

Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977

ANDHRA PRADESH

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Act 9 of 1977

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1. [Amended by Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2019 (Act 11 of 2019) on 18 February 2019]

Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977(Act No. 9 of 1977)Last Updated 13th June, 2019Statement of Objects and Reasons:-The Government have launched, with effect from the 1st November, 1969, a special crash programme for assignment of Government waste lands to the landless poor persons. The rules regarding assignment of land and the conditions incorporated in 'D' form pattas prohibit alienation of such lands and provide for its resumption as well as re-grant to eligible persons. However, past experience has shown that substantial extents of lands assigned to landless poor persons have been actually alienated and are in possession of well-to-do persons. As the existing rules do not have any provisions for punishment of persons who have purchased such lands, efforts made for assigning large extents of lands to landless poor persons are going waste. With a view to enforce the objective more effectively, it is considered that a protective legislation is necessary so as to prescribe a punishment to persons who have purchased such lands. Further, there have been requests, from time to time, for enacting a protective legislation against transfers and alienations of assigned lands on the model of legislation existing in regard to the Scheduled Tribes in the Scheduled areas of Andhra Pradesh, which prohibition of lands and provides for restoration of such lands to the assignees. It has therefore been decided to undertake legislation immediately to prohibit alienation of lands assigned to landless poor persons and to provide for punishment of purchasers of such lands.As the State Legislature was not then in session and as it was decided to give effect to the above decision immediately, the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Ordinance, 1977 was promulgated by the Governor on 21st January, 1977.This Bill seeks to replace the said Ordinance.Statement of Objects and Reasons - (Act 8 of 2007):-According to sub-section (1) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 any land assigned by the Government to landless poor persons

for purpose of cultivation or as a house site then, notwithstanding to the contrary in any other law for the time being in force or in the deed to transfer or other document relating to such land, it shall not be transferred and shall be deemed never to have been transferred and accordingly no right or title in such assigned land shall vest in any person acquiring the land by such transfer. Sub-section (2) thereof prohibits landless poor persons to transfer the assigned land and no person shall acquire any assigned land, either by purchase, gift, lease, mortgage, exchange or otherwise. According to sub-section (3) of Section 3, any transfer or acquisition made in contravention of the provisions of sub-section (1) or sub-section (2) shall be deemed to be null and void. Section 4 of the said Act stipulates consequences of breach of provisions of Section 3. According to clause (a) of sub-section (1) of said Section 4, the District Collector or any other officer not below the rank of Mandal Revenue Officer authorized by him, if he is satisfied that any of the provisions of sub-section (1) of Section 3 have been contravened in respect of any assigned land, is empowered to take possession of the assigned land after evicting the person in possession, in accordance with the rules prescribed thereunder. Clause (b) of sub-section (1) thereof contemplates the said officer to restore the said assigned land to the original assignee or his legal heir or where it is not practicable to restore the land to such assignee or his/her legal heir, resume the land to Government to assign the landless poor. The proviso thereunder, while prohibiting the restoration of the assigned land to the original assignee, makes it mandatory for the Government to assign the land after resumption to any other landless poor persons. On account of rapid urbanization in certain areas i.e., Hyderabad, Visakhapatnam, Ranga Reddy Districts etc., most of the assigned lands have been alienated by the original assignees and the lands were converted to non-agricultural use. It is found not possible to reassign these lands after resumption, either to the original assignee or his/her legal heir. It is also practically not possible to assign these lands to other landless poor persons, since the nature of these lands has been changed and they are not useful for agriculture purpose. Keeping in view of the above said position, Government have decided to amend clause (b) of sub-section (1) of Section 4 of the said Act empowering the Government to notify certain areas where the Government can resume the assigned lands and utilize them for public purposes such as Weaker Sections Housing, Public Utilities, Infrastructure Development or for any other public purpose in such areas as may be notified by it. The amendment also proposes that in the areas other than those notified, the land can be restored once to the original assignee or it can be assigned to other eligible persons. However, if either the original assignee or no eligible landless poor are available in the village, then it gets restored to the Government for public purpose. As the Legislative Assembly was not then in session and it has been decided to give effect to the above decision immediately, the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Ordinance, 2006 has been promulgated by the Governor on the 5th November, 2006. This Bill seeks to replace the said Ordinance. Statement of Objects and Reasons - (Act 21 of 2008):-The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977) has been enacted, with effect from 29.1.1977 to check illegal and unauthorized transfer of assigned lands. According to sub-section (1) (b) of Section 4 of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. The District Collector or any other person authorized by him is satisfied that the provisions of Section 3 (1) of Act 1977 have been contravened in respect of any assigned land, he may order to resume the assigned land after evicting the person in possession and to restore the assigned land, other than those lands/areas as may be notified by the Government from time to time in public interest and for public purposes, to the original assignee, if he or she is eligible as per the norms fixed in this behalf as on the date of

restoration for one time, or assign to other eligible landless poor persons. As per the proviso thereunder, where the original assignee or his/her legal heir after the first restoration transfers the assigned lands, the land shall be resumed for assignment to the other eligible landless poor. As per the second proviso, if no eligible landless poor persons are available in the village/area, the resumed land will be utilised for public purposes. During implementation of the provisions, it has been observed that in a number of cases, after the commencement of the Act assigned lands have been purchased by landless poor persons from the original assignees, and if the existing provisions of the Act are implemented these landless poor persons who have purchased the assigned land for valuable consideration and in good faith on or before 29-1-2007, will lose the lands and will become landless. Having examined the issue on humanitarian grounds it has been decided by the Government to regularise the purchases made by the landless poor in good faith by reassigning the said land to him/her with usual terms and conditions of assignment, however, keeping in view that the total holding of landless poor including the land now assigned plus his earlier holding, if any, shall not exceed Acres 5.00 of Dry land or Acres 21/2 of Wet land. To achieve the above object, Government have decided to amend Section 4 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 suitably. This Bill seeks to give effect to the above decision. Appended to L.A. Bill No. 13 of 2008. Published in A.P. Gazette, Part IV-A, Extraordinary No. 13, dated 19-3-2008. An Act to prohibit transfers of certain lands assigned to landless poor persons in the State of Andhra Pradesh. Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty-eight Years of the Republic of India as follows:-

1. Short title, extent and commencement:-

(1) This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. (2) It extends to the whole of the State of Andhra Pradesh. (3) It shall be deemed to have come into force on the 21st January, 1977.

2. Definitions:-

In this Act, unless the context otherwise requires, -(1) "assigned land" means [lands or house sites assigned] [Substituted 'lands assigned' by Act No. 11 of 2019.] by the Government to the [landless or homeless poor persons] [Substituted 'landless poor persons' by Act No. 11 of 2019.] under the rules for the time being in force, subject to the condition of non-alienation and includes lands allotted or transferred to [landless or homeless poor persons] [Substituted 'landless poor persons' by Act No. 11 of 2019.] under the relevant law for the time being in force relating to land ceilings ; and the word "assigned" shall be construed accordingly ; Explanation:- A mortgage in favour of the following shall not be regarded as an alienation, namely, -(i) the Central Government, or the State Government or any local authority ; (ii) any co-operative society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964; and (iii) any bank which includes, -(a) the Agricultural Development Bank ; (b) the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 ; (c) the State Bank of India constituted under the State Bank of India Act, 1955 ; (d) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 ; and (e) a corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 ; (2) "Government" means the State Government ; (3) "landless

poor person" means a person who owns an extent of land not more than 1.011715 hectares (two and half acres) of wet land or 2.023430 hectares (five acres) of dry land or such other extent of land as has been or may be specified by the Government in this behalf, from time to time and who has no other means of livelihood. Explanation:- For the purposes of computing the extent of land under this Clause, 0.404686 hectares (one acre) of wet land shall be equal to 0.8093672 hectares (two acres) of dry land ;(4)"notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;(5)"Prescribed" means prescribed by rules made by the Government under this Act ;(6)"transfer" means any sale, gift, exchange, mortgage with or without possession, lease or any other transaction with assigned lands, not being a testamentary disposition and includes a charge on such property or a contract relating to assigned lands in respect of such sale, gift, exchange, mortgage, lease or other transaction.

3. Prohibition of transfer of assigned lands:-

(1)Where before or after the commencement of this Act any land has been assigned by the Government to a landless poor person for purpose of cultivation or as a house-site then, notwithstanding to the contrary in any other law for the time being in force or in the deed to transfer or other document relating to such land, it shall not be transferred and shall be deemed never to have been transferred, and accordingly no right or title in such assigned land shall vest in any person acquiring the land by such transfer.(2)No landless poor person shall transfer any assigned land, and no person shall acquire any assigned land, either by purchase, gift, lease, mortgage, exchange or otherwise.(2A)[No assignee shall transfer any assigned house site, and no person shall acquire any assigned house site, either by purchase, gift, lease, mortgage, exchange or otherwise, till completion of the period of 20 years from the date of assignment.(2B)Where the assigned House site was alienated by the assignee as on the date of commencement of this Act, such house site shall be regularized in favour of the alienee as a one-time measure.(2C)The eligible family shall be assigned house site only once in life time.] [Inserted by Act No. 11 of 2019.](3)Any transfer or acquisition made in contravention of the provision of sub-section (1) of sub-section (2) [or subsection (2-A)] [Inserted by Act No. 11 of 2019.] shall be deemed to be null and void.(4)The Provisions of this section shall apply to any transaction of the nature referred to in sub-section (2) in execution of a decree or order of a Civil Court or of any award or order of any other authority.(5)Nothing in this section shall apply to an assigned land which was purchased by a landless poor person in good faith and for valuable consideration from the original assignee or his transferee prior to the commencement of this Act and which is in the possession of such person for purposes of cultivation or as a house-site on the date of such commencement.

4. Consequences of breach of provisions of Section 3:-

(1)If in any case, the District Collector or any other officer not below the rank of a [Mandal Revenue Officer] [Substituted by Act 32 of 1989.], authorised by him in this behalf, is satisfied that the provisions of sub-section (1) of Section 3, have been contravened in respect of any assigned land, he may, by order,-(a)take possession of the assigned land, after evicting the person in possession in such manner as may be prescribed ; and(b)[(i) reassign the said resumed land, other than those lands/areas as may be notified by the Government from time to time in public interest and for

public purpose, to the transferee who purchased the land in good faith and for valuable consideration on or before 29th January, 2007, subject to the condition that he/she is landless poor person and is in occupation of the land by using the said land for agriculture or as house site, as on the date of taking possession by eviction: [Substituted by Act No. 21 of 2008. date of enforcement yet to be notified.] Provided that the reassignment in case of transferee shall be limited to only such an extent that the total holding of the re-assignee including any other land held by him/her does not exceed 5.00 Acres dry land or 2 1/2 Acres wet land: Provided further that where the transferee who has purchased the land and got reassignment of it, or his legal heir, transfers the reassigned land, the land shall be resumed for assignment to the other eligible landless poor; (ii) restore the said assigned land, other than those lands/ areas as may be notified by the Government from time to time in public interest and for public purpose, to the original assignee, subject to the condition that he or she is landless poor person as on the date of restoration for one time; or (iii) assign to other eligible landless poor person: Provided that the restoration of land shall be limited to only such an extent that the total holding including any other land held by him/her does not exceed 5.00 Acres dry land or 2 1/2 Acres wet land: Provided further that where the original assignee or his legal heir, after first restoration transfers the assigned land, the land shall be resumed for assignment to the other eligible landless poor: Provided also that if no eligible landless poor persons are available in the village/area, the resumed land will be utilised for public purpose. Explanation:- For the purpose of this clause "Public Interest" and "Public Purpose" shall mean and include, the Weaker Section Housing, Public Utility, Infrastructure Development, Promotion of Industries and Tourism or for any other public purpose. (c) In the areas which may be notified by Government from time to time, lands resumed under clause 4(a) above, shall be utilized for public purpose. (2) [Any order passed in revision under Section 4-B and subject to such order, the decision in appeal under Section 4-A and subject to the said orders in revision and appeal, any order passed under sub-section (1)] [Substituted by Act 32 of 1989.] shall be final and shall not be questioned in any Court of law and no injunction shall be granted by any Court in respect of any proceeding taken or about to be taken by any officer or authority or Government in pursuance of any power conferred by or under this Act. (3) For the purposes of this section, where any assigned land is in possession of a person, other than the original assignee or his legal heir, it shall be presumed, until the contrary is proved, that there is a contravention of the provisions of sub-section (1) of Section 3.

4A. [Appeal:- (1) Any person aggrieved by an order passed by the Mandal Revenue Officer under sub-section (1) of Section 4, may within ninety days from the date of receipt by him of such order appeal to the Revenue Divisional Officer.

(2) Any person aggrieved by an order passed by the Revenue Divisional Officer under sub-section (1) of Section 4 may, within ninety days from the date of receipt by him of such order appeal to the District Collector.] [Inserted by Act 32 of 1989.]

4B. Revision:-

(1)The District Collector may in respect of any proceedings not being a proceeding covered by sub-section (2) of Section 4-A on an application made to him and the Government may in respect of any proceedings either suo motu or on an application made to them, call for and examine the record of any officer subordinate to him or them to satisfy himself or themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order taken or passed therein, and if in any case, it appears to the District Collector or as the case may be to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly :Provided that every application for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.(2)No order adversely affecting any person shall be passed under sub-section (1), unless such person has been given an opportunity of making his representation.(3)The District Collector or the Government as the case may be, may also suspended the execution of the decision or order pending exercise of their power under sub-section (1).

5. [Prohibition of registration of Assigned Lands:- (1) The District Collector or any other Officer, not below the rank of a Mandal Revenue Officer authorized by him in this behalf, shall within 45 (forty five) days from the date of commencement of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2006 furnish to the Registering Officer having jurisdiction over the area a list of lands assigned to the landless poor persons with all particulars of assignment and further furnish such particulars of new assignment forthwith.

(2)Notwithstanding anything in the Registration Act, 1908, no Registering Officer shall accept for registration of any document relating to the transfer of or creation of any interest in any assigned lands as furnished in the list under sub-section (1).] [Substituted by Act No. 8 of 2007, w.e.f. 29-1-2007, vide G.O.Ms.No.125, Revenue (Ass-I) dated 5-2-2007, Published in A.P. Gazette Part I, Extraordinary dated 5-2-2007.]

6. Exemption:-

Nothing in this Act shall apply to the assigned lands held on mortgage by the State or Central Government, any local authority, a co-operative society, a scheduled bank or such other financial institution owned, controlled or managed by a State Government or the Central Government, as may be notified by the Government in this behalf.

7. Penalty:-

(1)Whoever acquires any assigned land in contravention of the provisions of sub-section (2) of Section 3 shall be punished with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.[Provided that any person who has voluntarily disclosed and surrendered the assigned land in his possession or discloses and surrenders the assigned land in his possession within 90 days from the commencement of Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2006 shall be exempted from Prosecution.] [Added by Act No. 8 of 2007, w.e.f. 29-1-2007.](2)Whoever opposes or impedes the District Collector or any person authorised, in taking possession of any assigned land under this Act shall be punished with imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.(2A)[Any Officer, violating the provisions under sub-sections (1) and (2) of Section 5 shall be punished with simple imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.] [Inserted by Ibid.](3)No Court shall take cognizance of an offence punishable under this section, except with the previous sanction of the District Collector.

8. Protection of action taken:-

(1)No suit, prosecution or other legal proceeding shall lie against any person, officer or authority for anything which is in good faith done or intended to be done in pursuance of Act or any rules made thereunder.(2)No suit or other legal proceedings shall lie against the Government for any damage cause or likely to be caused or for any injury suffered or likely to be suffered, by virtue of any provision of this Act, or for anything which is in good faith done or intended to be done in pursuance of this Act, or any rules made thereunder.

9. 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 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 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.

10. Act to override other laws:-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom, usage or contract or decree or

order of a Court, Tribunal or other authority.

11. Power to remove difficulties:-

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, published in the Andhra Pradesh Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to them to be necessary or expedient for the removal of the difficulty :Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

12. Repeal of Ordinance 2 of 1977:-

The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Ordinance, 1977 is hereby repealed.