

ANDHRA PRADESH LAND REFORMS (CEILING ON AGRICULTURAL HOLDINGS) ACT, 1973

(ACT NO. I OF 1973)

I. BACK GROUND :

Before independence, there existed many intermediaries between the Ruler and persons cultivating agricultural lands. They were known as Zamindars, Inamdars and Jagirdars etc., owning large chunks of lands. They were endowed with the right to collect from the ryot, Govt. share of produce. Over the years, series of land reforms were taken up to better the condition of the poor ryots. Important among them are .

- (i) Permanent settlement of 1802, giving the Zamindar, the right to collect Govt. share on condition of payment of peishkush.
- (ii) Estate Land Act 1908, providing the right of occupancy in land to the ryot and for settlement of fair and equitable rent.
- (iii) After independence, first attempt at Land Reforms in the Country began with the abolition of intermediaries and bringing the tenant into direct contact with the State under the ryotwari tenure. Following are the enactments made towards this end.
 - (a) A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act 1948.
 - (b) A.P. (Telangana Area) Abolition of Inams Act, 1955.
 - (c) A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956.
 - (d) A.P. (Telangana Area) Abolition of Jagirs Regulation 1358 Fasali.
- (iv) After expropriatory legislation, next step taken in the field of Land Reforms is protection of tenants by means of the enactments mentioned below :
 - (a) A.P. (Telangana Area) Tenancy and Agricultural Land Act, 1950.
 - (b) A.P. (Andhra Area) Tenancy Act, 1956.

II. LAND REFORMS :

Introduction and Objectives :

- (i) The most important step in the field of Land Reforms taken in the State was to impose a ceiling on agricultural land holdings. The A.P. Land Reforms (Ceiling on Agricultural Holdings) Act 1973, enacted for this purpose can be said to be culmination of land reforms in the State.
- (ii) Before this enactment, huge land holdings were in the hands of a few people resulting in extraordinary concentration of wealth detrimental to the common good of the poor people engaged in agriculture. The Act aims at ameliorating the conditions of poor agriculturists and curbing the feudal tendencies of landlords, by taking over the ceiling surplus land and distributing the same among the landless poor.
- (iii) The Act gives effect to certain Directive Principles of Constitution of India and it is effective from 1-1-1975.
- (iv) The Act is included as item No.67 in the IX Schedule of the Constitution of India, as a result of which none of the provisions of the Act shall become void, notwithstanding any judgment of any Court.

III. CERTAIN IMPORTANT DEFINITIONS:

- %Appellate Tribunal+ means Appellate Tribunal constituted U/s 20 or District Collectors concerned. (Refer Section 3 (a)).
- %Bank+ means a banking company as defined in Section 6 of the banking Regulation Act 1949 (Refer Section 3(b)).
- %Double Crop wet land+ means any wet land registered as double crop or compounded double crop wet land in Land Revenue records (Refer Section 3 (d)).
- %Dry land+ means land registered as dry, manavari etc., in Land Revenue records (Refer Section 3 (e)).
- %Family Unit+ means individual, spouse, minor sons, unmarried minor daughters (Refer Section 3 (f)).
- %Government+ means State Government (Refer Section 3 (g)).
- %Government Source of Irrigation+ means a source of irrigation registered as such in land revenue records. (Refer Section 3 (h)).
- %Holding” means entire land held by a person as an owner, limited owner, usufructuary mortgagee and tenant. (Refer Section 3 (i)).

- **%Land+** means land which is used or is capable of having used for agriculture and for purposes ancillary there to (Refer Section 3 (j)).
- **%Owner+** includes a person by whom or in whose favour a tenant is created. (Refer Section 3(k)).
- **%Tenant+** means a person who cultivates by his own labour etc. (Refer Section 3 (K)).

IV. IMPORTANT PROVISIONS OF THE ACT :

- (i) **“Standard Holding”** means extent of land specified in Section 5. In the case of family unit consisting not more than (5) five members, it ranges from 10 to 27 acres in respect of wet lands and from 35 to 54 acres in respect of dry lands, based on the classification of lands in the first schedule.
- (ii) **“Ceiling Area”**
 - a) In the case of family unit consisting of not more than five members, an extent of land equal to one standard holding.
 - b) In the case of family unit consisting of more than five members, land equal to one standard holding plus one fifth of standard holding for every additional member, not exceeding two standard holdings vide Section 4(1) and (2).
- (iii) **Increase of ceiling area in certain cases :**

As per Section 4-A, in respect of a major son of a family unit, who holds no extent or an extent of land less than the ceiling area, the existing area is to be increased equal to the ceiling area applicable.
- (iv) **Constitution of Tribunals:**

Government are empowered to constitute as many Tribunals as necessary for implementation of the Act, as per the provisions contained in Section -6.
- (v) **Special provisions in respect of certain transfers etc., already done:**

Burden of proof lies on person who on or after 24-1-1971 but before the notified date has transferred any land by sale etc., In case such person has not proved such transfer is to be disregarded.

(vi) Declaration of Holding:

Under Section 8 every person whose holding on the notified date exceeds the specified limits shall within thirty days from the notified date furnish a declaration to the Tribunal.

(vi)(a) Special Provisions for Protected Tenants :

When holding of any owner includes land held by a protected tenant, tribunal to determine whether it is transferred to protected tenant U/s 38-E of Andhra Pradesh (Telangana Area) Tenancy and Agricultural Land Act, 1950.

If so, extent of land transferred to be excluded from the holding of such owner and included in the holding of such tenant (Refer Section 13).

(vii) Determination of Ceiling Area:

The Tribunal has to publish the declaration make an enquiry and pass orders, determining whether the person holds land in excess of the ceiling area and if so the excess area vide Section 9.

(viii) Surrender of Land:

Person holding land in excess of ceiling limit is liable to surrender the land held in excess, and the tribunal, after making enquiry pass orders approving the surrender or otherwise vide section 10.

(ix) As per section 11, the RDO on surrender of the land, has to take possession or authorize any officer to take possession of the excess land which shall vest in Government free from all encumbrances.

(x) Disposal of Land vested in Government :

- Lands vested in government are to be allotted for house sites for agricultural labourers etc., or transferred to weaker sections dependant on agriculture for agricultural purposes (Half of total extent to SCs and STs and not less than two thirds of balance extent to BCs Section 14(1))
- Every allottee/transferee to pay fifty times the land revenue within fifteen years, subject to a maximum of Rs. 1250 per hectare of wet land and Rs. 375/- per hectare of dry land. Thereafter, patta is to be granted.
- Maximum extent to be allotted for house site five cents . Rule 10(2)
- For agricultural purpose - Ac 2-50 wet or Ac 5-00 Dry . Rule 10(2).

- Transferee shall not alienate the land by sale, gift, lease etc., - Section 14(4).

(xi) Resumption of land in case of violation of conditions:

- If the conditions of allotment/transfer are violated, the RDO shall resume the land after giving an opportunity to the persons affected and making an enquiry (Section 14-5)

(xii) Declaration of future acquisition:

- In respect of acquisition on or after notified date, exceeding ceiling area declaration is to be furnished vide Section 18.

(xiii) Declaration to be furnished before Registering Officer:

Any person presenting a document of alienation of land before Registering Officer is to furnish a declaration that the holding of transferor does not exceed the ceiling area, as per Section 19.

(xiv) Appeal:

Appeal lies to appellate Tribunal within thirty days vide Section 20.

(xv) Revision:

Revision lies to the High Court against the orders of the Appellate Tribunal within sixty days as per Section 21 and Rule 17.

(xvi) Exemptions:

Lands held by State and Central Governments, religious, charitable and educational institutions, local authorities, Government Corporations etc., exempted from provisions of Act (Refer Section 23).

(xvii) Penalty:

Persons who failed to file declarations within the prescribed period liable for imprisonment upto two years or with fine upto Rs.2000 or with both (Refer Section 24).

Prosecution to be sanctioned by District Collector (Refer Section 24(4)).

(xvii) Act to override other Laws (Section 28).

V. DEFICIENCIES IN THE ACT AND THE SUGGESTIONS MADE :

- (i) The provisions of the Act have been observed more in breach subverting the same by way of filing wrongful declarations, suppressing the land holdings and by way of benami transactions etc., In some cases, the surplus lands which are not fit for cultivation or for any other purpose were taken possession probably in collusion with the declarants. Consequently, there is a large scale diminution in the ceiling surplus land that could have been vested with the Government for allotment to landless poor. There is therefore, every need to review all such cases in order to get as much ceiling surplus land as possible for the benefit of the poor. There is no provision in the Act to review such cases involving fraud.

In this connection, it may be relevant to quote the ruling in S.Jaipal Reddy Vs. The Land Reforms Tribunal, Kalwakurthy and others 1978(1) ALT 66 (NRC) 1979(1) An. W.R. 220, in which it was observed that "Since there is no provision made in the Act for reopening of the cases once disposed of by the Land Reforms Tribunal, it has no power to reopen the case once disposed of".

Hence, it is suggested that a provision may be made in the Act for reopening the cases of Land Reforms wherever fraud is involved.

- (ii) In case of violation of conditions of allotment / transfer of ceiling surplus lands, R.D.O is empowered to resume such lands after giving an opportunity to the persons affected vide Section 14(5). This is resulting in delay in as such as the R.D.O has again to obtain report from the Tahsildar and take action as per the said provision. This apart, the Tahsildar is the competent authority to make assignment of Government land and he is also authorized to resume the land assigned in cases of violation of conditions of assignment.

As such, it is recommended that as in the case of A.P. Assigned Lands (Prohibition of Alienation) Act 1977, the Tahsildar may be empowered to resume the ceiling surplus land allotted / transferred duly amending Section 14(5) and Rule 10(5).

- (iii) According to Section 14(2), read with Rule 10(4), the allottees / transferees are liable to pay fifteen times the land revenue within fifteen years, subject to a maximum of Rs.1250/- per hectare of wet land and Rs.375/- per hectare of dry land. All of them are landless poor persons.

In the case of Government lands assigned to the landless poor, the assignment is made free of cost. On the same analogy, allotment / transfer of ceiling surplus land may also be done to the landless poor free of cost suitably amending the above provisions.

- (iv) As seen from the definition of Wet Land in Section 3, Wet Land means not only land registered as such in the land revenue accounts of the Government but also includes land not registered as wet which has been included in the Ayacut of any Government source of irrigation and land irrigated by water from any Government source of irrigation in any four Fasali years within a continuous period of six Fasali years immediately before the specified date.

Several instances are there where the lands, though not registered as wet, were localized and included in the command area of the Irrigation sources. In all such cases, a thorough verification of the Adangals / Pahanies and the water rate accounts is to be got done, if not already done (does not seem to have been done in most of the areas), so that the land owners may be required to file fresh declarations U/s 18, owing to alternation in the classification of the land. This would result in the reduction of standard holding and thereby the Government would get more ceiling surplus land.

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