

# THE U. P. ABOLITION OF ZARE CHAHARUM ACT, 1951<sup>1</sup>

(U. P. Act no. XXX of 1951)

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on Sep. 6, 1951, and by the Uttar Pradesh Legislative Council on September 11, 1951.]

Received the assent of the President on Nov. 7, 1951, under Article 201 of the Constitution of India and was published in *Gaz. Extra*. November 24, 1951.]

**AN**

**ACT**

*for abolition of the custom of Zare Chaharum*

Whereas it is expedient to provide for the abolition of the custom of Zare Chaharum ;

It is hereby enacted as follows :

**Short title  
extent and  
commencement**

**1.** (1) This Act may be called the U.P. Abolition of Zare Chaharum Act, 1951.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

**Definition**

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

(a) “Zare Chaharum” means the right by whatever name know and whether based on custom or contract, of the landlord to receive a share or portion of the purchase price upon the sale of a house or building.

**Explanation I**—“Sale” includes foreclosure of sale in execution of a decree.

**Explanation II**—“Landlord” means the zamindar or proprietor of the land occupied by house or other building.

(b) Rent includes Ghardwari and Parjoti.

**Abolition of  
the custom of  
Zare Chaharum**

**3.** It is hereby declared that notwithstanding anything in any Wazib-ul-arz, agreement, judgement, decree or order of a court, or any other document , the custom of Zare Chaharum shall be and is hereby abolished with effect from the 25<sup>th</sup> day of August, 1951.

**Right to Zare  
Chaharum to  
be void**

**4.** Notwithstanding anything contained in any custom, agreement or other document, no person shall, in respect of any sale made on or after the 25<sup>th</sup> day of August, 1951, be entitled to realise on account of Zare Chaharum, whether from the seller or

1. For S. O. R., see *Gaz. Extra*, d. Aug 27, 1951 ; for discussion, see L. A. Pro., d. Aug. 29, 1951, in Vol. XCVI, P. 181, d. sep. 6, 1951, in Vol. XCVII. pp. 237–240, d. March 7, 1952, in Vol. C., p. 22 and L.C. ro., d. Sep. 11, 1951, in Vol. XXIII, 278-279, d. march 7, 1952 in Vol. XXIV, p. 292.

the purchaser, any share or portion of the purchase price of any house or building on land of which he is the landlord and any agreement for the payment of any such share or portion shall to that extent but no more be void with effect from the day aforesaid.

**Agreement,  
etc. to remain  
in force in  
respect of  
other matters**

**5.** Where by reason of section 4 any promise for the payment of any amount by way of Zare Chaharum has become void, the document containing the agreement shall, except to the extent aforesaid not thereby become void, any law to the Contrary notwithstanding.

**Suits in  
respect of  
liability  
incurred after  
August, 25,  
1951, to  
abate.**

**6.** Notwithstanding anything contained in any law for the time being in force all suits, application or proceedings for the recovery of any amount on account of Zare Chaharum in respect of a sale made on or after 25<sup>th</sup> day of August, 1951, shall abate and be dismissed but the cost shall be in the discretion of the court.

**Right to  
enhance rent  
by suit**

**7. (1)** Notwithstanding anything contained in any contract or custom, it shall be lawful for landlord of any land in relation to which a right of Zare Chaharum existed on the 24<sup>th</sup> day of August, 1951, to enhance by suit the rent payable therefore on the day aforesaid:

Provided firstly, that the enhancement is not more than 33 1/3 per centum of such rent :

Provided secondly, that no enhancement shall be allowed if the landlord is proved to have at any time realized any amount on account of Zare Chaharum in respect of any house or a building standing on the land :

(2) Where rent payable for any land has been enhanced under sub-section (1) it shall not be enhanced a second time until the period of thirty-three years has expired from the date on which the enhancement takes effect.

**Order 2, Rule  
2, C.P.C, not a  
bar to  
enhancement  
of rent under  
section 7.**

**8.** Nothing in Order, 2, Rule 2 of the Code of Civil Procedure, 1908, shall be deemed to preclude the landlord from bringing a suit for enhancement of rent under sub-section (1) of section 7 by reason merely of the institution of the suit referred to in section 6.

**Penalty**

**9.** Whoever shall receive any amount on account of Zare Chaharum in respect of a sale made on or after the 25<sup>th</sup> day of August, 1951, shall be punishable with fine which may extend to twice the amount so levied or received and out of the fine realized in the court may direct that such portion not exceeding the amount paid by the seller or purchaser shall be refunded to the seller or, the purchaser as the case may be.