

# Andhra Pradesh Agricultural Lands (Prohibition Of Alienation) Act, 1972

ANDHRA PRADESH

India

## Andhra Pradesh Agricultural Lands (Prohibition Of Alienation) Act, 1972

### Act 13 of 1972

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Andhra Pradesh Agricultural Lands (Prohibition Of Alienation) Act, 1972(Act No. 13 of 1972)[31st July, 1972]Received the assent of the President on 29-7-1972.An Act to prohibit alienation of agricultural lands by certain persons in the State of Andhra Pradesh.Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty-third Year of the Republic of India as follows:

#### 1. Short title, extent and commencement:.

(1)This Act may be called the Andhra Pradesh Agricultural Lands (Prohibition of Alienation) Act, 1972.(2)It extends to the whole of the State of Andhra Pradesh.(3)It shall be deemed to have come into force on the 2nd May, 1972.

#### 2. Declaration as to giving effect to certain directive principles:.

- It is hereby declared that this Act is for giving effect to the policy of the State forwards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution of India.

#### 3. Definitions:.

- In this Act, unless the context otherwise requires:(a)"dry land" means land registered as dry, manavari, asmantari, baghat or garden land or special rate dry land, in the land revenue accounts of the Government or assessed as such, but excludes wet land;(b)"holding" means the entire land held by a person as owner;(c)"land" means land which is used or is capable of being used for purposes of agriculture including horticulture;(d)"person" includes an individual, undivided Hindu family, a trustee, a company, a society or an association of individuals whether incorporated or not;(e)"specified limit" means the extent of land specified in Section 4 as the specified

limit;(f)"trust" includes a trust created for public purposes of a charitable or religious nature;(g)"wet land" means land registered as wet single crop wet or double crop wet or compounded double crop wet or special rate wet land, in the land revenue accounts of the Government or assessed as such, and includes:(i)any land included in the ayacut of any Government source of irrigation; and(ii)any land irrigated by water from any Government source of irrigation in any one fasli during the period of three faslies immediately preceding fasli 1381.

#### **4. Specified limits of wet and dry lands:.**

- The specified limit of holding for purposes of Section 5 shall be:(a)in the case of wet land-4 hectares.(b)in the case of dry land-10 hectares.Explanation: For the purpose of computing the specified limit in a case where the holding of any person includes both dry land and wet land, one hectare of wet land shall be deemed to be equal to two and half hectares of dry land.

#### **5. Prohibition of alienation of holding by certain persons:.**

(1)No person whose holding as on the date of commencement of this Act, or at any time thereafter exceeds the specified limit shall alienate such holding or any part thereof by way of sale, lease for a period exceeding six years, gift, exchange, usufructuary mortgage or otherwise of effect a partition or create a trust of such holding or any part thereof; and any alienation made or partition effected or trust created in contravention of this section shall be null and void.(2)No member of a family, the holdings of all the members of which in the aggregate as on the date of commencement of this Act, or at any time thereafter exceed the specified limit, shall alienate his holding or any part thereof by way of sale, lease for a period exceeding six years, gift, exchange, usufructuary mortgage or otherwise or effect a partition or create trust of such holding or any part thereof: and any alienation made or partition effected or trust created in contravention of this section shall be null and void.(3)The provisions of sub-sections (1) and (2) shall apply to any transaction of the nature referred to therein in execution of a decree or order of a Civil Court or of any award or order of any other authority;Explanation: For the purposes of this section:(a)the expression 'family' shall mean an individual, his or her spouse and their minor children; and they shall be deemed to be members of such family;(b)where the individual is a divorced husband or a divorced wife who had not re-married, such individual together with the minor children in his or her custody shall be deemed to constitute a family and such minor children shall be deemed to be members of such family;(c)in calculating the holding of any person being an individual or any member of a family, the share of such individual or member in the lands held by an undivided Hindu family shall also be taken into account and for this purpose such share be deemed to be the extent of land which would be allotted to such individual or member had there been a partition of the lands held by the undivided Hindu family.

#### **6. Restrictions on registration of documents of Central Act 16 of 1908:.**

- Notwithstanding anything contained in the Registration Act, 1908:(a)no document relating to alienation or partition of any land or the creation of a trust in respect of any land shall be registered by any registration officer appointed under the said Act, unless the person presenting the document

furnishes a declaration by the transferor in the prescribed form which shall be subject to verification in the prescribed manner, that the holding of such transferor does not exceed the specified limit and in case where such transferor is a member of family that the holdings of all the members of the family of which the transferor is a member in the aggregate, do not exceed the specified limit; and (b) a document relating to alienation or partition of any land or the creation of any trust of any land registered on or after the commencement of this Act shall, for the purposes of Section 5, take effect and operate only from the time of such registration, notwithstanding that such a document has not been registered within this State.

## **7. Exemption:.**

- Nothing in this Act shall apply to lands held by an undertaking owned, controlled or managed by: Central Act 1 of 1956 : (i) a Government company as defined in Section 617 of the Companies Act, 1956; (ii) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed by a State Government or the Central Government.

## **8. Power to make rules:.**

(1) The Government may, by notification published in the Andhra Pradesh Gazette, make rules for carrying out the purposes of this Act. (2) Every rule made under this Act, shall, immediately after it is made be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days 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 both Houses agree 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 in the Andhra Pradesh Gazette, 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.

## **9. Act to override other laws:.**

- The provisions of the Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or any custom, usage or agreement, or decree or order of a court, tribunal or other authority.

## **10. Repeal of Andhra Pradesh Ordinance 1 of 1972:.**

- The Andhra Pradesh Agricultural Lands (Prohibition of Alienation) Ordinance, 1972, is hereby repealed.