

**THE A.P. LAND REFORMS (Ceiling on Agricultural
Holdings) ACT 1973
(ACT NO.1 OF 1973)**

**THE A.P. LAND REFORMS (Ceiling on Agricultural
Holdings) RULES 1974**

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OBJECTIVES

- To **ameliorate** the condition of the poor agriculturalists.
- To curb the **feudal** tendencies of the land lords.
- To introduce **socialist features** in rural economy.
- To achieve **directive principles** – Article 39 (b), 39 (c) ... the ownership and control of the material resources are so distributed as best to subserve the common good – operation of the economic system does not result in the concentration of wealth and means of production.
- As per recommendations of **Central Land Reforms Committee**.
- To fix maximum limit of the land – to acquire excess land paying amount – distribute to the poor.
- It has been included in **9th Schedule** by the Constitution 34th amendment and it is one of the most remarkable Agrarian Reforms.

IMPORTANT DEFINITIONS

- **'ceiling area'** means the extent of land (specified in Section 4 or Section 4-A) to be ceiling area: **Sec 3 c**
 - **'double crop wet land'** means any wet land registered as double crop – only when cultivated two crops/ dufassal crop in four fasli years within six continuous fasli years even if classified as dry. **Sec 3 d**
 - **'dry land'** means land registered as dry, manavri, asmantari, baghat or garden land, or special rate dry land, in the land revenue accounts of the Government or assessed as such; and includes any other land, excluding wet land – dry crops are cultivated **Sec 3 e**
 - **'family unit'** means:-
 - An individual, a spouse or spouses, minor sons and unmarried minor daughters,
 - Divorced husband and not remarried, and his minor sons and unmarried minor daughters,
 - Individual and his or her spouse both dead, their minor sons and unmarried minor daughters. **Sec 3 f**
 - **'Government source of irrigation'** means a source of irrigation registered in the land revenue accounts of the Government; **Sec 3 h**
 - **'holding'** means the entire land held by a person – as an owner - as a limited owner- as an usufrutuary mortgagagee - as a tenant; **Sec 3 i**
- Contd....**

- **'land'** means land which is **used or is capable of being used for purposes of agriculture**, or for purposes **ancillary thereto**, including horticulture, forest land, pasture land, waste land, plantation and tope; and includes land deemed to be agricultural land under this Act. **Sec 3 l**

- **'Specified date'** means –
 - Declaration to be filed under Section 8, the notified date **(1.1.1975)**
 - Declaration to be filed under Section 18, the date of acquisition,; **Sec 3 r**

- **'Tribunal'** means a Tribunal constituted under Section 6; and where no such Tribunal is in existence, the Revenue Divisional Officer concerned; **Sec 3 u**

- **'Wet land'** means land registered as wet – only when irrigated in **four fasli** years out of six – applicable to land even if classified as dry in Revenue Records. **Sec 3 v**

FILING OF DECLARATION

WHO HAS TO FILE ----

- Every person who held land over and above specified limit as on the notified date 1.1.1975 --- within 30 days from the notified date. **(under section 8(1))**
- Land transferred on or after 24.01.1971-by sale, gift, mortgage , exchange, settlement or any manner shall be included.
- Land acquired on or after 24.01.1971-by sale, gift, mortgage , exchange, settlement or any manner shall also be included.
- Person in management of the family has to file the declaration.

Contd....

FILING OF DECLARATION -- contd

- **Specified limit is 4.05 hectares/10.00 Acres of wet land or is 10.12 hectares/25.00 Acres of dry land) –**
- **If the limit exceeds specified limit after notified date ,within 60 days of acquisition – (under section 18(1))**
- **The limit may exceed due to purchase or due to change of nature of land – dry to wet, due to marriage or other wise.**
- **But no fresh declaration need to be filed as there is change in the number of members in the family if once filed – if once filed in case of joint family and the change is only due to partition ,without any fresh acquisition.**

BEFORE WHOM

- The Land Revenue Tribunal with in whose jurisdiction the land is there.
- If falls within jurisdiction of more than one Tribunal, before such LRT where **major part** of the land is located.
- One officer of the cadre of Deputy Collector –initially **ADDITIONAL REVENUE OFFICER WAS THERE IN EACH DISTRICT**-functioned as **LRT**-Now the RDO/ Sub-Collector concerned is LRT.

MANNER OF FILING DECLARATION

- Be filed in Form I
- In **triplicate**- if the land is located in two mandals in quadruplicate and one additional copy **PER MANDAL** with further increase in the number of mandals

MEASURES TO BE TAKEN IF DECLARATION NOT FILED

- information is obtained
- verifying ROR 1B register
- The land held in different villages / mandals to be obtained
- Commencement of new Irrigation Sources- change in classification
- Verifying the declarations filed before registrar at the time of registration of land
- The Transferor has to file declaration before Sub registrar

Sec 19 (1)

- **Such declaration in Form XIV** **Rule 13**
- **Total land held by family to be furnished in the declaration**
- **Registrar shall not accept the document if declaration is not filed** **Sec 19 (2)**
- **The Registrar must send copy of declaration to the RDO concerned** **Sec 19 (3)**
- **Every VRO , other Revenue Officers -to bring acquisition of land by any one (when land previously held and newly acquired is more than specified limit)to the notice of the RDO / LRT** **Sec 19 (4)**

ACTION TO BE TAKEN

- **The LRT shall issue notice in Form III** **Sec 8 (2) / Rule 3(4)**

- **It is informed to file declaration in specific period – not less than 15 days from the date of communication - Be informed – liable to be prosecuted under Sec 24 of the Act** **Sec 19 (2)**

LAND REFORMS TRIBUNAL

..... Sec.6

- **Government constitutes the Tribunal.**
- **not more than 3 members – One member be holding Civil post not below the rank of Deputy Collector.**
- **No act or proceedings of the Tribunal is invalid on the ground -vacancies are there**
- **Initially Additional Revenue Divisional Officer was there in each District**
- **Now it is RDO / Sub- Collector .**

SPECIAL PROVISIONS IN CASE OF CERTAIN TRANSFER

Sec.7

- If any person has transferred land by sale, gift, exchange, settlement or in any manner on or after 24.01.71 and before notified date or created a trust of any land held by him, the burden of proof that such transfer has not been affected in anticipation of the Act lies in him.
- Notified date is 01-01-1975.
- Any alienation by any means or in execution of a decree or court order on or after 2.5.72 and before notified date is null and void.
- Land converted to Non-agricultural purposes during the period of 5 years preceding to notified date – be considered as Agricultural land

Contd....

SPECIAL PROVISIONS IN CASE OF CERTAIN TRANSFER --- contd

.... Sec.13

- **Land in occupation of a protected tenant - P T is entitled for patta under Sec.38E of A.P.(Telangana Area) Tenancy and Agricultural Land Act 1950 - to be deleted from the holding of land lord.**
- **Non issue of 38E Certificate does not postpone / prevent it.**

PROHIBITION OF ALIENATIONS

..... Sec.17

- Land held more than ceiling area as on 24.1.1971 or later on – shall **not be alienated** in any manner.
- No **trust** is formed of such land.
- No such land is converted to **Non-agricultural purpose** until declaration is made, surplus holding, if any determined, surrendered. Such prohibition is applicable even for transactions covered by Court Cases.

EXEMPTIONS

..... Sec.23

- Land held by State or Central Government.
- Land held by religious, Charitable or Educational Institutions including Wakf ---of public nature – to be in existence on 1.1.1975.
- Land held by a Government Company a Corporation established by or under Central or State Act (only such part held by Government or State)
- Land covered by the. Coffee cocoa ,rubber plantation

--contd

EXEMPTIONS --contd

- Land held by **Cooperative farming society** of weaker sections, approved by Government -can withdraw it later on by Govt – violations / misrepresentation of facts , if any
- **Other Cooperative Societies including Land mortgage Bank (only if acquired in realization of loans).**
- **Land vested in Bhoodan Yagna Board.**

PUBLICATION OF DECLARATION:

SEC.9, RULE.4

- Copy of declaration in **Form I** -be kept in the **office of the Tribunal** for verification in the presence of one Officer ,authorized by the Tribunal.
- – given publicity by beat of **tom-tom**.
- **Public notice in from IV** be published .
- **Details of land – whether declaration is filed or information was obtained – be mentioned in the notice .**

PUBLICATION OF DECLARATION

-- contd :

- **Displayed in the Office of TRIBUNAL, Tahsildar, RDO, Grampanchayat.**
- **Sent to Authorised Officer**
- **Sent to the declarant**
- **Sent to the Tahsildar for verification /**

VERIFICATION OF DECLARATION

SEC.9 RULE.4

- Tahsildar to verify correctness of contents - Taram / Bhagana of the land in each S.No., classification of land, and furnish verification report.
- Report in 10 Statements.
 - Statement 1:- Details of family members.
 - Statement 2:- Details of spouse declared DIVORCED / children given adoption on or after 24.1.71.
 - Statement 3:- Land held by individual adults, land held as member in Cooperative Society / Company, as owner of a trust and lands converted into Non-agricultural land in five years preceding to 1.1.75.
 - Statement 4:- Disputes ,if any, on the land covered.

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VERIFICATION OF DECLARATION --- contd

- **Statement 5:- Land held by protected tenants , if any**
- **Statement 6:- Lands where Taram / Bhaghan is not recorded be indicated.**
- **Statement 7:- Details of land classified as Wet or Dry but are deemed otherwise as per the Act.**
- **Statement 8:- Land Revenue fixed for the land in survey Nos, earlier not fixed.**
- **Statement 9:- Cultivation and other particulars of land in last 6 faslis.**
- **Statement 10:- Extent for Standard holding of the land in each S.No.**

COMPUTATION OF HOLDING:

..... SEC.5

Classification of land both wet and dry into **A to K** – given in scheduled-I to the Act. It depends upon Taram / Bhagana of the land and location.

Class of Land	Double crop wet lands		Wet land other than double crop wet		Dry Land	
	hectares	Acres	Hectares	Acres	hectares	Acres
A	4.05	10.00	6.07	15.00		
B	4.86	12.00	7.28	18.00		
C	5.46	13.50	8.09	20.00		
D	6.07	15.00	9.11	22.50		
E	6.68	16.50	10.12	25.00		
F	7.21	17.80	10.93	27.00		
G					14.16	35.00
H					16.19	40.00
I					18.21	45.00
J					20.23	50.00
K					21.85	54.00 ₂₂

Contd....

COMPUTATION OF HOLDING: --- contd

- Increase of 12 ½ % given in case of double wet land included in part 6 Scheduled C appended to draft Irrigation Rules – Godavari delta.
- Double wet land irrigated by a private tube well – increased by 25%,
- Wet land irrigated by class V source – increased by 16 ¼%
- In Telangana area, wherever settlement operations were caused by a private agency, land of classes A, B, C, D, E – be computed as B, C, D, E, F, respectively and G, H,I,J, as H, I, J, K –

COMPUTATION OF HOLDING: --- contd

- **Land covered by Coconut Garden or Guava Garden or Grape garden S.H shall not be more than 10.93 hectares (27.00 Acr).**
- **If Taran / Bhagan not recorded – to be assessed as per the similar land located in the vicinity.**
- **If the land recorded as wet / dry is treated as dry / wet as per the Act, Taran / Bhagana to be assessed as per similar land in the vicinity.**
- **The proportionate S.H. values of land in all S.Nos. are added.**

FOR EXAMPLE

a. Land located in East Godavari District

Survey Number	Extent in Acres	Classification	Taram	Class as per the Act	Extent per S H in Acres	In terms of S Hs
12	9.56	Double -wet-DELTA	3	B	12.0	0.79667
15 / 2	19.67	Wet-UP LAND	4	C	20.0	0.98350
142 / 6	25.94	Dry-UP LAND	3	G	35.0	0.74114
1098 / 4	32.02	Dry-UP LAND	9	H	40.0	0.80050
TOTAL						3.32181

b. Located in Mahabubnagar District

Survey Number	Extent in Acres / Gts		Classification	Bhagana	Class as per Act	Extent per S H in Acres	In terms of S Hs
14	14	21	wet	16	B	12.00	1.21042
11 / 1	25	31	Wet	14	D	22.50	1.14556
4586	15	11	Dry	11	H	40.00	0.38188
11486	18	39	Dry	8	I	45.00	0.42167
TOTAL							3.15951

CONDUCT OF ENQUIRY & DETERMINATION OF CEILING AREA

- Declarant, persons known to have interest and objectors, if any, be issued notice
- Notice be In **From V.** **Rule.6**
- Time, Date of Enquiry be specified.
- Copy of the verification report of Tahsildar to be enclosed.
- Enquiry, to be held and opportunity be given to declarant etc., for adducing evidences be provided..
- If land is in possession of purchasers, they must be issued notices.

CONDUCT OF ENQUIRY & DETERMINATION OF CEILING AREA --contd

- Ceiling area per One family is one **Standard Holding (S.H)**. **Sec 4**
- If the members in a family are more than 5, additional extent of 1/5 S.H to be allowed for each additional member – subject to a maximum Ceiling Area per family is two Standard Holdings(S.H.) ie enhancement by one S H
- Major Sons and major unmarried daughters be treated as separate families
- If major sons do hold land, it must also be computed.

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CONDUCT OF ENQUIRY & DETERMINATION OF CEILING AREA --contd

- If the holding held by major male son is less than one standard holding, the ceiling area of the family, the Ceiling Area of the father is increased to what extent the holding of son is less than one S.H **Sec.4A**
- Land covered by cattle shed, used for stocking of manures, covered by boulders / roads, tank are excludable.
- If declaration of dissolution of a marriage is made on or after 24.1.71 and before 1.1.01975, the land held by both spouses be considered **Sec.4 (4)**

CONDUCT OF ENQUIRY & DETERMINATION OF CEILING AREA --contd

- In case of adopted son , after 24.1.71 and before 1.1.01975, the land held by such person to be computed in the holding be computed to the family to which he was member before adoption.
- Ceiling area to be assessed with reference to the **age of the children** as on 1.1.75 (in Cases filed u/s.8.) and as on the date of Acquisition (in Cases filed u/s.18.)

SURRENDER OF SURPLUS LAND

- Person declared surplus has to surrender the equivalent extent of land --- **Sec.10(1)**
- L R T to issue notices in Form .No.VI to the declarant , directing to make surrender **Sec.10(2), Rule-7**
- The declarant to surrender land specifying details in prescribed format, along with sketch.
- Land surrendered, if accepted, order is issued and published in Form-VIII calling objections **.Sec10(3)**
- Land proposed for surrender may be rejected – rendered in-capable of being cultivated – Sold to others -in accessible- under dispute. - **-- Sec.10(5)**

SURRENDER OF SURPLUS LAND -- contd

- **If no surrender is made or surrendered land not acceptable – land be selected – notice in form VIII be issued - Sec.10(4), Rule.7**
- **Notice in form VIII be served on declarant and all concerned.**
- **Surrender in case of Joint family, it shall be as per agreement arrived at among all concerned – if not so – land in proportionate to held by them to be selected.**
- **In case land is held by Cooperative Society, first land not covered by Cooperative Society to be surrendered.**
- **If land to be surrendered by transferees/alienees – in proportion of such land held by them ----- Sec.7(8) and Rule.7.**

PROCEDURE OF TAKING OVER POSSESSION

- Once order, passed under Sec.10(3) / 10(4) is received – RDO – issues an order in **form IX** – authorizing specific Officer to take possession of land in various survey numbers specifying extents in each S.No.
- Copy of form IX to be served on the persons to surrender.
- If surrendered voluntarily, penchanama be recorded in presence of persons surrendering- enclosing the sketch.
- If not surrendered voluntarily, possession to be taken, conducting panchanama, enclosing the sketch.
- Possession to be taken in **Form X-** -- in triplicate – copies to Tahsildar, RDO and LRT.
- Land is got subdivided ,if part land in a S.No is covered.
- Lands taken possession – Entry to be made in Revenue records.

DISPOSAL OF LAND TAKEN POSSESSION AND VESTED IN GOVERNMENT

(Sec.14, Rule.10)

- Allotted as house sites.
- Be assigned to displaced tenants, landless poor and other poor agriculturalists in the area for agricultural purpose.
- 50% to S.Cs, 2/3rd of the remaining 33.33% B.Cs – rest to others.
- If fruit bearing trees / structures are there – value to be collected.
- Other conditions of normal assignment policy are applicable non-alienability etc., may be leased out for public purposes – may also be alienated. (Recent amendment).

AMOUNT PAYABLE TO LAND TAKEN POSSESSION AND VESTED IN THE GOVERNMENT

Towards land -----Sec.15 Schedule – II

- Amount payable is related to L.R.
- 100 times of L.R. if it does not exceed Rs.50.
- Fifty times of L.R. if more than Rs.50 and less than Rs.150, subject to minimum of Rs.5,000.
- Twenty times of L.R. if more than Rs.150 and less than Rs.500,, subject to minimum of Rs.7,500.
- Ten times when it is more than Rs.500, subject to minimum of Rs.10,000 and upto a maximum of Rs.1.00 lakh.

TREE / Structure value: (Rule 11)

- Tree value as per seigniorage rates notified by DFO. (with reference to date of taking over possession).
- Value (depreciated) of structures as determined by competent authority.

APPEAL & REVISION

- Appeal lies to Land Reforms Appellate Tribunal.
- Appeal against order passed by LRT be filed within 30 days from the date of communication of the order --- **Sec.20, Rule.15.**
- Authorised officer to file on behalf of the Government.
- Appeal can be filed by **Govt. with delay, if fraud** has taken place.
- Revision lies to High Court - Within 90 days. **Sec.21, Rule-17.**
- Further revision to Supreme Court

RE-CONVEYANCE OF LAND ONCE TAKEN POSSESSION -----;

SEC.12, SEC.7 OF AMENDED AC.1977, RULE 10.A

- **If the declarant becomes non surplus – order in Appeal / Revision – if extent of Surplus is reduced.**
- **The land taken possession is liable to be reverted to the extent required.**
- **Land be re-conveyed, if amount paid at the time of taking possession, is repaid.**
- **If land was assigned, it may be resumed and re-conveyed.**
- **If the Collector decides that it is not desirable / not feasible to resume the land from the assignees, a sum equal to the compensation payable as if Notification for acquisition is issued under Sec.4(1) of L.A.Act for acquisition on 1.1.1975, after deducting amount already paid.**

PENALTIES

- **If not filed declaration as required u/s.8 or U/s.18. **Sec 24****
- **Notice to be issued, and if not responded even then, liable for prosecution.**
- **Any contravention any provision of the Act – liable for prosecution.**
- **Prior sanction of the Collector to be obtained.**
- **VRO, or other Revenue Officer who fails to furnish the information related to families holding extent over and above specified limit and not filed declaration.**
- **Registrar, if fails to obtain declaration at the time of registration or fails to communicate the same to MRO/RDO.**
- **The penalty may be imprisonment that may extend up to 2 years or with fine up to Rs 2000 or with both -on conviction.**

Thank You