

Andhra Pradesh Land Licensed Cultivators Act, 2011

ANDHRA PRADESH

India

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Act 18 of 2011

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Andhra Pradesh Land Licensed Cultivators Act, 2011(Act No. 18 of 2011)Statement of Objects and Reasons:-Agriculture farming in Andhra Pradesh is undergoing several changes with large number of farmers, both big and small, are switching over to other professions and white collar jobs, whereby actual cultivation of the lands is taken up by the tenant farmers whose names remain unrecorded whereby such cultivators are not eligible for institutional finance and a range of other public benefit to such as compensation in the event of natural calamities, input subsidy such as seeds, subsidised fertilizers, pesticides and implements, crop insurance etc., since these benefits go to the registered owner of the land. Hence these cultivators are eventually driven into the informal credit market which supplies loans at very high rate of interest which greatly adds to the cost of cultivation.The Jayathi Ghosh commission set to study the status of farmers in A.P., submitted its report in 2005 wherein among others, it recommended that tenant farmers as actual cultivators should be recorded carefully and should be entitled to various benefits provided by Govt. to other farmers including loans from public financial institutions and subsidized inputs, and compensation for losses during calamities etc. Likewise the Koneru Ranga Rao Land Committee in its report submitted in 2006 recommended that Loan Eligibility Cards should be issued to the tenant farmers to enable them to access bank credit and subsidy and other benefits from Govt. Agencies without creating fear among the land records about curtailment of their land rights.It is equally important to address the Food security concern expressed by several experts across the world and in our country. In that context there is imminent necessary to provide suitable support to actual cultivators.In consonance with the above recommendations the Govt. of Andhra Pradesh proposes to introduce a draft Bill to recognize the rights in crop of the licensed cultivators of land with the following salient features:(1) To provide Loan and Other Benefits Eligibility Cards to licensed cultivators of land.(2) To provide licenced cultivators access to public financial institutions for loan, crop insurance, input subsidy, agricultural inputs etc.(3) To claim damages of crop on the strength of the Loan and Other Benefits Eligibility Card.(4) To create confidence among licenced cultivators.(5) To safeguard the rights of landowners or pattadar of land.Appended to LA Bill No. 7 of 2011, Published in Andhra Pradesh Gazette Part IV-A, Ext No. 7, dated 25-3-2011This Bill seeks to give effect to the above decision.Published in the Andhra Pradesh Gazette, Part 4-B, Extraordinary, No. 27, dated 23-12-2011,The following Act of the Andhra Pradesh Legislature, received the assent of the

Governor on the 22nd December, 2011 and the said assent is hereby first published on the 23rd December, 2011 in the Andhra Pradesh Gazette for general information: An Act to provide loan and other benefits eligibility card to the farmers, who raise crops with express or implied permission of owner or pattadar of land, but have no record for such enjoyment without effecting the rights of owners, enabling them to access credit from the public financial institutions and to claim benefits of input subsidy, crop insurance, compensation for damage to crop and for matters connected therewith and incidental thereto. Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-second Year of the Republic of India as follows:

1. Short title, extent and commencement:

(1) This Act may be called "The Andhra Pradesh Land Licensed Cultivators Act, 2011". (2) It extends to the whole of the State of Andhra Pradesh. (3) It shall be deemed to have come into force with effect on and from the 7th June, 2011.

2. Definitions:

- In this Act, unless the context otherwise requires: (1) "Agricultural Land" means land, which is used or is capable of being used for the purposes of agriculture crop, other than Government Land or land assigned by the Government to the poor for agricultural purpose; (2) "Agricultural Year" means the year commencing on the 1st day of May; (3) "Crop" includes:-(i) all crops of food grains, pulses, oil seeds, vegetables, Jute, cotton, chillies, sugarcane, grass, tobacco; (ii) horticulture, spices; (iii) mulberry; and (iv) any crop as may be notified by the Government. (4) "Eligibility Card" means the Loan and Other Benefits Eligibility Card issued under Section 3; (5) "Government" means the State Government of Andhra Pradesh; (6) "Member of the family" means spouse, sons, daughters and parents; (7) "Licensed cultivator of Land" means and includes the farmers who cultivate the land of others with express or implied permission, either on payment of rent or any other means of consideration without exclusive possession, for one year or until the duration of crop whichever is later and whose names are not recorded in any of the revenue registers concerned to that particular land: Provided that the licensed cultivator shall not be a member of the family of the owner/pattadar of the land concerned; (8) "Prescribed" means prescribed by rules made by the Government under this Act; (9) "Revenue Officer" means Deputy Tahsildar, Mandal Revenue Inspector and Village Revenue Officer as may be specified; (10) "Notification" means the notification published in the Andhra Pradesh Gazette or the District Gazette and the word 'notified' shall be construed accordingly. (11) The words and phrases which are used but not defined in this Act shall have same meaning as provided in the Andhra Pradesh Record of Rights in Land and Pattadar Pass Books Act, 1971 (Act 26 of 1971).

3. Issue of Loan Eligibility Card:

(1) On and from the date of commencement of the Act, every licensed cultivator, who requires a Loan and Other Benefits Eligibility Card, shall be entitled to enter his name in the register of loan and other benefits in respect of concerned land, maintained for such period and in such manner as may be prescribed. (2) On such entry in the records, every licensed cultivator shall be entitled for a Loan

and Other Benefits Eligibility Card, to be issued by the Revenue Officer.(3)The Eligibility Card issued to a cultivator, shall create only a right on the crop raised therein and no rights whatsoever shall accrue on the land.(4)The licensed cultivator may be entitled to secure crop loan from any Public Financial Institution, crop insurance, input subsidy in his name and other claims of damage to the crop raised over the said land on the production of the Eligibility Card, subject to the norms governing these benefits, but it does not create or confer any right of possession, tenancy or interest of whatsoever nature over the land under the licensed cultivation.(5)The licensed cultivators whose names are entered in the said record, specified in this section are entitled to possess an Eligibility Card ordinarily for the concerned year only but it may be for a further period depending on the duration of the crop raised together with the explicit or implicit permission of the owner of the land, enabling them to get benefits specified in the said card.(6)The Public Financial Institutions may sanction crop loan only on production of Eligibility Card without insisting the production of any revenue record.(7)The farmers, who had occupancy right in land either under the Tenancy Laws or under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, or other revenue laws and got their names recorded in concerned registers are excluded from the benefit under this Act.(8)The Eligibility Card, issued shall ordinarily be valid for one agricultural year but it may be issued for longer period or renewed where long duration crops are taken up.(9)The Revenue Officer shall finish the list of card holders prepared in sub-section (2) to the Public Financial Institutions in advance for sanctioning Crop Loan.(10)The Owner or Pattadar of land inspite of the land given on licensed cultivation is entitled to get loans, other than the crop loan, from Public Financial Institutions on security of said land.

4. Applicability in the Scheduled Areas:

- In this Scheduled Areas of the State of Andhra Pradesh, this Act shall apply to licensed cultivators who belong to Scheduled Tribes notified within the Agency area only.

5. Appellate Authority:

- Any person aggrieved by the decision of the Revenue Officer, in matters concerned with Eligibility Card, may prefer an appeal to Tahsildar of the Revenue Mandal in the prescribed manner and the appellate authority shall dispose of the appeal by summary enquiry within, fifteen (15) days and its decision shall be final.

6. Nodal Agency:

- The Chief Commissioner of Land Administration shall be the Nodal Agency for the purpose of this Act and the Agency may from time to time issue such orders and instructions as may be necessary to implement the provisions of the Act and the rules made thereunder and to achieve the object of the Act.

7. Protection of persons acting in good faith:

- No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

8. Act to override other laws:

- The provisions of this Act, shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force, except the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (Regulation No. 1 of 1959).

9. Bar of Jurisdiction of Civil Courts:

- No decision made or order passed or proceeding taken by any Officer or Authority or the Government under this Act, shall be called in question before a Civil Court in any suit, application or other proceeding and no injunction shall be granted by any Court in respect of any proceeding taken or about to be taken by such Officer or Authority or Government in pursuance of any power conferred by or under this Act.

10. Power to remove difficulty:

- If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, within a period of three years from the commencement of this Act, by order published in the Gazette, make such provision as appears to it to be necessary, or expedient for removing the difficulty.

11. Power to make rules:

(1)The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not ion, in the session immediately following for a total period of fourteen dads which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature of the State agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. Repeal of Ordinance 1 of 2011:

- The Andhra Pradesh Land Licensed Cultivators Ordinance 2011 is hereby repealed.