

# President's 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 of proceedings for ejectment of thika tenants.*

6 of 1968. In exercise of the powers conferred by section 3 of the West Bengal, State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows:—

1. (1) This Act may be called the Calcutta *Thika* Tenancy Stay of Proceedings (Temporary Provisions) Act, 1968. Short title, extent, commencement and duration.

West Bengal Act II of 1949.

(2) It extends to the areas to which the Calcutta *Thika* Tenancy Act, 1949 extends. z

(3) It shall be deemed to have come into force on the 26th day of August, 1967 and shall remain in force up to and inclusive of the 25th day of September, 1968.

West Bengal Act II of 1949.

2. In this Act, the expression "*thika* tenant" has the same meaning as in the Calcutta *Thika* Tenancy Act, 1949. Definition.

West Bengal Act II of 1949.

3. Notwithstanding anything contained in the Calcutta *Thika* Tenancy Act, 1949 or in any other law for the time being in force,— Stay of proceedings for ejectment of *thika* tenants.

- (a) all applications for ejectment of *thika* tenants,
- (b) all appeals from orders made on such applications, and
- (c) all proceedings in execution of orders for ejectment of *thika* tenants,

under the provisions of the said Calcutta *Thika* 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.

2 *The Calcutta Thika Tenancy Stay of Proceedings (Temporary Provisions) Act, 1968.*

[President's Act]

Limitation.

4. In computing the period of limitation prescribed by any law for the time being in force for an application for the ejectment of a *thika* tenant or for an appeal from an order made on such application or for the execution of an order for ejectment of a *thika* tenant, the period during which this Act continues in force shall be excluded.

Repeal  
and  
saving.

5. (1) The Calcutta *Thika* Tenancy Stay of Proceedings (Temporary Provisions) Second Ordinance, 1968 is hereby repealed.

West  
Bengal  
Ordinance  
I of 1968.

(2) Notwithstanding such 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 Proceedings (Temporary Provisions) Act, 1968.*

3 of 1968.]

*Reasons for the enactment*

Under the Calcutta *Thika* Tenancy Act, 1949 (West Bengal Act II of 1949), a *thika* tenant is liable to ejectment from his holding on one or more of the grounds mentioned in that Act. Of late the problem of ejectment of *thika* tenants has assumed considerable magnitude particularly in the context of soaring land prices. The Government of West Bengal, therefore, proposed to undertake a comprehensive legislation for amending the Act with a view to preventing unfair eviction of *thika* tenants. Pending such a comprehensive amendment of the Act which would take some time, it was considered expedient by that Government to suspend temporarily all proceedings for ejectment of *thika* tenants.

2. As the 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) was accordingly promulgated by the Governor of West Bengal on the 26th August, 1967. 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 on the 9th January, 1968 and as proposals for amendment of the Calcutta *Thika* Tenancy Act were yet to be finalised, the Calcutta *Thika* Tenancy Stay of Proceedings (Temporary Provisions) Second Ordinance, 1968 (West Bengal Ordinance No. I of 1968) was promulgated by the Governor of West Bengal to continue the provisions of the first Ordinance.

3. The proposed measure seeks to replace the Calcutta *Thika* Tenancy Stay of Proceedings (Temporary Provisions) Second Ordinance, 1968 (West Bengal Ordinance No. I of 1968).

4. As it is not practicable to refer the present legislation to the Consultative Committee of Parliament on West Bengal Legislation, it has been decided, in view of the urgency of the matter, to enact the present legislation without such reference.