

THE UTTAR PRADESH HOUSE SITES (FLOOD AFFECTED
AREAS) (TEMPORARY POWERS) ACT, 1957¹

[U. P. Act NO. III of 1958]

Amended by

U. P. Act no. 52 of 1976

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on December 12, 1957 and by the Uttar Pradesh Legislative Council on December 20, 1957.]

Received the assent of the President on January 19, 1958, under Article 201 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated January 22, 1958.]

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ACT

to provide for the continued occupation of house sites by the existing occupants thereof in areas affected by floods.

U. P. Ordinance
no. III of 1957

WHEREAS the 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 : —

**Short title and
commencement**

1. (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.

²[(3) It shall come into force at once.]

Definitions

2. In this Act unless there is anything repugnant in the subject or context —

**Act no. X of
1897**

(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

1. For Statement of Objects and Reasons see *Uttar Pradesh Gazette Extraordinary*, dated December 3, 1957

2. [In its application to the territories transferred from Bihar by or under the Bihar and Uttar Pradesh \(Alteration of Boundaries\) Act, 1968, sub-section \(3\) stands omitted, vide U. P. Act no. 52 of 1976.](#)

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, and

(v) “State Government” means the Government of Uttar Pradesh.

**Declaration
regarding
continued
occupation of
houses sites by
existing
occupants in
flood-affected
areas**

3. (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 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 rains 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, any contract, custom or usage or provisions of any law to the contrary, notwithstanding ;

Provided that the house shall be reconstructed, remodeled 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 site as well as to repair, remodel or reconstruct his house.

Exception

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

**Rule making
power**

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 State Legislature as soon as they are made and shall be subject to such modifications as the Legislature may make.

**Repeal of U. P.
Ordinance no.
III of 1957**

**U. P. Act no. 1
of 1904**

6. 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.

