

L. A. Bill No. 37 of 1957.

**THE KERALA STAY OF EVICTION PROCEEDINGS
(SECOND AMENDMENT) BILL, 1957**

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A
Bill

further to amend the Kerala Stay of Eviction Proceedings Act, 1957.

Preamble.—WHEREAS it is expedient further to amend the Kerala Stay of Eviction Proceedings Act, 1957, for the purposes hereinafter appearing ;

BE it enacted in the Eighth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Stay of Eviction Proceedings (Second Amendment) Act, 1957.

(2) It shall come into force at once.

2. *Amendment of section 1.*—In sub-section (3) of section 1 of the Kerala Stay of Eviction Proceedings Act, 1957 (Act 1 of 1957) (hereinafter referred to as the principal Act), for the expression “11th day of October, 1957”, the expression “11th day of April, 1958” shall be substituted.

3. *Amendment of section 4.*—In section 4 of the principal Act, for the words and figures “accrued due before the commencement of the Kerala Stay of Eviction Proceedings Ordinance, 1957”, the words and figures “accrued due before the 11th day of April, 1956”, shall be substituted.

4. *Continuance of suits and proceedings.*—All suits, proceedings in execution of decrees or orders and other proceedings stayed by section 4 of the principal Act as it stood before its amendment by this Act and pending in the Courts at the commencement of this Act may, in so far as they relate to arrears of rent in respect of, or damages for use and occupation of, the holding, accrued due on or after the 11th day of April, 1956, be proceeded with or continued from the stage at which they were stayed.

5. *Repeal.*—The Kerala Stay of Eviction Proceedings (Amendment) Ordinance, 1957 (Ordinance No. 4 of 1957), is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The Kerala Stay of Eviction Proceedings Act, 1957, which was enacted to provide for the temporary protection of tenants, kudikidappukars and persons cultivating land on varam, sambalapattom or similar arrangements pending the enactment of a comprehensive legislation relating to tenancy and agrarian reforms, was due to expire on the 11th October, 1957. As the

comprehensive legislation mentioned labove had not been finalised and as the Legislative Assembly was not in session, the Kerala Stay of Eviction Proceedings (Amendment) Ordinance, 1957, was promulgated by the Governor on the 8th October, 1957, to extend the life of the Act up to the 11th April 1958. Since the contemplated comprehensive legislation cannot be brought into operation before the Ordinance ceases to operate it is necessary to replace the Ordinance by an Act of the Legislature.

2. It is also considered necessary to amend section 4 of the Kerala Stay of Eviction Proceedings Act, 1957, so that arrears of rent accruing subsequent to 11th April 1956 may also be realised, thus restricting the operation of the stay to arrears prior to 11-4-1956 only.

3. The Bill is intended to achieve the above objects.

K. R. GOURI.

Extracts from the Kerala Stay of Eviction Proceedings Act, 1957
(Act 1 of 1957)

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1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Stay of Eviction Proceedings Act, 1957.

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(3) It shall come into force at once and shall cease to have effect on the 11th day of October 1957.

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4. *Stay of eviction proceedings.*—Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, with effect on and from the commencement of this Act, no suit or other proceedings for eviction of a person from his holding or for the recovery of arrears of rent in respect of, or for damages for use and occupation of, the holding accrued due before the commencement of the Kerala Stay of Eviction Proceedings Ordinance, 1957, shall lie in any Court and all suits, proceedings in execution of decrees or orders and other proceedings pending in the Courts at such commencement for such eviction or recovery of arrears of such rent or damages shall be stayed.
