

Act, 1882 (Central Act 4 of 1882) the Governor of Andhra Pradesh hereby specifies the following centers in the Rangareddy District and Karimnagar District to which the provisions of the said section shall apply.”

S.No.	Name of the Centre	District
1.	Sanathnagar	Rangareddy District

2.	Balanagar	Rangareddy District
3.	Kukatpally	Rangareddy District
4.	Begumpet	Rangareddy District
5.	L.B.Nagar	Rangareddy District
6.	Vanasthalipuram	Rangareddy District
7.	Gunjapadu	Karimnagar District
8.	Tandrial	Karimnagar District

### ACQUISITION OF PROPERTY AND ROLL OF REFORMS - ARTICLE 19(1)(f), 300-A, ARTICLE 31-A, 31-B, 31-C AND NINTH SCHEDULE AND ARTICLE 39(B), 39(C)

*By*

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The term “PROPERTY” is the right of ownership. Ownership and Property are inter-dependent. In its widest sense, property includes all a person’s legal rights, of whatever description. A man’s property is all that is his in law.

#### *KINDS OF PROPERTY*

They are of two kinds. (1) Corporal property, (2) Incorporeal property.

**CORPORAL PROPERTY:**—It is also known as tangible property. It is seen to the people. They are material things. Example: Land, Building, Chattels. Corporal property again can be divided into two kinds.

(1) Moveable :— Example : CHATTELS

(2) Immovable :— Example : LAND, BUILDINGS.

**INCORPORAL PROPERTY** :— Incorporeal Property is intangible property. It is also known as “INTELLECTUAL OR CONVENTIONAL PROPERTY”. Incorporeal property is any other Property Right in Rem. It is of two kinds. (1) IMMATERIAL THINGS. Example: Patents, Copyrights,

Trade-Marks, *etc.* and (2) JURA IN RE PROPRIA (RIGHT OVER THE PROPERTY) Example: Leases, Servitudes, Securities, *etc.* These are known as ‘ENCUMBRANCES’. The covenants and encumbrances restrict the owner to certain extent with regard to his own property. These important encumbrances are leases, servitudes, securities, trusts, *etc.*

#### *MODES OF ACQUISITION OF PROPERTY*

There are four modes of acquisition of property. They are:

- (1) Possession
- (2) Prescription
- (3) Agreement
- (4) Inheritance.

**POSSESSION** :— The possession of a material object is a title to the ownership of it. If the property belongs to no one. The first possessor of it acquires a valid and good title against all the world. Example : Fish in the pond, Animal in the forest, A book written by writer.

**PRESCRIPTION** :— Prescription is the combination of possession and ownership.

The longer the possession, the stronger is the ownership. If any person wants to rise any objections regarding the ownership, he must do so within the time prescribed by Law of Limitation. If the real owner fails to raise objections, then the law itself becomes helpless to help him.

**AGREEMENT** :— Agreement is the latest trend of modes of acquiring the property in the human civilization. Agreement confers the legal ownership on the property to the transferee. The concurrence of two or more persons in affecting their rights and duties. An agreement is an act in the law whereby two or more persons declare their consent as to any act or thing to be done or forborne by some or one of those persons for the benefit of the others or of them.

**INHERITANCE** :— Rights are divisible into two classes. They are : (1) Inheritable (2) Uninheritable.

**INHERITABLE** :— A right is inheritable if it survives its owner. Proprietary rights are inheritable. Inheritance is in some sort a legal and fictitious continuation of the personality of the dead man. For the representative, it is in some sort identified by the law with him whom he represents. Not only the properties are transferred from dead man to his representative, but also the liabilities and obligations attached to the properties are transferred to them.

The inheritance is of two kinds : (1) Testamentary (2) Intestate.

**TESTAMENTARY** :—The deceased may indicate in his will certain names as the beneficiaries of his residuary properties, after his death. The last will of the deceased shall be effective. It is called “TESTAMENTARY SUCCESSION”. It is an example of “ACTS IN THE LAW”. Limitations imposed by law upon the testamentary power.

**INTESTATE** :— The deceased left some property. He did not write any will. Then it is the duty of the law to transfer of the rights on the property from the deceased owner to his legal representatives. It is an example of “ACT OF THE LAW”. The law distributes the estate of the deceased to his relatives in order of Proximity. If there is no relative of the deceased, it becomes BONA VACANTIA. Under such circumstances, the property goes to the STATE. It is called ESCHEAT.

**UNINHERITABLE** :—A right is inheritable if it survives its owner. A right is uninheritable if it dies with him. The personal rights are uninheritable. Example : A Contract to Marriage.

#### ROLL OF REFORMS

The lands were in the control and management of Zamindars, Jagirdars, Bhoomidhars, *etc.* The real tillers were cultivating the lands paying huge rents to these intermediaries. These intermediaries enjoyed. The British Government never tries to look into the problems of the cultivators and never tried to solve them.

As soon as after the Independence the Government paid attention to solve the AGRARIAN PROBLEMS. The Constitution of India came into force with effect from 26-1-1950. The Directive Principles of State Policy Articles from 36 to 51 are intended to implement welfare and socialism in the country. Out of these Articles, Article 39(b) and Article 39(c) are mainly concentrate on equal distribution of wealth.

All the land laws and land reforms made after the Constitution came into force have been followed the concept, object and spirit of Article 39(b) and 39(c). Accordingly States enacted such laws. They are:

- (1) The Bombay Koti Abolition Act, 1950.
- (2) The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.

- (3) The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.
- (4) The Hyderabad (Abolition of Jagirs) Regulation of 1358 F.
- (5) The Hyderabad Jagirs (Communication) Regulation, 1359 F.

The Zamindars, Jagirdars landlords *etc.* whose lands and estates were taken by the Act of States began to attack those Acts under Articles 14, 19 and 31. A numerous litigation began to flow blocking 'AGRARIAN REFORMS' throughout the country.

To give the constitutional validity to such laws, it had become necessary to bring the amendment to the Constitution. As a result, the Parliament inserted ARTICLE 31-A, ARTICLE 31-B, SCHEDULE-IX incorporates all such Acts and validates them.

It is inserted in the Constitution by the Constitution (Twenty-fifth Amendment) Act, 1971 with effect from 20-4-1972.

Every Banks were nationalized by the Union Government in 1969 by THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1969 (Act No.22 of 1969). There are some difficulties in the Nationalisation. To remove these difficulties the Parliament passed the 44th Constitution Amendment Act, 1978 which repealed the ARTICLES 19(1)(f) and 31 from the Constitution. In their place a New ARTICLE 300-A has been inserted.

#### ARTICLE 300-A :

Persons not to be deprived of property save by Authority of Law - No person shall be deprived of his property save by authority of Law.

## DEVELOPMENTAL AND WELFARE CONCEPT IN DIRECTIVE PRINCIPLES OF INDIAN CONSTITUTION

*By*

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The Principles, in accordance with which any State develops on the prefixed plan, are called the Directive Principles of State Policy. The significance of these principles is moral rather than legal. These principles form a sort of code of conduct of the State. The directive principles of State Policy have been included in the Indian Constitution with a view that Indian Parliament. Legislatures of the state and the Council of ministers will follow them and will make efforts for an all round development of the country. In fact, these principles are the pillars of a welfare state and inspiring symbols of the development of the nation on socialistic pattern.

There is a remarkable difference between the fundamental rights of the citizens and the directive principles of the state policy. The former is enforceable by a court where as the later is not. It depends upon the will of the state whether to act or refuse to act in accordance with those principles. No court or any other institution can compel the state to act in accordance with the directive principles of the state policy as contained in the constitution.

Articles 37 to 51 of part IV of the constitution lay down the directive principles of state policy. These principles can be divided into the following categories.