 and to make certain other miscellaneous provisions with a view to facilitate the abolition of Zamindari; And whereas it is expedient to replace the said Ordinance by an Act of the legislature; It is hereby

enacted as follows:-

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Uttar Pradesh Agricultural Tenants (Acquisition of Privileges) (Amendment) and Miscellaneous Provisions Act, 1950. (2) Sections 1 to 9 of this Act shall be deemed to have come into force from the date of commencement of the United Provinces Agricultural Tenants (Acquisition of Privileges) Act, 1949 (hereinafter called the principal Act), and sections 10 and 11 shall be deemed to be in force with effect from the 29th day of January, 1950. (3) For the removal of doubts it is hereby declared that all orders made, proceedings taken, declarations granted and jurisdiction exercised, under and at any time during the continuance of the principal Act, shall be good and valid in law as if the said Act, as amended by sub-section (2), had been in force at all material dates. (4) It extends to areas to which the principal Act applies. Sections 10 and 11 shall also extend to the area, which on the 30th day of November, 1949 was included in the Banaras State as defined in the Banaras State (Administration) Order, 1949.

2. Section 2 :-

(Incorporated in section 3 of U.P. Act X of 1949).

3. Section 3 :-

(Inserted as sections 3-A, 3-B and 3 C in U.P. Act X of 1949).

4. Section 4 :-

(Incorporated in section 4 of U.P. Act X of 1949).

5. Section 5 :-

(Incorporated in section 6 of U.P. Act X of 1949).

6. Section 6 :-

(Incorporated in section 7 of U.P. Act X of 1949).

7. Section 7 :-

(Inserted as section 7-4 of U.P. Act X of 1949).

8. Section 8 :-

(Incorporated in section 12 of U.P. Act X of 1949).

9. Section 9 :-

(Incorporated in section 16 of U.P. Act X of 1949).

10. Stay Of Suits, Applications Or Proceedings :-

Notwithstanding anything contained in any law for the time being

in force, all suits, applications or proceedings of the category specified in the Schedule pending on the date of the commencement of this Act or which may hereafter be instituted, presented or commenced shall be and remain stayed for so long as this Act remains in force: 1[Provided that the State Government may, at any time, by notification in the official Gazette declare that any such categories of suits, applications, proceedings or any particular class thereof and in such local area as the State Government may specify, stayed as aforesaid shall cease to remain stayed: Provided further that the State Government may likewise cancel the notification issued under the next preceding proviso and thereupon such suit, applications or proceedings shall again remain stayed.] 1 Substituted by Section 4 of U.P. Act XXIII of 1951.

11. Excision From The Period Of Limitation :-

In computing the period of limitation for any suit, application or proceedings of the classes specified in the Schedule, instituted, presented or commenced after the expiry of this Act, which might have otherwise been instituted, presented or commenced during the period this Act remains in force, the period during which this Act remains in force shall be excluded.

12. Repeal Of U.P. Ordinance No Iii Of 1950 :-

The Uttar Pradesh Agricultural Tenants (Acquisition of Privileges) (Amendment) and Miscellaneous provisions Ordinance, 1950, 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 Act repealed by an United Provinces Act.

SCHEDULE 1

SCHEDULE I

(Section 10)

- I. - Under the United Provinces Revenue Act, 1901 (U.P. Act III of 1901) -Suits applications or proceedings relating to partition under Chapter VII.
- II. - Under the United Provinces Encumbered Estates Act, 1934 (U.P. Act XXV of 1934)- Proceedings under Chapter V except proceedings for the recovery of instalments ordered under section 27 or section 28 or proceedings under sections 41 and 42.
- III. - Under the United Provinces Tenancy Act, 1939 (U.P. Act XVII of 1939)- Suits, applications or proceedings under sections 63, 114, 117 175, 180 (other than suits in which the plaintiff is a tenant), 181 (about applications and proceedings relating to the last two classes).
- IV. - Suits, applications or proceedings under the following section of the Banaras State Tenancy Act (Act No. III of 1949) - 97. 99. 154.159 (except suits in which plaintiffs are tenants).
- V. Under the United Provinces Regulation of Agricultural Credit Act, 1940 (U.P. Act

XIV of 1940)- Proceedings under section 24 except in so far as they relate to fixed rate tenants.