

CALCUTTA THIKA TENANCY STAY OF PROCEEDINGS (TEMPORARY PROVISIONS) ACT, 1968

Presidenes Act No. 3, of 1968 THE CALCUTTA THIKA TENANCY STAY OF PROCEEDINGS (TEMPORARY PROVISIONS) ACT, 1968 (26th March, 1968.) Enacted by the President in the Nineteenth Year of the Republic of India. An Act to provide for the temporary stay o/ proceedings for ejectment of thika tenants. In exercise of the powers conferred by section 3 of the West Bengal, State Legisla.ture (Delegation of Powers) Acis 1968, the President is pleased to enact as follows (1) This Act may be called the Calcutta Thika Short title, Tenancy Stay of Proceedings (Temporary Provisions) Acj, extent, oommerjee- 1968. ment tund (2) It, extends to the areas to which the Calcutta Thika duration• 6 of 1908. west Bengal Act 11 of 1949. Bengal Aot 11 of 1949. west Bengal o Act 11 of 1949. Tenancy Act, 1949 extends. z (3) It shall be deemed to have come into force on the 26th day of August, 1967 ancl shall remain in force up to and ine,ausive of the 25th day of September, 1968

2. In this Act, the expression ' 'thilca tenant" has the same meaning as iu the Calcutta Thika Tenancy Act, 1949.3, Notwithstanding anything contained in the Calcutta Thika, Tenaucy Act, 1949 or-in any other law for the time being in force,— (a) all applications for ejectment of th.ika. tenants, (b) all appeals from orders made on such applications, and (c) all proceedings in execution of orders for ejectment of thilca tenants, under the provisions of the said Calcutta T/bika Tenancy Act which are pending at the date of commencement of this Act or which may be made, preferred or commenced after such date but before the expiry of this Act, shall be stayed for the period during which this Act continues in force. Defin ition. Stay of procee- dings for ejectment of thiku tenants. 2 The, Calcutta Thika Tenancy Stay of Proceedings (Temporary Provisions) Act, 1968. [President'S Act Limitation

4. In eOmpu,ting hãie ijOieOd bf oiimitati01Y prescribed by saving.any law for the time being iu force for an application for the ejectment of a thi/ca tenant or for an appeal from an order made on such application (jr for the execution of an order for ejectment (Yf a thika tenant, the period during which this Act continues in foree shall be excluded. 5. (1) The Calcutta I'llika Tenancy Stay of Proceedi11Ås West (Temporary Provisions) Second Ordinance, 1968 is hereby Bengal Ordinance repealed. 1 of 1968. (2) Notwithstanding sxie,h repeal, any order made or deemed to have been made, thing done or deemed to have been done or action taken or deemed to have been taken under the said Ordinance shall continue to be in force and •shall be deemed to have been made, done or taken, as the case may be, under this Act. The Calcutta Thika Tenancy Stay of Proceedinge (Temporary 3 Provisions) Act, 1968. 3 of 1968.] Reasons for 'the enactment Vnder -the Calcutta Thika Tenancy Act, 1949 (West a thika tenant is liable to Bengal Act 11 of 1949), ejectment from his holding on one or more of the grounds Inentioned in that Act. Of late the problem of e'jectment of tlbi.k.a, tenants has assumed considerable magnitude particularly in the •context of soaring land prices. The Government of West Bengal, therefore, proposed to under- take a. comprehensive legislation •for amending the Act; with a view to preventing unfair eviction of thii/ca tenants. Pending such a comprehensive amendment, of the Act which would take some time, it was considered expedient by that G(jvermnent to suspend temporarily all proceedings for ejectment of thika. tenants

2. As ihe West Bengal Legislature was not in session and in view of the urgency of the matter, the Calcutta Thika.Tenancy Stay of Proceedings (Temporary Provisions) Ordinance, 1967 (West Bengal Ordinance No. V of 1967) Ivas accordingly promulgated bv the Governor of West Bengal on. the 26th August, 1567. A session of the West Bengal Legislature was held on the 29th November, 1967, but it was suddenly prorogued. As the Ordinance was due to expire 011 the 9th Janraary, 1968 and as proposals for amendment of the Calcutta Tenancy Act were yet to be finalised, the Calcutta 'Thika Tenancy Stay of Proceedings (Tem,porary Provisions) Second Ordinance, 1968 (West Bengal Ordinance No. T of 1968) was pronulgated by the Governor of West Bengal to continue the provisions of the first Ordinance

3. The proposed measure seeks to replace the Calcutta 7 hil:a Tenancy- Stay of Proceedings (T'enmporary Provisions) Second Ordinance, 1968 (West Bengal Ordinance No.I of 1968)

4. As it is not practicable to refer the present legisla- tion to the Consultative Committee of Parliament on West Bengal Legislation, it has been decided, ill view of the Iligency of the matter, to enact the present legislation without such reference.WBGP-6S/9-25SA-4J1

