

Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959

ANDHRA PRADESH

India

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Act 1 of 1959

- Published on 4 March 1959
- Commenced on 4 March 1959
- [This is the version of this document from 4 March 1959.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959(Regulation No. 1 of 1959)Last Updated 30th November, 2019[Dated 04.03.1959]A Regulation to regulate the transfers of land in the Scheduled Areas of the East Godavari, West Godavari, Visakhapatnam Srikakulam [Adilabad, Warangal, Khammamand Mhaboobnagar] [Inserted by Regulation II of 1970. w.e.f. date 1-12-63.] districts of Andhra Pradesh.Be it enacted in the Tenth Year of the Republic of India as follows:

1. Short title and commencement.

(1)This Regulation may be called the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959.(2)It shall come into force at once.

2. Definitions.

- In this Regulation, unless the context otherwise requires:-(a)"Agency tracts" means the Areas in the districts of East Godavari, West Godavari, Visakhapatnam Srikakulam, [Adilabad, Warangal, Khammamand Mhaboobnagar] [Inserted by Regulation II of 1970. w.e.f. date 1-12-63.] declared from time to time as Scheduled Areas by the President under sub-paragraph (1) of paragraph 6 of the Fifth Schedule to the Constitution;(b)"Agent" means the person designated by the State Government as an "Agent to the Government" in the districts of East Godavari, West Godavari, Visakhapatnam, Srikakulam, Adilabad, Warangal, Khammam or Mahaboobnagar] as the case may be;(c)"Agency Divisional Officer" means the person designated by the State Government as "Agency Divisional Officer" for the purposes of this Regulation;(d)["Immovable property" includes standing crops, timber and trees, but does not include growing grass.] [Clause (d) is substituted as per A.P. Scheduled Areas Land Transfer (Amendment) Regulation, 1978.](e)"Prescribed" means prescribed in rules made unders this regulation;(f)["Scheduled Tribe" means any tribe or tribal community or

part of or group within any tribe or tribal community and specified as such in relation to the State of Andhra Pradesh by a Public notification by the President under clause (1) of Article 342 of the Constitution'.] [Clause (f) is substituted as per the Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation, 1978.](g)"Transfer" means mortgage with or without possession lease, sale, gift, exchange or any other dealing with immovable property, not being a testamentary disposition and includes a charge on such property or a contract relating to such property in respect of such mortgage, lease, sale, gift, exchange or other dealing.

3. Transfer of immovable property by a member of a Schedule Tribe.

- [(1) (a) Notwithstanding anything in any enactment, rule or law in force in the Agency tracts any transfer of immovable property situated in the Agency tracts by a person. Whether or not such person is a member of a Scheduled Tribe, shall be absolutely null and void, unless such transfer is made in favour of person, who is a member of a Scheduled Tribe or a society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964 (Act 7 of 1964) which is composed solely of members of the Scheduled Tribes.(b)Until the contrary is proved, any immovable property situated in the Agency tracts and in the possession of a person who is not a member of Scheduled Tribe, shall be presumed to have been acquired by person or his predecessor in possession through a transfer made to him by a member of a Scheduled Tribe.(c)Where a person intending to sell his land is not able to effect such sale, by reason of the fact that no member of a Scheduled Tribe is willing to purchase the land or is willing to purchase the land on the terms offered by such person, then such person may apply to the Agent, the Agency Divisional Officer or any other prescribed officer for the acquisition of such land by the State Government, and the Agent, Agency Divisional Officer or the prescribed officer, as the case may be, may by order, take over such land on payment of compensation in accordance with the principles specified in Section 10 of the Andhra Pradesh Ceiling on Agricultural Holdings Act, 1961 (Act X of 1961), and such land shall thereupon vest in the State government free from all encumbrances and shall be disposed of in favour of members of the Scheduled Tribes or a society registered or deemed to be registered under the Andhra Pradesh Cooperative Societies Act, 1964 (Act 7 of 1964) composed solely of members of the Scheduled Tribes or in such other manner and subject to such conditions as may be prescribed];(2)(a)Where a transfer of immovable property is made in contravention ,of sub-section (1), the Agent, The Agency Divisional Officer or any other prescribed Officer may, on application by any one interested, or on information given in writing by a public servant, or suo motu decree ejectment against any person in possession of the property claiming under the transfer, after due notice to him in the manner prescribed and may restore it to the transfer or his heirs.(b)If the transfer or his heirs are not willing to take back the property or where their whereabouts are not known, the Agent, the Agency Divisional Officer or prescribed officer, as the case may be, may order the assignment or sale of the property to any other member of a Scheduled Tribe [or a society registered or deemed to be registered under any law relating to Co-operative Societies for the time being in force in the State] [Inserted by Regulation 1 of 1971.] composed solely of members of the Scheduled Tribes, or otherwise dispose of it, as if it was a property at the disposal of State Government.(3)(a)Subject to such conditions as may be prescribed, an appeal against any decree or order under subsection (2), shall lie within such times as may be prescribed-(i)if the decree or order was passed by the Agent, to the State Government;(ii)if the decree or order was passed by the

Agency Divisional Officer, to the Agent; and(iii)if the decree or order was passed by any other officer, to the Agency Divisional Officer or Agent, as may be prescribed.(b)The appellate authority may entertain an appeal on sufficient cause being shown after the expiry of the time limit prescribed therefor.(4)[For the purposes of this section, the expression 'transfer' includes a sale in execution of a decree and also a transfer made by a member of a Scheduled Tribe in favour of any other member of a Scheduled Tribe benami for the benefit of a person who is not a member of a Scheduled Tribe; but does not include a partition or a devolution by succession] [Sub-section (4) inserted by regulation 1 of 1970.]

3A. [Special provision in respect of mortgages without possession. [Section 3A inserted by Regulation 1 of 1971.]

- Notwithstanding anything contained in this Regulation or in any enactment, rule or law in force in the Agency tracts, - (1) any person, whether or not such person is member of a Schedule Tribe, may, subject to the provisions of Clause (2) mortgage without possession, any immovable property situated in the Agency tracts, to any Co-operative Society including a land mortgage bank, or to any [XXX] bank or other financial institution approved by the State Government;][Explanation. [Explanation is inserted as per Amendment Regulation 1 of 1978.] - For the purposes of this clause, 'a bank' means a banking company as defined in Clause (c) of Section 5 of the Banking Regulation Act, 1949 and includes the State Bank of India constituted under the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank as specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963, a Regional Rural Bank established under the Regional Rural Banks Act, 1976, and any other banking institution notified by the Central Government under Section 51 of the Banking Regulation Act, 1949;] [Sub-section (1) substituted by regulation 1 of 1970.](2)In respect of every mortgage which was executed at any time either before or after the date of commencement of the Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation, 1971, in the event of the immovable property so mortgaged or any part thereof being brought to sale in default of payment of the mortgage money or the interest thereof or for any other purpose, the said property shall be sold only to a member of a scheduled Tribe or a society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1954 (Act 7 of 1954) which is composed solely of members of the Scheduled Tribes.Explanation. - For the purpose of Section 3-B, and this section a Cooperative Society having as its members a]l or any of the following, namely:-(a)the individual members of the Scheduled Tribes;(b)one or more Co-operative societies which does not have among its members any person who is not a member of a Scheduled Tribe;(c)the Governmentshall be deemed to be a society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964 (Act 7 of 1964) which is composed solely of members of the Scheduled Tribes.

3B. [Restriction on registration of documents. [Section 3B is inserted as per Amendment Regulation 1 of 1978.]

- Notwithstanding anything contained in the, Registration Act, 1908, no document relating to transfer of immovable property situated in the agency tracts shall be registered by any registering officer appointed under the said Act, unless the person presenting the document furnishes a declaration by the transferee in the prescribed form which shall be subject to verification in the prescribed manner that the transferee is a member of a Scheduled Tribe or a society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964 which is composed solely of members of the Scheduled Tribes'.]

4. Suits against a member of a Scheduled Tribe to be instituted in the Agency Courts.

- Notwithstanding anything contained in any enactment, rule or law in force in the Agency tracts, every suit against a member of a Scheduled Tribe instituted after the commencement of this Regulation shall be instituted only in the Court having jurisdiction over the Agency tracts.

5. Attachment and sale of immovable property.

- No immovable property situated in the Agency tracts and owned by a member of a Scheduled Tribe shall be liable to be attached and sold in execution of a money decree against such member, except to the extent and the manner prescribed.

6. Revision.

- The State Government may revise any decree of order passed by the Agent, the Agency Divisional Officer or any other prescribed officer under this Regulation; Provided that this power shall be exercised only after due notice to the parties affected by the decree of order and after giving them a reasonable opportunity of being heard.

6A. [Penalty. [Section 6A and 6B is inserted as per Amendment Regulation 1 of 1978.]

(1) Any person who, on or after the commencement of the Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation, 1978. (a) acquires any immovable property in contravention of the provisions of this Regulation ; or (b) continues in possession of such property after a decree, for ejectment is passed; shall on conviction be punished with rigorous imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both. (2) When a Court imposes a sentence of fine or a sentence of which fine forms a part, the Court may, when passing a judgment, order any part of the fine recovered to be paid to the member of a Scheduled Tribe who is a transferor, as compensation.

6B. Offences under Regulation to be cognizable.

- Notwithstanding anything in the Code of Criminal Procedure, 1898, all offences under this Regulation shall be cognizable.]

7. Provisions of Limitation Act to apply to proceedings under this Regulation.

- The provisions of the Indian Limitation Act, 1908 (Central Act IX of 1908), shall, in so far as they are not inconsistent with the provisions of this Regulation or the rules made thereunder, apply to proceedings under this Regulation.

8. Power to make rules.

(1)The State Government may, from time to time make rules to carry out the purposes of this Regulation.(2)All rules made under this section shall be published in the Andhra Pradesh Gazette and on such publication shall have the same effect as if enacted in this Regulation.

9. Repeal.

- The Agency Tract Interest and Land Transfer Act, 1917 (Madras Act 1 of 1917) is hereby repealed to the extent to which any of the provisions contained therein correspond or are repugnant, to any of the provisions contained in this Regulation.

10. Saving.

(1)The provisions contained in this Regulation shall not affect -(a)any transfer made or sale effected in execution of a decree of before the commencement of the Agency Tracts Interest and Land Transfer Act, 1917 (Madras Act 1 of 1917); or(b)any transfer made or sale effected in execution of a decree after the commencement of the said Act and before the commencement of this Regulation, if such transfer or sale was valid under the provisions of the said Act.(2)Nothing in this Regulation shall affect a land-holder's right to proceed against a ryot in accordance with the provisions of the Andhra Pradesh (Andhra area)-Estates Land Act, 1908 (Act 1 of 1908) or the first charge declared by section 5 of the Act or the provisions of that Act regarding relinquishment of the holding by a ryot or the provisions of the Central Provincial Tenancy Act, 1898 (Central Act IX of 1898);Provided that no relinquishment of a holding by a ryot who is a member of a Scheduled Tribe shall be valid unless the previous sanction of the State Government, or subject to the rules made in this behalf the previous consent in writing of the Agent or the prescribed Officer, has been obtained thereto.