



## The Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957

Act 32 of 1958

### Keyword(s):

Agriculture, Agriculturist, Agricultural Land, Co-Operative Society, Co-Operative Farming Society, to Cultivate, to Cultivate Personally, Economic Holding, Improvement, Land, Land Revenue Act, Lease, Local Area, Permanent Alienation, Profits of Agricultur

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**THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (AMENDMENT)  
ACT, 1957.**

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BOMBAY ACT No. XXXII OF 1958<sup>1</sup>.[THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (AMENDMENT)  
ACT, 1957.]

[10th April 1958]

An Act further to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950.

Hyd. Act No. XXI of 1950. WHEREAS it is expedient further to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950, for the purposes hereinafter appearing; It is hereby enacted in the Eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Hyd. Act No. XXI of 1950. 2. In section 2 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as "the principal Act"), in sub-section (1),— Amendment of section 2 of Hyd. Act No. XXI of 1950.

(1) after clause (cc), the following clause shall be inserted, namely :—

"(cd) 'Collector' includes an Assistant or Deputy Collector performing the duties and exercising the powers of the Collector under the Hyderabad Land Revenue Act, or any other officer specially empowered by the State Government to perform the functions of the Collector under this Act."

Hyd. Act No. VIII of 1957.

(2) after clause (m), the following new clause shall be inserted, namely :—

"(mm) 'ordinary tenant' means a tenant other than a protected tenant ;"

(3) in clause (r), for the figures " 37 " the figures and letter " 37-A " shall be substituted.

3. For sections 6, 7 and 8 of the principal Act, the following sections shall be substituted, namely :— Sections 6, 7 and 8 of Hyd. Act No. XXI of 1950 substituted by new sections.

" 6. No tenancy of any land shall be terminated merely on the ground that the period fixed for its duration, whether by agreement or otherwise, has expired. Tenancy not terminable by efflux of time.

7. The rights of every tenant under this Act shall be recorded in the Record of Rights or where there is no Record of Rights in such village record as may be prescribed. Tenancies to be recorded in Record of Rights or other village record.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1957, Extra., Part V, p. 305-06.

Tahsildar to decide question whether a person is a tenant.

8. If any question arises whether any person is a tenant, the Tahsildar shall, after holding an inquiry, decide such question."

Deletion of sections 9 and 10 of Hyd. Act No. XXI of 1950.

4. Sections 9 and 10 of the principal Act shall be deleted.

Amendment of section 11 of Hyd. Act No. XXI of 1950.

5. In section 11 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely :—

"(3) If the amount of rent payable by a tenant for any year in respect of any land exceeds the value of one-sixth of the produce of such land in that year, the tenant shall be entitled to deduct from the rent for that year the amount so in excess, and the quantum of rent payable by the tenant shall be deemed to have been reduced to the extent of such deduction.

(4) For the purpose of sub-section (3), the value of the produce of land shall be determined in the manner prescribed.

(5) Any dispute regarding a deduction under sub-section (3) shall be decided by the Tahsildar."

Amendment of section 12 of Hyd. Act No. XXI of 1950.

6. In section 12 of the principal Act, the proviso shall be deleted.

Amendment of section 19 of Hyd. Act No. XXI of 1950.

7. In section 19 of the principal Act,

(1) in sub-section (1), for the words, brackets and figure beginning with the words "but subject to" and ending with the words "to be leased" the words "no tenancy shall be terminated" shall be substituted;

(2) sub-section (3) shall be deleted.

Insertion of new section 19A in Hyd. Act No. XXI of 1950.

8. After section 19 of the principal Act, the following new section shall be inserted, namely :—

Land or portion thereof which landholder is not entitled to retain on surrender to be declared as surplus.

"19A. (1) Subject to the provisions of this section, where a tenancy is terminated by surrender under clause (a) of sub-section (1) of section 19, the landholder shall be entitled to retain so much only of such land as will prevent the total area which he cultivates personally, whether as owner or tenant, or both from exceeding three family holdings for that local area.

(2) The Tahsildar shall hold an inquiry and declare whether the whole, or what part (if any) of the land surrendered the landholder is entitled to retain under sub-section (1), and notwithstanding anything in that sub-section, he may adjust by reduction or increase the area of any such part to be retained, but only so as to ensure that such part is not a fragment within the meaning of the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956. The Tahsildar shall declare any land surrendered which the landholder is not entitled to retain under the provisions aforesaid, to be surplus land."

Hyd.  
Act  
No.  
XI of  
1956.

9. In section 32 of the principal Act,—

(1) in sub-section (1), for the words “ may apply ” the words “ may, within a period of two years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, or the date on which the right to such possession accrued to him whichever is later, apply ” shall be substituted;

Amendment  
of section 32  
of Hyd. Act  
No. XXI of  
1950.

(2) in sub-section (2), after the words “ prescribed form ” the words “ within a period of two years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, or the date on which the right to such possession accrued to him whichever is later ” shall be inserted.

10. For section 33 of the principal Act, the following shall be substituted, namely :—

Substitution  
of section 33  
of Hyd. Act  
No. XXI of  
1950 by a  
new section.

“ 33. Save as provided in this Act, the rights and privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever shall not be limited or abridged.”

Rights and  
privileges of  
tenants not  
to be affected.

11. In section 35 of the principal Act, in sub-section (2), for the words beginning with the words “ on first appeal ” and ending with the words “ on second appeal ” the words “ on appeal ” shall be substituted.

Amendment  
of section 35  
of Hyd. Act  
No. XXI of  
1950.

12. In section 37 of the principal Act, in sub-section (2), for the words “ on first appeal or by the Board of Revenue on second appeal ” the words “ on appeal ” shall be substituted.

Amendment  
of section 37  
of Hyd. Act  
No. XXI of  
1950.

13. After section 37A of the principal Act, the following heading shall be inserted, namely :—

Insertion of  
heading after  
section 37A  
of Hyd. Act  
No. XXI of  
1950.

#### “CHAPTER IV-A.

##### RIGHTS OF PROTECTED TENANTS, ORDINARY TENANTS AND LANDHOLDERS.”

14. In section 38 of the principal Act,—

Amendment  
of section 38  
of Hyd. Act  
No. XXI of  
1950.

(1) in sub-section (1), after the words “ a protected tenant ” wherever they occur, the words “ or, as the case may be, ordinary tenant ” shall be inserted; and at the end the following proviso shall be added, namely :—

“ Provided that where such tenant is an ordinary tenant and the landholder is of the following category, namely :—

(a) a minor,

(b) a widow,

(c) a person serving in the Naval, Military or Air Forces in India, or

(d) a person subject to any physical or mental disability,

such tenant shall be entitled to purchase the landholder's interest under this section after the expiry of two years from the date on which—

(i) the landholder of category (a) attains majority,

(ii) the landholder of category (c) ceases to serve in such Forces,

(iii) the landholder of category (d) ceases to be subject to such disability, and

(iv) interest of the landholder of category (b) in the land ceases to exist.

*Explanation.*—Where land is held by the tenant under two or more joint landholders, the proviso to sub-section (1) shall not apply if at least one joint holder is outside the categories specified in the said proviso.”;

(2) after sub-section (2), the following new sub-section shall be inserted, namely :—

“(2a) (a) An ordinary tenant, and notwithstanding sub-section (2), after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, a protected tenant, who desires to exercise the right conferred by sub-section (1) shall make an offer to the landholder stating the price at which he is prepared to purchase the landholder's interest in the land, such price not exceeding twelve times the rent payable by him. Bom.  
of  
1957.

(b) where the tenant is entitled to purchase the landholder's interest in respect of a part of the land held by him as tenant, he shall state in the offer the part which he is entitled to purchase.”;

(3) in sub-sections (3) to (7), both inclusive, after the words “protected tenant”, the words “or, as the case may be, ordinary tenant” shall be inserted;

(4) in sub-section (4),—

(i) after the brackets and figure “(2)” the word, brackets, figure and letter “or (2a)” shall be inserted;

(ii) after the words “as may be prescribed” the words, figures and letter “and shall determine the amount of encumbrances lawfully subsisting on the land in the manner provided in section 38A1” shall be inserted;

(5) for the first proviso to sub-section (5), the following shall be substituted, namely :—

“in such annual instalments not exceeding twelve and on or before such dates as may be fixed by the Tribunal in relation to an offer under sub-section (2a):

Provided that during any period for which payment of rent is suspended or remitted under section 18, the tenant shall not be bound to pay the purchase price in lump sum or the amount of any instalments fixed under this section or any interest thereon, if any”;

(5) in sub-section (5)—

(i) in clause (a), the words beginning with the words " and the Tribunal " and ending with the words " to the landholder " shall be deleted ;

(ii) for clause (c), the following clause shall be substituted, namely :—

" (c) On the deposit of the amount of the reasonable price in a lump sum or of any instalment thereof under sub-section (5) or on the recovery of any amount of such price under the proviso to clause (d), the Tribunal shall, out of the amount so deposited or recovered, pay to the holder of the encumbrance the amount of his claim determined under sub-section (4) and the balance, if any, to the landholder :

Provided that where there are more such holders than one, the payment to them shall be made in the order of priority or *pro-rata*, as the case may be :

Provided further that any payment made to such holder shall not affect the right of such holder to proceed against the landholder in respect of encumbrance in any other manner or under any other law for the time being in force." ;

(iii) after clause (d), the following clauses shall be added, namely :—

" (e) Where in a case under sub-section (2a) a tenant is in arrears of four instalments on account of sufficient reasons, he may within a period of three months from the date of the default of the last instalment apply to the Tribunal to condone the default on the ground that he for sufficient reasons was incapable of paying the instalments and if the Tribunal after holding such inquiry as it may think fit, if so satisfied, it may allow further time for the payment of the arrears and may for that purpose increase the number of instalments to sixteen. If the tenant thereafter is at any time in arrears of four instalments or commits default in payment of the purchase price within the period so extended, the purchase shall be ineffective and provisions of clause (d) shall apply.

(f) If within three months from the date on which the purchase of any land has become ineffective, the landholder fails to refund to the tenant the amount paid after deducting any rent due to him, it shall be recovered from him as an arrear of land revenue and paid to such tenant." ;

(7) after sub-section (6), the following sub-section shall be inserted, namely :—

" (6A) With effect from the year in which the price is deposited with the Tribunal in lump sum or where the tenant is permitted to pay the price in instalments with effect from the year in which the first instalment thereof became payable, the tenant shall not be liable to pay to the landholder the rent for such land save where clause (f) of sub-section (6) applies. "

(8) in sub-section (7),—

(i) for the first proviso to clause (b), the following shall be substituted, namely :—

" Provided that in the case of land remaining with the tenant as tenant after such purchase, the first preference to purchase land at the prevailing market value in the local area shall, subject to the provisions of Chapter V, vest in the tenant. "



(ii) for clause (c) the following shall be substituted, namely :—

“(c) The extent of the land remaining with the landholder after the purchase of land by the tenant whether to cultivate personally or otherwise shall not be less than one family holding for the local area concerned.”;

(9) in sub-section (8),—

(i) for the words “protected” wherever it occurs the words “protected or, as the case may be, ordinary” shall be substituted;

(ii) the following proviso shall be added, at the end, namely :—

“Provided that the area to be purchased by the tenant shall as far as practicable, be a survey number or sub-division of a survey number.”;

(10) after sub-section (8) the following sub-section shall be added, namely :—

“(9) If at any time after the purchase of land under this section the purchaser fails to cultivate the land personally he shall, unless the Collector condones such failure for sufficient reasons be evicted and the land shall be declared as surplus land.”.

Insertion of  
section 38A-1  
in Hyd. Act  
No. XXI of  
1950.

15. After section 38 of the principal Act, the following section shall be inserted, namely :—

Tribunal to  
determine  
encumbrances  
subsisting on  
land pur-  
chased by  
tenant  
under section  
38.

“38A-1. (1) During an inquiry held under sub-section (4) of section 38, the Tribunal shall publish in the prescribed manner a notice calling upon all holders of encumbrances lawfully subsisting against the landholder in respect of the land to notify their claims in writing to the Tribunal within two months from the date of the publication of the notice.

(2) If any claims are notified under sub-section (1) the Tribunal shall give notice to the landholder and the holders of the encumbrances of the inquiry to be held in respect of such claims and shall hold an inquiry and determine the amount of such claims :

Provided that where any such claim involves a question of law regarding—

- (a) the validity of the claim,
- (b) the amount due in respect of such claim,
- (c) the right of the holder of the encumbrance to such claim,
- (d) where there are two or more such holders, the order of priority of such claims,

then notwithstanding anything contained in sections 99 and 99A the Tribunal shall in the prescribed manner refer such question for decision to the Subordinate Judge within the territorial limits of whose jurisdiction the land is situate.

(3) On receipt of such reference, the Subordinate Judge shall, after giving notice to the parties concerned try the questions referred to and record his findings thereon and send the same to the Tribunal. The Tribunal shall then determine the claim in accordance with such findings."

16. In section 38A of the principal Act,—

(1) after the words "protected tenant" wherever they occur, the words "or, as the case may be, ordinary tenant" shall be inserted;

Amendment  
of section  
38A of Hyd.  
Act No. XXI  
of 1950.

(2) for the brackets and figures and words, where they occur for the first time " (5), (6) and (8) " the brackets, figures, letter and word " (4), (5), (6), (6A), (8) and (9) " shall be substituted;

(3) the brackets, figures and word " (5), (6) and (8) " where they occur for the second time, shall be deleted.

17. In sections 38B, 38C and 38D, of the principal Act, after the words "protected tenant" wherever they occur, the words "or, as the case may be, ordinary tenant" shall be inserted.

Amendment  
of sections  
38B, 38C and  
38D of Hyd.  
Act No. XXI  
of 1950.

18. In section 38E of the principal Act,—

(1) in sub-section (1), the words "subject to the provisions of sub-section (7) of section 38 of the Act" shall be deleted and the following provisos shall be added to sub-section (1), namely:—

Amendment  
of section  
38E of Hyd.  
Act XXI of  
1950.

"Provided that the transfer under this sub-section shall be subject to the conditions (a) and (b) mentioned in sub-section (7) of section 38 and the further condition that the extent of the land remaining with the landholder after the purchase of the land by the protected tenant, whether to cultivate it personally or otherwise, shall not be less than twice the area of a family holding for the local area concerned:

Provided further that where in respect of any such land, any proceeding under section 19, 19A or 32 is pending on the date so notified, the transfer of ownership of such land shall take effect on the date on which such proceeding is finally decided and the tenant retains possession of the land in accordance with the decision in such proceeding."

(2) for the words "and thereupon", the following shall be substituted, and shall be deemed to have been substituted from the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, namely:—

"and if an application is not so filed within such period by the landholder but a certificate under sub-section (2) has been issued, the Tribunal may *suo motu* proceed to determine such price and thereupon";

(3) for the brackets and figure " (8) " the brackets and figure " (9) " shall be substituted.

Insertion of sections 38F, 38G and 38H in Hyd. Act No. XXI of 1956.

19. After section 38E of the principal Act, the following sections shall be inserted, namely :—

Transfer of ownership of land to tenants deemed to be protected tenants under section 37A.

“ 38F. (1) Notwithstanding anything in this Chapter or Chapter IV-B or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the State Government may at any time after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957 by notification in the *Official Gazette* declare in respect of any area and from such date as may be specified in such notification that the ownership of all lands held by all tenants deemed to be protected tenants under section 37A which they are entitled to purchase from their landholders in such area under any of the provisions of this Chapter shall stand transferred to such protected tenants and from such date all such protected tenants shall be deemed to be the full owners of such lands.

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of  
1956.

(2) The provisions of section 38E shall *mutatis mutandis* apply to the transfer of ownership of land to the protected tenants under sub-section (1).

Transfer of ownership of land to tenants from notified date.

38G. (1) Notwithstanding anything in this Chapter or Chapter IV-B or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the State Government may at any time after the expiry of three years from the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, by notification in the *Official Gazette*, declare in respect of any area and from such date as may be specified in such notification that the ownership of all lands held by ordinary tenants which they are entitled to purchase from their landholders in such area under any of the provisions of this Chapter shall, stand transferred to, and vest in, such tenants and from such date such tenants shall be deemed to be the full owners of such lands :

Bom.  
XXXII  
of  
1956.

Provided that if on such date any such tenant is of the following category, namely :—

- (a) a minor,
- (b) a widow,
- (c) a person serving in the Naval, Military or Air Forces in India, or
- (d) a person subject to any physical or mental disability ;

the ownership of the land shall stand transferred—

(i) to the tenant on the expiry of one year from the date on which the tenant of category (a) attains majority, the tenant of category (c) ceases to serve in such Forces ; the tenant of category (d) ceases to be subject to such disability ; and

(ii) in the case of a widow, to her successor-in-title on the expiry of one year from the date on which the widow's interest in the land ceases to exist.

(2) The provisions of section 38E shall *mutatis mutandis* apply to the transfer of ownership of land to ordinary tenants under sub-section (1).

38H. In the case of a tenancy created in any area after the date notified under section 38G in respect of such area, every tenant holding land under such tenancy shall be entitled to purchase within one year from the commencement of the tenancy so much of such land as he may be entitled to purchase under section 38 and the provisions of that section shall *mutatis mutandis* apply to such purchase."

Right of  
tenant hold-  
ing land  
under tenancy  
created after  
notified date  
to purchase  
land.

20. In section 39 of the principal Act,—

(1) after the words "protected tenants", wherever they occur the words "or as the case may be ordinary tenants" shall be inserted;

Amendment  
of section 39  
of Hyd. Act  
No. XXI of  
1950.

(2) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Nothing in the foregoing provisions of this section shall be deemed to authorise the exchange of tenancies between a protected tenant and an ordinary tenant."

21. For section 40 of the principal Act, the following section shall be substituted, namely:—

Substitution  
of section 40  
of Hyd. Act  
No. XXI of  
1950 by a  
new section.

40. (1) Where a tenant dies, the landholder shall be deemed to have continued the tenancy—

Rights of  
tenants are  
heritable.

(a) if such tenant was a member of an undivided Hindu family, to the surviving members of the said family, and

(b) if such tenant was not a member of an undivided Hindu family, to his heirs

on the same terms and conditions on which such tenant was holding it at the time of his death.

(2) The surviving members or, as the case may be, the heirs to whom the tenancy is continued under sub-section (1) shall be entitled to partition and subdivide the land leased subject to the following conditions:—

(a) each sharer shall hold his share as a separate tenant,

(b) the rent payable in respect of the land leased shall be apportioned among the sharers according to the share allotted to them,

(c) the area allotted to each sharer shall not be less than the unit which the State Government may, by general or special order, specify in this behalf having regard to the productive capacity and other circumstances relevant to the full and efficient use of the land for agriculture,

(d) if such area is less than the unit referred to in clause (c), the sharers shall be entitled to enjoy the income jointly, but the land shall not be divided by metes and bounds,

(e) if any question arises regarding the apportionment of the rent payable by the sharers, it shall be decided by the Tahsildar, whose decision shall be final.

Amendment  
of sections  
41, 42 and 43  
of Hyd. Act  
No. XXI of  
1950.

22. In sections 41, 42 and 43 of the principal Act, after the words "protected tenant" wherever they occur, the words "or, as the case may be, ordinary tenant," shall be inserted.

Substitution  
of section 44  
of Hyd.  
Act No. XXI  
of 1950 by a  
new Chapter.

23. For section 44 of the principal Act, the following Chapter shall be substituted, namely:—

#### " CHAPTER IV-B.

##### TERMINATION OF TENANCIES BY LANDHOLDERS FOR CULTIVATING LAND PERSONALLY.

Termination  
of tenancy  
by landholder  
for cultivat-  
ing land  
personally.

44. (1) Notwithstanding anything contained in section 6 or 19 but subject to the provisions of sub-sections (2) to (7), a landholder, may after giving notice to the tenant and making an application for possession as provided in sub-section (2), terminate the tenancy of any land, if the landholder *bona fide* requires the land for cultivating it personally.

(2) The notice required to be given under sub-section (1) shall be in writing, shall state the purpose for which the landholder requires the land and shall, save as otherwise provided in sub-section (3), be served on the tenant on or before the 31st day of December 1958. A copy of such notice shall, at the same time, be sent to the Tahsildar. An application for possession under section 32 shall be made to the Tahsildar, on or before the 31st day of March 1959.

(3) Where the landholder is of the following category namely:—

- (a) a minor,
- (b) a widow,
- (c) a person serving in the Naval, Military or Air Force in India, or
- (d) a person subject to any physical or mental disability,

then, if he has not given a notice and made an application as required by sub-section (2) and the tenant is not a protected tenant such notice may be given and such application may be made

(A) by the landholder within one year from the date on which—

- (i) in the case of category (a) he attains majority;
- (ii) in the case of category (c) he ceases to serve in such Force;
- (iii) in the case of category (d) he ceases to be subject to such mental or physical disability; and

(B) in the case of a widow by the successor in title within one year from the date on which the widow's interest in land ceases to exist:

Provided that where land is held by two or more joint holders, the provisions of this sub-section shall not apply if at least one joint holder is outside the categories specified in clauses (a) to (d) of this sub-section.

(4) If at the date on which the notice is given and on the date on which it expires,—

- (a) the landholder is not already cultivating personally any land whether as landholder or tenant, he shall subject to the provisions of sub-sections (5) and (6) be entitled to take possession of an area equal to three times the family holding for the local area concerned;

(b) the land cultivated by the landholder, whether as landholder or tenant, is less than three family holdings for the local area concerned, he shall subject to the provisions of sub-sections (5) and (6) be entitled to the possession of so much area of the land leased as will be sufficient to raise the area in his possession to the extent of three times the family holding.

(5) The landholder's right to terminate tenancy of any tenant under sub-section (1) shall be subject to the following conditions :—

(a) He shall not be entitled to resume more than a family holding unless the income by the cultivation of such land will be his main source of income for his maintenance.

(b) Where the land held by a landholder, whether as owner or tenant, does not exceed a basic holding, he will be entitled to terminate the tenancy of the entire land leased by him.

(c) Where the land held by a landholder, whether as owner or tenant, exceeds a basic holding, he will be entitled to resume only so much area leased to the tenant as will, after such termination, leave with the tenant either an area, which together with the land owned by him or held by him as a tenant, would be equal to a basic holding, or, if the area so left would be less than a basic holding, then half the area leased out by him to the tenant.

(6) Nothing in this section shall entitle a landholder to terminate the tenancy of a tenant who is for the time being a member of a Co-operative Farming Society.

(7) The tenancy in respect of the land left with the tenant after the termination of the tenancy under this section shall not at any time afterwards be liable to termination again on the ground that the landholder *bona fide* requires that land for cultivating personally ; and this provision shall apply also in regard to the termination of tenancy under sub-section (5) of section 44 of the Act as it stood before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957.

(8) If in consequence of the termination of tenancy under this section, any part of the land leased is left with the tenant, the rent of the land left with the tenant shall be apportioned in the prescribed manner in proportion of the area of the land left with the tenant.

(9) Any proceeding instituted by a landholder for terminating the tenancy of any land on the ground that he requires the land for cultivating it personally and pending on the date on which the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, comes into force shall be deemed to be a proceeding instituted for terminating the tenancy under this section and the provisions of this section shall apply to such proceeding.

(10) The State Government shall provide by rules for—

(i) the manner of conducting enquiries into the applications for possession of lands made under sub-section (2),

(ii) selection of lands for taking possession,

(iii) exchange and consolidation of fragments to secure as far as possible contiguous blocks to the landholder, or the tenant,

(iv) the time when the termination of tenancy will take effect, and

(v) any other matter as may be considered necessary for giving effect to the provisions of this section.

Provisions of section 44, not to affect right of tenant to purchase land.

44A. (1) Nothing in section 44 shall be deemed to affect the right of a tenant to purchase under section 38 land held by him as tenant :

Provided that where the tenant makes an offer to the landholder under sub-section (2) or (2a) of section 38 in respect of any such land, the landholder may, within three months from the date of receipt of such offer, select the land for cultivating personally and give an intimation in writing to the tenant of his intention to terminate the tenancy of such land :

Provided further that the landholder's right to terminate the tenancy shall be subject to the provisions of section 44.

(2) The question whether the landholder is entitled to terminate the tenancy of the land in preference to the right of the tenant to purchase such land shall be decided by the Tahsildar."

Amendment of section 45 of Hyd. Act No. XXI of 1950.

24. In section 45 of the principal Act,—

(1) in sub-section (1), for the figures "44" the figures, words and letter "44 or section 44A" shall be substituted ;

(2) the word "protected", where it occurs at two places, shall be deleted ;

(3) in the Explanation, for the words "mentioned in the Explanation to" the words "of such tenant to whom the tenancy is continued under" shall be substituted.

Amendment of section 46 of Hyd. Act No. XXI of 1950.

25. In section 46 of the principal Act, the word "protected", shall be deleted.

Amendment of section 48 of Hyd. Act No. XXI of 1950.

26. In section 48 of the principal Act, the word "protected", wherever it occurs, shall be deleted.

Amendment of section 50A of Hyd. Act No. XXI of 1950.

27. In section 50A of the principal Act,—

(1) for the words "in this Chapter" the words "in the foregoing provisions of this Chapter"; and

(2) for the word and figures "Chapter IV" the words, figures and letters "Chapter IV-A and Chapter VI and section 98C" shall be substituted.

28. After section 50A of the principal Act, the following sections shall be inserted, namely :—

Insertion of sections 50B and 50C in Hyd. Act No. XXI 1950.

“ 50B. (1) No land purchased by a tenant under section 38, 38A, 38D, 38E, 38F, 38G, or 38H or sold to any person under section 53F, 53G, 53H or 98C shall be transferred by sale, gift, exchange, mortgage, lease or assignment or partitioned without the previous sanction of the Collector.

Restrictions on transfers of land purchased or sold under this Act.

(2) Any transfer or partition of land in contravention of sub-section (1) shall be invalid.

50C. (1) Except as otherwise expressly provided in this Act, the price of any land sold or purchased under the provisions of this Act shall consist of the following amounts, namely :—

Reasonable price of land for purpose of its sale or purchase.

(a) an amount not exceeding twelve times the rent of the land as determined in accordance with the provisions of section 11 and sub-section (3) of section 17 ;

(b) the value of any structures, wells and embankments constructed and trees planted on the land.

(2) Where in the case of any sale or purchase of any land under this Act the Tribunal, the Tahsildar or any other Officer, has to fix the purchase price of such land under this Act, the Tribunal, the Tahsildar or such officer, as the case may be, shall, subject to the quantum specified in sub-section (1), fix the price having regard to the following factors, namely :—

(a) the structures and wells constructed and permanent fixtures made and trees planted on the land by the landholder or the tenant ;

(b) the profits of agriculture of similar land in the locality ;

(c) the improvements made in the land by the landholder or the tenant ;

(d) the prices of crops and commodities in the locality ;

(e) such other factors as may be prescribed ”

(3) Nothing in this section shall apply to any sale made under sections 47 to 50 of this Act.”

29. In section 53C of the principal Act,—

Amendment of section 53C of Hyd. Act No. XXI of 1950.

(1) for sub-section (1) the following shall be substituted, namely :—

“(1) Notwithstanding any law for the time being in force or any usage or custom or the terms of any contract or grant to the contrary, the Government may by notification in the *Official Gazette*, declare in respect of any area specified in the notification its intention to assume management for a public purpose and subject to sub-section (7) as to the payment of compensation, of all surplus lands held by the landholders in such area with effect from the date specified in the notification.

(1A) A declaration made by Government under sub-section (1) shall be conclusive evidence that surplus lands are so required for a public purpose.

*Explanation I.*—For the purpose of this section “surplus land” in the case of a landholder means so much of the land held by the landholder which is not in the possession of his tenants and which is in excess of four and a half family holdings in the local area concerned.



*Explanation II.*—In this section “public purpose” includes settlement of landless cultivators, development of co-operative organisations and increasing the efficiency of cultivation and management.”

(2) in sub-section (2) —

(a) after the words “or authority” where they occur for the first time the words “authorised by the Government” shall be inserted;

(b) for the words, brackets and figures “sub-sections (7) and (8)” the word, brackets and figure “sub-section (7)” shall be substituted;

(c) the first proviso shall be deleted;

(d) in the second proviso, the word “further” shall be deleted;

(3) in sub-section (3) the word “protected” shall be deleted;

(4) for sub-sections (4) (5) and (6) the following shall be substituted, namely:—

“(4) on the publication of a notification under sub-section (1) the Tahsildar shall cause summary inquiries to be made in respect of surplus lands available for assuming management under sub-section (1) and shall forward a report of the result of the inquiries along with a list of surplus lands and the holders thereof to the Collector.

(5) On receipt of the report the Collector shall give notice in the prescribed manner to each such landholder directing him to furnish to the Collector within three months from the date of the receipt of the notice such particulars in such form as may be prescribed for the purpose and to submit within the said period his objections, if any, to the assumption of management of the surplus land.

(5A) The Collector shall thereupon consider the particulars, if any, furnished and the objections if any, submitted by the landholder and after holding such inquiry as he deems fit, shall make an order for the assumption of the management of the surplus land:

Provided that no surplus land which forms part of a compact block shall be assumed under management if in the opinion of the Collector it is so efficiently cultivated and managed according to the standards prescribed under section 53B, that a break up will lead to a fall in production.

(5B) The Order passed by the Collector shall be communicated to the landholder and shall be published in the prescribed manner.

(6) On the publication of the order to assume management, the Collector shall appoint a manager to be in charge of the lands and thereafter the provisions of section 53 shall *mutatis mutandis* apply to such lands.”

(5) in sub-section (7) —

(a) after the words “recurring payment”; the words “of a sum equal to the reasonable rent” shall be inserted; and

(b) for the words “and such other sums, if any, as may be found necessary” the words “and, of a further sum equal to one half of such rent” shall be substituted;

(6) sub-section (8) shall be deleted.

30. In section 53F of the principal Act,—

- (1) in sub-section (1), the word “protected” shall be deleted ;  
(2) for sub-section (2), the following shall be substituted, namely :—

“(2) The reasonable price of the land purchased by a person under sub-section (1) shall be determined in accordance with the provisions of section 50C.”

Amendment  
of section  
53F of Hyd.  
Act No. XX  
of 1950.

31. After section 53G of the principal Act, the following section shall be inserted, namely :—

“53H. In the case of any land declared to be surplus under any of the provisions of this Act, the Government shall be deemed to have assumed the management of such land for a public purpose and the provisions of sections 52, 53 and 53B to 53G (both inclusive) shall *mutatis mutandis* apply to such land.”

Insertion of  
section 53H  
in Hyd Act  
No. XXI of  
1950.

Assumption  
of manage-  
ment of  
surplus lands.

32. In section 66 of the principal Act, the word “protected” shall be deleted.

Amendment  
of section 66  
of Hyd. Act  
No. XXI of  
1950.

33. After section 88 of the principal Act, the following section shall be inserted, namely :—

“88A. Save as expressly provided by or under this Act, all inquiries and other proceedings before the Tahsildar or Tribunal shall be commenced by an application which shall contain the following particulars :—

Commence-  
ment of  
proceedings.

- (a) the name, age, profession and place of residence of the applicant ;  
(b) a short description and situation of the property of which possession is sought or the amount of the claim, as the case may be ;  
(c) the circumstances out of which the cause of action arose ;  
(d) a list of the applicant's documents, if any, and of his witnesses and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of hearing ;  
(e) such other particulars as may be prescribed.”

34. In section 90 of the principal Act,—

(1) the words “or the Deputy Collector” and the words “or Deputy Collector” where they occur at two places shall be deleted ;

(2) in sub-section (2), for the words “the Board of Revenue and the order of the Board of Revenue” the words and figures “the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in that Act and the order of the Bombay Revenue Tribunal” shall be substituted ;

Amendment  
of section 90  
of Hyd.  
Act No. XXI  
of 1950.

(3) after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) In deciding appeals under sub-section (2), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.”

V of  
1908.

Section 91 of 35. For section 91 of the principal Act, the following sections shall be inserted,  
Hyd. Act No. namely :—  
XXI of 1950

substituted  
by new sec-  
tions.

Revisonal  
powers of  
Collector.]

“90B. (1) Where no appeal has been filed within the period provided for it, the Collector may, *suo motu* or on a reference made in this behalf by the Chief Controlling Authority or the State Government, at any time,—

(a) call for the record of any inquiry or the proceedings of any Tahsildar or Tribunal for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of such Tahsildar or Tribunal, as the case may be, and

(b) pass such order thereon as he deems fit :

Provided that no order of such Tahsildar or Tribunal shall be modified, annulled or reversed after a period of one year from the date of such order and unless opportunity has been given to the interested parties to appear and be heard.

(2) Where any order under section 53C is made by an Assistant or Deputy Collector performing the duties or exercising the powers of the Collector or by an officer specially empowered by the State Government to perform the functions of the Collector under this Act, such order shall be subject to revision by the Collector and the provisions of sub-section (1) shall apply to the proceedings of the Assistant or Deputy Collector or officer concerned, as they apply to the proceedings of a Tahsildar or Tribunal.

Revision.

91. (1) Notwithstanding anything contained in the Bombay Revenue Tribunal Act, 1939, an application for revision may be made to the Bombay Revenue Tribunal constituted under the said Act against any order passed on appeal or under section 90B by the Collector on the following grounds only :—

Bom.  
XII  
of  
1939.

(a) that the order of the Collector was contrary to law ;

(b) that the Collector failed to determine some material issue of law ; or

(c) that there was a substantial defect in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(2) In deciding applications under this section the Bombay Revenue Tribunal shall follow the procedure which may be prescribed by rules made by the State Government under this Act after consultation with the Bombay Revenue Tribunal.”

36. After section 95 of the principal Act, the following sections shall be inserted, namely :—

Insertion of sections 95A and 95B in Hyd. Act No. XXI of 1950.

" 95A. All inquiries and proceedings before the Tahsildar, the Tribunal, the Collector and the Bombay Revenue Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Inquiries and proceedings to be judicial proceedings.

XLV  
of  
1860.

95B. Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Tahsildar, the Tribunal or the Collector:

Pleaders etc. excluded from appearance.

Provided that the Tahsildar, the Tribunal or the Collector may, in the interest of justice for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader :

Provided further that pleader's fee shall not be allowed as part of the costs for the appearance of the pleader in any such proceedings :

Provided also that if any officer of Government is appointed or declared by a competent court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Tahsildar, the Tribunal or the Collector. Such representative may also submit any application and otherwise act on behalf of the officer in any such proceedings.

*Explanation.*—For the purposes of this section the word 'pleader' includes an advocate, attorney, vakil or any other legal practitioner."

37. In section 96 of the principal Act,—

Amendment of section 96 of Hyd. Act No. XXI of 1950.

(1) in the table, entries relating to section 6 and section 8 shall be deleted ;

(2) in sub-section (2), after the word and figures "section 16" the words, brackets and figures "or sub-section (2) of section 29 or sub-section (2) of section 32" shall be inserted.

38. Section 96A of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) so renumbered, the following sub-section shall be inserted, namely :—

Amendment of section 96A of Hyd. Act No. XXI of 1950.

" (2) Nothing in sub-section (1) shall apply to a contravention to which the provisions of section 98A, 98B, 98C or 98D apply."

Insertion of sections 98A, 98B, 98C and 98D in Hyd. Act No. XXI of 1950. Validation of alienations etc., made before the 1st day of December 1957.

39. After section 98 of the principal Act, the following sections shall be inserted, namely :—

“ 98A. (1) A permanent alienation or transfer of any land in contravention of any of the provisions of Chapter V as it stood before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957 (hereinafter referred to as the Amending Act, 1957)—

(a) if made on or after the 10th day of June, 1950, but before the 26th day of January, 1956, shall not be declared to be invalid merely on the ground of such contravention if the alienee or transferee pays to the State Government a penalty—

(i) of Rs. 1 in case he was a tenant in possession of the land, and

(ii) of Rs. 5 in any other case ;

(b) if made on or after the 26th day of January, 1956, but before the 1st day of December, 1957, shall not be declared to be invalid merely on the ground of such contravention if the alienee or transferee pays to the State Government a penalty equal to one per cent. of the consideration or Rs. 100 whichever is less.

(2) On payment of such penalty, the Tahsildar shall issue a certificate to the alienee or transferee that such transfer is not invalid.

(3) Where the alienee or transferee fails to pay the penalty referred to in sub-section (1) within such period as may be prescribed, the transfer shall be declared invalid by the Tahsildar and thereupon the provisions of sub-sections (3) to (5) of section 98C shall apply.

(4) The validation of any permanent alienation or transfer under this section shall not affect the right accrued to any person under section 37A or section 38E.

(5) The validation of the permanent alienation or transfer of any land under this section shall not preclude the assumption of management of such land by Government under section 53C.

(6) Nothing in the foregoing provisions of this section shall apply to a permanent alienation or transfer which has been validated in accordance with the provisions of the first proviso to sub-section (1) of section 47.

98B. (1) Where in respect of any permanent alienation, transfer or acquisition of any land made on or after the 1st day of December 1957, but before the commencement of the Amending Act, 1957, the Tahsildar, *suo motu* or on the application of any person interested in such land, has reason to believe that such alienation or transfer or acquisition—

(a) was in contravention of any of the provisions of Chapter V as it stood before the commencement of the Amending Act, 1957, or

(b) is inconsistent with any of the provisions of this Act as amended by the Amending Act, 1957, the Tahsildar shall issue a notice in the prescribed form to the transferor, the transferee or the person acquiring such land, as the case

Certain alienation, etc. made between 1st December 1957 and the commencement of the Amending Act, 1957, invalid.

may be, to show cause as to why the alienation, transfer or acquisition, should not be declared to be invalid and shall hold an inquiry and decide whether the alienation, transfer, or acquisition is or is not invalid.

(2) If after holding such inquiry the Tahsildar declares the alienation, transfer or acquisition to be invalid, he shall direct that the land shall be restored to the person from whom it was acquired, and the amount of consideration paid, if any, shall be recovered as arrears of land revenue from the transferor and paid to the transferee and until the amount is so fully paid, the said amount shall be a charge on the land :

Provided that where the alienation, transfer or acquisition was in favour of the tenant in possession of the land, such alienation, transfer or acquisition shall not be declared to be invalid if the tenant pays to the State Government a penalty of Re. 1.

(3) If the person to whom the land is directed to be restored refuses to take possession of the land, the Tahsildar shall declare it to be surplus land.

(4) The amount of recurring compensation or reasonable price realised in respect of land declared as surplus land under sub-section (3) shall be payable to the transferee.

(5) If the transferee refuses to accept the amount paid to him under sub-section (2) or (4), the amount shall be forfeited to Government.

98C. (1) Where in respect of the permanent alienation, transfer or acquisition of any land made on or after the commencement of the Amending Act, 1957, the Tahsildar *suo motu* or on the application of any person interested in such land has reason to believe that such alienation, transfer or acquisition is or becomes invalid under any of the provisions of this Act, the Tahsildar shall issue a notice and hold inquiry as provided for in section 98-B and decide whether the alienation, transfer or acquisition is or is not invalid. Disposal of  
land aliena-  
tion of which  
is invalid.

(2) If after holding such inquiry, the Tahsildar comes to the conclusion that the alienation, transfer or acquisition of land is invalid, he shall make an order declaring the alienation, transfer or acquisition to be invalid.

(3) On the declaration made by the Tahsildar under sub-section (2)—

(a) the land shall be deemed to vest in the State Government free from all encumbrances lawfully subsisting thereon on the date of such vesting and shall be disposed of in the manner provided in sub-section (4) ; the encumbrances shall be paid out of the occupancy price in the prescribed manner, but the right of the holder of such encumbrances to proceed against the person liable, for the enforcement of his right in any other manner, shall not be affected.

(b) The amount which was received by the alienor or transferor as the price of the land shall be deemed to have been forfeited to the State Government and it shall be recovered as arrears of land revenue.

(c) The Tahsildar shall, in accordance with the provision of section 50-C, determine the reasonable price of the land.

(4) After determining the reasonable price, the Tahsildar shall dispose of the land by sale on payment of occupancy price equal to the reasonable price determined under sub-section (3) in the prescribed manner in the following order of priority :—

- (i) the tenant in actual possession of the land,
- (ii) the person or bodies in the order given in section 53-E :

Provided that in the case of a transfer by the landholder to the tenant of the land—

(i) where the amount received by the landholder as the price of the land is equal to or less than the reasonable price, then notwithstanding anything contained in sub-sections (3) and (4) the Tahsildar shall, after an order is passed by him under sub-section (3), grant the land to the tenant on payment of occupancy price of rupee one ;

(ii) where the amount received by the landholder as the price of the land is in excess of the reasonable price, the Tahsildar shall grant the land to the tenant on payment of occupancy price equal to one-tenth of the reasonable price and out of the amount forfeited under sub-section (3), the landholder shall be paid back an amount equal to nine-tenths of the reasonable price.

(5) The amount of occupancy price realised under sub-section (4) shall, subject to the payment as aforesaid of any encumbrances subsisting on the land, be credited to the State Government :

Provided that where the acquisition of any excess land was on account of gift or bequest, the amount of the occupancy price realised under sub-section (4) in respect of such land shall, subject to the payment of encumbrances subsisting thereon, be paid to the donee or legatee in whose possession the land had passed on account of such acquisition.

Temporary leases of land liable to be disposed of under section 98-C.

98D. (1) Where any land has become liable to be disposed of under section 98-C and the Tahsildar considers that such disposal is likely to take time and that with a view to preventing the land remaining uncultivated it is necessary to take such a step, he may lease the land for cultivation to any agriculturist who has under personal cultivation land less than two family holdings, subject to the following conditions :—

- (i) the lease shall be for a period of one year ;
- (ii) the lessee shall pay rent as determined in accordance with the provisions of section 11 and sub-section (3) of section 17 ;
- (iii) the lessee shall be liable to pay land revenue and other cesses ;
- (iv) if the lessee fails to vacate the land on the expiry of the term of the lease he shall be liable to be summarily evicted by the Tahsildar.

(2) The person holding land on lease under sub-section (1) shall not be deemed to be a tenant within the meaning of this Act.

(3) The amount of rent realised under sub-section (1) shall be forfeited to Government. "

40. After section 99 of the principal Act, the following new section shall be inserted, namely :—

Insertion of section 99A in Hyd. Act No. XXI of 1950.

“99A. (1) If any suit instituted in any Civil Court involves any issues which are required to be settled, decided or dealt with by any authority competent to settle, decide or deal with such issues under this Act (hereinafter referred to as the ‘competent authority’) the Civil Court shall stay the suit and refer such issues to such competent authority for determination.

Suits involving issues required to be decided under this Act.

(2) On receipt of such reference from the Civil Court, the competent authority shall deal with and decide such issues in accordance with the provisions of this Act and shall communicate its decision to the Civil Court and such Court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

*Explanation.*—For the purpose of this section a Civil Court shall include a Mamlatdar’s Court constituted under the Mamlatdars’ Courts Act, 1906.”

Bom. II of 1906.

41. In section 100A of the principal Act, for the words “the Board of Revenue” the words “any officer not below the rank of an Assistant or Deputy Collector” shall be substituted.

Amendment of section 100A of Hyd. Act No. XXI of 1950.

42. For section 102 of the principal Act, the following sections shall be substituted, namely :—

Substitution of section 102 by new sections 102, 102A and 102B.

“102. (1) Save as provided in this section, nothing in Chapters IV-A and IV-B shall apply to lands taken under management—

Certain provisions of the Act not to apply to lands taken under management under Chapter VI or of the Court of Wards, etc.

(i) of the State Government under Chapter VI,

(ii) of the Court of Wards,

(iii) of a Government Officer appointed in his official capacity as a guardian under the Guardians and Wards Act, 1890, or

(iv) temporarily by civil, revenue or criminal courts by themselves or through receivers appointed by them till the decision of the title of the rightful holders ;

VIII of 1890.

and nothing in this Act shall affect the power vested in the Court of Wards, such Government Officer or court or receiver as respects the recovery of dues under any law including the law under which such land is taken under management and the manner of recovery provided in such law.

(2) If on the date of the release of any land from such management, any tenancy subsists in respect of such land, the landholder shall be entitled to terminate such tenancy under section 44 by giving three months’ notice within one year from such date ; and the tenant, if he has not already exercised the right of purchase under section 53F, shall have the right to purchase the land under section 38 within one year from the expiry of the period during which the landholder was entitled to terminate the tenancy as aforesaid.



Certain lands exempted from the operation of the Act and conditions of exemption, etc.

102A. Nothing in the foregoing provisions of this Act shall apply—

(a) to lands leased, or held by the Government, a local authority, a co-operative society or a university established by law in the State ;

(b) to lands leased to, or held by, any industrial or commercial undertaking (other than a co-operative society) which in the opinion of State Government *bona fide* carries on any industrial or commercial operations and which is approved by the State Government ;

(c) to service inam lands ;

(d) to lands transferred to or by a Bhoodan Samiti recognised by the State Government in this behalf ;

(e) to lands which are the property of a trust for an educational purpose, hospital, Panjrapol, Gaushala or an institution for public religious worship, provided the entire income of such lands is appropriated for the purposes of such trust ;

(f) to any area which Government may, from time to time by notification in the *Official Gazette*, specify as being reserved for non-agricultural or industrial development.

*Explanation.*—For the purposes of clause (e), a certificate granted by the Collector, after holding an inquiry, that the conditions mentioned in the said clause are satisfied by a trust, shall be conclusive evidence in that behalf.

102B. (1) Notwithstanding anything contained in section 102A, if the State Government is satisfied—

(i) that the lands transferred by a Bhoodan Samiti are not cultivated personally by the transferee or are alienated by them ;

(ii) in the case of land referred to in clause (e) of section 102A that the trust is unable to look after the property or has mismanaged it or that there are disputes between the trust and the tenants ; and

(iii) in the case of an area referred to in clause (f) of section 102A that the chances of non-agricultural or industrial development are remote or that after the eviction of tenants from any land in such area, the land has not been used for non-agricultural or industrial purpose,

the State Government may by order published in the prescribed manner direct that with effect from such date as may be specified in the order such land or area, as the case may be, shall cease to be exempted from all or any of the provisions of this Act from which it was exempted under any of the sections aforesaid and any certificate granted under the Explanation to section 102A shall stand revoked.

(2) Where any such land or area ceases to be so exempted, then in the case of a tenancy subsisting on such date in respect of any such land, the landholder shall be entitled to terminate such tenancy under section 44 by giving the tenant a three months' notice within one year from such date and the tenant shall have the right to purchase the land under section 38 within one year from the expiry of the period during which the landholder is entitled to terminate the tenancy under section 44."

Power of Government to withdraw exemption.

**THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (AMENDMENT)  
ACT, 1959.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Deletion of section 38-C of Hyderabad Act No. XXI of 1950.
3. Substitution of section 50-A of Hyderabad Act No. XXI of 1950 by new section.
4. Substitution of section 87 of Hyderabad Act No. XXI of 1950 by new section.
5. Substitution of section 89 of Hyderabad Act No. XXI of 1950 by new sections.
6. Amendment of section 90 of Hyderabad Act, No. XXI of 1950.
7. Substitution of section 90-A of Hyderabad Act No. XXI of 1950 by new section.
8. Amendment of section 90-B of Hyderabad Act No. XXI of 1950.
9. Amendment of section 92 of Hyderabad Act No. XXI of 1950.
10. Amendment of section 94 of Hyderabad Act No. XXI of 1950.
11. Amendment of section 98-B of Hyderabad Act No. XXI of 1950.
12. Amendment of section 98-C of Hyderabad Act No. XXI of 1950.
13. Amendment of section 102 of Hyderabad Act No. XXI of 1950.
14. Insertion of section 102-C in Hyderabad Act No. XXI of 1950.

BOMBAY ACT No. XXXII OF 1959<sup>1</sup>.[THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (AMENDMENT)  
ACT, 1959.]

[21st May 1959]

## An Act to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950.

Hyd. Act No. XXI of 1950. WHEREAS it is expedient to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950, for the purposes hereinafter appearing; It is hereby enacted in the Tenth Year of the Republic of India as follows :—

1. This Act may be called the Hyderabad Tenancy and Agricultural Lands Short title. (Amendment) Act, 1959.

Hyd. Act No. XXI of 1950. 2. Section 38-C of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as "the principal Act") shall be deleted. Deletion of section 38-C of Hyd. Act No. XXI of 1950.

3. For section 50-A, of the principal Act, the following section shall be substituted, namely :— Substitution of section 50-A of Hyd. Act No. XXI of 1950 by new section.

" 50-A. Nothing in the foregoing provisions of this Chapter shall apply to the sale of agricultural lands under— Provisions of Chapter V not to apply in certain cases.

(i) the provisions of Chapter IV-A except section 38-D,

(ii) section 38-D, if such sale is in favour of the tenant of such land and as a result of such sale, the total area of the land so sold together with other land, if any, cultivated personally by such tenant does not exceed three family holdings,

(iii) the provisions of Chapter VI, or

(iv) section 98-C. "

4. For section 87 of the principal Act, the following section shall be substituted, namely :— Substitution of section 87 of Hyd. Act No. XXI of 1950 by new section.

" 87. (1) For the purposes of this Act, there shall be a Tribunal called the Agricultural Lands Tribunal for each taluka or for such area as the State Government may think fit. Tribunal.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1959, Part V, pp. 36-37.

*Hyderabad Tenancy and Agricultural Lands [1959 : Bom. XXIII  
(Amendment) Act, 1959*

(2) The State Government may appoint an officer not below the rank of a Tahsildar to be the Tribunal and to exercise the powers and perform the duties and functions of the Tribunal under this Act in a taluka or any other area referred to in sub-section (1) :

Provided that the State Government may for any area constitute a Tribunal consisting of not less than three members of whom—

(a) at least one shall be a person who is holding or has held a judicial office not lower in rank than that of a civil judge or who is a qualified to practise as a lawyer in the State of Bombay, and

(b) one shall be appointed to be the President of the Tribunal,

and the Tribunal so constituted shall exercise the powers and perform the duties and functions of the Tribunal under this Act.

*Explanation.*—In this section 'lawyer' means any person entitled to appear and plead for another in Court in the State and includes an advocate, a vakil and an attorney of the High Court of Bombay."

5. For section 89 of the principal Act, the following sections shall be substituted, namely :—

Substitution  
of section 89  
of Hyd. Act  
XXI of 1950  
by new  
sections.

Procedure.

" 89. In all inquiries and proceedings commenced on the presentation of applications under section 88A, the Tahsildar or the Tribunal shall exercise the same powers as the Mamlatdar's Court under the Mamlatdars' Courts Act, 1906, and shall save as provided in section 32 follow the provisions of the said Act, as if the Tahsildar or the Tribunal were a Mamlatdar's Court under the said Act and the application presented was a plaint presented under section 7 of the said Act. In regard to matters which are not provided for in the said Act, the Tahsildar or the Tribunal shall follow such procedure as may be prescribed by the State Government. Every decision of the Tahsildar or the Tribunal shall be recorded in the form of an order which shall state the reasons for such decision.

Bom.  
II of  
1906.

Distribution  
of business  
amongst  
Tahsildars.

89A. Where in any taluka in addition to the Tahsildar appointed under sub-section (1) of section 9 of the Land Revenue Act, one or more Tahsildars or Naib Tahsildars are appointed under the said section 9 or one or more officers are appointed by the State Government to exercise the powers and perform the duties of a Tahsildar under this Act, each such Tahsildar or Naib Tahsildar or officer shall dispose of such inquiries or proceedings commenced before the Tahsildar under section 88A as the Tahsildar, subject to the control of the Collector, may by general or special order refer to him.

Power of  
Collector to  
transfer  
proceedings.

89B. The Collector may, after due notice to the parties, by order in writing, transfer any proceeding under this Act pending before a Tahsildar in his district from such Tahsildar to any other Tahsildar in his district and the Tahsildar to whom the proceeding is so transferred shall thereupon exercise jurisdiction under this Act in such proceeding :

Provided that any order to be issued to village officers under section 94 shall be issued by the Tahsildar to whom such village officers are subordinate."

6. In section 90 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) Save as otherwise provided in this Act, the provisions of Chapter XI of the Land Revenue Act shall apply to the appeals to the Collector under this Act as if the Collector were the immediate superior of the Tahsildar or the Tribunal. The Collector in appeal shall have power to award costs.”

Amendment of section 90 of Hyd. Act No. XXI of 1950.

7. For section 90A of the principal Act the following section shall be substituted, namely :—

Substitution of section 90-A of Hyd. Act No. XXI of 1950 by new section.

“90A. The Collector, may after due notice to the parties, by order in writing,—  
(a) transfer any appeal pending before him or before any Assistant or Deputy Collector subordinate to him to any Assistant or Deputy Collector specified in such order, performing the duties and exercising the powers of a Collector and upon such transfer the Assistant Collector or the Deputy Collector, as the case may be, shall have power to hear and decide the appeal as if it was originally filed to him ; or

Powers of Collector to transfer and withdraw appeals.

(b) withdraw any appeal pending before any Assistant or Deputy Collector and himself hear and decide the same.”

8. In section 90B of the principal Act, in sub-section (1), for the proviso the following shall be substituted, namely :—

Amendment of section 90-B of Hyd. Act No. XXI of 1950.

“Provided that no such record shall be called for after the expiry of one year from the date of such order and no order of such Tahsildar or Tribunal shall be modified, annulled or reversed unless an opportunity has been given to the interested parties to appear and to be heard.”

9. In section 92 of the principal Act, the words, brackets and figures beginning with the words “and shall have the powers” and ending with the figures “89” shall be deleted.

Amendment of section 92 of Hyd. Act No. XXI of 1950.

10. In section 94 of the principal Act, for the words “in the prescribed manner” the following shall be substituted, namely :—

Amendment of section 94 of Hyd. Act No. XXI of 1950.

“in the manner provided in section 21 of the Mamlatdars' Courts Act, 1906, as if it were a decision of the Tahsildar under the said Act :

Provided that such order shall not be executed till the expiry of the period of appeal or as the case may be, of application for revision as provided in section 93.”

11. In section 98B of the principal Act,—

Amendment of section 98-B of Hyd. Act No. XXI of 1950.

(1) in sub-section (4), for the word “transferee” the word “transferor” shall be substituted ;

(2) in sub-section (5), for the word, brackets and figure “or (4)” the words, brackets and figure “or the transferor refuses to accept the amount paid to him under sub-section (4)” shall be substituted.

Amendment  
of section  
98C of Hyd.  
Act No. XXI  
of 1950.

12. In section 98C of the principal Act,—

(1) to sub-section (2), the following proviso shall be added, namely:—

“ Provided that where the alienation or transfer of land was made by the landholder to the tenant in possession of the land and the area of the land so alienated or transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed three family holdings, the Tahsildar shall not declare such alienation or transfer to be invalid if—

(i) the price of the land received by the landholder does not exceed the reasonable price thereof under section 50-C and the alienee or transferee pays to the State Government a penalty of one rupee within such period not exceeding three months as the Tahsildar may fix, or

(ii) the price of the land received by the landholder exceeds the reasonable price thereof under section 50-C and the alienor or transferor as well as the alienee or transferee pays to the State Government each a penalty equal to one-tenth of the reasonable price within such period as the Tahsildar may fix.”;

(2) in sub-section (4), for the proviso, the following shall be substituted, namely:—

“ Provided that where the alienation or transfer of land was made by the landholder to the tenant in possession of the land and the area of the land so alienated or transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed three family holdings, then—

(a) if the price of the land received by the alienor or transferor does not exceed the reasonable price, the amount forfeited under sub-section (3) shall be returned to the alienor or transferor and the land restored to the alienee or transferee on payment to the State Government of a penalty of one rupee ; and

(b) if the price of the land received by the alienor or transferor exceeds the reasonable price, the Tahsildar shall grant the land to the alienee or transferee on payment of price equal to one-tenth of the reasonable price and out of the amount forfeited under sub-section (3), the alienor or transferor shall be paid back an amount equal to nine-tenths of the reasonable price.”

Amendment  
of section 102  
of Hyd. Act  
No. XXI of  
1950.

13. In section 102 of the principal Act,—

(1) in sub-section (1), clause (i) shall be deleted ;

(2) in sub-section (2)—

(i) after the words “ in respect of such land ” the words and figures “ and if the management had been assumed before the landholder could exercise the right to terminate the tenancy under section 44 then ” shall be inserted, and

(ii) the words, figures and letter “ if he has not already exercised the right of purchase under section 53-F ” shall be deleted.

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14. After section 102-B of the principal Act, the following section shall be inserted, namely :—

Insertion of section 102-C in Hyd. Act No. XXI of 1950.

“ 102-C. (1) The foregoing provisions of this Act except those of Chapter VI and of sections 95-B, 96-A, 97, 98, 99, 100, 100-A and 101 shall not apply—

Certain provisions of the Act not to apply to lands taken under management.

(i) to lands, the management of which is assumed under section 51, and

(ii) to surplus lands, the management of which is assumed under section 53-C or 53-H,

so long as such management continues.

(2) On the termination of the management of any such land or surplus land the foregoing provisions of this Act shall apply thereto subject to the following modifications, namely :—

(a) if on the date of the termination of the management, any land referred to in clause (i) of sub-section (1) is in the possession of a tenant holding it from the landholder immediately before the assumption of the management, or where such tenant is dead, in the possession of his successor-in-title and if the management had been assumed before the landholder could exercise the right to terminate the tenancy under section 44 then, the landholder shall be entitled to terminate the tenancy under section 44 by giving three months' notice within one year from such date and the tenant shall have the right to purchase the land under section 38 within one year from the expiry of the period during which the landholder was entitled to terminate the tenancy as aforesaid ;

(b) if on the date of the termination of the management of any land referred to in clause (i) of sub-section (1), or of any surplus land referred to in clause (ii) of sub-section (1), such land or as the case may be, such surplus land is in possession of a lessee holding it under a lease granted by the manager, and such lessee has not already exercised the right of purchase under section 53-F, then on the expiry of the period of the lease, the person to whom the possession of such land or surplus land is delivered under section 53, shall be entitled to take possession of it unless the said lessee within a period of three months from the expiry of the lease offers to purchase the land. Such offer shall be made in the manner provided in section 38 and thereupon the provisions of that section shall *mutatis mutandis* apply to such purchase as if the said lessee were a tenant applying under section 38 :

Provided that where by such purchase, the interest of the landholder as well as the interest of the tenant, if any, holding from the landholder is acquired by the lessee, the amount payable to the landholder under section 38 shall be apportioned by the Tribunal between the landholder and the tenant and paid accordingly.”

**THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (AMENDMENT)  
ACT, 1960.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Amendment of section 2 of Hyderabad Act XXI of 1950.
3. Amendment of section 4 of Hyderabad Act XXI of 1950.
4. Insertion of new section 4-A in Hyderabad Act XXI of 1950.
5. Amendment of section 5 of Hyderabad Act XXI of 1950.
6. Amendment of section 19-A of Hyderabad Act XXI of 1960.
7. Amendment of section 28 of Hyderabad Act XXI of 1950.
8. Amendment of sections 37-A, 38, 38-A, 38-B, 38-E, 44, 48, 53-C and 53-F of Hyderabad Act XXI of 1950.
9. Amendment of section 38-H of Hyderabad Act XXI of 1950.
10. Amendment of section 44 of Hyderabad Act XXI of 1950.
11. Insertion of new Chapter V-A in Hyderabad Act XXI of 1950.
12. Deletion of section 87-A of Hyderabad Act XXI of 1950.
13. Amendment of section 90-B of Hyderabad Act XXI of 1950.
14. Amendment of section 96 of Hyderabad Act XXI of 1950.
15. Amendment of section 97 of Hyderabad Act XXI of 1950.
16. Amendment of section 98-A of Hyderabad Act XXI of 1950.
17. Amendment of section 99 of Hyderabad Act XXI of 1950.
18. Amendment of section 100 of Hyderabad Act XXI of 1950.
19. Repeal of Maharashtra Order IV of 1960.



**MAHARASHTRA ACT No. XXVIII OF 1960.<sup>1</sup>**

[THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (AMENDMENT) ACT, 1960.]

(19th December 1960.)

**An Act further to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950.**

**Hyd. Act XXI of 1950.** WHEREAS it is expedient further to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950, for the purposes hereinafter appearing; It is hereby enacted in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Hyderabad Tenancy and Agricultural Lands **Short title** (Amendment) Act, 1960.

**Hyd Act XXI of 1950.** 2. In section 2 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 **Amendment of section 2 of Hyd. Act XXI of 1950.** (hereinafter referred to as "the principal Act"), in sub-section (1), for clause (w) the following shall be substituted, namely:—

"(w) 'Tribunal' means an Agricultural Lands Tribunal constituted under section 87;".

3. To section 4 of the principal Act, the following sub-section shall be added, **Amendment of section 4 of Hyd. Act XXI of 1950.** namely:—

"(3) Where different classes of land are held in the same local area, or any class or classes of land are held in different local areas, the manner of calculating the family holding in such case shall be as prescribed by rules. "

4. In Chapter III of the principal Act, under the sub-heading "General Provisions", before section 5, the following new section shall be inserted, namely:— **Insertion of new section 4A in Hyd. Act XXI of 1950.**

**IV of 1882.** "4A. The provisions of Chapter V of the Transfer of Property Act, 1882, shall, in so far as they are not inconsistent with the provisions of this Act, apply to tenancies and leases of land to which this Act applies." **Application of Chapter V of Transfer of Property Act, 1882.**

5. In section 5 of the principal Act, the following shall be added at the end, **Amendment of section 5 of Hyd. Act XXI of 1950.** namely:—

**Bom. XXX VI of 1958, Mah. Ord. IV of 1960.** "Provided also that, any person who, on the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, was cultivating personally any land belonging to another and is in possession thereof on the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Ordinance, 1960 (that is, on the 18th day of October 1960) shall, notwithstanding that such person did not hold a lease in conformity with the provisions of section 6, 7, 8 or 9 as those sections stood immediately before the said date, be deemed to be a tenant for the purposes of this section."

6. In section 19A of the principal Act, in sub-section (1), the words "for that local area" shall be, and shall be deemed always to have been deleted. **Amendment of section 19A of Hyd. Act XXI of 1950.**

<sup>1</sup> For statement of Object and Reasons, see *Maharashtra Government Gazette*, 1960, Part V, pages 323-24.

Amendment  
of section 28  
of Hyd. Act  
XXI of  
1950.

7. In section 28 of the principal Act, in sub-section (1), to the proviso, the following shall be added at the end, namely :—

“and the land holder has given intimation to the tenant of the default within a period of six months of each default.”.

Amendment  
of sections  
37A, 38, 38A,  
38B, 38E,  
44, 48,  
53C and 53F  
of Hyd. Act  
XXI of 1950.

8. In the principal Act,—

(a) in sections 37A, 38 (sub-section (7)), 38A (second proviso), 38B (second proviso), 38E (sub-section (1), first proviso), 44 (sub-section (4)), 48 and 53F (sub-section (1), proviso), the words “for the local area concerned”, and

(b) in sections 38A (third proviso), 38B (first proviso), and 53C (sub-section (1A), Explanation I, and sub-section (2)), the words “in the local area concerned”,

shall be, and shall be deemed always to have been deleted.

Amendment  
of section  
38H of Hyd  
Act XXI of  
1950.

9. (a) Section 38H of the principal Act shall be renumbered as sub-section (1) of that section, and in sub-section (1) as so renumbered, after the words “created in any area” the words and brackets “by a landholder (not being a person serving in the Naval, Military or Air Forces in India),” shall be inserted ;

(b) after sub-section (1) so renumbered, the following new sub-section shall be added, namely :—

“(2) In the case of a tenancy created after the date referred to in sub-section (1) by a person serving in the Naval, Military or Air Forces in India, it shall be lawful for such person to terminate the tenancy in the manner and to the extent specified in section 44 ; and notwithstanding anything contained in any agreement or usage to the contrary his tenant who cultivates personally shall be entitled within one year of the expiry of the period aforesaid to purchase the and or such part thereof, as will raise the tenant's holding to the extent permissible under section 38 ; and the provisions of sections 44 and 38 shall, in so far as they may be applicable, apply to such termination and purchase.”.

Amendment  
of section 44  
of Hyd. Act  
XXI of 1950.

10. In section 44 of the principal Act, after sub-section (6), the following new sub-section shall be inserted, namely :—

“(6A) The provisions of sub-section (5) and of sub-section (6) shall not apply to a landholder who, on ceasing to serve in the Naval, Military or, as the case may be, Air Forces in India, applies for possession of land as provided in sub-section (3).”.

Insertion of  
new Chapter  
V-A in Hyd  
Act XXI  
of 1950.

11. After section 50C of the principal Act, the following Chapter shall be inserted, namely :—

#### “CHAPTER V-A.

##### CONSTRUCTION OF WATER-COURSE THROUGH LAND OF ANOTHER.

Construction  
of water-  
course  
through land  
belonging to  
other person.

50D. (1) If any person desires to construct a water-course to take water for the purpose of agriculture from a source of water to which he is entitled, but such water-course is to be constructed through land which belongs to, or is in possession of, another person (hereinafter in this Chapter called the “neighbouring holder”), and if no agreement is arrived at for such construction between the person and the neighbouring holder, the person desiring to construct the water-course may make an application in the prescribed form to the Tahsildar.

*Explanation.*—For the purposes of this Chapter, the neighbouring holder shall include the person to whom the land belongs and all persons holding through or under him.

(2) On receipt of the application, if after making an inquiry and after giving to the neighbouring holder and all other persons interested in the land an opportunity of stating any objection to the application, the Tahsildar is satisfied that for ensuring the full and efficient use for agriculture of the land belonging to the applicant it is necessary to construct the water-course, he may by order in writing direct the neighbouring holder to permit the applicant to construct the water-course on the following conditions, that is to say,—

(i) the water-course shall be constructed through such land in such direction and manner as is agreed upon by the parties, or failing agreement as directed by the Tahsildar so as to cause as little damage to the land through which it is constructed as may be possible ;

(ii) where the water-course consists of pipes, the pipes shall be laid at a depth not less than one foot and a half from the surface of the land ;

(iii) where the water-course consists of a water channel, the channel shall not exceed five feet in breadth ;

(iv) the applicant shall pay to the neighbouring holder—

(a) such compensation for any damage caused to such land by reason of the construction of the water-course injuriously affecting such land ;

(b) such annual rent as the Tahsildar may decide to be reasonable ;

(v) the applicant shall maintain the water-course in a fit state of repair ;

(vi) the applicant shall within the prescribed period execute an agreement in the prescribed form in favour of the neighbouring holder ;

(vii) such other conditions as the Tahsildar may think fit to impose.

(3) An order made under sub-section (2) shall direct how the amount of compensation shall be apportioned among a neighbouring holder and all persons interested in the land.

(4) Any order made under sub-section (2) shall, after the applicant executes an agreement as required by clause (vi) of sub-section (2), be a complete authority to him, or to any agent or other person employed by him for the purpose, to enter upon the land specified in the order with assistants or workmen and to do all such work as may be necessary for the construction of the water-course, and for renewing or repairing the same.

50E. If the person in whose favour an order under sub-section (2) of section 50D is made—

(a) fails to pay the amount of compensation or the amount of the rent, it shall be recovered as an arrear of land revenue on an application being made to the Tahsildar by the person entitled thereto ;

(b) fails to maintain the water-course in a fit state of repair, he shall be liable to pay such compensation as may be determined by the Tahsildar for any damage caused on account of such failure.

Failure to pay rent and to keep water-course in good repair.

50F. (1) If a person intends to remove or discontinue the water-course constructed under authority conferred on him under section 50D, he may do so after giving notice to the Tahsildar and the neighbouring holder.

Removal or discontinuance of water-course.

(2) In the event of removal or discontinuance of such water-course the person taking the water shall fill in and reinstate the land at his own cost with the least practicable delay. If he fails to do so, the neighbouring holder may apply to the Tahsildar, who shall require such person to fill in and reinstate the land.

Neighbouring holder entitled to use surplus water on payment of rate.

50G. The neighbouring holder, or any person on his behalf, shall have the right to the use of any surplus water from the water-course on payment of such rates as may be agreed upon between the parties, and on failure of agreement, as may be determined by the Tahsildar. If a dispute arises whether there is or is no surplus water in the water-course, it shall be determined by the Tahsildar, and his decision shall be final."

Deletion of section 87A of Hyd. Act XXI of 1950.

12. Section 87A of the principal Act shall be deleted.

Amendment of section 90B of Hyd. Act XXI of 1950.

13. In section 90B of the principal Act, in sub-section (1), for the words "Chief Controlling Authority" the word "Commissioner" shall be substituted.

Amendment of section 96 of Hyd. Act XXI of 1950.

14. In section 96 of the principal Act, in sub-section (1),—

(a) after the word "sub-sections" the words "or of any order made there-under" shall be inserted;

(b) in the *Explanation*,—

(i) after the word "sub-sections", wherever it occurs, the words "or of orders" shall be inserted;

(ii) for the words "the numbers of which are given" the words "the reference to which is made" shall be substituted;

(c) in the Table,—

(i) in the heading, after the words "Fine which may be imposed" the words "in rupees" shall be added;

(ii) after the entries relating to section 32, the following shall, respectively, be inserted, namely:—

"An order made under sub-section (2) of section 50D.	Failure of a neighbouring holder to comply with an order made under sub-section (2) of section 50D.	100
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An order made under sub-section (2) of section 50F.	Failure of the person taking water to comply with an order made under sub-section (2) of section 50F.	100 "
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Amendment of section 97 of Hyd. Act XXI of 1950.

15. In section 97 of the principal Act,—

(a) in sub-section (2), before clause (a), the following shall be inserted, namely:—

"(1a) the form in which an application shall be made, and the period within which and the form in which the agreement shall be executed under section 50D;";

(b) after sub-section (3), the following sub-sections shall be added, namely:—

"(4) Rules made under this section shall be subject to the condition of previous publication.

(5) All rules made under this section shall be laid before each House of the State Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following, and publish in the *Official Gazette*."

16. In section 98A of the principal Act, in sub-section (1),—

Amendment  
of section  
98A of Hyd.  
Act XXI  
of 1950.

(a) after the words "in contravention of any of the provisions of" the words, figures and letter "section 38D or of" shall be and shall be deemed to have been inserted on the 8th day of June 1958;

(b) in clause (a), for the portion beginning with the words "to the State Government a penalty" and ending with the words "in any other case", the words "to the State Government a penalty of five rupees" shall be and shall be deemed to have been substituted on the 8th day of June 1958;

(c) after clause (b), the following shall be and shall be deemed to have been inserted on the 8th day of June 1958, namely:—

"Provided that, if any such alienation or transfer has been made in favour of a tenant in actual possession, the penalty shall be one rupee only:

Provided further that, if any permanent alienation or transfer is made in favour of any person other than the tenant who was in actual possession and such alienation or transfer is made either after the unlawful eviction of such tenant, or the alienation or transfer results in the eviction of such tenant, then the alienation or transfer shall not be validated as aforesaid; but if the tenant so evicted has failed to apply for restoration to possession of the land under section 32 within the period therein provided, the alienation or transfer may be validated as aforesaid."

17. In section 99 of the principal Act, for the words "Board of Revenue", at both the places where they occur, the word "Commissioner" shall be substituted.

Amendment  
of section 99  
of Hyd. Act  
XXI of 1950.

18. In section 100 of the principal Act, for the words "Board of Revenue" the words "the Commissioner" shall be substituted.

Amendment  
of section  
100 of  
Hyd. Act  
XXI of 1950

19. The Hyderabad Tenancy and Agricultural Lands (Amendment) Ordinance, 1960 is hereby repealed; and the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if the Ordinance were an enactment.

Repeal of  
Mah. Ord.  
IV of 1960.

Mah.  
Ord.  
IV of  
1960.  
Bom.  
I of  
1904.

**THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (RE-ENACTMENT,  
VALIDATION AND FURTHER  
AMENDMENT) ACT, 1961.**

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**PREAMBLE.**

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**FIRST SCHEDULE.**

**SECOND SCHEDULE.**

MAHARASHTRA ACT No. XLV OF 1961.<sup>1</sup>

[THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (RE-ENACTMENT, VALIDATION AND FURTHER AMENDMENT) ACT, 1961.]

[7th November 1961]

Amended by Mah. 26 of 1963.

An Act to re-enact the Hyderabad Tenancy and Agricultural Lands Act, 1950 and all laws amending that Act ; to validate action taken thereunder ; and also further to amend, for the purposes hereinafter appearing, that Act as so re-enacted and amended.

Hyd.  
Act  
XXI  
of  
1960.

WHEREAS the Hyderabad Tenancy and Agricultural Lands Act, 1950, as amended from time to time, has been declared ineffective and inoperative and proceedings initiated under that enactment null and void, by the High Court of Judicature of Andhra Pradesh at Hyderabad on the 16th day of March 1961 ;

AND WHEREAS, doubts have arisen as to the validity of that Act, as amended from time to time, in its application to the State of Maharashtra ;

AND WHEREAS, to remove such doubts it is expedient to re-enact the provisions of that Act and all laws amending that Act, and to validate all things done and all action taken, in the exercise or purported exercise of the powers conferred, or in the discharge or purported discharge of functions imposed, by or under that Act, or that Act as amended from time to time.

AND WHEREAS, it is expedient further to amend that Act as so re-enacted and amended;

It is hereby enacted in the Twelfth Year of the Republic of India as follows :-

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands (Re-enactment, Validation and Further Amendment) Act, 1961.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Hyd.  
Act  
XXI  
of  
1960.

2. (1) The Hyderabad Tenancy and Agricultural Lands Act, 1950, set out in the First Schedule is hereby repealed and re-enacted, and as re-enacted shall be deemed to have come into force on the 10th day of June 1950.

Repeal and  
re-enact-  
ment of  
Hyderabad  
Tenancy  
Laws.

(2) Each of the laws set out in the Second Schedule (hereinafter referred to as "the Amending Laws") are hereby repealed (unless already repealed or spent) and re-enacted ; and as re-enacted shall be deemed to have come into force on the date specified against each of them in the Table set out hereunder.

TABLE.

	Laws. (1)	Date of commencement. (2)
Hyd. Act XIII of 1951.	(a) The Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1951.	31st day of March 1951.
Hyd. Act XXIII of 1951.	(b) The Hyderabad Tenancy and Agricultural Lands (Second Amendment) Act, 1951.	30th day of June 1951.

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1961, Part V, pages 747-48.

*Hyderabad Tenancy and Agricultural Lands [1961 : Mah. XLV  
(Re-enactment, Validation and Further  
Amendment) Act, 1961*

TABLE—contd

<i>Laws.</i> (1)	<i>Date of commencement.</i> (2)	
(c) The Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954.	4th day of February 1954.	Hyd. Act III of 1954.
(d) The Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955.	12th day of March 1956.	Hyd. Act III of 1956.
(e) The provisions contained in the Bombay (Hyderabad area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956, which adapt or modify the Hyderabad Tenancy and Agricultural Lands Act, 1950.	1st day of November 1956.	Hyd. Act XXI of 1950.
(f) Section 48 of the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956.	10th day of December 1957.	Hyd. Act XL of 1956.
(g) The Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957.	8th day of June 1958.	Bom. Act XXX II of 1958.
(h) The Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1959.	21st day of May 1959.	Bom. Act XXX II of 1959.
(i) Section 22 and the Second Schdeule to the Bombay Co-operative Societies (Extension) Act, 1960, in so far as it relates to the Hyderabad Tenancy and Agricultural Lands Act, 1950.	11th day of April 1960.	Bom. Act XX of 1960. Hyd. Act XXI of 1950.
(j) The provisions contained in the Maharashtra Adaptaion of Laws (State and Concurrent Subjects) Order, 1960, which adapt or modify the Hyderabad Tenancy and Agricultural Lands Act, 1950.	1st day of May 1960	Hyd. Act XXI of 1950.
(k) The provisions contained in section 2 of the Hyderabad Tenancy and Agricultural Lands (Amendment) Ordinance, 1960.	18th day of October 1960.	Mah. Ord. No. IV of 1960.



TABLE—concl'd.

Laws.	Date of commencement.
(1)	(2)
Mah. XX-VIII of 1960. (1) The Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1960.	19th day of December 1960.

Hyd. Act XXI of 1950.

3. (1) Notwithstanding any judgment, decree or order of any Court, anything done or any action taken in the exercise or the purported exercise of any powers, or the discharge or purported discharge of any functions or duties, conferred or imposed, by or under the Hyderabad Tenancy and Agricultural Lands Act, 1950, or that Act as amended from time to time (including *inter alia* any notification or order issued, any rules, appointments, confirmation, declaration, determination, acquisition or disposal of land, transfer of appeal or proceedings made, any order or decision of any Court, Tribunal, Government or other authority made or passed, any sanction or permission given, any powers, rights or privileges conferred, any duties, restriction, prohibition, obligation, liability or penalty imposed, any rent or reasonable price fixed, any leases, suspensions or stay of pending proceedings, remissions, or refunds granted, any contributions levied, any management of lands assumed, any transfer of ownership or eviction effected, or possession restored, any alienations validated or invalidated, any exemptions granted or withdrawn, any powers delegated, any institution of suits or proceedings barred) shall be deemed to have been validly and effectually done or taken under the Hyderabad Tenancy and Agricultural Lands Act, 1950, as re-enacted, or that Act as amended from time to time by the Amending Laws, as re-enacted, and as in force on the date when such thing was done or action was taken; and accordingly, no suit or other legal proceeding shall be entertained or continued in any Court or Tribunal, or before the State Government or any other authority or officer, on the ground only that the provisions of the said Act or of that Act as amended from time to time, were not validly in force on the date when such thing was done or action was taken.

Hyd. Act XXI of 1950.

(2) Any reference to the Hyderabad Tenancy and Agricultural Lands Act, 1950, or to any of the amendments to that Act, or to that Act as amended from time to time in any law in force (or passed or made by the Legislature but not in operation), or in any instrument or document, shall be deemed to be a reference to that Act, or to the Amending Laws, or to that Act as amended by the Amending Laws, as re-enacted by this Act.

Hyd. Act XXI of 1950.

4. In the Hyderabad Tenancy and Agricultural Lands Act, 1950, as amended by the Amending Laws (that Act and the Amending Laws being re-enacted as aforesaid), hereinafter referred to as "the principal Act", in section 5 thereof, for the third proviso, the following shall be substituted, namely:—

Amendm of section of Hyd. Act XXI of 1950.

Bom. XXX-II of 1958.

" Provided also that, any person who, on the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957 (that is, the 8th day of June 1958), was cultivating personally any land belonging to another, and

Mah. Ord. IV of 1960.

(a) is in possession thereof on the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Ordinance, 1960 (that is, the 18th day of October 1960), or

*Hyderabad Tenancy and Agricultural Lands (1961 : Mah. XLV  
(Re-enactment, Validation and Further  
Amendment) Act, 1961*

(b) who has been dispossessed (otherwise than in the manner and by order of the Tahsildar as provided in section 32), and the land is in actual possession of the landholder or his successor-in-interest at the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Re-enactment, Validation and Further Amendment) Act, 1961, shall notwithstanding that such person did not hold a lease in conformity with the provisions of section 6, 7, 8 or 9 as those sections stood immediately before the 8th day of June 1958, be deemed to be a tenant for the purposes of this section."

Mah.  
XLV  
of  
1961.

Amendment  
of section  
32 of  
Hyd.  
Act XXI  
of 1950.

5. In section 32 of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

"Provided that, a tenant falling under clause (b) of the third proviso to section 5 may, within a period of two years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Re-enactment, Validation and Further Amendment) Act, 1961, apply to the Tahsildar for possession."

Mah.  
XLV  
of  
1961.

Amendment  
of section  
37 A of  
Hyd. Act  
XXI of  
1950.

6. In section 37A of the principal Act, to sub-section (1), the following explanation shall be and shall be deemed always to have been added, namely :—

"*Explanation.*—Where a person is, immediately before such commencement, in possession of land, then such person shall, notwithstanding any judgment, decree or order of any Court or the order of a Revenue Board or Revenue Tribunal or other authority and the fact that he did not hold a lease in conformity with the provisions of section 6, 7, 8 or 9 as those sections stood immediately before the 8th day of June 1958, be deemed to hold land as tenant at such commencement for the purposes of this sub-section."

Amendment  
of section  
38 E of  
Hyd. Act  
XXI of  
1950.

7. In sub-section (1) of section 38E of the principal Act, the following explanation shall be inserted, namely :—

"*Explanation.*—If a protected tenant, on account of his being dispossessed otherwise than in the manner and by order of the Tahsildar as provided in section 32, is not in possession of the land on the date of the notification issued hereunder, then for the purposes of this sub-section, such protected tenant shall, notwithstanding any judgment, decree or order of any Court, or the order of a Revenue Board or Revenue Tribunal or other authority, be deemed to have been holding the land on the date of the notification; and accordingly, the Tahsildar shall notwithstanding anything contained in the said section 32, either *suo motu* or on the application of the protected tenant hold a summary enquiry, and direct that such land in possession of the landholder or any person claiming through or under him in that area, shall be taken from the possession of the landholder or such person, as the case may be, and shall be restored to the protected tenant and the provisions of this section shall apply thereto in every respect as if the protected tenant had held the land on the date of such notification with the modification that in sub-section (3), for the words, figures and brackets "Within 90 days from the date specified in the notification under sub-section (1)" the words, figures and brackets "Within 90 days from the date of restoration of the possession under the Explanation to sub-section (1)" shall be substituted.

Deletion of  
section 95-B  
of Hyd.  
Act XXI of  
1950.

8. Section 95-B of the principal Act shall be deleted.

**FIRST SCHEDULE**

**THE HYDERABAD TENANCY AND AGRICULTURAL LANDS  
ACT, 1950.**

(Hyd. Act XXI of 1950.)

WHEREAS it is expedient to amend the law regulating the relations of land-holders and tenants of agricultural land and the alienation of such land ;

AND WHEREAS it is also expedient to enable land-holders to prevent the excessive sub-division of agricultural holdings, to empower Government to assume in certain circumstances the management of agricultural lands, to provide for the registration of Co-operative Farms and to make further provision for matters incidental to the aforesaid purposes ;

It is hereby enacted as follows :

**CHAPTER I.**

**PRELIMINARY.**

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands Act, 1950. Short title,  
extent and  
commence-  
ment.
- (2) It extends to the whole of the Hyderabad State.
- (3) It shall come into force at once.
2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.
  - (a) "Agriculture" with its grammatical variations and cognate expressions includes—
    - (1) horticulture,
    - (2) the raising of crops, grass or garden produce,
    - (3) dairy farming, and
    - (4) poultry farming and stock breeding,but does not include the cutting of wood only ;
  - (b) "Agriculturist" means a person who cultivates lands personally ;
  - (c) "Agricultural land" means land which is used or is capable of being used for agriculture and includes—
    - (1) fallow land,
    - (2) the sites of farm buildings appurtenant to agricultural land, and
    - (3) the sites of dwelling-houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling-houses ;
  - (d) "Co-operative Society" means a society registered under the provisions of the Hyderabad Co-operative Credit Societies Act (II of 1932 F.) or a society deemed to have been registered under the said Act ;

(e) " Co-operative Farming Society " means a society registered as such under the Hyderabad Co-operative Credit Societies Act (II of 1323 F.);

(f) " To cultivate " means to carry on any agricultural operation ;

(g) " To cultivate personally " means to cultivate on one's own account—

(i) by one's own labour, or

(ii) by the labour of any member of one's family, or

(iii) by servants on wages payable in cash or kind or by hired labour under one's personal supervision or the personal supervision of any member of one's family ;

*Explanation.*—In the case of an undivided Hindu family, land shall be deemed to be cultivated personally, if it is cultivated by any member of such family ;

(h) " Economic Holding " means a holding of which the area is not less than the area determined under section 4 as the minimum area of an economic holding for the class of land of which the holding consists in the local area in which it is situate ;

(i) " Improvement " means with reference to any land, any work which adds to the value of the land and which is suitable thereto as also consistent with the purpose for which it is held ; and includes—

(1) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes ;

(2) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water ;

(3) the reclaiming, clearing, enclosing, levelling or terracing of land ;

(4) the erection of buildings on the land required for the convenient or profitable use of such land for agricultural purposes ; and

(5) the renewal or reconstruction of any of the foregoing works and such alterations therein or additions thereto as are not of the nature of ordinary repairs ;

but does not include such clearances, embankments, levellings, enclosures, temporary wells, water channels and other works as are commonly made by tenants in the ordinary course of agriculture ;

(j) " Land " means agricultural land whether alienated or unalienated ; and includes land used for purposes subservient to agriculture and all benefits arising out of such land and things thereon attached to the earth, or permanently fastened to anything attached to the earth ;

(k) " Land Revenue Act " means the Hyderabad Land Revenue Act (VIII of 1317 F.) ;

(l) " Lease " includes the counterpart of a lease and a sub-lease ;

(m) "Local area" means an area specified as such in a notification issued under section 3 ;

(n) "Person" includes an undivided Hindu family ;

(o) "Permanent alienation" includes any sale, exchange, gift or disposition by will and any transfer of a right of occupancy or of the patta of a holding ;

(p) "Prescribed" means prescribed by rules made under this Act ;

(q) "Profits of agriculture" in respect of any land means the surplus remaining with the cultivator after the expenses of cultivation including the wages of the cultivator working on the land are deducted from the gross produce ;

(r) "Protected tenant" means a person who is deemed to be a protected tenant under the provisions of sections 34 to 37 ;

(s) "Reasonable rent" means the rent determined under section 17 ;

(t) "Rent" means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but does not include the rendering of any personal service or labour ;

(u) "Tenancy" means the relationship of land-holder and tenant ;

(v) "Tenant" means an asami shikmi who holds land on lease and includes a person who is deemed to be a tenant under the provisions of this Act ;

(w) "Tribunal" means—

(1) the Agricultural Lands Tribunal constituted under sub-section (1) of section 87 for the area concerned ;

(2) where no such Tribunal has been constituted, the Second Taluqdar or other officer authorised under sub-section (4) of the said section ;

(x) "Uneconomic Holding" means a holding which is not an economic holding ;

(y) "Year" means any year ending on the 30th day of June or on such other date as Government may, by notification in the Jarida, appoint for any area ;

(z) Words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Hyderabad Land Revenue Act (VIII of 1317 F.).

(2) In any provision of this Act which is expressed by whatever form of words to have effect notwithstanding anything contained in any other law, the reference to any other law shall be read as including only laws with respect to matters enumerated in List II in the Seventh Schedule to the Constitution of India.

## CHAPTER II.

### ECONOMIC HOLDINGS.

3. Government may by notification in the Jarida specify and delimit areas each of which shall constitute a local area for the purposes of this Chapter. Specification of local areas.

Determina-  
tion of mini-  
mum areas  
of economic  
holdings.

4. (1) Government may, subject to, and in accordance with, the provisions of this section, determine for all or any classes of land in any local area the minimum area of an economic holding, being the minimum area capable in the opinion of Government of yielding sufficient produce to enable the holder to maintain a normal family (that is to say, a family of five persons, including the holder himself) in reasonable comfort according to prevailing standards after meeting all necessary expenses and without resort, save in exceptional circumstances, to the raising of loans.

(2) Before exercising the powers conferred by sub-section (1), Government shall—

(a) publish by notification in the Jarida and by such other means as may be prescribed the minimum areas which they propose to determine, and

(b) consider any objections to, or suggestions in respect of, the proposals which are received within a period of two months from the date of such publication.

(3) The minimum areas determined after compliance with sub-section (2) shall be published in the manner specified in clause (a) of that sub-section.

(4) The minimum areas published under sub-section (3) may from time to time be redetermined and all the provisions of this section shall apply to such re-determination in like manner as they apply to a first determination of minimum areas.

### CHAPTER III.

#### TENANTS.

##### *General Provisions.*

Persons  
deemed to  
be tenants.

5. A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the land-holder and if such person is not—

(a) a member of the land-holder's family, or

(b) a servant on wages payable in cash or kind or a hired labourer cultivating the land under the personal supervision of the land-holder or any member of the land-holder's family, or

(c) a mortgagee in possession :

Provided that if upon an application made by the land-holder within one year from the commencement of this Act to the Tahsildar within whose jurisdiction the land is situate—

(a) the Tahsildar declares that such person is not a tenant and his decision is not reversed on appeal or revision, or

(b) the Tahsildar refuses to make such declaration but his decision is reversed on appeal or revision,

such person shall not be deemed to be a tenant.

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6. After the expiry of three years from the commencement of this Act, no land shall, save as provided in section 7, be leased for any period whatsoever and, save as aforesaid, no tenancy shall be created in respect of any land.

General prohibition of leases after 3 years from commencement of Act.

7. Notwithstanding anything contained in section 6, a land-holder who—

- (a) is a minor or a female,
  - (b) is permanently incapable of cultivating land by reason of any physical or mental infirmity,
  - (c) is serving in the Naval, Military or Air Forces of India,
  - (d) is temporarily prevented by any sufficient cause from cultivating land,
- may, with the permission of the Taluqdar, lease land held by him for such period as the Taluqdar may fix :

Special cases in which leases permitted.

Provided that where the land is held jointly by more than one person the provisions of this section shall not apply unless all such persons are subject to a disability specified in clause (a), (b), (c) or (d) :

Provided further that where such disability ceases, by reason of the death of the land-holder or otherwise, before the expiry of the period of lease fixed by the Taluqdar, the lease shall be terminated within such period as the Taluqdar may appoint.

8. Every lease made within three years from the commencement of this Act shall be for a period of ten years, and notwithstanding that it may be expressed to be a lease for a longer or a shorter period shall be deemed to be, and shall have effect as, a lease for ten years.

9. Every lease made under section 7 or section 8 shall be made either by a registered instrument or in such other manner as may be prescribed.

Leases to be registered.

10. (1) Every lease made in contravention of section 6 or otherwise than in conformity with the provisions of section 9 shall be void.

Leases in contravention of Act to be void.

(2) If possession of any land is transferred in pursuance of a lease which is void under the provisions of sub-section (1), the lessee or person in possession of the land shall be liable to summary ejection by the Taluqdar acting of his own motion or on an application by the land-holder.

11. Notwithstanding any agreement or usage, or any decree or order of a Court or any law to the contrary, the maximum rent payable by a tenant for the lease of any land shall not, in the case of irrigated land except land under wells exceed one-third and in the case of unirrigated land or irrigated land under wells exceed one-fourth of the crop of such land or of the value of such crop as determined in the prescribed manner.

Maximum rent.

12. The rent payable by a tenant shall, subject to the maximum imposed by section 11, be the rent agreed upon between such tenant and his land-holder or in the absence of such agreement the rent payable according to the usage of the locality or if there is no such agreement or usage, or where there is a dispute as regards the reasonableness of the rent payable according to such agreement or usage, the reasonable rent.

Rent.

Commuta-  
tion of crop-  
share rent  
into cash.

13. (1) Government may, from time to time, by notification in the Jarida, declare that in any specified area rents payable wholly or partly as a crop-share shall, with effect from a date specified in the notification, which shall not be earlier than six months from the date of the notification, be commuted into cash rent.

(2) Government may, by like notification, fix the rate of commutation in respect of any specified area.

(3) In any area in respect of which the rate of commutation has not been fixed under sub-section (2), the amount of commutation shall, subject to the maximum imposed by section 11, be determined by the Tribunal in the manner prescribed, and shall not be altered for a period of five years from the date on which it was determined :

Provided that the Tribunal may, during the said period of five years, reduce the rent if on an application made by a tenant it is satisfied that on account of deterioration of the land by floods or other causes beyond the control of the tenant the land has been wholly or partially rendered unfit for the purposes of cultivation.

(4) Notwithstanding any agreement or usage, or any decree or order of a Court to the contrary, no land-holder in any area in respect of which a notification has been issued under sub-section (1) shall, after the date specified in such notification, recover any rent by way of crop-share or in excess of the commuted cash rent.

Prohibition  
for  
receiving  
rent in  
terms of  
labour.

14. (1) Any land-holder receiving rent from any tenant in terms of service or labour shall within twelve months from the commencement of this Act apply to the Tahsildar in the prescribed form for commutation of such rent into a cash rent.

(2) On receipt of an application under sub-section (1), the Tahsildar shall, after holding an enquiry, by an order in writing commute such rent into a cash rent.

(3) Notwithstanding any agreement or usage, or any decree or order of a Court or any law to the contrary, no land-holder shall recover or receive rent in terms of service or labour after a period of twelve months from the commencement of this Act.

Refund of  
rent  
recovered in  
contraven-  
tion of the  
provisions  
of the Act  
and other  
penalties.

15. If any land-holder recovers rent from any tenant in contravention of the provisions of section 11, 12, 13, or 14, he shall forthwith refund to the tenant the excess amount recovered and shall be liable to pay such compensation to the tenant as may be determined by the Tahsildar in this behalf and shall also be liable to such penalty as may be prescribed.

Abolition  
of all cesses,  
etc.

16. Notwithstanding any agreement, usage or law, it shall not be lawful for a land-holder to levy any cess, rate, tax or service of any description or denomination whatsoever, from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.



17. (1) For the determination of the reasonable rent of any land the tenant or his land-holder may apply in writing to the Tribunal in the prescribed form. Enquiries as regards reasonable rent.

(2) On receipt of an application under sub-section (1) the Tribunal shall give notice to the land-holder or to the tenant, as the case may be, and after holding an enquiry, shall determine the reasonable rent of the land.

(3) In determining the reasonable rent regard shall, subject to the provisions of section 11, be had to the following factors :—

- (a) the rental values of lands used for similar purposes in the locality ;
- (b) the profits of agriculture of similar lands in the locality ;
- (c) the prices of crops and commodities in the locality ;
- (d) the improvements made in the land by the land-holder or tenant ;
- (e) the assessment payable in respect of the land ; and
- (f) such other factors as may be prescribed.

(4) A tenant may at any time during the pendency of proceedings under this section deposit with the Tribunal, or if an appeal from the Tribunal's order has been filed under sub-section (1) of section 90, with the Taluqdar, a sum equal to the amount of the rent which if no proceedings had been instituted under this section he would have been liable to pay in respect of the land of which the reasonable rent is to be determined. On the completion of proceedings the Tribunal or the Taluqdar, as the case may be, shall direct that the amount so deposited or such part of it, as is equal to the amount determined as reasonable rent under this section shall be paid to the land-holder and shall make such other orders as may be necessary.

(5) Every determination of reasonable rent under this section shall remain in force for a period of five years from the date of the Tahsildar's order under sub-section (2) or, if an appeal therefrom is filed, from the date of the Taluqdar's order on such appeal, and shall not be called in question during that period :

Provided that the Tribunal or the Taluqdar, as the case may be, may during the said period—

(a) reduce the rent if on an application made by the tenant the Tribunal or the Taluqdar is satisfied that on account of deterioration of the land by floods or other causes beyond the control of the tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation ; or

(b) enhance the rent if on an application made by the land-holder the Tribunal or the Taluqdar is satisfied that on account of any improvement made in the land by or at the expense of the land-holder the produce of the land has been increased.

18. (1) Notwithstanding anything contained in section 73 of the Land Revenue Act, whenever for any cause the payment of the whole land revenue payable by a land-holder in respect of any land is suspended or remitted, the land-holder shall suspend or remit, as the case may be, the payment to him of the whole of the rent of such land by the tenant. If in the case of any land payment of the land revenue is partially suspended or remitted, the land-holder shall suspend or remit a proportionate amount of the rent payable in respect of such land by the tenant. Suspension or remission of rent.

(2) If no land revenue is payable in respect of any land and if for any cause, the payment of the whole or any part of the land revenue payable in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Taluqdar shall, subject to the general or special orders of Government, suspend or remit as the case may be, the payment to the land-holder of the whole or part of the rent due in respect of such first mentioned land.

(3) No application for assistance under section 72 of the Land Revenue Act shall be entertained, no suit shall lie and no decree of a civil court shall be executed for recovery by a land-holder of any rent the payment of which has been remitted or is for the time being suspended under this section, and any period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(4) Notwithstanding anything contained in section 72 of the Land Revenue Act, the Taluqdar shall, in passing an order under the said section for rendering assistance to the land-holder allow to the tenant a set-off of the sum, if any, paid by such tenant to the land-holder in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (1) or sub-section (2) of this section or under section 73 of the said Act :

Provided that such set-off shall be allowed in respect only of the sum paid by the tenant to the land-holder during a period of three years immediately preceding the date of the application made under section 72 of the said Act.

(5) If any land-holder fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention thereof, and on the application of the tenant the Tahsildar may, after due enquiry, make an order for the refund of such amount.

Termination  
of tenancy.

19. (1) Notwithstanding any agreement or usage or any decree or order of a Court of law, but subject to the provisions of sub-section (3), no tenancy of land shall be terminated before the expiration of the period for which the land is leased or deemed to be leased otherwise than—

- (a) by the tenant by surrender of his rights to the land-holder, or
- (b) by the land-holder on a ground specified in sub-section (2).

(2) The land-holder may terminate a tenancy on the ground that the tenant—

(a) (i) has failed to pay in any year, within fifteen days from the day fixed under the Land Revenue Act for the payment of the last instalment of land revenue for that year, the rent of such land for that year, or

(ii) if an application for the determination of reasonable rent is pending before the Tribunal or the Taluqdar under section 17, has failed to deposit within fifteen days from the aforesaid date with the Tribunal or the Taluqdar, as the case may be, a sum equal to the amount of rent which he would have been liable to pay for that year if no such application had been made, or

(iii) in case the reasonable rent determined under section 17 is higher than the sum deposited by him, has failed to pay the balance due from him within two months from the date of the decision of the Tribunal or the Taluqdar, as the case may be ; or

- (b) has done any act which is destructive or permanently injurious to the land;  
or  
(c) has sub-divided the land ; or  
(d) has sub-let the land or failed to cultivate the land personally, or has assigned any interest therein , or  
(e) has used such land for a purpose other than agriculture :

Provided that the tenancy of a tenant who—

- (a) is a female or a minor, or  
(b) is subject to a physical or mental disability, or  
(c) is serving in the Naval, Military or Air Forces of India,

shall not be determined on the ground only that the land comprised in the tenancy has been sub-let by or on behalf of such tenant.

(3) The tenancy of a tenant holding a lease to which section 8 applies shall terminate—

- (a) on the death of the tenant or of the land-holder ;  
(b) where the land-holder is a person who, having served in the Naval, Military or Air Forces of India, in good faith requires the land for personal cultivation on the termination of such service, on the expiration of the year in which such person gives notice in writing to the tenant that the tenancy is terminated ; or  
(c) on the first day of March 1951 in a case in which a person deemed under section 34 to be a protected tenant is entitled under section 36 to recover possession of the land on that day.

20. (1) If in any village, a tenant is in occupation of a dwelling house on a site belonging to his land-holder, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment), unless—

- (a) the land-holder proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title, and  
(b) such tenant makes a default in the payment of the rent, if any, which he has been paying for the use and occupation of such site.

(2) The provisions of sub-section (1) shall not apply to a dwelling house which is situate on any land used for the purposes of agriculture the tenancy of which has been terminated under sub-section (1) of section 44.

21. (1) If the land-holder of a site referred to in section 20 intends to sell such site, such tenant at the expense of whom or whose predecessor-in-title, a dwelling house is built thereon, shall be given in the manner provided in sub-section (2) the first option of purchasing the site at a value determined by the Tribunal.

(2) The land-holder intending to sell such site shall give notice in writing to the tenant requiring him to state within three months from date of service of such notice whether he is willing to purchase the site.

(3) If within the said period the tenant intimates in writing to the land-holder that he is willing to purchase the site, the land-holder shall make an application to the Tribunal for the determination of value of the site. On receipt of such application the Tribunal, after giving notice to the tenant and after holding enquiry, shall determine the value of the site, and shall, by an order in writing, require the tenant to deposit the amount of value so determined within three months from the date of such order. On the deposit of such amount the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the land-holder and the Tribunal shall, on payment of the prescribed fees, grant a certificate in the prescribed form to the tenant specifying therein the site so transferred and the name of the tenant.

(4) If the tenant fails to intimate his willingness to purchase the site within the period referred to in sub-section (2) or fails to deposit the amount of the value within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right of first option to purchase the site and the land-holder shall thereupon be entitled to evict the tenant after either paying him such compensation for the value of the structure of the dwelling house as may be determined by the Tribunal or allowing the tenant at his option to remove the materials of the structure.

(5) Any sale of a site effected in contravention of this section shall be void.

Dwelling  
houses of  
agricultural  
labourers and  
artisans.

22. Government may, by notification in the Jarida, direct that the provisions of sections 20 and 21 shall in any area specified in the notification apply also in respect of houses and the sites thereof occupied by agricultural labourers or artisans.

Tenant's  
rights to  
trees  
planted by  
him.

23. If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce and wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for such trees as may be determined by the Tahsildar :

Provided that a tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender on the part of the tenant :

Provided further that the land-holder shall during the continuance of the tenancy be entitled to the rent of the land as if the trees had not been planted.

Rights to  
produce of  
naturally  
growing trees.

24. (1) A tenant shall during the continuance of his tenancy be entitled to two-thirds of the total produce of trees naturally growing on the land, the land-holder being entitled to one-third of the produce of such trees.

(2) If there is any dispute regarding the right to the produce of such trees or the apportionment of such produce under sub-section (1) the tenant or the land-holder may apply in the prescribed form to the Tahsildar.

(3) On receipt of such application, the Tahsildar shall, after holding an inquiry pass such order thereon as he deems fit.

Tenant's  
responsible  
for  
maintenance  
of boundary  
marks.

25. Notwithstanding anything contained in the Land Revenue Act, the responsibility for the maintenance and good repair of the boundary marks of land held by a tenant and any charges reasonably incurred on account of service by revenue officers in case of alteration, removal or repair of such boundary marks shall be upon the tenant.

26. (1) Notwithstanding any agreement, usage or custom to the contrary, if it appears to Government that the construction, maintenance or repair of any bunds protecting any land held by a tenant is neglected owing to a dispute between the land-holder and the tenant or for any other reason, Government may by an order in writing direct that the construction, maintenance or repair shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable from the person in actual possession of the land as arrears of land revenue.

Repairs of protective bunds.

(2) The person from whom the costs are recovered under sub-section (1) shall be entitled to recover the same or the appropriate part thereof from any person who under any agreement, usage or custom is wholly or partially liable to construct, maintain or repair the bunds.

(3) Notwithstanding anything contained in sub-section (1), it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his cost and the costs so incurred by him shall on application made by him to the Tahsildar be recoverable by him from the land-holder according to his liability under any agreement, usage or custom. The costs of the proceedings on the tenant's application shall also be recoverable from the land-holder in case the land-holder is held wholly or partially liable to pay the costs incurred by the tenant for the construction, maintenance or repair of the bunds.

27. Where tenancy of any land held by a tenant is terminated on the ground that the tenant has done any act which is destructive or permanently injurious to the land, no proceeding for ejectment shall lie against such tenant unless and until the land-holder has served on the tenant a notice in writing specifying the act of destruction or injury complained of and the tenant has failed within a period of one year from the service of such notice to restore the land to the condition in which it was before such destruction or injury.

Relief against termination of tenancy in certain cases.

28. Where a tenancy of any land held by a tenant is terminated for non-payment of rent and the land-holder files any proceeding to eject the tenant, the Tahsildar shall call upon the tenant to tender to the land-holder the rent in arrears together with the cost of the proceeding within fifteen days from the date of the order, and if the tenant complies with such order, the Tahsildar shall in lieu of making an order of ejectment, pass an order directing that the tenancy has not been terminated, and thereupon the tenant shall hold the land as if the tenancy had not been terminated :

Relief against termination of tenancy for non-payment of rent.

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed in any three years to pay rent within the period specified in sub-clause (i) of clause (a) of sub-section (2) of section 19.

29. (1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to his land-holder shall be presumed to be a payment on account of the rent due by such tenant for the year in which the payment is made.

Receipts for rent.

(2) Every land-holder shall, immediately upon the receipt of any amount paid to him on account of rent of any land, furnish a written receipt for the same in such form and in such manner as may be prescribed.

Sub-division,  
sub-letting  
and assign-  
ment prohi-  
bited

30. (1) No sub-division or sub-letting of any land by a tenant, and no assignment of any interest held by a tenant shall be valid.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for a tenant to be a member of a co-operative farming society and as such member to sub-let, assign, mortgage or create a charge on his interest in the land in favour of such society.

Bar to  
attachment  
or sale by  
process of  
court.

31. No interest of a tenant in any land held by him as a tenant shall be liable to be attached or sold in execution of a decree or order of a Civil Court.

Procedure  
of taking  
possession.

32. (1) A tenant or an agricultural labourer or artisan entitled to possession of any land or dwelling house under any of the provisions of this Act may apply to the Tahsildar in writing in the prescribed form for such possession.

(2) No land-holder shall obtain possession of any land or dwelling house held by a tenant except under an order of the Tahsildar, for which he shall apply in the prescribed form.

(3) On receipt of an application under sub-section (1) or sub-section (2) the Tahsildar shall, after holding an enquiry, pass such order thereon as he deems fit.

(4) Any person taking possession of any land or dwelling house otherwise than in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, shall, without prejudice to his liability to the penalty provided in section 96, be liable to forfeiture of the crops, if any, grown on the land and to the payment of such costs as may be awarded by the Tahsildar or by the Taluqdar on appeal from the Tahsildar.

Act not to  
affect rights  
or privileges  
of tenant  
under any  
other law.

33. Save as provided in sub-section (1) of section 30, nothing contained in this Act shall be construed to limit or abridge the rights or privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever.

#### CHAPTER IV.

##### PROTECTED TENANTS.

Protected  
tenants.

34. (1) A person shall, subject to the provisions of sub-sections (2) and (3) be deemed to be a protected tenant in respect of land if he—

(a) has held such land as a tenant continuously—

(1) for a period of not less than six years, being a period wholly included in the Fasli years 1342 to 1352 (both years inclusive), or

(2) for a period of not less than six years immediately preceding the 1st day of January 1948, or

(3) for a period of not less than six years commencing not earlier than the 1st day of the Fasli year 1353 (6th October 1943) and completed before the commencement of this Act, and

(b) has cultivated such land personally during such period.

*Explanation I.*—If the person who held such land as a tenant on the date of expiry of any of the three qualifying periods mentioned in clause (a) came to hold the same by inheritance or succession from another person who so held the land or if he has held such land as a tenant and is an heir to such other person, the period during which such other person held such land as a tenant shall be included in calculating such qualifying period.

*Explanation II.*—If the person who held such land as a tenant on the date of expiry of any of the three qualifying periods mentioned in clause (a), held as a tenant at any time within six years before the said date from the same land-holder in the same village any other land which he cultivated personally, the period during which he held such other land shall be included in calculating such qualifying period.

*Explanation III.*—Where any land is held by two or more persons jointly as tenants all such persons shall, if any of them cultivated and continues to cultivate such land personally and if the other conditions specified in this section are fulfilled, be deemed to be protected tenants in respect of such land.

(2) Where more than one person would be entitled under sub-section (1) to be deemed to be a protected tenant in respect of any land, then, notwithstanding anything contained in that sub-section, the only one of such persons entitled to be so deemed shall be—

(a) the person whose qualifying period is the period specified in sub-clause (1) of clause (a) of that sub-section, or

(b) if there is no such person, the person whose qualifying period is the period specified in sub-clause (2) of that clause.

(3) A person who at the commencement of this Act is no longer in possession of land in respect of which he is deemed under sub-section (1) to be a protected tenant shall, notwithstanding anything contained in that sub-section, not be deemed to be a protected tenant in respect of such land if—

(a) he was evicted from such land in pursuance of a decree or order of a competent Court, or

(b) such land is being cultivated personally by the land-holder, or

(c) a permanent structure has been built by the land-holder on such land, or

(d) such land has been permanently diverted by the land-holder to non-agricultural uses.

*Explanation.*—In sub-sections (2) and (3) of this section and in sections 35, 36 and 37 references to a person include references to such two or more persons as are referred to in Explanation III to sub-section (1).

35. (1) If any question arises whether any person, and if so what person, is deemed under section 34 to be a protected tenant in respect of any land, the land-holder, or any person claiming to be so deemed, may, within one year from the commencement of this Act apply in the prescribed form to the Tahsildar for the decision of the question and the Tahsildar shall, after enquiring into the claim or claims in the manner prescribed, declare what person is entitled to be deemed to be a protected tenant or, as the case may be, that no person is so entitled. Decision on claims.

(2) A declaration by the Tahsildar that a person is deemed to be a protected tenant or, in the event of an appeal from the Tahsildar's decision, such declaration by the Taluqdar on first appeal or by the Board of Revenue on second appeal, shall be conclusive that such person is a protected tenant and his rights as such shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed.

Recovery of possession by protected tenant.

36. (1) A person deemed under section 34 to be a protected tenant in respect of any land of which he is not in possession at the commencement of this Act shall if he intimates to the land-holder within six months of the said commencement that he is willing to hold the land on the terms and conditions on which he held it before he lost possession thereof, be entitled to recover possession thereof on the said terms and conditions from the 1st day of March 1951.

(2) Sub-section (1) shall have effect notwithstanding that another person may be in possession of the land, whether under a lease which is not due to expire until after the first day of March 1951 or otherwise, and where such other person is so in possession, he shall be liable, on an application made to the Tahsildar in accordance with section 32, to be evicted on the said date.

Persons not entitled under section 34, deemed in certain circumstances to be protected tenants.

37. (1) Every person, who at the commencement of this Act holds as tenant any land in respect of which no person is deemed to be a protected tenant under section 34, shall, on the expiration of one year from such commencement or the final rejection of all claims by any other person to be deemed under section 34 to be a protected tenant in respect of such land, whichever is later, be deemed to be a protected tenant in respect of such land unless the land-holder has before such expiration or final rejection as aforesaid made an application in the prescribed form to the Tahsildar for a declaration that such person is not a protected tenant.

(2) If after enquiring in the prescribed manner into such application, the Tahsildar refuses to make such declaration and his decision is not set aside by the Taluqdar on first appeal or by the Board of Revenue on second appeal, the tenant shall be deemed to be a protected tenant.

(3) The rights as a protected tenant of a person deemed under sub-section (1) or sub-section (2) to be a protected tenant shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed.

Right of protected tenant to purchase

38. (1) A protected tenant, who owns as land-holder either no land or a smaller area of land than the minimum area of an economic holding determined under section 4 for the local area concerned, shall, notwithstanding anything to the contrary in any law, usage or contract, be entitled at any time after the commencement of this Act to purchase from the land-holder of the land which he holds as protected tenant—

(a) the whole of such land, or

(b) if the purchase of the whole of such land would, taking into account the land, if any, already owned by him as a land-holder, cause the land owned by him to exceed the minimum area determined as aforesaid, so much of such land as would cause such area to be equal to the said minimum area.



(2) A protected tenant who desires to exercise the right conferred by sub-section (1) may make an offer to the land-holder stating the price which he is prepared to pay for the land, and where he is not entitled under sub-section (1) to purchase the whole of the land, the portion thereof which he desires to purchase.

(3) If the land-holder refuses or fails to accept the offer and to execute a sale-deed within three months from the date of the offer, the protected tenant may apply to the Tribunal for the determination of the reasonable price of the land.

(4) On receipt of an application under sub-section (3), the Tribunal shall give notice, to the applicant and the land-holder and to all other persons who appear to the Tribunal to be interested, of the date, time and place at which the Tribunal will inquire into the application and on completion of the inquiry shall determine as the reasonable price of the land such amount as the Tribunal may, having regard to the prescribed considerations think fit :

Provided that the amount so determined shall not exceed four times the value of the gross produce of the land—

(a) in the year preceding the year in which the application under sub-section (3) was made, or

(b) if in that year the land remained uncultivated, or there was for any reason whatsoever a total or partial failure of crops, in such earlier year as the Tribunal may consider to have been a normal year.

(5) The protected tenant shall, within the prescribed period from the determination of the reasonable price, deposit the amount thereof with the Tribunal, and if he fails to do so shall forfeit his right to purchase the land.

(6) On such deposit being made, the Tribunal shall issue a certificate in the prescribed form to the protected tenant declaring him to be the purchaser of the land and such certificate shall be conclusive evidence of the sale as against the land-holder and all persons interested therein :

Provided that if the application of the protected tenant related to an unenfranchised inam, the Tribunal shall not issue such certificate unless previous sanction of Government has been obtained.

(7) If in the course of an inquiry under this section any question arises as between the land-holder and the protected tenant desiring to purchase land, or as between different persons claiming to be land-holders or protected tenants in respect of the whole or any part of the land concerned, regarding—

(a) the area of land which the protected tenant is entitled under sub-section (1) to purchase, or

(b) where he is not entitled to purchase the whole of the land held by him as a protected tenant, the particular portion of that land which he should be permitted to purchase, or

(c) the priority of the rights exercisable by different protected tenants under sub-section (1), or

(d) the person entitled to receive the amount deposited under sub-section (5), the question shall be determined by the Tribunal in the prescribed manner.

Right of  
protected  
tenants to  
exchange  
lands.

39. (1) Notwithstanding anything contained in this Act or in any other law and notwithstanding any agreement or usage, all or any of the persons holding lands as protected tenants in the same village may agree and may make an application to the Tahsildar in the prescribed form for the exchange of their tenancies in respect of the lands held by them as protected tenants.

(2) On receipt of the application, the Tahsildar after giving notice to the land-holders concerned and after making an inquiry, may sanction the exchange on such terms and conditions as may be prescribed and may issue certificates in the prescribed form to the applicants.

(3) The certificates so issued shall be conclusive of the fact of such exchange against the land-holders and all persons interested in the lands exchanged.

(4) Each of the protected tenants shall hold the land received by him as the result of such exchange on the same terms and conditions on which it was held by the original tenant immediately before the exchange subject to such modifications as may have been sanctioned by the Tahsildar.

Rights of  
protected  
tenant  
heritable.

40. (1) All the rights of a protected tenant shall be heritable.

(2) If a protected tenant dies, his heir or heirs shall be entitled to hold the tenancy on the same terms and conditions on which such protected tenant was holding the land at the time of his death.

(3) If a protected tenant dies without leaving any heirs, all his rights shall be extinguished.

*Explanation.*—The following persons only shall be deemed to be the heirs of a protected tenant for the purposes of this section :—

(a) his legitimate lineal descendants by blood or adoption ;

(b) in the absence of any such descendants, his widow for so long as she does not remarry ;

Compensa-  
tion for im-  
provements  
made by  
protected  
tenant.

41. (1) A protected tenant who has made an improvement on the land held by him shall, if his tenancy is terminated under the provisions of this Act, be entitled for such improvement to compensation the amount of which shall, on an application made by the tenant in the prescribed form, be determined by the Tribunal in accordance with the provisions of sub-section (2).

(2) The amount of compensation determined by the Tribunal shall be the value of the improvement at the time of the termination of the tenancy estimated with due regard to :—

(a) the amount by which the value of the land is increased by the improvement ;

(b) the present condition of the improvement and the probable duration of its effect ;

(c) the labour and capital provided or spent by the tenant for the making of the improvement ; and

(d) any reduction or remission of rent or other advantage allowed to the tenant by the land-holder in consideration of the improvement.

42. A protected tenant shall be entitled to erect a farm-house on the land held by him as a protected tenant.

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+  
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43. No land purchased by a protected tenant under section 38 shall be transferred by sale, exchange, gift, lease, mortgage or assignment without the previous sanction of the Taluqdar.

Restriction on the protected tenant's right of transfer,

44. (1) Subject to the provisions of sub-section (2) and sub-section (4), a land-holder, who is not already cultivating personally land of which the area is equal to, or in excess of, ten times the minimum area of an economic holding determined under section 4 for the local area concerned, and who in good faith requires the land leased to a protected tenant for the purpose of cultivating the same personally, may at any time after the commencement of this Act, notwithstanding anything contained in section 19, terminate the tenancy of the protected tenant by giving him one year's notice in writing stating therein the reason for the termination.

Land-holder's right to terminate protected tenancy.

(2) Where the exercise of the right conferred by sub-section (1) in respect of the whole-land leased to the protected tenant would result in the aggregate area of the land cultivated personally by the land-holder being in excess of ten times the minimum area of an economic holding determined under section 4 for the local area concerned, the said right shall be exercisable in respect of so much only of such land as with the addition of the land, if any, which the land-holder is already cultivating personally will render the land cultivated personally by the land-holder equal to ten times the minimum area aforesaid.

(3) If the tenancy of a protected tenant is terminated under this section in respect of part only of the land leased to him, the amount of the rent thereof payable by him shall be proportionately determined in the prescribed manner.

(4) Nothing in this section shall entitle a land-holder to terminate the tenancy of a protected tenant who is for the time being a member of co-operative farming society.

45. (1) If upon the termination of a tenancy under section 44 the land-holder---

(a) does not within one year from the date on which he resumed possession of the land commence use of the land for any of the purposes specified in the notice given under sub-section (1) of section 44, or

Land-holder to restore possession if he fails to cultivate within one year.

(b) having commenced such use, discontinues the same within ten years of the said date, he shall forthwith restore possession of the land to the tenant whose tenancy was terminated by him unless he has obtained from the tenant his refusal in writing to accept the tenancy on the terms and conditions prevailing before the termination of the tenancy or has offered in writing to give possession of the land to the tenant on the said terms and conditions and the tenant has failed to accept the offer within three months of the receipt thereof.

(2) After the tenant has recovered possession of the land under sub-section (1) he shall, subject to the provisions of this Act, hold the same on the terms and conditions on which he held it immediately before the termination of his tenancy.

(3) If the land-holder fails to restore possession of the land to the tenant as provided in sub-section (1) he shall be liable to pay such compensation to the tenant as may be determined by the Tahsildar for the loss suffered by the tenant on account of the eviction.

*Explanation.*—For the purposes of this section, references to a protected tenant shall include references to the heirs mentioned in the Explanation to section 40.

Application for recovery of possession by tenant.

46. If at any time the tenant makes an application to the Tahsildar and satisfies him that the land-holder has failed to comply within a reasonable time with the provisions of section 45, the protected tenant shall be entitled on a direction by the Tahsildar to obtain immediate possession of the land and to such compensation as may be awarded by the Tahsildar for any loss caused to the tenant by his eviction and by the failure of the land-holder to restore or give possession of the land to him as required by the said section.

## CHAPTER V.

### RESTRICTIONS ON TRANSFERS OF AGRICULTURAL LAND.

All alienations and transfers of agricultural land to require sanction or confirmation.

47. (1) Notwithstanding anything contained in any other law for the time being in force or in any decree or order of a Court, no permanent alienation and no other transfer of agricultural land shall be valid unless it has been made with the previous sanction of, or in the case of a disposition by will has been confirmed by, the Taluqdar.

(2) Applications for such previous sanction or confirmation shall be made and disposed of in accordance with such procedure as may be prescribed.

General restrictions on grant of sanction or confirmation.

48. (1) In the case of a permanent alienation or of a lease, the Taluqdar shall not sanction or confirm the same if—

(a) the area of the land held by the alienor or transferor after the alienation or transfer would be less than the minimum area of an economic holding determined under section 4 for the local area concerned, or

(b) the area of the land held by the alienee or transferee after the alienation or transfer would exceed ten times the minimum area so determined.

(2) In the case of a mortgage, the Taluqdar shall not sanction the same if the terms of the mortgage are such that possession of the land is to be or may be delivered to the mortgagee as security for the money advanced or to be advanced.

Additional restrictions where alienee or transferee is non-agriculturist.

49. Where the alienee or transferee is a non-agriculturist, the Taluqdar shall not sanction or confirm the alienation or transfer unless he is satisfied—

(a) in the case of a permanent alienation or lease, that the alienee or transferee intends to adopt the profession of an agriculturist ;

(b) in the case of a mortgage, that the transaction is of a *bona fide* character.

Alienation of land by will.

50. Where there has been a disposition of agricultural land by will, the person, who would in the absence of the disposition have succeeded to a part of, or a share in, the agricultural land so disposed of, shall be deemed for the purposes of this Chapter to be the alienor of such part or share, and the person in whose favour the disposition of such part or share has been made shall be deemed for the said purposes to be the alienee of such part or share.

## CHAPTER VI.

## MANAGEMENT OF UNCULTIVATED AND IMPROPERLY CULTIVATED LANDS.

51. (1) Notwithstanding any law for the time being in force or any usage or custom or the terms of any contract or grant, if it appears to Government that for any two consecutive years any land has remained uncultivated through default either of the land-holder or of the tenant, or that cultivation of any land has seriously suffered for any other cause whatsoever, Government may after such inquiry as may be prescribed, declare by notification in the Jarida that the management of such land shall be assumed, and such declaration shall be conclusive.

Power to  
assume  
management  
of land.

(2) On the publication of a notification under sub-section (1), Government or an officer authorised by Government in this behalf shall appoint a manager to be in-charge of the land and the manager so appointed shall be deemed to be a public servant within the meaning of the Hyderabad Penal Code.

52. During the period of management, that is to say, the period commencing with the publication of the notification under sub-section (1) of section 51 and ending with the termination of management under section 53, the following provisions shall have effect, namely :—

Consequences  
of assump-  
tion of  
management.

(a) the land shall vest in Government ;

(b) all legal proceedings pending and all processes, executions or attachments in force in respect of debts and liabilities enforceable against the land shall be suspended and no fresh proceedings, processes, executions or attachments shall be instituted, issued, enforced or executed in respect thereof ;

(c) the holder of the land shall be incompetent and the manager shall be competent—

(i) to enter into any contract with respect to the land,

(ii) to mortgage, charge, lease or alienate the land or any part thereof,

(iii) to grant valid receipts for rents or profits accruing from the land ;

(d) all powers, which if the management of the land had not been assumed would have been exercisable by the land-holder shall be exercisable by the manager who shall receive and recover all rents and profits due in respect of the land under management and for the purpose of recovering the same may exercise, in addition to the powers exercisable by the land-holder the powers exercisable by a Taluqdar for the recovery of land revenue ;

(e) from the sums received on account of the land, the manager shall pay—

(i) the costs of management including the cost of necessary repairs ;

(ii) the Government revenue and all sums due to the Government in respect of the land under management ;

(iii) the rent, if any, due to any superior holder in respect of the land ;

(iv) such periodical allowance as the Taluqdar may from time to time fix for the maintenance and other expenses of the land-holder and of such members of his family as the Taluqdar directs ; and

(v) the cost of such improvement of the land as he thinks necessary and is approved by the Taluqdar.

(f) The manager shall pay to the land-holder the balance, if any, remaining after the expenses referred to in clause (e) have been defrayed :

Provided that if any proceedings in respect of debts and liabilities enforceable against the land have been suspended under clause (b), the manager may deposit an amount, not exceeding the amount estimated to be required for the meeting of such debts and liabilities with the Court in which the proceedings were pending.

Termination  
of manage-  
ment.

53. (1) When in the opinion of Government it has become unnecessary to continue the management of the land, Government shall by notification in the Jarida terminate the management thereof.

(2) On the termination of management, the land (together with any balance of monies creditable to the land-holder) shall be delivered to the land-holder from whom the management was assumed or, if he is dead, to the person appearing to Government to be entitled to the land.

(3) All acts done by the manager during the period of management shall be binding on the land-holder or other person to whom the land is delivered under sub-section (2).

(4) The period during which the institution of any proceeding has been prohibited by clause (b) of section 52 shall be excluded from the computation of the period of limitation for the institution of that proceeding.

## CHAPTER VII.

### PREVENTION OF SUB-DIVISION OF ECONOMIC HOLDING.

Application  
for registra-  
tion of  
economic  
holding.

54. Any person interested in an economic holding may apply to the Taluqdar in the prescribed form for the registration of the holding and for the registration of the applicant or of some one other person as the owner of the holding.

*Explanation.*—Without prejudice to the generality of the expression “person interested in an economic holding” a reversioner governed by the Hindu Law shall be deemed for the purposes of this Chapter to be interested in an economic holding vested in a female so governed who does not possess an absolute interest in the holding.

Procedure  
on receipt of  
application.

55. (1) On receipt of an application under section 54, the Taluqdar shall, unless he is for any sufficient reason of opinion that no proceedings should be taken on the application —

(a) give public notice in the prescribed form of the fact that application has been made for the registration of the holding and of the applicant or some one other person as the owner of the holding and of the place, date and time at which he will enquire into the application ;

(b) cause a copy of such notice to be served on all persons in occupation of any land included in the holding and on all such persons believed to be interested in the holding or be entitled to accept service of the notice on behalf of such persons as are resident in the district in which the holding is situate ;

(c) if a person interested in the holding does not reside, and has no agent entitled to accept service of the notice on his behalf, in that district, send a copy of such notice by post to such person at his last known address.

(2) The Taluqdar may serve or send, along with any copy of the notice served under clause (b) or sent under clause (c) of sub-section (1), a requisition requiring the person on whom it is served or to whom it is sent to furnish, within a period not less than fifteen days after the date of the requisition and not less than fifteen days before the date appointed under clause (a) of sub-section (1) for the inquiry into the application, a statement in the prescribed form containing the names of all other persons interested in the holding and the nature of their respective interests.

(3) Upon the receipt of such statement, the Taluqdar may cause a copy of the public notice to be served or sent to any person whose name is included in the statement on or to whom a copy of the public notice has not been served or sent under sub-section (1).

56. (1) On the date appointed under clause (a) of sub-section (1) of section 55 for the inquiry, or on any date to which the inquiry may be adjourned, the Taluqdar shall enquire into the nature of the interests, if any, held by the persons claiming to be interested in the holding and into the objections, if any, taken by any such person to the registration of the holding or to the registration of the person proposed to be registered as the owner thereof and he shall not register the holding unless all the persons whom he finds to be interested in the holding agree to the registration of some one person as the owner of the holding. Procedure at inquiry.

(2) If the Taluqdar is satisfied that the holding is an economic holding and if all the persons whom he finds to be interested in the holding agree to the registration of some one person as the owner thereof, the Taluqdar shall register the holding as an economic holding and that one person as the owner thereof.

(3) The registration of the holding and of the owner thereof shall be effected by the making of entries in the prescribed form in the prescribed register.

57. The registration of a holding as an economic holding and of a person as the owner thereof shall be conclusive proof within the meaning of the Hyderabad Evidence Act (II of 1313 F.)— Effect of registration of holding.

(a) that the holding is an economic holding, and

(b) that as from the date of registration, the holding has vested in the person registered as the owner thereof :

Provided that nothing in clause (b) shall affect the provisions of the Land Revenue Act or any conditions lawfully annexed by Government or by any officer of Government to the tenure of any land comprised in the holding.

58. The Taluqdar shall maintain the prescribed register and shall from time to time enter therein the name of the person for the time being entitled to each economic holding registered therein, in such manner and according to such procedure as may be prescribed. Maintenance of register.

59. An economic holding and every interest therein shall notwithstanding any law or custom to the contrary, be deemed to be impartible and shall not be liable to sub-division. Economic holdings impartible.

Partition  
Prohibited.

60. (1) Every instrument and every agreement which purports or which if carried into effect would operate—

(a) to effect any partition of a registered economic holding or of an interest therein, or

(b) to transfer or dispose of a part only of such holding or of an interest in such part, or

(c) to transfer such holding or a part thereof, to or for the benefit of two or more persons whether jointly, severally or in common,

shall, save as provided in sub-section (2), be void to the extent to which it so purports or would so operate.

(2) Nothing in sub-section (1) shall affect the validity of a lease of part of registered economic holding for a term not exceeding one year ; provided that any instrument or agreement, whereby the lessor agrees to renew such lease or in any manner to lease part of the holding for any further period, shall be void.

Cultivation and occupation of economic holding by two or more persons or of a part only of an economic holding prohibited.

61. Every instrument and every agreement purporting to provide—

(a) for the cultivation or occupation of an economic holding by two or more persons, or

(b) for the cultivation or occupation by any person of part only of an economic holding.

shall be void whether such instrument or agreement purports to affect any interest in the land or not.

Succession.

62. (1) On the death of the registered owner, such one person nominated for the purpose by the registered owner at the time of registration of the economic holding or to whom the economic holding is bequeathed by the registered owner by will shall succeed to the economic holding.

(2) In the absence of such nomination or bequest, such one person as may be selected by Government in the manner prescribed shall succeed to the economic holding.

Furnishing of certificates to Courts.

63. Where it appears to the Taluqdar that if effect were given to a decree of any Court or to an order passed in execution of such decree or to any other order passed by a Court, or by a person such as Receiver acting under the control of a Court, any provisions contained in this Chapter would be infringed, the Taluqdar may send to the Court concerned a certificate explaining the circumstances, and the Court shall thereupon pass such orders by way of cancellation or variation of the decree or order or otherwise as will avoid the infringement.

Eviction.

64. The Taluqdar may summarily evict any person wrongfully in possession of any part of an economic holding registered under this Chapter.

Saving of powers of the Government for the recovery of revenue.

65. Nothing in this Chapter shall affect any powers conferred on Government, by any law for the time being in force, for the recovery of land revenue or of any sum recoverable as an arrear of land revenue.



## CHAPTER VIII.

## CO-OPERATIVE FARMS.

66. Any ten or more land-holders of a village or of two or more contiguous villages holding between them proprietary rights in fifty acres or more in the village or contiguous villages and desiring to start a Co-operative Farm, may apply in writing in the prescribed form to the Registrar appointed under the Hyderabad Co-operative Credit Societies Act, II of 1323 F, (hereinafter referred to as the Registrar) for the registration thereof. Formation of a Co-operative Farm.

67. An application for the registration of a Co-operative Farm shall be accompanied by extracts from the Record of Rights or other records showing the total area with the Survey Numbers of all the fields held by each of the applicants in the village or contiguous villages and shall contain such further particulars as may be prescribed. Application for registration.

68. (1) The Registrar shall, if he is satisfied after such inquiry as may be prescribed that the application has been duly made, register the Co-operative Farm under the Hyderabad Co-operative Credit Societies Act (II of 1323 F.) and grant a certificate of Registration. Registration of a Co-operative Farm.

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Taluqdar for such action as may be prescribed.

69. When a Co-operative Farm has been registered under section 68, all lands in the village or contiguous villages held by a member, shall, for so long as the registration of the Co-operative Farm is not cancelled, be deemed to be transferred to and held by the Co-operative Farm, which shall thereupon hold such land and may use it for agricultural purposes or for the purposes of the development of Cottage Industries. Land held by a member to be transferred to the Farm.

70. If not less than two-thirds of the total number of land-holders holding rights in uneconomic holdings in a village or contiguous villages and holding between them not less than two-thirds of the aggregate area comprised in all such uneconomic holdings in the village or contiguous villages, apply jointly to the Taluqdar in the prescribed form for the establishment of a Co-operative Farm, the Taluqdar shall, by notice require all the land-holders holding the remainder of such uneconomic holdings in the village or contiguous villages to show cause why a Co-operative Farm comprising all the lands included in all the uneconomic holdings in the village or contiguous villages be not established and constituted. Formation of a Co-operative Farm of uneconomic holdings.

71. The Taluqdar shall in accordance with the prescribed procedure hear the objection or objections of the land-holders who may desire to be heard, and after hearing them he shall, unless he is satisfied that it is not in the best interests of the persons affected, order that a Co-operative Farm consisting of all the lands comprised in the uneconomic holdings in the village or contiguous villages be established. Disposal of objections.

72. Notice of an order passed under section 71 directing a Co-operative Farm to be established shall be served on every person affected and shall be proclaimed in the village or contiguous villages in the prescribed manner. Service of order under section 71.

Registration of the Co-operative Farm of uneconomic holdings.

73. (1) The Taluqdar shall cause a copy of any order passed under section 71 or on appeal under section 90 from an order so passed, directing that a Co-operative Farm be established, to be forwarded to the Registrar, who shall thereupon register the farm under the Hyderabad Co-operative Credit Societies Act (II of 1323 F.) and shall grant a certificate of registration.

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Taluqdar for such action as may be prescribed.

Land in the uneconomic holdings to be transferred to the Farm.

74. When a Co-operative Farm has been registered under section 73, all lands comprised in the uneconomic holdings in the village or contiguous villages held by any land-holders shall, for so long as the registration of the Co-operative Farm is not cancelled be deemed to be transferred to and held by the Co-operative Farm, which shall thereupon hold such land for, the purposes of agriculture or of the development of Cottage Industries.

Acquisition of lands of a land-holder not joining the Farm.

75. Where any land-holder, who holds an uneconomic holding in a village or contiguous villages in which a Co-operative Farm has been registered is unwilling to join the Farm, he shall, on an application made to the Taluqdar in that behalf within three months of the grant of the certificate of registration, be entitled to be paid such compensation on such principles and in such manner as may be prescribed for his interests in the land mentioned in section 74 and thereupon all his interests in such land shall stand transferred to and be vested in the Co-operative Farm and he shall cease to be a member of the farm.

Consequences of registration.

76. When a certificate of registration in respect of any Co-operative Farm has been granted under section 68 or 73, the provisions of the Hyderabad Co-operative Credit Societies Act (II of 1323 F.) shall, so far as they are not inconsistent with the provisions of this Act or of the rules made thereunder, be applicable thereto.

Bye-laws of the Farm.

77. Every application under section 67 or 70 shall be accompanied by a copy of the proposed bye-laws of the Co-operative Farm and such bye-laws shall be deemed to be the bye-laws required to be filed under the provisions of the Hyderabad Co-operative Credit Societies Act (II of 1323 F.).

Amendment of the bye-laws by the Registrar.

78. The Registrar may, at any time on an application made by a majority of the members of a Co-operative Farm, or on his own motion after giving notice to the Farm in such manner as may be prescribed amend the bye-laws.

Land contributed to the Farm to continue to vest in the land-holder thereof.

79. Nothing in this Chapter shall be deemed to cause the interest of a land-holder in land contributed by or on his behalf to a Co-operative Farm to cease to vest in him.

Rights, privileges, obligations and liabilities of members.

80. Every member of a Co-operative Farm shall be entitled to such rights and privileges, be subject to such obligations and liabilities, and be bound to discharge such duties as may be prescribed.

81. Subject to such exceptions as may be prescribed, every member shall be bound to contribute to the Co-operative Farm to the extent and in the manner prescribed :—

- (i) funds,
- (ii) personal labour,
- (iii) agricultural implements, agricultural stock and such other articles as may be prescribed.

82. A Co-operative Farm shall, as from the date on which it is constituted, be liable for the payment of all the land revenue, cesses and local rates payable by the land-holder in respect of the land held by it under section 69 or 74.

Liability of the Farm to land revenue and other dues.

83. Any person, who is a resident of the village or contiguous villages in which a Co-operative Farm is situate may be admitted as a member thereof upon such terms and conditions as may be prescribed.

Admission of new members.

84. When a member, whose land is held by a Co-operative Farm, dies, his heirs shall become members of the Co-operative Farm.

Heirs entitled to become members of the Farm.

85. (1) Government may upon an application made in that behalf by a Co-operative Farm, advance loans to the Farm to such extent and in such manner as may be prescribed for the purpose of payment of compensation under section 75.

Loan to a Co-operative Farm.

(2) Any loan advanced under sub-section (1) shall be repaid in such manner and in such instalments as may be prescribed and, notwithstanding anything contained in any law for the time being in force, it shall be the first charge on all the lands for the time being comprised in the Farm.

86. (1) A Co-operative Farm shall be entitled to such concessions and facilities as may be prescribed.

Concessions and facilities for the Co-operative Farm.

(2) Without prejudice to the generality of the foregoing provision the prescribed concessions and facilities may include—

- (a) reduction of land revenue ;
- (b) reduction of or exemption from agricultural income-tax ;
- (c) free technical advice from experts employed by the Government ;
- (d) financial aid and grant of subsidies and loans with or without interest ; and
- (e) priority in irrigation from State irrigation works.

## CHAPTER IX.

### CONSTITUTION OR TRIBUNAL ; PROCEDURE AND POWERS OF AUTHORITIES ; APPEALS, ETC.

87. (1) Government may, by notification in the Jarida, constitute an Agricultural Lands Tribunal for any area specified in the notification.

Constitution of Tribunal.

(2) Every Tribunal constituted under sub-section (1) shall consist of three or more members, one of whom shall be appointed in the notification constituting the Tribunal to be the President of the Tribunal.

(3) One at least of the members of every Tribunal constituted under sub-section (1) shall be a person who has for a period of not less than three years held judicial office not lower in rank than that of a Munsiff or, if no such person is available, a person who has for a like period held a land revenue office not lower in rank than that of a Tahsildar.

(4) In any area for which a Tribunal has not been constituted under sub-section (1), all the powers and duties conferred and imposed on the Tribunal by or under this Act shall be exercised and discharged by the Second Taluqdar or by such other officer as Government may authorise in this behalf.

Additional  
functions of  
Tahsildar,  
Tribunal and  
Taluqdar.

88. The Tahsildar, the Tribunal and the Taluqdar shall, in addition to exercising the powers and discharging the duties conferred upon them by any provision of this Act, perform such other functions in relation to this Act as may be prescribed and shall decide such other questions as may be referred to them by Government.

Procedure  
and powers  
at inquiries.

89. (1) The provisions of sections 149 and 150 of the Land Revenue Act shall apply to the recording of evidence and of decisions at inquiries held under this Act.

(2) For the purposes of any such inquiry the Tahsildar, Tribunal and Taluqdar may exercise all or any of the powers conferred on Civil Courts by the Hyderabad Civil Procedure Code (III of 1323 F.) including the power to award costs.

Appeals.

90. (1) From every original order passed by the Tahsildar or Tribunal under this Act an appeal shall lie to the Taluqdar, and from the order passed on such appeal by the Taluqdar a second appeal shall lie to the Board of Revenue :

Provided that no second appeal shall lie from the order passed by the Taluqdar on appeal from an order passed by the Tribunal for the determination of reasonable rent under section 17.

(2) From every original order passed by the Taluqdar under this Act, an appeal shall lie to the Board of Revenue, and from the order passed on such appeal by the Board of Revenue, a second appeal shall lie to Government.

(3) Every appeal under this section shall be filed in the prescribed form.

Revision.

91. Notwithstanding anything contained in any other law for the time being in force, an application for revision shall lie to Government from any order passed by the Board of Revenue on a second appeal under this Act on the following grounds only :—

(a) that the order was contrary to law,

(b) that the Board of Revenue failed to determine some material issue of law, or

(c) that there was a substantial failure to follow the procedure provided by this Act and that such failure resulted in a miscarriage of justice.

Powers  
exercisable  
on appeal or  
revision.

92. An authority exercising appellate or revisional jurisdiction under this Act shall pass such order consistent with this Act, whether by way of confirmation, recession or modification of the order under appeal or revision, as appears to it to be just, and shall have the powers conferred on the original authority by sub-section (2) of section 89.

93. Every appeal and every application for revision under this Act shall be filed <sup>Limitation.</sup> within sixty days from the date of the order against which the appeal or application is filed and the provisions of the Hyderabad Limitation Act (II of 1922 F.) shall, apply for the purposes of the computation of the said period.

94. When an original, appellate or revisional order under this Act involves the <sup>Execution</sup> payment of money by any person, the money shall be recoverable from such person <sup>of orders.</sup> as if it was an arrear of land revenue and where such order involves the putting of any person in possession of land it shall be executed in the manner provided in section 74 of the Land Revenue Act.

95. Notwithstanding anything contained in the Hyderabad Court-Fees Act (VI <sup>Court-fees.</sup> of 1924 F.) every original application, every appeal and every application for revision filed under this Act shall bear a court-fee stamp of such value as may be prescribed.

## CHAPTER X.

### OFFENCES AND PENALTIES.

96. (1) Whoever contravenes any provision of any of the sections or sub-sections mentioned in the first column of the following table shall, on conviction for such contravention, be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

*Explanation.*—The entries in the second column of the said table headed "Subject" are not intended to be definitions of the offences described in the sections or sub-sections mentioned in the first column, or even as abstracts of those sections and sub-sections, but are inserted merely as a reference to the subject matter of the sections or sub-sections, the numbers of which are given in the first column.

Section, sub-section or clause	Subject	Fine which may be imposed
1	2	3
		Rs.
Section 6 ..	Making or taking a lease after three years from the commencement of the Act .. ..	1,000
Section 8 ..	Grant or acceptance of tenancy from more or less than 10 years .. ..	1,000
Section 13(4) ..	Recovery of rent by way of crop-share or in excess of commuted cash rent .. ..	1,000
Section 14 (3) ..	Receipt of rent in the form of labour or service ..	1,000
Section 16 ..	Levy of cess, rate, tax or service which has been abolished .. ..	1,000
Section 19 (1) ..	Unlawful termination of tenancy .. ..	1,000
Section 29 (2) ..	Failure to give written receipt for the amount of rent received .. ..	100
Section 38 (2) ..	Taking possession of land or dwelling house ..	1,000

(2) Notwithstanding anything contained in the Hyderabad Criminal Procedure Code, a contravention of the provisions of section 14 or section 16 shall be a cognisable offence.

## CHAPTER XI.

### MISCELLANEOUS.

**Rules.**

97. (1) Government may by notification in the Jarida make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the admission, resignation and expulsion of members of Co-operative Farms registered under Chapter VIII.

(b) the consequences of such resignation or expulsion and the satisfaction of the claims of the member resigning or expelled as respects land, funds, agricultural stocks and implements, contributed by him to such Co-operative Farms;

(c) the remuneration and wages to be paid to members working on such Co-operative Farms;

(d) the payment of the expenses and other dues of such Co-operative Farms; and the distribution of the produce and profits thereof;

(e) the filling or defending of suits, and the manner of execution of contracts and other documents, by or on behalf of such Co-operative Farms;

(f) the liquidation of the personal debts of members of such Co-operative Farms and the regulation of their credit;

(g) the directions to be given by the Government for agricultural development and for controlled or planned agricultural production by such Co-operative Farms;

(h) the conduct generally of the affairs of such Co-operative Farms, and

(i) any other matter which is to be or may be prescribed.

**Summary  
eviction.**

98. Any person unauthorisedly occupying or wrongfully in possession of any land—

(a) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act, or

(b) the management of which has been assumed under the said provisions, or

(c) to the use and occupation of which he is not entitled under the said provisions, may, if the said provisions do not provide for the eviction of such person, be summarily evicted by the Taluqdar.

**Bar of juris-  
diction.**

99. (1) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Tahsildar, Tribunal or Taluqdar or by the Board of Revenue or Government.

(2) No order of the Tahsildar, Tribunal or Taluqdar or of the Board of Revenue or Government made under this Act, shall be questioned in any Civil or Criminal Court.

100. Government shall have the same authority and control over Tahsildars, Control Taluqdars and the Board of Revenue acting under this Act as they have and exercise over them in the general land revenue administration.

101. No suit or other proceeding shall lie against any person in respect of anything Indemnity. which is in good faith done or intended to be done under this Act.

102. Nothing in this Act shall apply—

Act not to apply to certain lands and areas.

(a) to lands held on lease from Government, a local authority or a Co-operative Society ;

(b) to lands held on lease for the benefit of an industrial or commercial undertaking ;

(c) to service inam lands ;

(d) to inams held by religious or charitable institutions ; or

(e) to any area which Government may, from time to time, by notification in the Jarida, specify as being reserved for urban, non-agricultural or industrial development.

103. The Prevention of Agricultural Land Alienation Act (III of 1349 F.) and the Hyderabad Asami Shikmis Act (I of 1354F.) are hereby repealed :

Repeals and savings.

Provided that any appointment, rule, order, notification, or proclamation made or issued, any lease, rent, right or liability granted, fixed, acquired or incurred, and any other thing done under either of the Acts repealed hereby shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been respectively made, issued, granted, fixed, acquired, incurred or done under this Act and shall continue in force until it is superseded thereunder.

104. This Act and any rule, order or notification made or issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment with respect to matters enumerated in List II in the Seventh Schedule to the Constitution of India or in any instrument having effect by virtue of any such other enactment.

Act to prevail over other enactments.

**SECOND SCHEDULE**

I

**THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (AMENDMENT) ACT, 1951.**

(Hyd. Act XIII of 1951.)

*An act to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950*

**Preamble.** WHEREAS it is expedient to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

**Short title and commencement.**

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1951.

(2) It shall come into force from the date of its publication in the Jarida.

**Amendment of section 17, Hyderabad Act XXI of 1950.**

2. In sub-section (5) of section 17 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as the said Act), for the word "the Tahsildar's order" the words "the Tribunal's order" shall be substituted.

**Amendment of section 48, Hyderabad Act XXI of 1950.**

3. In sub-section (1) of section 48 of the said Act,—

(i) for the words "permanent alienation or of a lease," the words "permanent alienation or transfer" shall be substituted; and

(ii) in clause (a) the word "or" at the end shall be omitted and the following proviso to that clause shall be inserted, namely,—

"Provided that the requirements of this clause may be dispensed with by the said officer if he is satisfied that the alienor or transferer as the case may be, is not an agriculturist or intends to give up the profession of an agriculturist, or"

**Amendment of section 49, Hyderabad Act XXI of 1950.**

4. In clause (a) of section 49 of the said Act, for the word "lease," the word "transfer" shall be substituted.

**Amendment of section 96, Hyderabad Act XXI of 1950.**

5. In column 1 of the table in sub-section (1) of section 96 of the said Act, for the figures and brackets "38 (2)," the figures and brackets "32(2)" shall be substituted.

**Amendment of section 10, Hyderabad Act XXI of 1950.**

6. For clause (a) of section 102 of the said Act, the following clause shall be substituted, namely:—

"(a) to lands leased, granted, alienated or acquired in favour of or by the Government, a local authority or a co-operative society"

**Amendment of section 103, Hyderabad Act XXI of 1950.**

7. (i) Section 103 of the said Act shall be numbered as sub-section (1) thereof, and in sub-section (1) as so renumbered after the existing proviso, the following proviso shall be inserted, namely,—

"Provided further that the repeal of the said acts shall not affect—

(a) the previous operation of the Acts repealed hereby or anything done or suffered thereunder;



(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Acts so repealed ;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Acts so repealed ;

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, or any such penalty, forfeiture or punishment may be imposed as if the said Acts aforesaid had not been repealed ;” and

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

“(2) Notwithstanding anything contained in the second proviso to sub-section (1), clause (c) of sub-section (2) of section 10 of the Prevention of Agricultural Land Alienation Act (III of 1349F.) shall for the purposes of the said proviso have effect as though for the said clause the following clause was substituted, namely :—

‘(c) If the amount received by the mortgagee from the mortgagor in case of a simple mortgage or the value of the benefits realised by the mortgagee from the possession of land together with the amounts paid by the mortgagor to the mortgagee in case of an usufructuary mortgage is less than the amount due, the Collector shall, on the mortgagor paying the amounts due in cash, terminate the mortgage by an order in writing and if the mortgagee is in possession of the land, he shall place the mortgagor in possession thereof. If the mortgagor fails to pay the amount due, the Collector shall order that the land, if it is already in the possession of the mortgagee shall continue to be in his possession for such period not exceeding 10 years, as may be considered by the Collector reasonable for the payment of the amount due after the expiry of which the land shall be restored to the possession of the mortgagor.’”

## II

**THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (SECOND  
AMENDMENT) ACT, 1951.**

(Hyd. Act XXIII of 1951.)

*An Act further to amend the Hyderabad Tenancy and Agricultural Lands  
Act, 1950*

**Preamble** WHEREAS it is expedient further to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

**Short title  
and com-  
mencement.**

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands (Second Amendment) Act, 1951.

(2) It shall come into force from the date of its publication in the Jarida.

**Amendment  
of section 2,  
Hyderabad  
Act XXI  
of 1950.**

2. For clause (o) of sub-section (1) of section 2 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as the said Act), the following clause shall be substituted, namely :—

“(o) ‘permanent alienation’ includes any sale, exchange or gift and any transfer of a right of occupancy or of the patta of a holding but does not include any disposition by will ;”

**Amendment  
of section 4,  
Hyderabad  
Act XXI  
of 1950.**

3. In sub-section (4) of section 4 of the said Act after the word “re-determined,” the following words shall be inserted, namely :—

“but not, save in the case of the first re-determination, within a period of 10 years, from the date of the last previous re-determination.”

**Amendment  
of section 5,  
Hyderabad  
Act XXI  
of 1950.**

4. In section 5 of the said Act after the proviso, the following further proviso shall be added, namely :—

•“ Provided further that a sub-tenant cultivating any land belonging to another person on the day on which the Hyderabad Tenancy and Agricultural Lands (Second Amendment) Act, 1951, came into force shall, notwithstanding the fact that the creation of the sub-tenancy might have been prohibited by any law for the time being in force, be deemed to be lawfully cultivating the land as a tenant for the purposes of this section. ”

**Amendment  
of section 8,  
Hyderabad  
Act XXI  
of 1950.**

5. In section 8 of the said Act the following proviso shall be added, namely :—

“ Provided that a landholder who is temporarily prevented by any sufficient cause from cultivating the land may, with the permission of the Collector, lease the land for such period less than 10 years as the Collector may fix. ”

6. In section 10 of the said Act—

(a) to sub-section (1) the following proviso shall be added, namely :—

“ Provided that this sub-section shall not apply to a lease under section 8 in respect of which section 9 has not been complied with unless such non-compliance was due to any act, fraud or misrepresentation of the lessor and of the lessee.” ; and

(b) in sub-section (2) for the words “ or on an application by the landholder ” the words “ or otherwise ” shall be substituted.

Amendment  
of section 10,  
Hyderabad  
Act XXI  
of 1950.

7. Clause (a) of sub-section (3) of section 19 of the said Act shall be omitted.

Amendment  
of section 19,  
Hyderabad  
Act XXI  
of 1950.

8. In clause (b) of sub-section (3) of section 34 of the said Act after the word “ landholder ” the following words shall be inserted, namely :—

“ for at least one year before the commencement of this Act, or after the land was surrendered to the landholder by the tenant. ”

Amendment  
of section 34,  
Hyderabad  
Act XXI  
of 1950.

9. In section 38 of the said Act—

(a) in sub-section (1) for words “ be entitled ” the following words shall be substituted, namely :—

“ be, save as otherwise provided in this chapter, entitled ” ; and

(b) for the proviso to sub-section (4) the following proviso shall be substituted, namely :—

“ Provided that the amount so determined shall be three times the value of the average annual gross produce of the land during the three years immediately preceding the year in which the application under sub-section (3) was made. ”

Amendment  
of section 38,  
Hyderabad  
Act XXI  
of 1950.

10. After section 38 of the said Act, the following sections shall be inserted, namely :—

Insertion of  
new sections  
38-A, 38-B,  
38-C and  
38-D,  
Hyderabad  
Act XXI  
of 1950.

“ 38-A. If in respect of a land which a protected tenant is entitled to purchase from a landholder under the provisions of sub-section (1) of section 38, the landholder consents to sell the land to the protected tenant and the reasonable price payable therefor by the protected tenant is agreed to between them, either the landholder or the protected tenant, or, both jointly, may apply to the Tribunal and thereupon all the provisions of sub-sections (5) to (7) of section 38 shall apply *mutatis mutandis* to such applications :

Procedure  
when  
reasonable  
price is  
agreed to  
between the  
landholder  
and  
protected  
tenant.

Provided that the reasonable price so agreed to by the parties themselves shall be deemed to be the reasonable price determined by the Tribunal for the purposes of the said sub-section.

Procedure when landholder agrees to relinquish his rights in favour of the protected tenant.

38-B. If in respect of a land which a protected tenant is entitled to purchase under the provisions of sub-section (1) of section 38, the landholder concerned intends to relinquish all rights vesting in him relating to the land in favour of the protected tenant holding the same without receiving any consideration therefor, the landholder may apply to the Tribunal and thereupon the Tribunal shall issue to such protected tenant a certificate so far as may be as provided for in sub-section (6) of section 38.

Procedure when sale to a protected tenant would leave to the landholder less than an economic holding.

38-C. (1) If as a result of a sale to a protected tenant under the provisions of section 38, the remaining area of the land held by the landholder would be less than the minimum area of an economic holding determined under section 4 for the local area concerned, the landholder shall on receipt of a notice in writing from the protected tenant, to sell the land either begin to cultivate the land personally within a period of two years from the date of the receipt of the notice or sell the land of the protected tenant at the end of that period.

(2) If before the end of two years from the date specified in sub-section (1) and after the standing crops, if any, on the land have been harvested by the protected tenant, the landholder does not begin to cultivate the land personally, the protected tenant shall be entitled to purchase the land in accordance with provisions of section 38.

Procedure when landholder intends to sell land to a protected tenant.

38-D. (1) If the landholder at any time intends to sell the land held by the protected tenant, he shall give a notice in writing of his intention to such protected tenant and offer to sell the land to him. In case the protected tenant intends to purchase the land he shall intimate in writing his readiness to do so within two years from the date of the receipt of such notice. If there is any dispute about the reasonable price payable by the protected tenant for the land, the provisions of sub-sections (3) to (7) of section 38 shall apply *mutatis mutandis*.

(2) The reasonable price payable by a protected tenant under sub-section (1) shall be paid in such instalments not exceeding 3 in number as may be settled between the parties or fixed by the Tribunal. If land revenue due on the land is either suspended or postponed by the Government, any instalment of reasonable price payable on such land by a protected tenant shall also be suspended or postponed similarly and if the protected tenant commits default in respect of any instalment, it shall be recovered by the Government as an arrear of land revenue and paid to the landholder.

(3) If a protected tenant does not exercise the right of purchase in response to the notice given to him by the landholder under sub-section (1) such protected tenant shall forfeit his right of purchase of the same and the landholder shall be entitled to sell such land to any other person. On such a purchase by another person, the protected tenant shall forfeit all his rights in the land save those provided for in section 41."

Amendment of section 44, Hyderabad Act XXI of 1960.

11. In sub-sections (1) and (2) of section 44 of the said Act for the words "ten times" wherever they occur, the words "five times" shall be substituted.

Amendment of section 47, Hyderabad Act XXI of 1960.

12. In section 47 of the said Act—

(a) in sub-section (1) for the words "sanction of, or in the case of a disposition by will has been confirmed, by" the words "sanction of" shall be substituted; and

(b) in sub-section (2) the words "or confirmation" shall be omitted.

13. In section 48 of the said Act—

(a) in sub-section (1) the words “or confirm” shall be omitted;

(b) in clause (b) of sub-section (1)—

(i) for the words “ten times” the words “five times” shall be substituted

(ii) after the words “so determined” the following shall be added, namely :—

• “after excluding therefrom the following area, namely :—

• Any area of the land held by the alienee or transferee which is in possession of a protected tenant or protected tenants in respect of which the alienee or transferee, as the case may be, relinquishes the right of resumption for his personal cultivation under section 44 permanently against such protected tenant or protected tenants :” ; and

(iii) the following proviso shall be added at the end, namely :—

“Provided that the Government may for such reasons as may be prescribed permit a permanent alienation or transfer as a result of which the area of the land held by the alienee or transferee after the alienation or transfer exceeds the maximum area that can be so held under this clause.”

14. In section 49 of the said Act the words “or confirm” shall be omitted.

Amendment  
of section 48  
Hyderabad  
Act XXI  
of 1950.

Amendment  
of section 49,  
Hyderabad  
Act XXI  
of 1950.

15. For section 50 of the said Act the following section shall be substituted, namely :—

Substitution  
of new  
section for  
section 50,  
Hyderabad  
Act XXI  
of 1950.

“50. Nothing in this chapter shall apply to the sale of agricultural lands in accordance with the provisions of Chapter IV.”

Chapter V  
not to apply  
to sale of  
lands in  
favour of  
protected  
tenants  
under  
Chapter IV.

16. For sub-section (1) of section 51 of the said Act the following sub-section shall be substituted, namely :—

Amendment  
of section 51,  
Hyderabad  
Act XXI  
of 1950.

“51. (1) Notwithstanding any law for the time being in force, or any usage or custom or the terms of any contract or grant, if it appears to Government that for any two consecutive years including any period before the commencement of this Act any land has remained uncultivated through default either of the landholder or of the tenant, or that cultivation of any land has seriously suffered for any other cause whatsoever, or that any land capable of being used, if reclaimed or otherwise improved, howsoever, has not been so reclaimed or otherwise improved, and cultivated or that any land is remaining as a pasture land in excess of the ordinary grazing requirements of the cattle of the persons entitled to graze cattle thereon, the Government may after such enquiry as may be prescribed declare by notification in the Jarida that the management of such land shall be assumed, and such declaration shall be conclusive.”

Amendment  
of section 52,  
Hyderabad  
Act XXI  
of 1950.

17. Clause (a) of section 52 of the said Act shall be omitted.

Amendment  
of section 60,  
Hyderabad  
Act XXI  
of 1950.

18. Sub-section (2) of section 60 of the said Act shall be omitted.

Substitution  
of new  
section for  
section 66,  
Hyderabad  
Act XXI  
1950.

19. For section 66 of the said Act the following section shall be substituted, namely :—

Formation  
of a Co-  
operative  
Farm.

“66. Any ten or more persons of a village or two or more contiguous villages holding between them, either as handholders or protected tenants, rights in and possession over 50 acres or more in such village or contiguous villages and desiring to start a Co-operative Farm comprising the land so held and possessed by them may apply in writing in the prescribed form to the Registrar appointed under the Hyderabad Co-operative Credit Societies Act, II of 1923F. (hereinafter referred to as the Registrar) for the registration thereof.”

Amendment  
of section 68,  
Hyderabad  
Act XXI  
of 1950.

20. For sub-section (1) of section 68 of the said Act the following sub-section shall be substituted, namely :—

“(1) After making such enquiry as may be prescribed, the Registrar shall, unless he is satisfied that it is not in the best interests of all concerned to do so, register the Co-operative Farm under the Hyderabad Co-operative Credit Societies Act (II of 1923F.), and grant a certificate of registration.”

Insertion of  
new section  
100-A,  
Hyderabad  
Act XXI  
of 1950.

21. After section 100 of the said Act the following section shall be inserted, namely :—

“100-A. The Government may by notification in the Jarida delegate to the Board of Revenue all or any of the powers conferred on Government by or under this Act subject to such conditions as may be specified in the notification.”

Delegation  
of powers  
to the  
Board of  
Revenue.

Amendment  
of section  
102,  
Hyderabad  
Act XXI  
of 1950.

22. To clause (a) of section 102 of the said Act the following proviso shall be added, namely :—

“Provided that nothing in this clause shall apply to Inams and to such other lands as may be prescribed ;”

III

THE HYDERABAD TENANCY AND AGRICULTURAL LANDS  
(AMENDMENT) ACT, 1954.

(Hyd. Act III of 1954.)

*An Act to amend the Hyderabad Tenancy and Agricultural Lands*  
*Act, 1950.*

WHEREAS it is expedient to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 2 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as the said Act)— Amendments to section 2, Hyderabad Act XXI of 1950.

(i) In clause (a), after sub-clause (3), the word "and" shall be omitted and after sub-clause (4) the word "and" shall be inserted and thereafter the following sub-clause shall be added, namely "(5) grazing."

(ii) In clause (c), after the words "used for agriculture" the following words shall be inserted, namely, "or reserved for growing forests".

(iii) After clause (c), the following clause shall be inserted, namely :—

"(cc) 'Basic Holding' means a holding the area of which is equal to one-third of the area of the family holding determined under section 4 for the local area concerned"

(iv) Clause (d) shall be renumbered as clause "(dd)";

(v) After clause (cc), the following clause shall be inserted, namely :—

"(d) 'consolidation of holdings' means the forming of a compact block for a number of scattered plots by redistribution and exchange of holdings or portions thereof in a village or a group of villages ;"

(vi) For the words, figures, letter, and brackets "Hyderabad Co-operative Credit Societies Act (II of 1923 F.)" wherever they occur, the following words, and figures, shall be substituted, namely, "Hyderabad Co-operative Societies Act, 1952."

(vii) For sub-clause (iii) of clause (g), the following shall be substituted, namely :—

"(iii) by servants on wages payable in cash or kind, but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family ;"

(viii) For clause (h), the following clause shall be substituted, namely :—

"(h) 'Family holding' means a holding the area of which is equal to the area determined for any class of land under section 4 as the area of a family holding for the class of land of which the holding consists in the local area in which it is situate ;"

(ix) After clause (h), the following clause shall be inserted, namely :—

“(hh) ‘fragment’ means a plot of land of any class the area of which is less than the area of a basic holding determined for that class of land for the local area concerned ;”

(x) Clause (g) shall be omitted ; and

(xi) For clause (z), the following clause shall be substituted, namely :—

“(z), ‘Village panchayat’ means a panchayat constituted under the Hyderabad Village Panchayat Act, 1951”

Consequen-  
tial amend-  
ments.

3. Save as otherwise provided in this Act, for the words ‘Economic Holding’, wherever they occur in the said Act, the words ‘Family Holding’ shall be substituted.

Substitu-  
tion of  
section 4,  
Hyderabad  
Act XXI  
of 1950  
by a new  
section.

4. For section 4 of the said Act the following section shall be substituted, namely :—

Determina-  
tion of area  
of Family  
Holdings.

“4. (1) Subject to and in accordance with the provisions of this section the Government shall determine in the manner prescribed for all or any class of land in any local area the area of a family holding which a family of five persons including the agriculturist himself, cultivates personally according to local conditions and practices and with such assistance as is customary in agricultural operations and which area, will yield annually a produce the value of which, after deducting fifty per cent. therefrom as cost of cultivation, is Rs. 800 according to the price levels prevailing at the time of determination.

(2) The Government shall determine the extent of land which shall be regarded as a family holding for each class in each kind of soil in all the local areas which may be determined for the State subject to the limits specified below, shall notify in the Jarida the ‘local areas’ and the extents so determined not later than six months from the date on which the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, comes into force and shall lay a copy of the Notification before the Legislative Assembly if it is in session, and if it is not in session when it next reassembles.

*Limits*:—(1) Wet land—Single Crop each year, all kinds of soils :

(a) Classification of 8 annas or above	..	.. 6 Acres
(b) All other classes	.. ..	.. 9 Acres

(2) Dry land :

(a) Black Cotton or laterite soils :		
(i) Class I with soil classification of 8 annas or above	..	.. 24 Acres
(ii) All other classes	.. ..	.. 36 Acres
(b) Chalka soils :		
(i) Class I with soil classification of 8 annas or above	..	.. 48 Acres
(ii) All other classes	.. ..	.. 72 Acres

Provided that the Government may by general or special order direct that the limits of the family holdings specified in this sub-section, shall for any local area be varied if the Government is satisfied that such variation is necessary or expedient for ensuring that the value of produce after deducting fifty per cent. therefrom as cost of cultivation is Rs. 800 ”



5. For clause (b) of section 5 of the said Act, the following shall be substituted, namely :—

“(b) a servant on wages payable in cash or kind, but not in crop share or a hired labourer cultivating the land under the personal supervision of the landholder or any member of the landholder’s family, or”

Amend-  
ment of  
section 5,  
Hyderabad  
Act XXI  
of 1950.

6. For section 7 of the said Act the following shall be substituted, namely :—

Substi-  
tution of  
section 7,  
Hyderabad  
Act XXI  
of 1950.

“7. (1) (a) Notwithstanding anything contained in section 6, a landholder holding land the area of which is equal to or less than three times the area of the family holding for the local area concerned may lease the land held by him :

Special  
cases in  
which lease  
are per-  
mitted.

Provided that every such lease notwithstanding any agreement to the contrary shall be for a period of five years and at the end of the said period and thereafter at the end of each period of five years in succession, the tenancy shall, subject to the provisions of clauses (b) and (c) be deemed to be in force for a further period of five years on the same terms and conditions except to the extent that a modification therefor consistently with this Act is agreed to by both parties.

(b) The landholder may by giving the tenant at least one year’s notice in writing before the end of each of the periods referred to in clause (a) terminate, subject to the provisions of section 45, the tenancy in the last year of each of the said periods if he requires the land for cultivating personally :

Provided that the area of the land, the tenancy of which can be so terminated, shall not exceed one family holding for each adult worker in a family.

(c) Notwithstanding anything contained in clause (a) such tenancy shall, subject to the provisions of sections 27 and 28, be liable to be terminated by the landholder or the tenant on any of the grounds and in the manner provided in section 19.

(2) Notwithstanding anything contained in sub-section (1) and in section 6, a landholder who—

(a) is a minor or a female,

(b) is permanently incapable of cultivating land by reason of any physical or mental infirmity,

(c) is serving in the Naval, Military or Air Forces of India,

(d) is temporarily prevented by any sufficient cause from cultivating land,

may, after three years from the commencement of this Act, with the permission of the Collector, lease the land held by him for such period as the Collector may fix :

Provided that where the land is held jointly by more than one person, the provisions of this sub-section shall not apply unless all such persons are subject to any disability specified in clauses (a), (b), (c) or (d) :

Provided further that where such disability ceases, by reason of the death of the landholder or otherwise before the expiry of the period of lease fixed by the Collector, the lease shall be terminated within such period as the Collector may appoint.”

*Hyderabad Tenancy and Agricultural Lands [1961 : Mah. XLV  
(Re-enactment, Validation and Further  
Amendment) Act, 1961*

Substitution of section 9, Hyderabad Act XXI of 1950, by a new section.

7. For section 9 of the said Act, the following shall be substituted, namely :—

Copy of case to be filed before a Tahsildar.

“9. Every lease made under section 7 or 8 shall be in writing and the landholder shall and the tenant may file a copy thereof in the office of the Tahsildar within thirty days of the date on which the lease is executed.”

Substitution of section 10, Hyderabad Act XXI of 1950, by a new section.

8. For section 10 of the said Act, the following shall be substituted, namely :—

Summary ejectment of a person in possession of land under void lease.

“10. If in respect of any land a lease is made otherwise than in conformity with the provisions of section 6 or section 9, the Collector may summarily eject any person in possession of the land under such lease if, in his opinion it is necessary to do so to protect the interest of any tenant who previously held the land.”

Substitution of section 11, Hyderabad Act XXI of 1950, by a new section.

9. For section 11 of the said Act, the following shall be substituted, namely :—

Maximum rent.

“11. (7) Notwithstanding any agreement or usage or any decree or order of the Court, or any law to the contrary, the maximum rent payable by a tenant for a lease in respect of the following classes of land shall be the multiples of the land revenue for the time being in force or if no land revenue is in force the land revenue which may be assessed thereon, as shown hereunder against them—

(a) Dry land of Chalka soil	..	4 times the land revenue.
(b) Dry land of Black Cotton soil	..	5 times the land revenue.
(c) Bagat	..	5 times the land revenue.
(d) Wet land—		
(i) Irrigated by wells	..	3 times the land revenue.
(ii) Irrigated by other sources	..	4 times the land revenue.
(e) Classes of land which do not fall within the clauses (a), (b), (c), or (d) :		Reasonable rent determined having regard to the classes of land and the rent fixed for the said categories.

*Explanation I.*—Lands irrigated by wells which are assessed as dry shall be deemed to be wet lands for purposes of this section.

*Explanation II.*—In the former Non-Diwani areas which have not yet been settled or resettled, the multiples of land revenue payable as rent shall be calculated on the land revenue prevailing in the adjoining Diwani areas :

Provided that only the land-holder shall be liable for the payment of the land revenue to the Government and in case the tenant pays the same to the Government, he shall be entitled to deduct the same from the rent payable by him :

Provided further that where on any land special improvements have been made by the land-holder, such as sinking a well, the Tribunal may in respect of such land fix any higher multiple of land revenue as the rent payable therefor.

(2) When the land revenue of any land is revised, suitable adjustments in the multiples of land revenue payable as rent under sub-section (1) may also be effected on the application of the land-holder or the tenant or by the Government on its own motion."

10. For section 12 of the said Act, the following shall be substituted, namely :—

Substitution of section 12, Hyderabad Act XXI of 1950, by a new section.

" 12. The rent payable by a tenant shall, subject to the provisions of sections 11 and 13 be the rent agreed upon between such tenant and his land-holder or in the absence of such agreement the rent payable according to the usage of the locality or if there is no such agreement or usage, or where there is dispute as regards the reasonableness of the rent payable according to such agreement or usage, the reasonable rent :

Provided that such reasonable rent shall not in any case exceed one-fourth in the case of irrigated land except land under wells and one-fifth in the case of all other classes of land of the value of the average annual produce of the land, excluding fodder, during the three years immediately preceding the year in which the dispute arises."

11. For section 13 of the said Act, the following shall be substituted, namely :—

Substitution of section 13, Hyderabad Act XXI of 1950, by a new section.

" 13. (1) With effect from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, a tenant shall not be liable to pay the rent at any rate exceeding that specified in section 11 subject to any application to the Tribunal as to the assessment of rent payable under section 12.

Liability to payment.

(2) The rent due shall be payable by the tenant at the rate fixed in accordance with the provisions of sections 11 and 12 and the tenant will have the option to pay the rent in cash so fixed or in equivalent produce grown on the land estimated according to the market value thereof."

12. In section 18 of the said Act :—

(1) In sub-section (3) for the words and figures " for assistance under section 72 of the Land Revenue Act " the following shall be substituted, namely :—

" under sub-section (2) of section 28 ; "

Amendment of section 18, Hyderabad Act XXI of 1950.

(2) In sub-section (4) :—

(i) for the words and figures "section 72 of the Land Revenue Act", the words, brackets and figures "sub-section (2) of section 28" shall be substituted ;

(ii) for the words "said section" the words "said sub-section" shall be substituted ;

(iii) for the word "Taluqdar" the word "Tahsildar" shall be substituted ;

(iv) for the words "said Act" at the end of sub-section and before the proviso the words "Land Revenue Act" shall be substituted ;

(v) in the proviso, for the words and figures "section 72 of the said Act", the words, figures and brackets "sub-section (2) of section 28" shall be substituted.

13. In section 19 of the said Act :—

(1) For clause (a) of sub-section (1), the following clause shall be substituted, namely :—

"(a) by the tenant by surrender of his rights to the land-holder at least a month before the commencement of the year :

Provided that such surrender is made by the tenant in writing and is admitted by him before and is made in good faith to the satisfaction of the Tahsildar ; or "

Provided further that where the land is cultivated jointly by joint tenants or members of an undivided Hindu family, unless the surrender is made by all of them, it shall be ineffective in respect of such joint tenants as have not joined in the application for surrender, irrespective of the fact that the names of all the joint tenants are not mentioned in the certificate.

(2) In sub-section (2) :—

(a) in sub-clause (i) of clause (a) for the words "land revenue for that year", the words "land revenue due for the land concerned in that year" shall be substituted.

(b) before the existing proviso, the following proviso shall be inserted, namely :—

"Provided that no tenancy of any land held by a tenant shall be terminated on any of the grounds mentioned in this sub-section unless the land-holder gives six months' notice in writing intimating his decision to terminate the tenancy and the grounds for such termination : "and

(c) in the existing proviso after the word "Provided"; the word "further" shall be inserted ;

(3) In sub-section (3) after the word "section" and before figure "8", the figure and word "7 or" shall be inserted.

14. In section 21 after sub-section (3) the following shall be inserted as sub-section (4) and existing sub-sections (4) and (5) shall be renumbered as sub-sections (5) and (6) :—

"(4) If in respect of a site which a land-holder offers to sell to the tenant under the provisions of sub-section (1) the value payable therefor by the tenant is agreed to between him and the landholder either the landholder or the tenant or both jointly may apply to the Tribunal and thereupon the Tribunal shall on the payment of the prescribed fees grant a certificate in the prescribed form.

15. After section 26 of the said Act, the following section shall be inserted, namely :—

Insertion  
of a new  
section 26,  
Hyderabad  
Act XXI  
of 1950.

“26-A. If at any time on a land held by a tenant any amount is levied or imposed by the Government as betterment contribution under the provisions of the Hyderabad Irrigation (Betterment Contribution and Inclusion Fees) Act, 1952, the tenant and the land-holder thereof shall be liable to pay such amount to the Government in such proportion as the Government may, by general or special order, determine under that Act as though both were owners for the purposes thereof :

Betterment  
contribution.

Provided that the general or special order so made shall be laid before the Assembly.”

16. (1) In section 28 of the said Act—

(i) for the word “fifteen” the word “ninety”; and

(ii) in the proviso, for the word “in” occurring after the word “failed” the word “for” shall be substituted.

Amend-  
ment of  
section 28,  
Hyderabad  
Act XXI  
of 1950.

(2) Section 28 of the said Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-sections shall be added, namely :—

“(2) The land-holder may apply to the Tahsildar in the prescribed form for recovery of arrears of rent for any period not exceeding three years. The Tahsildar may, after such enquiry as he considers necessary pass such order as he deems fit. The Tahsildar in passing an order shall allow the tenant to set off the sum, if any, paid by him to the land-holder within a period of three years immediately preceding the date of application made under sub-section (1) in excess of the rent due from him :

Provided that if the Tahsildar is satisfied that in consequence of a total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Tahsildar may, for reasons to be recorded in writing, direct that the arrears of rent together with costs of the proceedings, if awarded, shall be paid within one year from the date of the order and that if before the expiry of the said period the tenant fails to pay the said arrears of rent and costs, the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted.

(3) When a tenant tenders an amount on account of rent to the land-holder for any period and if the land-holder refuses to receive it or refuses to grant a receipt for it, the tenant may present to the Tahsildar an application in writing for permission to deposit in his office the full amount of rent. The Tahsildar may receive the amount in deposit and give a receipt for it, which shall constitute a discharge of the tenant's liability in respect of rent for such period and no claim or application by a land-holder for rent shall be maintainable in respect of the period for which the rent has been so deposited by the tenant. Notice of the amount so deposited shall be given to the land-holder and the amount will, on his application, be paid to him.”

Amendment of section 24, Hyderabad Act XXI of 1950.

17. After clause (b) of sub-section (1) of section 34 of the said Act, the following provisos shall be inserted :—

“ Provided that where the land-holder is a minor or is serving in the Naval, Military or Air Forces in India, the tenant shall not be deemed to be a protected tenant if before the expiration of one year from the date on which the minor attains majority or the land-holder ceases to serve in the said forces, the land-holder gives three months' notice in writing intimating his decision to terminate the tenancy if in good faith he requires the land to cultivate personally :

Provided further that where the land-holder is a person permanently incapable of cultivating the land by reason of mental disability the tenant shall not be deemed to be a protected tenant if before the expiry of one year from the death of the land-holder, the person who succeeds to the land gives three months' notice in writing intimating his decision to terminate the tenancy if in good faith he requires the land to cultivate personally.

*Explanation.*—Where the land is held under more than one joint land-holders the last two provisos shall not apply unless all such land-holders are subject to a disability specified in the said provisos.”

Amendment of section 37, Hyderabad Act XXI of 1950.

18. To sub-section (1) of section 37 of the said Act, the following provisos shall be added, namely :—

“ Provided that where the land-holder is a minor or a person serving in the Naval, Military or Air Forces of India, he shall make the application for declaration before the expiry of one year from the date on which the minor attains majority or the land-holder ceases to serve in the Naval, Military or Air Forces of India :

Provided further that where the land-holder is a person permanently incapable of cultivating the land by reason of mental disability, the person who succeeds to the land on the death of the said land-holder shall make the application within one year from the date on which he succeeds to the land.

*Explanation.*—Where the land is held under more than one joint land-holders the last two provisos shall not apply unless such land-holders are subject to a disability specified in the said provisos.”

Amendment of section 38, Hyderabad Act XXI of 1950.

19. In section 38 of the said Act—

(1) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Notwithstanding anything to the contrary in any law, usage or contract, and subject to the provisions of sub-section (7), a protected tenant shall at any time after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, be entitled to purchase the land-holder's interest in the land held by the former as a protected tenant.”;

(2) for sub-section (2), the following shall be substituted, namely :—

“ A protected tenant who desires to exercise the right conferred by sub-section (1) shall make an offer to the land-holder stating the price which he is prepared to pay for the land-holder's interest in the land up to fifteen times for dry lands or eight times for wet lands irrigated by wells and six times for wet lands irrigated by other sources, of the rent payable by him, and where he is not entitled to purchase the whole of the land, the portion thereof which he is entitled to purchase, ”;

(3) for sub-section (4), the following shall be substituted, namely :—

“ (4) On receipt of an application under sub-section (3) the Tribunal shall give notice to the applicant and the land holder and to all persons who appear to the Tribunal to be interested, of the date, time and place at which the Tribunal will enquire into the application and shall determine the reasonable price of the landholder's interests in the land not exceeding the maximum multiple of rent provided in sub-section (2) in conformity with such rules as may be prescribed :

Provided that where in the opinion of the Tribunal the reasonable price determined under this sub-section, does not sufficiently recompense the land-holder for the value of the improvements made by him, such as sinking a well, it shall be competent for the Tribunal, after taking into account the value of the contribution of the protected tenant towards the improvements, if any, to add such further sum as it considers adequate to the price so determined.”;

(4) for sub-section (5), the following sub-section shall be substituted, namely :—

“ (5) The protected tenant shall deposit with the Tribunal the amount of the price determined under sub-section (4)—

(a) either in a lump sum within the period fixed by the Tribunal, or

(b) in such instalments not exceeding sixteen and at such intervals during a period not exceeding eight years and on or before such dates as may be fixed by the Tribunal in each case :

Provided that whenever land revenue due on the land is suspended or remitted by the Government, any instalment of the reasonable price payable on such land by the protected tenant shall be similarly postponed :

Provided further that when the reasonable price fixed by the Tribunal is payable in instalments, the protected tenant shall in addition to the instalments be liable for the payment of the land revenue due to the Government on the land till all the instalments are paid.”;

(5) for sub-section (6), the following shall be substituted, namely :—

“ (6) (a) On deposit or recovery of the entire amount of the reasonable price being made, the Tribunal shall issue a certificate in the prescribed form to the protected tenant declaring him to be the purchaser of the land and such certificate shall be conclusive evidence of the sale as against the landholder and all

persons interested therein, and the Tribunal shall also direct that the reasonable price deposited or recovered shall be paid to the land-holder :

Provided that if the application of the protected tenant relates to an 'Inam' the Tribunal shall not issue such certificate unless previous sanction of Government has been obtained therefor.

(b) If a protected tenant is permitted to pay the reasonable price in instalments under the provisions of sub-section (5), interest at the rate of three per cent per annum shall be payable by him in respect of the balance of the price due and if he commits default in respect of any instalment the same may be recovered by the Government as arrears of land revenue.

(c) Every instalment deposited by or recovered from the protected tenant, shall be paid by the Tribunal to the land-holder.

(d) If the protected tenant fails to pay the entire amount of the reasonable price within the period fixed under sub-section (5), or the same is not recovered from him, the purchase by the protected tenant shall not be effective and he shall forfeit the right of purchase of the land, and the amount paid by him towards the reasonable price shall be refunded to him with interest at three per centum per annum together with land revenue paid by him if any after deducting therefrom the rent due from him for the period :

Provided that if the amount of reasonable price in respect of which the protected tenant has committed default, does not exceed one-fourth of the price fixed by the Tribunal under sub-section (5), the right of purchase of the protected tenant shall not be forfeited and the Tribunal shall cause the balance of reasonable price to be recovered as arrears of land revenue and paid to the land-holder .";

(6) sub-section (7) shall be renumbered as sub-section (8) ;

(7) after sub-section (6), the following sub-section shall be inserted, namely :—  
“(7) The right of a protected tenant under this section to purchase from his land-holder the land held by him as a protected tenant shall be subject to the following conditions, namely :—

(a) If the protected tenant does not hold any land as a land-holder the purchase of the land held by him as a protected tenant shall be limited to the extent of the area of a family holding for the local area concerned.

(b) If the protected tenant holds any land as a land-holder, the purchase of the land held by him as a protected tenant shall be limited to such area as along with other land held by him as a land-holder will make the total area of land that will be held by him as a land-holder equal to the area of a family holding for the local area concerned :

Provided that the land remaining is more than the land which the protected tenant is entitled to purchase under this section, the first preference to purchase the said land, at the prevailing market price in the local area, shall vest in the protected tenant :

Provided further that in the case of purchase by any person other than the protected tenant, the rights and interests of the said tenant in the lease land, shall continue as before.



(c) The extent of the land remaining with the land-holder after the purchase of the land by the protected tenant, whether to cultivate it personally or otherwise, shall not be less than two times the area of a family holding for the local area concerned."

20. In section 38-A of the said Act—

(1) between the words "consents to sell" and the words "the land" the words "his interest in" shall be inserted; and

(2) for the brackets and figure "(7)", the brackets and figure "(8)" shall be substituted.

Amendment of section 38-A, Hyderabad Act XXI of 1950.

21. In section 38-B of the said Act—

(1) for the words "all rights vesting in him relating to" the words "his interest in" shall be substituted; and

(2) the words "in favour of the protected tenant holding the same" shall be omitted and the following proviso shall be added, namely:—

"Provided that the right of the protected tenant and the grant of the certificate shall be limited to the extent of three family holdings in the local area concerned including the land, if any, owned by the protected tenant and that any excess over such extent shall vest in the Government free of all rights of the said protected tenant."

Amendment of section 38-B, Hyderabad Act XXI of 1950.

22. For section 38-C of the said Act the following section shall be substituted namely:—

"38-C.(1) If a land-holder does not hold land in excess of three family holdings, he may within two years from the date of receipt of a notice in writing from the protected tenant to sell the land to him under sub-section (1) of section 38, terminate the tenancy of the said protected tenant in the manner and subject to limits specified in section 44, or sell the land to him.

(2) If after the termination of the tenancy, the land-holder does not within one year from the date on which he resumed possession of the land, cultivate the land personally or having commenced such cultivation discontinues the same within ten years from the said date, the protected tenant shall be entitled to restoration of possession of the land and its purchase in accordance with the provisions of section 38."

Substitution of section 38-C, Hyderabad Act XXI of 1950, by a new section.

Minimum holding in case of sale.

23. In section 38-D of the said Act—

(1) in sub-section (1) for the brackets and figure "(7)" the brackets and figure "(8)" and for the words "two years" the words "six months" shall be substituted;

(2) sub-section (2) shall be omitted and sub-section (3) shall be renumbered as sub-section (2).

Amendment of section 38-D, Hyderabad Act XXI of 1950.

Insertion  
of a new  
section 38-E,  
Hyderabad  
Act XXI  
of 1950.

24 After section 38-D of the said Act the following section shall be inserted, namely:—

Ownership  
of lands held  
by protected  
tenants to  
stand trans-  
ferred to  
them from  
a notified  
date.

“38-E. (1) Notwithstanding anything in this chapter or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary the Government may, by notification in the Jarida, declare in respect of any area and from such date as may be specified therein that ownership of all lands held by protected tenants which they are entitled to purchase from their land-holders in such area under any provision of this chapter shall subject to the provisions of sub-section (7) of section 38 of the Act stand transferred to and vest in the protected tenants holding them and from such date the protected tenant shall be deemed to be the full owner of such lands.

(2) A certificate in the prescribed form declaring him to be owner shall be issued by the Tribunal to every such protected tenant and notice of such issue shall simultaneously be issued to the land-holder. Such certificate shall be conclusive evidence of the protected tenant having become the owner of the land with effect from the date of the certificate as against the land-holder and all other persons having any interest therein :

Provided that when the land held by a protected tenant happens to be an “Inam” the Tribunal shall not issue such a certificate unless the previous sanction of the Government has been obtained.

(3) Within 90 days from the dates specified in a notification under sub-section (1) every land-holder of lands situated in the area specified in such notification shall file an application before the Tribunal for the determination of the reasonable price of his interest in the land which has been transferred to the ownership of a protected tenant under sub-section (1), and thereupon all the provisions of sub-sections (4) to (8) of section 38 shall *mutatis mutandis* apply to such application :

Provided that if the protected tenant commits default in respect of any instalment, it shall be recovered by the Government as arrears of land revenue and paid to the land-holder :

Provided further that if the whole or any part of the price due to the land-holder cannot be recovered as arrears of land revenue, the transfers shall not be effective and the amount, if any, already paid by the protected tenant towards the price shall be refunded to him together with interest at three per cent per annum and the land revenue paid by him, if any, after deducting therefrom the rent for the period.”

Amend-  
ment of  
section 40,  
Hyderabad  
Act XXI  
of 1950.

25. In section 40 of the said Act—

(1) in sub-section (2) the following words shall be added at the end, namely:—

“and such heirs may, notwithstanding anything contained in this Act, sub-divide *inter se* according to their shares the land comprised in the tenancy to which they have succeeded.”; and

(2) after sub-section (3) the following shall be added as sub-section (4), namely :—

“(4) The interest of a protected tenant in the land held by him as a protected tenant shall form sixty per cent. of the market value of all the interests in the land and that of the land-holder and of persons claiming under him shall be limited to the remaining forty per cent.”

26. For section 43 of the said Act, the following shall be substituted, namely :—

Substitution of section 43, Hyderabad Act XXI of 1950, by a new section.

“43. Notwithstanding anything contained in any law for the time being in force, or any custom, decree or contract to the contrary, it shall be lawful for a protected tenant to mortgage or create a charge on his interest in the land in favour of the Government in consideration of loan advanced to him by the Government under the Hyderabad Agriculturists' Loans Act, 1950, and without prejudice to any other remedy open to the Government in the event of his making a default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the Government to cause his interest in the land to be sold, and the proceeds to be applied in payment of such loan.”

Mortgage or charge by protected tenant as security for loan.

27. In section 44 of the said Act—

Amendment of section 44, Hyderabad Act XXI of 1950.

(1) For sub-sections (1) and (2) the following sub-sections shall be substituted, namely :—

“(1) Subject to the provisions of sub-section (3) a landholder who, on the date on which the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, comes into force, is not already cultivating personally an area equal to three times the family holding for the local area concerned and who in good faith requires land leased out to a protected tenant for cultivating personally may, notwithstanding anything contained in section 19 of the Act, terminate the tenancy and resume such land or portion of such land that would, together with the land which he is already cultivating personally, either as owner or protected tenant, be equal to three times the family holding, by making an application in the manner prescribed to the Collector or any other officer whom the Government may from time to time authorise in this behalf.”

(2) The land-holder's right to terminate the tenancy of any protected tenant under sub-section (1) shall be limited to an area which shall, after such termination, leave with the protected tenant an area which, together with the land owned by him or cultivated by him as a protected tenant, is equal to a basic holding for the local area concerned :

Provided that, where by such resumption the land that will be left with protected tenant together with other land owned or cultivated by him will be less than a basic holding, the land-holder's right of terminating the

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tenancy, shall be limited to half the area of land leased out by him to the said protected tenant :

Provided further, that where the land owned by a land-holder does not exceed a basic holding he will be entitled to resume the entire land leased by him.

(3) Nothing in sub-section (1) shall entitle the land-holder to resume more than a family holding unless the income by the cultivation of such land will be the main source of income of the landholder for his maintenance.

(4) The Government shall provide by Rules for :—

- (i) manner of conducting enquiries into the applications for resumption ;
- (ii) selection of lands for resumption ;
- (iii) exchange and consolidation of fragments to secure as far as possible contiguous blocks to the landholder, or the protected tenant ;
- (iv) time when the resumption will take effect ;
- (v) any other matter as may be considered necessary for giving effect to the provisions of this section.

(5) (a) The right of termination of the tenancy of any protected tenant under sub-sections (1), (2) and (3) shall cease after five years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954.

(b) The tenancy in respect of the land left with the protected tenant after termination under this section shall not at any time be liable to be terminated on the ground that the landholder *bona fide* requires the said land for the purpose specified in sub-section (1).

(6) Notwithstanding anything contained in this section a protected tenant shall be entitled within the said period of five years to exercise his right to purchase under section 38 the land held by a landholder in excess of two family holdings, provided that such land-holder before the expiry of three months from the date of receipt of the notice under sub-section (2) of section 38, selects the land which together with the land, if any, which he is cultivating personally is equal to the area of three family holdings, and also initiates proceedings for its resumption."

(2) Existing sub-sections "(3)" and "(4)" shall be renumbered as sub-sections "(7)" and "(8)" respectively.

28. In sub-section (1) of section 45 of the said Act :—

(a) in clause (a), for the words, figures and brackets, "commence use of the land for any of the purposes specified in the notice given under sub-section (1) of section 44" the words "cultivate the same personally" shall be substituted ;

(ii) in clause (b) :—

(a) for the word "use" the word "cultivation" shall be substituted ;

(b) the following proviso shall be added, namely :—

"Provided that such refusal by the protected tenant to accept the tenancy shall be recorded before and to the satisfaction of the Tahsildar."

29. After sub-section (1) of section 47 of the said Act, the following proviso shall be inserted namely :—

Amendment of section 47, Hyderabad Act XXI of 1950.

“ Provided that the Collector may declare a permanent alienation or any other transfer of agricultural land to be valid if the permanent alienation or transfer took place before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954 and possession of the land transferred was given to the vendee before such commencement if application for sanction is made within one year after such commencement.”

30. In sub-section (1) of section 48 of the said Act—

Amendment of section 48, Hyderabad Act XXI of 1950.

(a) in clause (a) in the proviso after the word ‘ agriculturist ’ where it occurs for the second time, the following words shall be added, namely :—

“ or is alienating the whole of the land in his possession or that the transfer is being made by an agriculturist for good and sufficient reasons subject to his retaining a basic holding.”

(b) in clause (b) for the words “ five times ” the words “ three times ” shall be substituted.

31. After clause (1) of section 49 of the said Act the following proviso shall be inserted, namely :—

Amendment of section 49, Hyderabad Act XXI of 1950.

“ Provided that if the alienee or transferee does not within one year from the date on which he obtained possession of the land adopt the profession of an agriculturist or having adopted such profession discontinues the same within ten years from such date, the Collector may, acting on his own motion or otherwise, declare the alienation or transfer invalid and restore the land to the alienor or transferor subject to the provisions of sub-section (2) of section 48.”

32. After section 49 of the said Act, the following section shall be inserted, namely :—

Insertion of a new section 50, Hyderabad Act XXI of 1950.

“ 50. The restrictions imposed by sections 47, 48 and 49 shall not apply to—

(a) a permanent alienation or transfer of agricultural lands made with the previous permission of the Collector for any non-agricultural use ;

(b) registered sales of agricultural lands before the commencement of this Act ;

(c) agreement to sell agricultural lands entered into before the commencement of this Act, if possession of the lands had been transferred to the vendees before such commencement in pursuance of such agreements.”

Cases in which restrictions imposed by sections 47, 48 and 49 shall not apply.

33. Section 50 of the said Act shall be renumbered as section 50-A thereof and for section 50-A, as so renumbered, the following section shall be substituted, namely:—

Insertion of a new section 50-A, Hyderabad Act XXI of 1950.

“ 50-A. Nothing in this Chapter shall apply to—

(a) the sale of agricultural land in accordance with the provisions of Chapter IV, not to apply.

(b) a land-holder who owns lands not exceeding a basic holding.”

Provisions of this chapter not to apply.

Inse-  
tion  
of new  
sections  
53-A  
53-G,  
Hyderabad  
Act XXI  
of 1950.

34. After section 53 the following sections shall be inserted, namely :—

Census of  
land holdings  
and details  
of cultivation.

“53-A. (1) For the purposes of this Act generally and in particular for the administration of this chapter, the Government may take a census of land holdings and details of cultivation in the prescribed manner.

(2) Any person who has any interest in agricultural lands, either as a land-holder, mortgagee or tenant or otherwise, shall furnish fully and correctly any information that may be required of him for the purpose of the said census.

Prescription  
of standards  
of cultivation  
and manage-  
ment.

53-B. (1) With a view to bring the agricultural economy to a higher level of efficiency, the Government may, by rules, regulate standards of efficient cultivation and management.

(2) Such rules may provide for the issue of directions as regards the methods of agriculture to be adopted, the use of improved seeds, sale of surplus foodgrains, and for ensuring proper wages and terms of employment of agricultural workers, maintenance of regular and accurate accounts in respect of cultivation, and such other directions as may be necessary or desirable for the efficient utilisation of lands.

(3) Such rules shall apply to agriculturists who cultivate personally land equal to three times the family holding or more.

(4) The Government may lower the extent of the holding to which such rules shall apply.

Further  
power to  
assume for  
public  
purpose  
manage-  
ment of land  
not efficiently  
cultivated  
and managed.

53-C. (1) Notwithstanding any law for the time being in force or any usage or custom or the terms of any contract or grant to the contrary, the Government or any officer or authority authorised by the Government may, for a public purpose, from such date as may be notified in the Jarida and subject to the provisions of sub-section (7) as to the payment of compensation, assume the management of so much of the land held by a land-holder and not in the occupation of tenants, as is in excess of four and a half times the family holding for the local area concerned unless in the opinion of the Government or such officer or authority, it is so efficiently cultivated and managed according to the standards prescribed under section 53-B that a break-up will lead to a fall in production :

*Explanation I.* —For the purposes of this sub-section the standard of efficient cultivation and management will apply only to land which forms a compact block.

*Explanation II.* —In this sub-section ‘public purpose’ includes settlement of landless cultivators, development of co-operative organisations and increasing the efficiency of management.

Provided that in calculating the excess of land owned by a joint family, every branch of it entitled under the Hindu law to a share per stirpes in the property owned by the family on the partition of the family, shall be allowed one family holding even though the aggregate of such shares may exceed four and a half times the family holding :

Provided further that a declaration by Government that a land is required for a public purpose shall be conclusive evidence that the land is so required.

(2) Where in the opinion of the Government or such officer or authority the cultivation of any land by a land-holder falls below the standards prescribed under section 53-B the Government or such officer or authority may, subject to the provisions of sub-sections (7) and (8) as to the payment of compensation, assume the management of the entire holding or such portion thereof as is in excess of three times the family holding in the local area concerned :

Provided that every branch of a joint family entitled under the Hindu Law on partition to a share per stirpes in the property owned by the family, shall be allowed one family holding even though the aggregate of such shares may exceed three times the family holding :

Provided further that the provisions of sub-sections (1) and (2) shall not apply to permanent fruit gardens and orchards that existed on the 1st January, 1952.

(3) The provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply to lands held by protected tenants as such, including lands, if any, held by them as land-holders.

(4) Before assuming management, the Government or such officer or authority shall give three months' notice in writing to the land-holder of the intention to do so, and consider any representation he may make within the period allowed in the notice.

(5) After considering such representation, if any, the Government or such officer or authority shall communicate in writing to the land-holder the decision thereon and publish the decision in the manner prescribed.

(6) On the publication of a decision to assume the management the Government or such officer or authority shall subject to the provisions of section 53-B appoint a manager to be in charge of the lands and thereafter the provisions of section 52 shall *mutatis mutandis* apply to such lands.

(7) The amount of compensation payable for assumption of management shall consist of a recurring payment determined in accordance with the provisions of section 11 and sub-section (3) of section 17 and such other sums, if any, as may be found necessary to compensate the land-holder for all or any of the following matters, namely :—

- (i) pecuniary loss due to assumption of management ;
- (ii) expenses on account of vacating the land the management of which has been assumed ;
- (iii) expenses on account of reoccupying the land on the termination of the management ;
- (iv) damage, if any, caused to the land during the period of management, including the expenses that may have to be incurred for restoring the land to the condition in which it was at the time of assumption of management.

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(8) (a) Where the amount of compensation referred to in sub-section (7) can be fixed by agreement, it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached, the Government shall appoint as Arbitrator a person qualified for appointment as a District Judge.

(c) At the commencement of the proceedings before the Arbitrator the Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(d) The Arbitrator in making his award shall have regard to the provisions of section 18 of the Hyderabad Land Acquisition Act, 1909 F., so far as the same can be made applicable.

(e) An appeal shall lie to High Court against an award of the Arbitrator.

(f) The Government may make rules for carrying into effect the provisions of this sub-section and in particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(i) the procedure to be followed in arbitration under this sub-section ;

(ii) the principles to be followed in apportioning the costs of proceedings before the Arbitrator and on appeal.

Appointment of Village Panchayat or Co-operative Farming Societies as managers.

53-D. The Government may appoint a Village Panchayat or a Co-operative Farming Society as manager for the purpose of this Chapter.

Order of preference in leasing out the surplus lands.

53-E. In leasing out the lands where management is assumed under section 51 or section 53-C, preference shall be given in the following order :—

Co-operative Farming Societies, agricultural workers working on the said lands, land-holders or tenants who cultivate personally less than a family holding, and other landless persons residing in the village.

Right of lessee to purchase lands.

53-F. (1) Any person to whom lands over which management is assumed under section 51 or section 53-C are leased shall be entitled to purchase such lands, subject to the provisions of sub-section (2), on the same terms as protected tenants are entitled to do under section 38 :

Provided that the extent of land left to a land-holder shall not be less than three times the area of a family holding for the local area concerned.

(2) The reasonable price payable by a person to the land-holder under sub-section (1) shall not exceed 20 times the recurring payment payable as compensation under sub-section (7) of section 53-C for dry lands, 12 times in the case of wet lands irrigated by wells and nine times in the case of wet lands irrigated by other sources of such recurring payments, but shall in no case exceed the market value of the land in the locality.



53-G. (1) Notwithstanding anything contained in this Chapter or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the Government may acquire the lands, the management of which it can assume under the provisions of section 53-C subject to the payment of the reasonable price payable under the provisions of sub-section (2) of section 53-F as compensation.

Power to acquire lands.

(2) The Government may issue bonds on such terms as may be prescribed in payment of the whole or part of the compensation payable under the provisions of sub-section (1).

(3) The Government shall distribute the lands so acquired in the order laid down in section 53-E and may collect the price of the land so distributed at such rates as may be prescribed in a lumpsum, or in instalments from the persons to whom the lands are distributed."

35. For Chapter VII of the said Act, the following Chapter shall be substituted, namely :—

Substitution of a new Chapter for Chapter VII, Hyderabad Act XXI of 1950.

#### " CHAPTER VII.

##### *Prevention of Fragmentation and the Consolidation of Holdings.*

54. The provisions of this Chapter, or any section or sections thereof, shall apply to such local area or areas as the Government may from time to time by notification in the Jarida specify.

Application of this Chapter.

55. No land shall be permanently alienated, leased, or sub-divided so as to create a fragment and every permanent alienation, lease or sub-division contrary to this provision shall be void.

Prohibition of fragmentation.

56. (1) Where, by transfer, decree, succession or otherwise, two or more persons are entitled to shares in an undivided property, and such property has to be divided among them, such partition shall be effected so as not to create a fragment and subject to provisions of sub-section (2) every partition effected contrary to this provision shall be void.

Prohibition of fragmentation on partition.

(2) Where such sub-division or partition is made by the Court or the Collector, the following procedure shall be adopted :—

(a) If, in effecting a partition of property among several co-sharers, it is found that a co-sharer is entitled to a specific share in the land and cannot be given that share without creating a fragment he shall be compensated in money for the fragment.

(b) If, in effecting a partition, it is found that there is not enough land to provide basic holdings to all the co-sharers, the co-sharers may agree among themselves as to the particular co-sharer or co-sharers who should be provided with basic holdings and which of them should be compensated in money. In the absence of any such agreement, the co-sharers to whom basic holdings can be provided and those to whom money compensation should be given shall be

described.

(c) The compensation shall be payable by each co-sharer getting an excess over the share of land legally due to him, and such co-sharer shall deposit the amount of such compensation in the manner prescribed before taking possession of the share allotted to him. On his failure to do so, his share shall be allotted to any other co-sharer to whom land has not been previously allotted and who is chosen in the manner provided in clause (b) subject to the payment of similar compensation to the co-sharers, not getting shares of land

(d) If none of the co-sharers to whom land has been allotted under clause (c) pays the compensation and takes the share, the share shall be sold in auction to the highest bidder, and the purchase money shall be paid to the co-sharers not getting lands in proportion to their respective shares.

(e) Where the parties agree upon any other method of partition which will not result in fragmentation, that method shall be followed in effecting partition.

(3) Where a partition is effected in execution of a decree all questions relating to the division of the land and apportionment of compensation shall be decided by the Court executing the decree or by the Collector effecting the partition, as the case may be, in accordance with the provisions of sub-section (2).

Notification of intention to prepare a scheme of consolidation of holdings.

57. Government may of its own motion or on application made in this behalf by two-thirds of the total number of land-holders and protected tenants of a village or contiguous villages holding between them not less than half the area comprised in all the plots in the village or contiguous villages declare by a notification in the Jarida and by publication in the prescribed manner in the village or villages concerned its intention to make a scheme for consolidation of the holdings in such village or villages or parts thereof as may be specified.

Appointment of Consolidation Officer.

58. The Deputy Collector shall be the Consolidation Officer for the area under his jurisdiction, provided the Government may appoint any other person as Consolidation Officer for any local area.

Preparation of a draft scheme.

59. The Consolidation Officer shall, after such enquiry as he thinks fit, prepare a draft scheme for the consolidation of holdings in the village or villages, publish it in the prescribed manner, hear objections thereto and make such modifications in his scheme as he may think fit. Thereupon, he shall submit his final draft scheme to the Collector for confirmation.

Payment of Compensation.

60. If, in the redistribution of lands in any scheme any person is allotted land of less market value than his original holding, the Consolidation Officer may provide in the scheme for payment to him of compensation for such deficiency. He may also fix the assessment including water-rate, if any, payable in respect of each reconstituted holding.

Consideration of draft scheme by the Collector.

61. (1) The draft scheme submitted by the Consolidation Officer to the Collector shall be published in the prescribed manner in the village or villages concerned.

(2) Within thirty days of such publication, any person likely to be affected by such scheme may present to the Collector, his objections, if any, to the scheme.

(3) The Collector shall consider all the objections received by him and shall after such further enquiry, if any, as he may think fit, either confirm it with or without modifications or refuse to confirm it.

62. (1) The final scheme as confirmed by the Collector shall be published in the Jarida and also in such other manner as may be prescribed, and such scheme shall take effect from the beginning of the next year, following such publication and be binding on all the landholders and tenants in the villages. Publication of final scheme and giving effect to it.

(2) The landholders and tenants affected by the scheme shall with effect from such date, be entitled to, and to take possession of the respective holdings allotted to them in the redistribution.

(3) The Consolidation Officer shall, if necessary by warrant put them in possession of the holding to which they have become entitled :

Provided that no landholder or tenant shall be entitled to possession of a holding allotted to him in the redistribution unless he has previously deposited in the prescribed manner the compensation, if any, payable by him under the scheme :

Provided further that if any landholder or tenant fails to make such deposit, the Consolidation Officer may sell his holding in auction and pay the purchase money realised to the landholder or such other persons as may be found to have an interest in the land.

63. The Consolidation Officer shall grant to every landholder to whom a holding has been allotted in pursuance of a scheme of consolidation, a certificate in the prescribed form duly registered under the Indian Registration Act, 1908, and no further instrument shall be necessary to effect any transfer involved in the scheme of consolidation. Grant of registered certificate.

64. Subject to any general or special order of the Government in this behalf, the cost of carrying out the scheme of consolidation shall be assessed in the prescribed manner and be recoverable from the landholders and tenants whose lands are affected thereby, in such proportion as may be fixed by the Consolidation Officer. Assessment and recovery of cost.

65. (1) Every person to whom a holding has been allotted in pursuance of a scheme of consolidation shall have the same rights in such holding as he had in his original holding. Rights of persons to whom holdings have been allotted.

(2) If the original holding of any person included in a scheme of consolidation was burdened with a lease, mortgage or other encumbrance such lease, mortgage or other encumbrance shall be transferred therefrom and attach itself to the holding allotted to him under the scheme, or to such part of it as the Consolidation Officer may determine and the lessee, mortgagee or other encumbrancer, as the case may be, shall exercise his rights accordingly.

(3) If the holding to which a lease, mortgage or other encumbrance is transferred under sub-section (2) is of less market value than the original holding from which it is transferred, the lessee, mortgagee or other encumbrancer, as the case may be, shall be entitled to the payment of such compensation by the person concerned, as the Consolidation Officer may determine.

(4) The Consolidation Officer shall put any lessee, mortgagee or other encumbrancer entitled to possession into the possession of the holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (2).

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Stay of  
proceedings.

65-A. During the pendency of the consolidation proceedings under this chapter, all proceedings judicial or otherwise for partition of lands in the area concerned and all proceedings for transfer of registry in the revenue accounts shall be stayed."

Amend-  
ment of  
sections 70,  
71, 74 and 75,  
Hyderabad  
Act XXI  
of 1950.

36. In sections 70, 71 and 74 of the said Act, for the words "uneconomic holdings", wherever they occur, the words "holdings below the family holding" shall be substituted; and in section 75 for the words "an uneconomic holding" the words "a holding below the family holding" shall be substituted.

Insertion  
of a new  
section  
after  
section 87,  
Hyderabad  
Act XXI  
of 1950.

37. After section 87 of the said Act, the following section shall be inserted, namely:—

Constitution  
of Land  
Commission  
and their  
functions.

"87-A. (1) The Government shall establish a Commission to be called the Hyderabad Land Commission which shall consist of not more than seven persons of whom:

- (a) three shall be elected by the Legislative Assembly in the prescribed manner;
- (b) one shall be an official nominated by the Government; and
- (c) the rest shall be nominated by the Government from among persons having special knowledge or practical experience in agriculture or land problems.

(2) The members of the said Commission shall hold office for a term of three years.

(3) The Government shall nominate one of the members as the Chairman.

(4) Subject to the provisions of this Act and any rules which may be made by the Government in this behalf it shall be the duty of the said Commission to advise the Government in fixing the extent of the basic and family holdings, and the areas to which they apply in matters relating to assumption of management or acquisition of lands by the Government; prevention of fragmentation and consolidation of holdings and generally in regard to the agrarian policy which the Government may from time to time formulate for the administration of this Act in the State.

(5) The said Commission shall function as an advisory body and shall discharge such other functions as may be prescribed:

Provided that if the Government finds itself unable to accept the advice given by the said Commission on any subject it shall give the said Commission an opportunity to represent their views before coming to a decision:

(6) The Government may establish an area Land Commission for a District or a part of the District and shall, in consultation with the Hyderabad Land Commission established under sub-section (1), determine by a notification in the Jarida the composition, functions and powers of the area Land Commission:

Provided that when the area Land Commission is empowered to decide any matter involving individual rights an appeal in the prescribed manner against

such decisions shall lie to the Hyderabad Land Commission established under sub-section (1).”

38. Section 88 of the said Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) so re-numbered, the following sub-section shall be inserted namely :—

Amendment to section 88, Hyderabad Act XXI of 1950.

“(2) The Government may by notification in the Jarida vest in any other officer or authority such as a Village Panchayat or a Co-operative Farming Society any of the powers or duties conferred by or under this Act on the Tahsildar, the Deputy Collector or the Collector.”

39. In sub-section (2) of section 89 of the said Act, for the words, figures, letter and brackets “Hyderabad Civil Procedure Code (III of 1323 F.)” the following words, figures and brackets shall be substituted, namely :—

Amendment to section 89, Hyderabad Act XXI of 1950.

“Code of Civil Procedure, 1908.”

40. For section 90 of the said Act, the following section shall be substituted, namely :—

Substitution of section 90, Hyderabad Act XXI of 1950, by a new section.

“90. (1) From every order other than an interim order passed by the Tahsildar or the Deputy Collector or the Tribunal under this Act, an appeal shall lie to the Collector and the orders of the Collector on such appeal shall be final.

Appeals and revisions.

(2) From every original order other than an interim order passed by the Collector, an appeal shall lie to the Board of Revenue and the order of the Board of Revenue on such appeal shall be final.

(3) There shall be no appeal from any interim order passed by the Tahsildar or Deputy Collector or Tribunal or Collector in any case, but an application for revision on the grounds mentioned in section 91 shall lie from an interim order passed by the Tahsildar or Deputy Collector to the Collector.”

41. After section 90 of the said Act the following section shall be inserted, namely :—

Insertion of a new section 90-A, Hyderabad Act XXI of 1950.

“90-A. The Collector may on his own motion or on an application made in this behalf by any party to the proceedings, after due notice to the parties by an order in writing :

Transfer of appeal or proceeding.

(a) transfer any proceeding or any appeal under this Act pending before a Tahsildar or any other officer subordinate to him to any other officer in the

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district empowered in this behalf by the Government and the officer to whom the proceeding or appeal is so transferred shall thereupon exercise jurisdiction under this Act in any such proceeding or appeal, or

(b) withdraw any proceeding or appeal from such officer and himself hear and decide the same or transfer it for disposal to some other officer in the district empowered in this behalf by the Government."

Substitution of section 91, Hyderabad Act XXI of 1950, by a new section.

42. For section 91 of the said Act, the following section shall be substituted, namely :—

Revisions.

"91. Notwithstanding anything contained in this Act or any other law for the time being in force an application for revision shall lie to the High Court from any final order passed on appeal by the Collector or Board of Revenue on the following grounds :—

(a) that the original or appellate authority exercised a jurisdiction not vested in it by law, or

(b) that the original or appellate authority failed to exercise a jurisdiction so vested, or

(c) in following the procedure or passing the order, the original or appellate authority acted illegally or with material irregularity."

Amendment to section 93, Hyderabad Act XXI of 1950.

43. In section 93 of the said Act, for the words, figures, letter and brackets "Hyderabad Limitation Act (II of 1322 F.)" the following words, figures and brackets shall be substituted, namely :—

"Indian Limitation Act, 1908,"

Amendment of section 94, Hyderabad Act XXI of 1950.

44. In section 94 of the said Act, for the words and figures "in the manner provided in section 74 of the Land Revenue Act", the words "in the prescribed manner" shall be substituted.

Amendment of section 96, Hyderabad Act XXI of 1950.

45. In section 96 of the said Act —

(i) in the table appended to sub-section (1)—

(a) the words, brackets and figures "section 13 (4) in column (1)";

(b) The words "Recovery of rent by way of crop share or in excess of commuted cash rent" in column (2); and

(c) the figure "1000" in column (3) opposite the words mentioned in clause (b) above;

shall be omitted.

(2) In sub-section (2), for the words "Hyderabad Criminal Procedure Code" the following words, figures and brackets shall be substituted, namely :—

"Code of Criminal Procedure, 1898,"

46. In Chapter X after section 96 of the said Act, the following section shall be inserted, namely :—

Insertion  
of a new  
section 96-A:  
Hyderabad  
Act XXI  
of 1950.

"96-A. Whoever contravenes any provisions of this Act for which no penalty has been otherwise provided therein shall be punishable with fine not exceeding Rs. 500."

General  
provision as  
to penalties.

47. At the beginning of sub-section (1) of section 99 of the said Act, the following words shall be inserted, namely :—

Amendment  
of section 99,  
Hyderabad  
Act XXI,  
of 1950.

"Save as provided in this Act."

48. (1) In the proviso to clause (a) of section 102 of the said Act, between the words "Inams" and "and" the following words shall be inserted, namely :—

Amend-  
ment of  
section 102,  
Hyderabad  
Act XXI  
of 1950.

"lands dealt with under Chapter VI."

(2) In clause (b) of section 102 of the said Act, between the words "lease" and "for" the following words shall be inserted, namely :—

"with the permission of the Collector."

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(*Re-enactment, Validation and Further  
Amendment*) Act, 1961

IV

THE HYDERABAD TENANCY AND AGRICULTURAL LANDS  
(AMENDMENT) ACT, 1955.

(Hyd. Act III of 1956)

*An Act further to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950.*

**Preamble.**

WHEREAS it is expedient further to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950 (XXI of 1950), for the purposes hereinafter appearing ;

BE it enacted in the Sixth Year of Our Republic as follows :—

**Short title and commencement.**

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Land (Amendment) Act, 1955.

(2) It shall come into force at once.

**Consequential amendments to Hyderabad Act XXI of 1950.**

2. In the Hyderabad Tenancy and Agricultural Lands Act, 1950 (XXI of 1950) (hereinafter referred to as the principal Act), for the reference to the Hyderabad Co-operative Credit Societies Act (II of 1323 Fasli), wherever it occurs, the reference to the Hyderabad Co-operative Societies Act, 1952 (XVI of 1952), shall be substituted.

**Insertion of section 37-A in Hyderabad Act XXI of 1950.**

3. After section 37 of the principal Act, the following section shall be inserted, namely :—

**Persons holding land as tenants at the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955 to be deemed to be protected tenants.**

“ 37-A. (1) Notwithstanding anything contained in this Act, every person who, at the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955 holds as tenant any land in respect of which he is not deemed to be a protected tenant under this Act, shall be deemed to be a protected tenant if the total area of the land owned by the land-holder including the land under the cultivation of his tenants is more than three times the area of a family holding for the local area concerned :

Provided that nothing in this section shall affect the rights of any other person who already holds a protected tenancy certificate in respect of such land or whose rights as protected tenant are under investigation before a competent authority, if such other person applies to the Tribunal for safeguarding his rights within a period of six months from the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955.

(2) The rights as a protected tenant of a person deemed under sub-section (1) to be a protected tenant shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed.”



4. For sections 38-A and 38-B of the principal Act, the following sections shall respectively be substituted, namely :—

Substitution of new sections for sections 38-A and 38-B, Hyderabad Act XXI of 1950.

“ 38-A. If in respect of a land held by a protected tenant the land-holder consents to sell his interest in the land to the protected tenant and the reasonable price payable therefor by the protected tenant is agreed to between them, the provisions of sub-section (7) of section 38 shall not apply to such sale, and either the land-holder or the protected tenant, or, both jointly, may apply to the Tribunal and thereupon all the provisions of sub-sections (5), (6) and (8) of that section shall apply *mutatis mutandis* to such application :

Procedure when reasonable price is agreed to between the land-holder and protected tenant.

Provided that the reasonable price so agreed to by the parties themselves shall be deemed to be the reasonable price determined by the Tribunal for the purposes of the said sub-sections (5), (6) and (8) :

Provided further that if the land-holder does not sell the whole of the land held by him but retains some land with him, the extent of the land remaining with him after the purchase of the land by the protected tenant, whether to cultivate it personally or otherwise, shall not be less than the area of a basic holding for the local area concerned :

Provided also that the right of the protected tenant shall be limited to the extent of three family holdings in the local area concerned including the land, if any, owned by the protected tenant.

38-B. If in respect of a land held by a protected tenant, the land-holder concerned intends to relinquish his interest in the land without receiving any consideration therefor, the provisions of sub-section (7) of section 38 shall not apply to such a case and the land-holder may apply to the Tribunal and thereupon the Tribunal shall issue to such protected tenant a certificate so far as may be as provided for in sub-section (6) of section 38 :

Procedure when land-holder agrees to relinquish his rights in favour of protected tenant.

Provided that the right of the protected tenant and the grant of the certificate shall be limited to the extent of three family holdings in the local area concerned including the land, if any, owned by the protected tenant and that any excess over such extent shall vest in the Government free of all rights of the said protected tenant :

Provided further that if the land-holder does not relinquish the whole of the land held by him but retains some land with him, the extent of the land remaining with him after the relinquishment, whether to cultivate it personally or otherwise, shall not be less than the area of basic holding for the local area concerned.

5. In section 44 of the principal Act,—

(1) in sub-section (1) for the full point at the end, a colon shall be substituted and the following shall be inserted as a proviso to that sub-section, namely :—

Amendment of section 44 of Hyderabad Act XXI of 1950.

“ Provided that after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955, no such land-holder shall be entitled to exercise the right of resumption under this sub-section unless he has, within a period of one year from the commencement of the said Act, filed

with the Deputy Collector, in the prescribed manner, a statement of reservation demarcating the lands which he reserves for the exercise of the rights of resumption under this section. On such statement being filed, the Deputy Collector shall, as soon as may be, after making necessary enquiry, issue a certificate to the land-holder in the prescribed manner to the effect that the lands have been so reserved. The right to terminate tenancy shall be exercisable only in respect of the lands specified in the certificate as so reserved and shall not extend to any other land.”;

(2) in sub-section (4), clauses (ii) to (v) shall be renumbered as clauses (iii) to (vi) respectively, and before clause (iii) as so renumbered, the following clause shall be inserted, namely :—

“(ii) the manner of filing reservation statement of lands reserved for resumption and the issue of certificate by the Deputy Collector”; and

(3) in sub-section (6), after the words “protected tenant” the words, brackets and figure “of any land reserved for resumption under sub-section (1)” shall be inserted.

Amendment of section 48, Hyderabad Act XXI of 1950.

6. In section 48 of the principal Act,—

(1) in clause (a), the words “the minimum area of” shall be omitted; and

(2) in clause (b), for the words “minimum area” the words “family holding” shall be substituted.

Substitution of new section for section 50-A, Hyderabad Act XXI of 1950.

7. For section 50-A of the principal Act, the following section shall be substituted, namely :—

Provisions of this Chapter not to apply.

“50-A. Nothing in this Chapter shall apply to the sale of agricultural land in accordance with the provisions of Chapter IV.”

Amendment of section 51, Hyderabad Act XXI of 1950.

8. In sub-section (2) of section 51 of the principal Act, for the reference to the Hyderabad Penal Code, the reference to the Indian Penal Code, 1860 (XLV of 1860), shall be substituted.

Amendment of section 87-A, Hyderabad Act XXI of 1950.

9. In sub-section (2) of section 87-A of the principal Act, for “three years” the words “two years. The Government may extend the term for such period not exceeding one year as it may consider necessary”, shall be substituted.

Amendment of section 97, Hyderabad Act XXI of 1950.

10. In section 97 of the principal Act, after sub-section (2) the following sub-section shall be inserted, namely :—

“(3) In making a rule under this Act the Government may provide that its contravention shall be punishable with fine not exceeding Rs. 500.”

V

**The Bombay (Hyderabad area) Adaptation of Laws (State and  
Concurrent Subjects) Order, 1956.**

**ORDER**

No. 25400 B.—WHEREAS by section 120 of the States Reorganisation Act, 1956 (XXXVII of 1956) (hereinafter referred to as "the Act"), the appropriate Government is empowered, by order to make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, for the purpose of facilitating the application of any law in relation to any of the States formed or territorially altered by the provisions of Part II of the Act so that every such law shall have effect subject to the adaptations and modifications so made;

NOW, THEREFORE, in exercise of the powers conferred by the Act and all other powers enabling it in that behalf, the Government of Bombay hereby orders as follows:—

1. (1) This Order may be called the Bombay (Hyderabad area) adaptation of Laws (State and Concurrent Subjects) Order, 1956.

(2) It shall come into force on the first day of November 1956.

2. (1) In this Order—

(a) "appointed day" means the first day of November 1956;

(b) "existing State Law" means any law in force in the existing State of Hyderabad immediately before the appointed day, but does not include any law relating to a matter enumerated in the Union List;

(c) "law" means a law as defined in clause (h) of section 2 of the Act.

(2) The General Clauses Act, 1897, applies for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. As from the appointed day, the existing State laws mentioned in the Schedule to this Order shall, until altered, repealed or amended by a competent legislature or other competent authority have effect subject to the adaptations and modifications directed by the Schedule or, if it is so directed, shall stand repealed.

4. (1) Whenever an expression mentioned in column 1 of the table hereunder printed occurs (otherwise than in a title or preamble or in a citation or description of an enactment) in an existing State law, whether an Act, Regulation, or Ain mentioned in the Schedule to this Order or not, then, unless that expression is by this Order expressly directed to be otherwise adapted or modified, or to stand unmodified, or to be omitted, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table, and there shall also be made in any sentence in which the expression occurs such consequential amendments as the rules of grammar may require:—

1  
Hyderabad State  
State of Hyderabad  
Mumalik-i-Mahroosa-i-Sarkar-i-Ali (in Urdu laws)  
Mumalik-i-Mahroosa (in Urdu laws)

Sarkar-i-Ali (in Urdu laws)

2  
} Hyderabad area of  
the State of Bom-  
bay.

Government

1  
 Jarida Alamia  
 Jarida Alamia Sarkar-i-Ali  
 Jarida.  
 Talukdar  
 Awal Talukdar  
 Duwam Talukdar

2  
 } Official Gazette.

} Collector.

Deputy or, Assis-  
 tant Collector.

(2) A direction in the Schedule to this Order that a specified existing State law, or section or portion of such law shall stand unmodified shall be construed\*merely as a direction that it is not to be modified or adapted in accordance with the provisions of this paragraph.

5. Where this Order requires that in any specified existing State law, or in any section or other portion of such law certain words shall be substituted for certain other words or that certain words shall be omitted, that substitution or omission, as the case may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that law, or, as the case may be, in that section or portion.

6. (1) The following provisions shall have effect where an existing State law which under this Order is to be adapted or modified has before the appointed day been amended either generally or in relation to any particular area, by the insertion or omission of words, or the substitution of words for other words—

(a) effect shall first be given in the amending law to any adaptation or modification required by paragraphs three and five of this Order to be made therein ;

(b) the original law shall then be amended, either generally or, as the case may be, in its application to the particular area, so as to give effect to the directions contained in the amending law, or where any adaptation or modification has fallen to be made under clause (a), in that law as so adapted or modified, and

(c) all adaptations and modifications required by this Order to be made in the original law shall then be made in that law as so amended except so far as in the case of any particular area they may be inapplicable.

(2) In this paragraph, references to the amendment of a law by the insertion or omission of words or the substitution of words do not include references to an amendment, which is effected merely by directing that certain words shall be construed in a particular manner.

7. Any reference in any existing State law to the Legislature of the State (or any House or Houses thereof) shall be construed as a reference to the Legislature of the reorganised State of Bombay (or to the corresponding House or Houses thereof).

8. Notwithstanding any adaptation made by this Order, where the extent or application of an existing State law in force immediately before the appointed day refers, by reason only of such adaptation, to the State of Bombay, such reference shall not be deemed to include a reference to any part of that State to which that law did not extend or apply immediately before the appointed day.

9. Save as otherwise provided by this Order, all powers which under any existing State law were, immediately before the appointed day, vested in or exercisable by any person or authority shall continue to be so vested or exercisable until other provision is made by or under the Act or by some legislature or other authority empowered to regulate the matter in question.

10. (1) If on the appointed day, anybody, authority or person entitled by or under any existing State law to exercise any rights, powers or jurisdiction or to perform any duties or to discharge any functions or to hold any property, is not or cannot be duly constituted or appointed by reason of the transfer of any area from the existing State of Hyderabad to the reorganised State of Bombay, then, notwithstanding anything in such law, but save as expressly provided by or under the Act, all such rights, powers and jurisdiction shall be exercisable, all such duties shall be performed and all such functions shall be discharged by, and all such property shall vest in, the State Government.

(2) Nothing in sub-paragraph (1) shall be deemed to prevent the State Government from duly constituting or appointing under such law after the appointed day, anybody, authority or person to exercise or perform or discharge all or any of such rights, powers, jurisdiction, duties or functions or vesting therein all or any part of the property aforesaid.

11. The provisions of this Order which adapt or modify any law so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, licence, permission, award, commitment, attachment, bye-law, rule, or regulation duly made or issued, or anything duly done before the appointed day; and any such notification, order, licence, permission, award, commitment, attachment, bye-law, rule, regulation or thing may be revoked, varied or undone in like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by the competent authority and under and in accordance with the provisions then applicable to such a case.

12. Nothing in this Order shall affect the previous operation of, or anything duly done or suffered under, any existing State law or any right, privilege, obligation or liability already acquired, accrued or incurred under any such law, or any penalty, forfeiture or punishment incurred in respect of any offence already committed against any such law.

THE HYDERABAD TENANCY AND AGRICULTURAL LANDS ACT, 1950.  
(HYDERABAD ACT XXI OF 1950.)

*Section 1.*—In sub-section (2), for “the Hyderabad State” substitute “the Hyderabad area of the State of Bombay”.

*Section 2.*—In clause (x) of sub-section (1), for “the Hyderabad Village Panchayats Act, 1951” substitute “the Hyderabad Gram Panchayats Act, 1956 (XVII of 1956)”.

*Section 4.*—In sub-section (2)—

(i) for “the State” substitute “the area to which this Act extends”;

(ii) for “the Legislative Assembly if it is in session and if it is not in session when it next reassembles” substitute “the Houses of the Legislature if they are in session and if they are not in session when they next reassemble”.

*Section 26-A.*—In the proviso, for “the Assembly” substitute “the Houses of the Legislature”.

*Section 87-A.*—(1) In sub-section (1), omit “Hyderabad”.

(2) In sub-section (4), for “the State” substitute “the area to which this Act extends”.

(3) In sub-section (6) and in the proviso thereto, omit “Hyderabad”.

## VI

THE HYDERABAD PREVENTION OF FRAGMENTATION AND  
 CONSOLIDATION OF HOLDINGS ACT, 1956.

(HYDERABAD ACT XL OF 1956)

*An Act to provide for the prevention of fragmentation of agricultural holdings and  
 for their consolidation.*

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Amendment  
 of Hyderabad  
 Act XXI  
 of 1950.

48. In the Hyderabad Tenancy and Agricultural Lands Act, 1950 (XXI of 1950)---

- (1) Clauses (d) and (hh) of sub-section (1) of section 2 shall be omitted ;
- (2) For clause (iii) of sub-section (4) of section 44, the following clause shall be substituted, namely :—  
 “ (iii) securing as far as possible contiguous blocks to the landholder, or the protected tenant ; ”
- (3) Chapter VII shall be omitted :

Provided that the omission of the said Chapter shall not affect the previous operation of that Chapter and any action taken thereunder before the commencement of this Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been taken under this Act and shall continue in force until it is superseded under this Act.

VII

THE HYDERABAD TENANCY AND AGRICULTURAL LANDS  
(AMENDMENT) ACT, 1957.

(BOM. XXXII OF 1958.)

*An Act further to amend the Hyderabad Tenancy and Agricultural  
Lands Act, 1950.*

Hyd. Act No. XXI of 1950. WHEREAS it is expedient further to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950, for the purposes hereinafter appearing; It is hereby enacted in the Eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Hyd. Act No. XXI of 1950. 2. In section 2 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as "the principal Act"), in sub-section (1),— Amendment of section 2 of Hyd. Act No. XXI of 1950.

(1) after clause (cc), the following clause shall be inserted, namely :—

"(cd) 'Collector' includes an Assistant or Deputy Collector performing the duties and exercising the powers of the Collector under the Hyderabad Land Revenue Act, or any other officer specially empowered by the State Government to perform the functions of the Collector under this Act."

Hyd. Act No. VIII of 1950. (2) after clause (m), the following new clause shall be inserted, namely :—

"(mm) 'ordinary tenant' means a tenant other than a protected tenant;"

(3) in clause (r), for the figures "37" the figures and letter "37-A" shall be substituted.

3. For sections 6, 7 and 8 of the principal Act, the following sections shall be substituted, namely :— Sections 6, 7 and 8 of Hyd. Act No. XXI of 1950 substituted by new sections.

"6. No tenancy of any land shall be terminated merely on the ground that the period fixed for its duration, whether by agreement or otherwise, has expired. Tenancy not terminable by efflux of time.

7. The rights of every tenant under this Act shall be recorded in the Record of Rights or where there is no Record of Rights in such village record as may be prescribed. Tenancies to be recorded in Record of Rights or other village record.

8. If any question arises whether any person is a tenant, the Tahsildar shall, after holding an inquiry, decide such question." Tahsildar to decide question whether person is a tenant.

Deletion of sections 9 and 10 of Hyd. Act No. XXI of 1950.

4. Sections 9 and 10 of the principal Act shall be deleted.

Amendment of section 11 of Hyd. Act No. XXI of 1950.

5. In section 11 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely :—

“(3) If the amount of rent payable by a tenant for any year in respect of any land exceeds the value of one-sixth of the produce of such land in that year, the tenant shall be entitled to deduct from the rent for that year the amount so in excess, and the quantum of rent payable by the tenant shall be deemed to have been reduced to the extent of such deduction.

(4) For the purpose of sub-section (3), the value of the produce of land shall be determined in the manner prescribed.

(5) Any dispute regarding a deduction under sub-section (3) shall be decided by the Tahsildar.”

Amendment of section 12 of Hyd. Act No. XXI of 1950.

6. In section 12 of the principal Act, the proviso shall be deleted.

Amendment of section 19 of Hyd. Act No. XXI of 1950.

7. In section 19 of the principal Act,—

(1) in sub-section (1), for the words, brackets and figure beginning with the words “but subject to” and ending with the words “to be leased” the words “no tenancy shall be terminated” shall be substituted;

(2) sub-section (3) shall be deleted.

Insertion of new section 19A in Hyd. Act No. XXI of 1950.

8. After section 19 of the principal Act, the following new section shall be inserted, namely :—

Land or portion thereof which landholder is not entitled to retain on surrender to be declared as surplus.

“19A. (1) Subject to the provisions of this section, where a tenancy is terminated by surrender under clause (a) of sub-section (1) of section 19, the landholder shall be entitled to retain so much only of such land as will prevent the total area which he cultivates personally, whether as owner or tenant, or both from exceeding three family holdings for that local area.

(2) The Tahsildar shall hold an inquiry and declare whether the whole, or what part (if any) of the land surrendered the landholder is entitled to retain under sub-section (1), and notwithstanding anything in that sub-section, he may adjust by reduction or increase the area of any such part to be retained, but only so as to ensure that such part is not a fragment within the meaning of the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956. The Tahsildar shall declare any land surrendered which the landholder is not entitled to retain under the provisions aforesaid, to be surplus land.”

Hyd.  
Act  
No.  
XL of  
1956.



9. In section 32 of the principal Act,—

(1) in sub-section (1), for the words “may apply” the words “may, within a period of two years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, or the date on which the right to such possession accrued to him whichever is later apply,” shall be substituted;

Amendment  
of section 32  
of Hyd. Act  
No. XXI of  
1950.

(2) in sub-section (2), after the words “prescribed form” the words “within a period of two years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, or the date on which the right to such possession accrued to him whichever is later” shall be inserted.

10. For section 33 of the principal Act, the following shall be substituted, namely :—

Substitution  
of section 33  
of Hyd. Act  
No. XXI of  
1950 by a  
new section.

“33. Save as provided in this Act, the rights and privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever shall not be limited or abridged.”

Rights and  
privileges of  
tenants not  
to be affected

11. In section 35 of the principal Act, in sub-section (2), for the words beginning with the words “on first appeal” and ending with the words “on second appeal” the words “on appeal” shall be substituted.

Amendment  
of section 35  
of Hyd. Act  
No. XXI of  
1950.

12. In section 37 of the principal Act, in sub-section (2), for the words “on first appeal or by the Board of Revenue on second appeal” the words “on appeal” shall be substituted.

Amendment  
of section 37  
of Hyd. Act  
No. XXI of  
1950.

13. After section 37-A of the principal Act, the following heading shall be inserted, namely :—

Insertion of  
heading after  
section 37A  
of Hyd. Act  
No. XXI of  
1950.

#### “CHAPTER IV-A.

##### RIGHTS OF PROTECTED TENANTS, ORDINARY TENANTS AND LANDHOLDERS.”

14. In section 38 of the principal Act,—

(1) in sub-section (1), after the words “a protected tenant” wherever they occur, the words “or, as the case may be, ordinary tenant” shall be inserted; and at the end the following proviso shall be added, namely :—

Amendment  
of section 38  
of Hyd. Act  
No. XXI of  
1950.

“Provided that where such tenant is an ordinary tenant and the landholder is of the following category, namely :—

- (a) a minor,
- (b) a widow,

*Hyderabad Tenancy and Agricultural Lands* [1961 : Mah. XLV  
(*Re-enactment, Validation and Further  
Amendment*) Act 1961

- (c) a person serving in the Naval, Military or Air Forces in India, or
- (d) a person subject to any physical or mental disability,

such tenant shall be entitled to purchase the landholder's interest under this section after the expiry of two years from the date on which—

- (i) the landholder of category (a) attains majority,
- (ii) the landholder of category (c) ceases to serve in such Forces,
- (iii) the landholder of category (d) ceases to be subject to such disability and
- (iv) interest of the landholder of category (b) in the land ceases to exist.

*Explanation.*—Where land is held by the tenant under two or more joint landholders, the proviso to sub-section (1) shall not apply if at least one joint holder is outside the categories specified in the said proviso.”;

(2) after sub-section (2), the following new sub-section shall be inserted, namely:—

“(2a) (a) An ordinary tenant, and notwithstanding sub-section (2), after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, a protected tenant, who desires to exercise the right conferred by sub-section (1) shall make an offer to the landholder stating the price at which he is prepared to purchase the landholder's interest in the land, such price not exceeding twelve times the rent payable by him. Bom. XXXI of 1958.

(b) where the tenant is entitled to purchase the landholder's interest in respect of a part of the land held by him as tenant, he shall state in the offer the part which he is entitled to purchase.”;

(3) in sub-sections (3) to (7), both inclusive, after the words “protected tenant”, the words “or, as the case may be, ordinary tenant” shall be inserted;

(4) in sub-section (4),—

(i) after the brackets and figure “(2)” the word, brackets, figure and letter “or (2a)” shall be inserted;

(ii) after the words “as may be prescribed” the words, figures and letter “and shall determine the amount of encumbrances lawfully subsisting on the land in the manner provided in section 38 A-1” shall be inserted;

(5) for the first proviso to sub-section (5), the following shall be substituted, namely:—

“in such annual instalments not exceeding twelve and on or before such dates as may be fixed by the Tribunal in relation to an offer under sub-section (2a):

Provided that during any period for which payment of rent is suspended or remitted under section 18, the tenant shall not be bound to pay the purchase price in lump sum or the amount of any instalments fixed under this section or any interest thereon, if any”;

(6) in sub-section (6)—

(i) in clause (a), the words beginning with the words “and the Tribunal” and ending with the words “to the landholder” shall be deleted;

(ii) for clause (c), the following clause shall be substituted, namely :—

“(c) On the deposit of the amount of the reasonable price in a lump sum or of any instalment thereof under sub-section (5) or on the recovery of any amount of such price under the proviso to clause (d), the Tribunal shall, out of the amount so deposited or recovered, pay to the holder of the encumbrance the amount of his claim determined under sub-section (4) and the balance, if any, to the landholder :

Provided that where there are more such holders than one, the payment to them shall be made in the order of priority or *pro-rata*, as the case may be :

Provided further that any payment made to such holder shall not affect the right of such holder to proceed against the landholder in respect of encumbrance in any other manner or under any other law for the time being in force.” ;

(iii) after clause (d), the following clauses shall be added, namely :—

“(e) Where in a case under sub-section (2a) a tenant is in arrears of four instalments on account of sufficient reasons, he may within a period of three months from the date of the default of the last instalment apply to the Tribunal to condone the default on the ground that he for sufficient reasons was incapable of paying the instalments and if the Tribunal after holding such inquiry as it may think fit, if so satisfied, it may allow further time for the payment of the arrears and may for that purpose increase the number of instalments to sixteen. If the tenant thereafter is at any time in arrears of four instalments or commits default in payment of the purchase price within the period so extended, the purchase shall be ineffective and provisions of clause (d) shall apply.

(f) If within three months from the date on which the purchase of any land has become ineffective, the landholder fails to refund to the tenant the amount paid after deducting any rent due to him, it shall be recovered from him as an arrear of land revenue and paid to such tenant.” ;

(7) after sub-section (6), the following sub-section shall be inserted, namely :—

“(6A) With effect from the year in which the price is deposited with the Tribunal in lump sum or where the tenant is permitted to pay the price in instalments with effect from the year in which the first instalment thereof became payable, the tenant shall not be liable to pay to the landholder the rent for such land save where clause (f) of sub-section (6) applies.” ;

(8) in sub-section (7),—

(i) for the first proviso to clause (b), the following shall be substituted, namely :—

“Provided that in the case of land remaining with the tenant as tenant after such purchase, the first preference to purchase land at the prevailing market value in the local area shall, subject to the provisions of Chapter V, vest in the tenant.” ;

(ii) for clause (c) the following shall be substituted, namely :—

“(c) The extent of the land remaining with the landholder after the purchase of land by the tenant whether to cultivate personally or otherwise shall not be less than one family holding for the local area concerned.” ;

(9) in sub-section (8),—

(i) for the word "protected" wherever it occurs the words protected or, as the case may be, ordinary" shall be substituted ;

(ii) the following proviso shall be added, at the end, namely :—

"Provided that the area to be purchased by the tenant shall as far as practicable, be a survey number or sub-division of a survey number ; " ;

(10) after sub-section (8), the following sub-section shall be added, namely :—

"(9) If at any time after the purchase of land under this section the purchaser fails to cultivate the land personally he shall, unless the Collector condones such failure for sufficient reasons be evicted and the land shall be declared as surplus land."

Insertion of section 38A-1 in Hyd. Act No. XXI of 1960.

Tribunal to determine encumbrances subsisting on land purchased by tenant under section 38.

15. After section 38 of the principal Act, the following section shall be inserted, namely :—

"38A-1. (1) During an inquiry held under sub-section (4) of section 38, the Tribunal shall publish in the prescribed manner a notice calling upon all holders of encumbrances lawfully subsisting against the landholder in respect of the land to notify their claims in writing to the Tribunal within two months from the date of the publication of the notice.

(2) If any claims are notified under sub-section (1) the Tribunal shall give notice to the landholder and the holders of the encumbrances of the inquiry to be held in respect of such claims and shall hold an inquiry and determine the amount of such claims :

Provided that where any such claim involves a question of law regarding—

(a) the validity of the claim,

(b) the amount due in respect of such claim,

(c) the right of the holder of the encumbrance to such claim,

(d) where there are two or more such holders, the order of priority of such claims,

then notwithstanding anything contained in sections 99 and 99A the Tribunal shall in the prescribed manner refer such question for decision to the Subordinate Judge within the territorial limits of whose jurisdiction the land is situate.

(3) On receipt of such reference, the Subordinate Judge shall, after giving notice to the parties concerned try the questions referred to and record his findings thereon and send the same to the Tribunal. The Tribunal shall then determine the claim in accordance with such findings."

Amendment of section 38A of Hyd. Act No. XXI of 1960.

16. In section 38A of the principal Act,—

(1) after the words "protected tenant" wherever they occur, the words "or, as the case may be, ordinary tenant" shall be inserted ;

(2) for the brackets and figures and words, where they occur for the first time "(5), (6) and (8)" the brackets, figures, letter and word "(4), (5), (6), (6A), (8) and (9)" shall be substituted ;

(3) the brackets, figures and word "(5), (6) and (8)" where they occur for the second time, shall be deleted.

17. In sections 38B, 38C and 38D, of the principal Act, after the words "protected tenant" wherever they occur, the words "or, as the case may be, ordinary tenant" shall be inserted.

Amendment of sections 38B, 38C and 38D of Hyd. Act No. XXI of 1950.

18. In section 38E of the principal Act,—

(1) in sub-section (1), the words "subject to the provisions of sub-section (7) of section 38 of the Act" shall be deleted and the following provisos shall be added to sub-section (1), namely :—

Amendment of section 38-E of Hyd. Act XXI of 1950.

"Provided that the transfer under this sub-section shall be subject to the conditions (a) and (b) mentioned in sub-section (7) of section 38 and the further condition that the extent of the land remaining with the landholder after the purchase of the land by the protected tenant, whether to cultivate it personally or otherwise, shall not be less than twice the area of a family holding for the local area concerned :

Provided further that where in respect of any such land, any proceeding under section 19, 19A or 32 is pending on the date so notified, the transfer of ownership of such land shall take effect on the date on which such proceeding is finally decided and the tenant retains possession of the land in accordance with the decision in such proceeding."

(2) for the words " and thereupon " the following shall be substituted, and shall be deemed to have been substituted from the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, namely :—

Hyd. Act No. III of 1954.

" and if an application is not so filed within such period by the landholder but a certificate under sub-section (2) has been issued, the Tribunal may *suo motu* proceed to determine such price and thereupon " ;

(3) for the brackets and figure " (8) " the brackets and figure " (9) " shall be substituted.

19. After section 38E of the principal Act, the following sections shall be inserted, namely :—

Insertion of sections 38-F, 38-G and 38-H in Hyd. Act No. XXI of 1950.

"38F. (1) Notwithstanding anything in this Chapter or Chapter IV-B or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the State Government may at any time after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, by notification in the *Official Gazette* declare in respect of any area and from such date as may be specified in such notification that the ownership of all lands held by all tenants deemed to be protected tenants under section 37A which they are entitled to purchase from their landholders in such area under any of the provisions of this Chapter shall stand transferred to such protected tenants and from such date all such protected tenants shall be deemed to be the full owners of such lands.

Bom. XXXII of 1958.

Transfer of ownership of land to tenants deemed to be protected tenants under section 37-A.

(2) The provisions of section 38E shall *mutatis mutandis* apply to the transfer of ownership of land to the protected tenants under sub-section (1).

38G. (1) Notwithstanding anything in this Chapter or Chapter IV-B or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the State Government may at any time after the expiry of three years from the commencement of the Hyderabad Tenancy and Agricultural

Transfer of ownership of land to tenants from notified date.

Lands (Amendment) Act, 1957, by notification in the *Official Gazette*, declare in respect of any area and from such date as may be specified in such notification that the ownership of all lands held by ordinary tenants which they are entitled to purchase from their landholders in such area under any of the provisions of this Chapter shall stand transferred to, and vest in, such tenants and from such date such tenants shall be deemed to be the full owners of such lands :

Bom.  
XXXII  
of  
1958.

Provided that if on such date any such tenant is of the following category, namely :—

- (a) a minor,
- (b) a widow,
- (c) a person serving in the Naval, Military or Air Forces in India, or
- (d) a person subject to any physical or mental disability,

the ownership of the land shall stand transferred—

(i) to the tenant on the expiry of one year from the date on which the tenant of category (a) attains majority, the tenant of category (c) ceases to serve in such Forces; the tenant of category (d) ceases to be subject to such disability; and

(ii) in the case of a widow, to her successor-in-title on the expiry of one year from the date on which the widow's interest in the land ceases to exist.

(2) The provisions of section 38E shall *mutatis mutandis* apply to the transfer of ownership of land to ordinary tenants under sub-section (1).

Right of  
tenant hold-  
ing land  
under tenancy  
created after  
notified date  
to purchase  
land.

38H. In the case of a tenancy created in any area after the date notified under section 38G in respect of such area, every tenant holding land under such tenancy shall be entitled to purchase within one year from the commencement of the tenancy so much of such land as he may be entitled to purchase under section 38 and the provisions of that section shall *mutatis mutandis* apply to such purchase."

Amendment  
of section 39  
of Hyd. Act  
No. XXI of  
1960.

20. In section 39 of the principal Act,—

(1) after the words "protected tenants", wherever they occur the words "or, as the case may be, ordinary tenants" shall be inserted;

(2) after sub-section (4), the following sub-section shall be inserted, namely :—

"(5) Nothing in the foregoing provisions of this section shall be deemed to authorise the exchange of tenancies between a protected tenant and an ordinary tenant."

Substitution  
of section 40  
of Hyd. Act  
No. XXI of  
1960 by a  
new section.

21. For section 40 of the principal Act, the following section shall be substituted, namely :—

Rights of  
tenants are  
heritable.

"40. (1) Where a tenant dies, the landholder shall be deemed to have continued the tenancy—

(a) if such tenant was a member of an undivided Hindu family, to the surviving members of the said family, and

(b) if such tenant was not a member of an undivided Hindu family, to his heirs,  
on the same terms and conditions on which such tenant was holding it at the time of his death.

(2) The surviving members or, as the case may be, the heirs to whom the tenancy is continued under sub-section (1) shall be entitled to partition and sub-divide the land leased subject to the following conditions :—

(a) each sharer shall hold his share as a separate tenant,

(b) the rent payable in respect of the land leased shall be apportioned among the sharers according to the share allotted to them,

(c) the area allotted to each sharer shall not be less than the unit which the State Government may, by general or special order, specify in this behalf having regard to the productive capacity and other circumstances relevant to the full and efficient use of the land for agriculture,

(d) if such area is less than the unit referred to in clause (c), the sharers shall be entitled to enjoy the income jointly, but the land shall not be divided by metes and bounds,

(e) if any question arises regarding the apportionment of the rent payable by the sharers, it shall be decided by the Tahsildar, whose decision shall be final.

22. In sections 41, 42 and 43 of the principal Act, after the words "protected tenant" wherever they occur, the words "or, as the case may be, ordinary tenant," shall be inserted.

Amendment of sections 41, 42 and 43 of Hyd. Act No. XXI of 1950.

23. For section 44 of the principal Act, the following Chapter shall be substituted, namely :—

Substitution of section 44 of Hyd. Act No. XXI of 1950 by a new Chapter.

#### " CHAPTER IV-B

##### TERMINATION OF TENANCIES BY LAND-HOLDERS FOR CULTIVATING LAND PERSONALLY.

44. (1) Notwithstanding anything contained in section 6 or 19 but subject to the provisions of sub-sections (2) to (7), a landholder may, after giving notice to the tenant and making an application for possession as provided in sub-section (2), terminate the tenancy of any land, if the landholder *bona fide* requires the land for cultivating it personally.

Termination of tenancy by landholder for cultivating land personally.

(2) The notice required to be given under sub-section (1) shall be in writing, shall state the purpose for which the landholder requires the land and shall, save as otherwise provided in sub-section (3), be served on the tenant on or before the 31st day of December 1958. A copy of such notice shall, at the same time, be sent to the Tahsildar. An application for possession under section 32 shall be made to the Tahsildar, on or before the 31st day of March 1959.

(3) Where the landholder is of the following category, namely :—

(a) a minor,

(b) a widow,

(c) a person serving in the Naval, Military or Air Force in India, or

(d) a person subject to any physical or mental disability, . . .

then, if he has not given a notice and made an application as required by sub-section (2) and the tenant is not a protected tenant, such notice may be given and such application may be made—

(A) by the landholder within one year from the date on which—

- (i) in the case of category (a) he attains majority ;
- (ii) in the case of category (c) he ceases to serve in such Force ;
- (iii) in the case of category (d) he ceases to be subject to such mental or physical disability ; and

(B) in the case of a widow by the successor-in-title within one year from the date on which the widow's interest in land ceases to exist :

Provided that where land is held by two or more joint holders, the provisions of this sub-section shall not apply if at least one joint holder is outside the categories specified in clauses (a) to (d) of this sub-section.

(4) If at the date on which the notice is given and on the date on which it expires,—

(a) the landholder is not already cultivating personally any land whether as landholder or tenant, he shall subject to the provisions of sub-sections (5) and (6) be entitled to take possession of an area equal to three times the family holding for the local area concerned ;

(b) the land cultivated by the landholder, whether as landholder or tenant, is less than three family holdings for the local area concerned, he shall subject to the provisions of sub-sections (5) and (6) be entitled to the possession of so much area of the land leased as will be sufficient to raise the area in his possession to the extent of three times the family holding.

(5) The landholder's right to terminate tenancy of any tenant under sub-section (1) shall be subject to the following conditions :—

(a) He shall not be entitled to resume more than a family holding unless the income by the cultivation of such land will be his main source of income for his maintenance.

(b) Where the land held by a landholder, whether as owner or tenant, does not exceed a basic holding, he will be entitled to terminate the tenancy of the entire land leased by him.

(c) Where the land held by a landholder, whether as owner or tenant, exceeds a basic holding, he will be entitled to resume only so much area leased to the tenant as will, after such termination, leave with the tenant either an area, which together with the land owned by him or held by him as a tenant, would be equal to a basic holding, or, if the area so left would be less than a basic holding, then half the area leased out by him to the tenant.

(6) Nothing in this section shall entitle a landholder to terminate the tenancy of a tenant who is for the time being a member of a Co-operative Farming Society.

(7) The tenancy in respect of the land left with the tenant after the termination of the tenancy under this section shall not at any time afterwards be liable to termination again on the ground that the landholder *bona fide* requires that land for cultivating personally ; and this provision shall apply also in regard to the termination of tenancy under sub-section (5) of section 44 of the Act as it stood before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957.



(8) If in consequence of the termination of tenancy under this section, any part of the land leased is left with the tenant, the rent of the land left with the tenant shall be apportioned in the prescribed manner in proportion of the area of the land left with the tenant.

(9) Any proceeding instituted by a landholder for terminating the tenancy of any land on the ground that he requires the land for cultivating it personally and pending on the date on which the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, comes into force shall be deemed to be a proceeding instituted for terminating the tenancy under this section and the provisions of this section shall apply to such proceeding.

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(10) The State Government shall provide by rules for—

(i) the manner of conducting enquiries into the applications for possession of lands made under sub-section (2),

(ii) selection of lands for taking possession,

(iii) exchange and consolidation of fragments to secure as far as possible contiguous blocks to the landholder, or the tenant,

(iv) the time when the termination of tenancy will take effect, and

(v) any other matter as may be considered necessary for giving effect to the provisions of this section.

44-A. (1) Nothing in section 44 shall be deemed to affect the right of a tenant to purchase under section 38 land held by him as tenant :

Provisions of  
section 44  
not to affect  
right of  
tenant to  
purchase  
land.

Provided that where the tenant makes an offer to the landholder under sub-section (2) or (2a) of section 38 in respect of any such land, the landholder may, within three months from the date of receipt of such offer, select the land for cultivating personally and give an intimation in writing to the tenant of his intention to terminate the tenancy of such land :

Provided further that the landholder's right to terminate the tenancy shall be subject to the provisions of section 44.

(2) The question whether the landholder is entitled to terminate the tenancy of the land in preference to the right of the tenant to purchase such land shall be decided by the Tahsildar."

24. In section 45 of the principal Act,—

(1) in sub-section (1), for the figures "44" the figures, words and letter "44 or section 44A" shall be substituted ;

(2) the word "protected", where it occurs at two places, shall be deleted ;

(3) in the Explanation, for the words "mentioned in the Explanation to" the words "of such tenant to whom the tenancy is continued under" shall be substituted.

Amendment  
of section 45  
of Hyd. Act  
No. XXI of  
1950.

25. In section 46 of the principal Act, the word "protected" shall be deleted.

Amendment  
of section  
46 of Hyd.  
Act No. XXI  
of 1950.

Amendment  
of section  
48 of Hyd.  
Act No. XXI  
of 1950.

26. In section 48 of the principal Act, the word "protected", wherever it occurs, shall be deleted.

Amendment  
of section  
50A of Hyd.  
Act No. XXI  
of 1950.

27. In section 50A of the principal Act,—

(1) for the words "in this Chapter" the words "in the foregoing provisions of this Chapter"; and

(2) for the word and figures "Chapter IV" the words, figures and letters "Chapter IV-A and Chapter VI and section 98C" shall be substituted.

Insertion of  
sections 50B  
and 50C in  
Hyd. Act  
No. XXI  
of 1950.

28. After section 50A of the principal Act, the following sections shall be inserted, namely:—

Restrictions  
on transfers  
of land  
purchased or  
sold under  
this Act.

"50B. (1) No land purchased by a tenant under section 38, 38A, 38D, 38E, 38F, 38G, or 38H or sold to any person under section 53F, 53G, 53H or 98C shall be transferred by sale, gift, exchange, mortgage, lease or assignment or partitioned without the previous sanction of the Collector.

(2) Any transfer or partition of land in contravention of sub-section (1) shall be invalid.

Reasonable  
price of land  
for purpose  
of its sale or  
purchase.

50C. (1) Except as otherwise expressly provided in this Act, the price of any land sold or purchased under the provisions of this Act shall consist of the following amounts, namely:—

(a) an amount not exceeding twelve times the rent of the land as determined in accordance with the provisions of section 11 and sub-section (3) of section 17;

(b) the value of any structures, wells and embankments constructed and trees planted on the land.

(2) Where in the case of any sale or purchase of any land under this Act the Tribunal, the Tahsildar or any other Officer, has to fix the purchase price of such land under this Act, the Tribunal, the Tahsildar or such officer, as the case may be, shall, subject to the quantum specified in sub-section (1), fix the price having regard to the following factors, namely:—

(a) the structures and wells constructed and permanent fixtures made and trees planted on the land by the landholder or the tenant;

(b) the profits of agriculture of similar land in the locality;

(c) the improvements made in the land by the landholder or the tenant;

(d) the prices of crops and commodities in the locality;

(e) such other factors as may be prescribed.

(3) Nothing in this section shall apply to any sale made under sections 47 to 50 of this Act."

Amendment  
of section 53C  
of Hyd. Act  
No. XXI of  
1950.

29. In section 53C of the principal Act,—

(1) for sub-section (1) the following shall be substituted, namely:—

"(1) Notwithstanding any law for the time being in force or any usage or custom or the terms of any contract or grant to the contrary, the Government may by notification in the *Official Gazette*, declare in respect of any area specified

in the notification its intention to assume management for a public purpose and subject to sub-section (7) as to the payment of compensation, of all surplus lands held by the land-holders in such area with effect from the date specified in the notification.

(1-A) A declaration made by Government under sub-section (1) shall be conclusive evidence that surplus lands are so required for a public purpose.

*Explanation I.*—For the purpose of this section ‘surplus land’ in the case of a land-holder means so much of the land held by the land-holder which is not in the possession of his tenants and which is in excess of four and a half family holdings in the local area concerned.

*Explanation II.*—In this section ‘public purpose’ includes settlement of landless cultivators, development of co-operative organisations and increasing the efficiency of cultivation and management.”;

(2) in sub-section (2),—

(a) after the words “or authority” where they occur for the first time the words “authorised by the Government” shall be inserted;

(b) for the words, brackets and figure “sub-sections (7) and (8)” the word, brackets and figures “sub-section (7)” shall be substituted;

(c) the first proviso shall be deleted;

(d) in the second proviso, the word “further” shall be deleted;

(3) in sub-section (3), the word “protected” shall be deleted;

(4) for sub-sections (4), (5) and (6) the following shall be substituted, namely:—

“(4) On the publication of a notification under sub-section (1) the Tahsildar shall cause summary inquiries to be made in respect of surplus lands available for assuming management under sub-section (1) and shall forward a report of the result of the inquiries along with a list of surplus lands and the holders thereof to the Collector.

(5) On receipt of the report, the Collector shall give notice in the prescribed manner to each such land-holder directing him to furnish to the Collector within three months from the date of the receipt of the notice such particulars in such form as may be prescribed for the purpose and to submit within the said period his objections, if any, to the assumption of management of the surplus land.

(5-A) The Collector shall thereupon consider the particulars, if any, furnished and the objections, if any, submitted by the land-holder and after holding such inquiry as he deems fit, shall make an order for the assumption of the management of the surplus land:

Provided that no surplus land which forms part of a compact block shall be assumed under management if in the opinion of the Collector it is so efficiently cultivated and managed according to the standards prescribed under section 53B, that a break up will lead to a fall in production.

(5-B) The order passed by the Collector shall be communicated to the land-holder and shall be published in the prescribed manner.

(6) On the publication of the order to assume management, the Collector shall appoint a manager to be in charge of the lands and thereafter the provisions of section 52 shall *mutatis mutandis* apply to such lands.”;

(5) in sub-section (7),—

(a) after the words "recurring payment", the words "of a sum equal to the reasonable rent" shall be inserted; and

(b) for the words "and such other sums, if any, as may be found necessary", the words "and, of a further sum equal to one-half of such rent" shall be substituted;

(6) sub-section (3) shall be deleted.

Amendment of section 53-F of Hyd. Act No. XXI of 1950.

30. In section 53F of the principal Act,—

(1) in sub-section (1), the word "protected" shall be deleted;

(2) for sub-section (2), the following shall be substituted, namely:—

"(2) The reasonable price of the land purchased by a person under sub-section (1) shall be determined in accordance with the provisions of section 50C."

Insertion of section 53-H in Hyd. Act No. XXI of 1950.

31. After section 53G of the principal Act, the following section shall be inserted, namely:—

"53-H. In the case of any land declared to be surplus under any of the provisions of this Act, the Government shall be deemed to have assumed the management of such land for a public purpose and the provisions of sections 52, 53 and 53B to 53G (both inclusive) shall *mutatis mutandis* apply to such land."

Assumption of management of surplus lands.

Amendment of section 66 of Hyd. Act No. XXI of 1950.

32. In section 66 of the principal Act, the word "protected" shall be deleted.

Insertion of section 88A in Hyd. Act No. XXI of 1950.

33. After section 88 of the principal Act, the following section shall be inserted, namely:—

"88-A. Save as expressly provided by or under this Act, all inquiries and other proceedings before the Tahsildar or Tribunal shall be commenced by an application which shall contain the following particulars:—

(a) the name, age, profession and place of residence of the applicant;

(b) a short description and situation of the property of which possession is sought or the amount of the claim, as the case may be;

(c) the circumstances out of which the cause of action arose;

(d) a list of the applicant's documents, if any, and of his witnesses and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of hearing;

(e) such other particulars as may be prescribed."

Commencement of proceedings.

Amendment of section 90 of Hyd. Act No. XXI of 1950.

34. In section 90 of the principal Act,—

(1) the words "or the Deputy Collector" and the words "or Deputy Collector" where they occur at two places shall be deleted;

(2) in sub-section (2), for the words "the Board of Revenue and the order of the Board of Revenue" the words and figures "the Bombay Revenue Tribunal

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constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in that Act and the order of the Bombay Revenue Tribunal" shall be substituted ;

(3) after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) In deciding appeals under sub-section (2), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908."

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1908.

35. For section 91 of the principal Act, the following sections shall be substituted  
namely :—

Section 91 of  
Hyd. Act No.  
XXI of 1950  
substituted  
by new sec-  
tions.

"90B. (1) Where no appeal has been filed within the period provided for it, the Collector may, *suo motu* or on a reference made in this behalf by the Chief Controlling Authority or the State Government, at any time,—

Revisional  
powers of  
Collector.

(a) call for the record of any inquiry or the proceedings of any Tahsildar or Tribunal for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of such Tahsildar or Tribunal, as the case may be, and

(b) pass such order thereon as he deems fit :

Provided that no order of such Tahsildar or Tribunal shall be modified, annulled or reversed after a period of one year from the date of such order and unless opportunity has been given to the interested parties to appear and be heard.

(2) Where any order under section 53C is made by an Assistant or Deputy Collector performing the duties or exercising the powers of the Collector or by an officer specially empowered by the State Government to perform the functions of the Collector under this Act, such order shall be subject to revision by the Collector and the provisions of sub-section (1) shall apply to the proceedings of the Assistant or Deputy Collector or officer concerned, as they apply to the proceedings of a Tahsildar or Tribunal.

91. (1) Notwithstanding anything contained in the Bombay Revenue Tribunal Act, 1939, an application for revision may be made to the Bombay Revenue Tribunal constituted under the said Act against any order passed on appeal or under section 90B by the Collector on the following grounds only :—

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(a) that the order of the Collector was contrary to law ;

(b) that the Collector failed to determine some material issue of law ; or

(c) that there was a substantial defect in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(2) In deciding applications under this section the Bombay Revenue Tribunal shall follow the procedure which may be prescribed by rules made by the State Government under this Act after consultation with the Bombay Revenue Tribunal."

Insertion of sections 95A and 95B in Hyd. Act No. XXI of 1950.

36. After section 95 of the principal Act, the following sections shall be inserted, namely :—

Inquiries and proceedings to be judicial proceedings.

"95A. All inquiries and proceedings before the Tahsildar, the Tribunal, the Collector and the Bombay Revenue Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1950

Pleaders, etc., excluded from appearance.

95B. Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Tahsildar, the Tribunal or the Collector :

Provided that the Tahsildar, the Tribunal or the Collector may, in the interest of justice for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader :

Provided further that pleader's fee shall not be allowed as part of the costs for the appearance of the pleader in any such proceedings :

Provided also that if any officer of Government is appointed or declared by a competent court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Tahsildar, the Tribunal or the Collector. Such representative may also submit any application and otherwise act on behalf of the officer in any such proceedings.

*Explanation.*—For the purposes of this section the word 'pleader' includes an advocate, attorney, vakil or any other legal practitioner."

Amendment of section 96 of Hyd. Act No. XXI of 1950.

37. In section 96 of the principal Act,—

(1) in the table, entries relating to section 6 and section 8 shall be deleted ;

(2) in sub-section (2), after the word and figures "section 16" the words, brackets and figures "or sub-section (2) of section 29 or sub-section (2) of section 32" shall be inserted.

Amendment of section 96A of Hyd. Act No. XXI of 1950.

38. Section 96A of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) so renumbered, the following sub-section shall be inserted, namely :—

"(2) Nothing in sub-section (1) shall apply to a contravention to which the provisions of section 98A, 98B, 98C or 98D apply."

39. After section 98 of the principal Act, the following sections shall be inserted, namely :—

Insertion of sections 98A, 98B, 98C and 98D in Hyd. Act No. XXI of 1950.

" 98A. (1) A permanent alienation or transfer of any land in contravention of any of the provisions of Chapter V as it stood before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957 (hereinafter referred to as the Amending Act, 1957)—

Validation of alienations, etc., made before the 1st day of December 1957.

(a) if made on or after the 10th day of June, 1950, but before the 26th day of January, 1956, shall not be declared to be invalid merely on the ground of such contravention if the alienee or transferee pays to the State Government a penalty—

- (i) of Re. 1 in case he was a tenant in possession of the land, and
- (ii) of Rs. 5 in any other case ;

(b) if made on or after the 26th day of January, 1956, but before the 1st day of December, 1957, shall not be declared to be invalid merely on the ground of such contravention if the alienee or transferee pays to the State Government a penalty equal to one per cent. of the consideration or Rs. 100 whichever is less.

(2) On payment of such penalty, the Tahsildar shall issue a certificate to the alienee or transferee that such transfer is not invalid.

(3) Where the alienee or transferee fails to pay the penalty referred to in sub-section (1) within such period as may be prescribed, the transfer shall be declared invalid by the Tahsildar and thereupon the provisions of sub-sections (3) to (5) of section 98C shall apply.

(4) The validation of any permanent alienation or transfer under this section shall not affect the right accrued to any person under section 37A of section 38E.

(5) The validation of the permanent alienation or transfer of any land under this section shall not preclude the assumption of management of such land by Government under section 53C.

(6) Nothing in the foregoing provisions of this section shall apply to a permanent alienation or transfer which has been validated in accordance with the provisions of the first proviso to sub-section (1) of section 47.

98B. (1) Where in respect of any permanent alienation, transfer or acquisition of any land made on or after the 1st day of December 1957, but before the commencement of the Amending Act, 1957, the Tahsildar, *suo motu* or on the application of any person interested in such land, has reason to believe that such alienation or transfer or acquisition—

Certain alienation, etc., made between 1st December 1957 and the commencement of the Amending Act, 1957 invalid.

(a) was in contravention of any of the provisions of Chapter V as it stood before the commencement of the Amending Act, 1957, or

(b) is inconsistent with any of the provisions of this Act as amended by the Amending Act, 1957, the Tahsildar shall issue a notice in the prescribed form to the transferor, the transferee or the person acquiring such land, as the case may be, to show cause as to why the alienation, transfer or acquisition, should not be declared to be invalid and shall hold an inquiry and decide whether the alienation, transfer, or acquisition is or is not invalid.

(2) If after holding such inquiry the Tahsildar declares the alienation, transfer or acquisition to be invalid, he shall direct that the land shall be restored to the person from whom it was acquired, and the amount of consideration paid, if any, shall be recovered as arrears of land revenue from the transferor and paid to the transferee and until the amount is so fully paid, the said amount shall be a charge on the land :

Provided that where the alienation, transfer or acquisition was in favour of the tenant in possession of the land, such alienation, transfer or acquisition shall not be declared to be invalid if the tenant pays to the State Government a penalty of Re. 1.

(3) If the person to whom the land is directed to be restored refuses to take possession of the land, the Tahsildar shall declare it to be surplus land.

(4) The amount of recurring compensation or reasonable price realised in respect of land declared as surplus land under sub-section (3) shall be payable to the transferee.

(5) If the transferee refuses to accept the amount paid to him under sub-section (2) or (4), the amount shall be forfeited to Government.

Disposal of  
land aliena-  
tion of which  
is invalid.

98C. (1) Where in respect of the permanent alienation, transfer or acquisition of any land made on or after the commencement of the Amending Act, 1957, the Tahsildar *suo motu* or on the application of any person interested in such land has reason to believe that such alienation, transfer or acquisition is or becomes invalid under any of the provisions of this Act, the Tahsildar shall issue a notice and hold inquiry as provided for in section 98-B and decide whether the alienation, transfer or acquisition is or is not invalid.

(2) If after holding such inquiry, the Tahsildar comes to the conclusion that the alienation, transfer or acquisition of land is invalid, he shall make an order declaring the alienation, transfer or acquisition to be invalid.

(3) On the declaration made by the Tahsildar under sub-section (2)—

(a) the land shall be deemed to vest in the State Government free from all encumbrances lawfully subsisting thereon on the date of such vesting and shall be disposed of in the manner provided in sub-section (4); the encumbrances shall be paid out of the occupancy price in the prescribed manner, but the right of the holder of such encumbrances to proceed against the person liable, for the enforcement of his right in any other manner, shall not be affected.

(b) The amount which was received by the alienor or transferor as the price of the land shall be deemed to have been forfeited to the State Government and it shall be recovered as arrears of land revenue.

(c) The Tahsildar shall, in accordance with the provision of section 50-C, determine the reasonable price of the land.

(4) After determining the reasonable price, the Tahsildar shall dispose of the land by sale on payment of occupancy price equal to the reasonable price determined under sub-section (3) in the prescribed manner in the following order of priority :—

(i) the tenant in actual possession of the land,



(ii) the person or bodies in the order given in section 53-E :

Provided that in the case of a transfer by the landholder to the tenant of the land—

(i) where the amount received by the landholder as the price of the land is equal to or less than the reasonable price, then notwithstanding anything contained in sub-sections (3) and (4) the Tahsildar shall, after an order is passed by him under sub-section (3), grant the land to the tenant on payment of occupancy price of rupee one ;

(ii) where the amount received by the landholder as the price of the land is in excess of the reasonable price, the Tahsildar shall grant the land to the tenant on payment of occupancy price equal to one-tenth of the reasonable price and out of the amount forfeited under sub-section (3), the landholder shall be paid back an amount equal to nine-tenths of the reasonable price.

(5) The amount of occupancy price realised under sub-section (4) shall, subject to the payment as aforesaid of any encumbrances subsisting on the land, be credited to the State Government :

Provided that where the acquisition of any excess land was on account of gift or bequest, the amount of the occupancy price realised under sub-section (4) in respect of such land shall, subject to the payment of encumbrances subsisting thereon, be paid to the donee or legatee in whose possession the land had passed on account of such acquisition.

98D. (1) Where any land has become liable to be disposed of under section 98-C and the Tahsildar considers that such disposal is likely to take time and that with a view to preventing the land remaining uncultivated it is necessary to take such a step, he may lease the land for cultivation to any agriculturist who has under personal cultivation land less than two family holdings, subject to the following conditions :—

- (i) the lease shall be for a period of one year ;
- (ii) the lessee shall pay rent as determined in accordance with the provisions of section 11 and sub-section (3) of section 17 ;
- (iii) the lessee shall be liable to pay land revenue and other cesses ;
- (iv) if the lessee fails to vacate the land on the expiry of the term of the lease he shall be liable to be summarily evicted by the Tahsildar.

(2) The person holding land on lease under sub-section (1) shall not be deemed to be a tenant within the meaning of this Act.

(3) The amount of rent realised under sub-section (1) shall be forfeited to Government."

40. After section 99 of the principal Act, the following new section shall be inserted, namely :—

" 99A. (1) If any suit instituted in any Civil Court involves any issues which are required to be settled, decided or dealt with by any authority competent to settle, decide or deal with such issues under this Act (hereinafter referred to as the 'competent authority') the Civil Court shall stay the suit and refer such issues to such competent authority for determination.

Temporary leases of land liable to be disposed of under section 98-C.

Insertion of section 99A in Hyd. Act No. XXI of 1950.

Suits involving issues required to be decided under this Act.

(2) On receipt of such reference from the Civil Court, the competent authority shall deal with and decide such issues in accordance with the provisions of this Act and shall communicate its decisions to the Civil Court and such Court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

*Explanation.*—For the purpose of this section a Civil Court shall include a Mamlatdar's Court constituted under the Mamlatdars' Courts Act, 1906.

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Amendment  
of section  
100A of Hyd.  
Act No. XXI  
of 1950.

41. In section 100A of the principal Act, for the words "the Board of Revenue" the words "any officer not below the rank of an Assistant or Deputy Collector" shall be substituted.

Substitution  
of section 102  
by new  
sections 102,  
102A and  
102B.

42. For section 102 of the principal Act, the following sections shall be substituted, namely:—

Certain  
provisions of  
the Act not to  
apply to  
lands taken  
under  
management  
under  
Chapter VI or  
of the  
Court of  
Wards, etc.

"102. (1) Save as provided in this section, nothing in Chapters IV-A and IV-B shall apply to lands taken under management—

(i) of the State Government under Chapter VI,

(ii) of the Court of Wards,

(iii) of a Government Officer appointed in his official capacity as a guardian under the Guardians and Wards Act, 1890, or

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(iv) temporarily by civil, revenue and criminal courts by themselves or through receivers appointed by them till the decision of the title of the rightful holders;

and nothing in this Act shall affect the powers vested in the Court of Wards, such Government Officer or court or receiver as respects the recovery of dues under any law including the law under which such land is taken under management and the manner of recovery provided in such law.

(2) If on the date of the release of any land from such management, any tenancy subsists in respect of such land, the landholder shall be entitled to terminate such tenancy under section 44 by giving three months' notice within one year from such date; and the tenant, if he has not already exercised the right of purchase under section 53F, shall have the right to purchase the land under section 38 within one year from the expiry of the period during which the landholder was entitled to terminate the tenancy as aforesaid.

Certain land  
exempted  
from the  
operation of  
the Act and  
conditions of  
exemption,  
etc.

102A. Nothing in the foregoing provisions of this Act shall apply—

(a) to lands leased, or held by the Government, a local authority, a co-operative society or a university established by law in the State;

(b) to lands leased to, or held by, any industrial or commercial undertaking (other than a co-operative society) which in the opinion of State Government *bona fide* carries on any industrial or commercial operations and which is approved by the State Government;

(c) to service inam lands;

(d) to lands transferred to or by a Bhoodan Samity recognised by the State Government in this behalf ;

(e) to lands which are the property of a trust for an educational purpose, Hospital, Panjrapol, Gaushala or an institution for public religious worship, provided the entire income of such lands is appropriated for the purposes of such trust ;

(f) to any area which Government may, from time to time by notification in the *Official Gazette*, specify as being reserved for non-agricultural or industrial development.

*Explanation.*—For the purposes of clause (e), a certificate granted by the Collector, after holding an inquiry, that the conditions mentioned in the said clause are satisfied by a trust, shall be conclusive evidence in that behalf.

102B. (1) Notwithstanding anything contained in section 102A, if the State Government is satisfied—

(i) that the lands transferred by a Bhoodan Samity are not cultivated personally by the transferee or are alienated by them ;

(ii) in the case of land referred to in clause (e) of section 102A that the trust is unable to look after the property or has mismanaged it or that there are disputes between the trust and the tenants ; and

(iii) in the case of an area referred to in clause (f) of section 102A that the chances of non-agricultural or industrial development are remote or that after the eviction of tenants from any land in such area, the land has not been used for non-agricultural or industrial purpose,

the State Government may by order published in the prescribed manner direct that with effect from such date as may be specified in the order such land, or area, as the case may be, shall cease to be exempted from all or any of the provisions of this Act from which it was exempted under any of the sections aforesaid and any certificate granted under the Explanation to section 102A shall stand revoked.

(2) Where any such land or area ceases to be so exempted, then in the case of a tenancy subsisting on such date in respect of any such land, the land-holder shall be entitled to terminate such tenancy under section 44 by giving the tenant a three months' notice within one year from such date and the tenant shall have the right to purchase the land under section 38 within one year from the expiry of the period during which the land-holder is entitled to terminate the tenancy under section 44."

VIII  
THE HYDERABAD TENANCY AND AGRICULTURAL LANDS  
(AMENDMENT) ACT, 1959.

(Bom. XXXII of 1959.)

*An Act to amend the Hyderabad Tenancy and Agricultural Lands  
Act, 1950.*

WHEREAS it is expedient to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950, for the purposes hereinafter appearing; It is hereby enacted in the Tenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1959.

Deletion of section 38-C of Hyd. Act No. XXI of 1950.

2. Section 38-C of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as "the principal Act") shall be deleted.

Substitution of section 50-A of Hyd. Act No. XXI of 1950 by new section.

3. For section 50-A of the principal Act, the following section shall be substituted, namely:—

Provisions of Chapter V not to apply in certain cases.

"50-A. Nothing in the foregoing provisions of this Chapter shall apply to the sale of agricultural lands under—

(i) the provisions of Chapter IV-A except section 38-D,

(ii) section 38-D, if such sale is in favour of the tenant of such land and as a result of such sale, the total area of the land so sold together with other land, if any, cultivated personally by such tenant does not exceed three family holdings,

(iii) the provisions of Chapter VI, or

(iv) section 98-C."

Substitution of section 87 of Hyd. Act No. XXI of 1950 by new section.

4. For section 87 of the principal Act, the following section shall be substituted, namely:—

Tribunal.

"87. (1) For the purposes of this Act, there shall be a Tribunal called the Agricultural Lands Tribunal for each taluka or for such area as the State Government may think fit.

(2) The State Government may appoint an officer not below the rank of a Tahsildar to be the Tribunal and to exercise the powers and perform the duties and functions of the Tribunal under this Act in a taluka or any other area referred to in sub-section (1):

• Provided that the State Government may for any area constitute a Tribunal consisting of not less than three members of whom—

(a) at least one shall be a person who is holding or has held a judicial office not lower in rank than that of a civil judge or who is qualified to practise as a lawyer in the State of Bombay, and

(b) one shall be appointed to be the President of the Tribunal, and the Tribunal so constituted shall exercise the powers and perform the duties and functions of the Tribunal under this Act.

*Explanation.*—In this section 'lawyer' means any person entitled to appear and plead for another in Court in the State and includes an advocate, a vakil and an attorney of the High Court of Bombay."

5. For section 89 of the principal Act, the following sections shall be substituted, namely:—

Substitution of section 89 of Hyd. Act XXI of 1950 by new section.

"89. In all inquiries and proceedings commenced on the presentation of applications under section 88A, the Tahsildar or the Tribunal shall exercise the same powers as the Mamlatdar's Court under the Mamlatdars' Courts Act, 1906, and shall save as provided in section 32 follow the provisions of the said Act, as if the Tahsildar or the Tribunal were a Mamlatdar's Court under the said Act and the application presented was a plaint presented under section 7 of the said Act. In regard to matters which are not provided for in the said Act, the Tahsildar or the Tribunal shall follow such procedure as may be prescribed by the State Government. Every decision of the Tahsildar or the Tribunal shall be recorded in the form of an order which shall state the reasons for such decision.

Bom.  
II of  
1906.

89A. Where in any taluka in addition to the Tahsildar appointed under sub-section (1) of section 9 of the Land Revenue Act, one or more Tahsildars or Naib-Tahsildars are appointed under the said section 9 or one or more officers are appointed by the State Government to exercise the powers and perform the duties of a Tahsildar under this Act, each such Tahsildar or Naib-Tahsildar or officer shall dispose of such inquiries or proceedings commenced before the Tahsildar under section 88A as the Tahsildar, subject to the control of the Collector, may by general or special order refer to him.

Distribution of business amongst Tahsildars.

89B. The Collector may, after due notice to the parties, by order in writing, transfer any proceeding under this Act pending before a Tahsildar in his district from such Tahsildar to any other Tahsildar in his district and the Tahsildar to whom the proceeding is so transferred shall thereupon exercise jurisdiction under this Act in such proceeding :

Power of Collector to transfer proceedings.

Provided that any order to be issued to village officers under section 94 shall be issued by the Tahsildar to whom such village officers are subordinate."

6. In section 90 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment of section 90 of Hyd. Act No. XXI of 1950.

"(3A) Save as otherwise provided in this Act, the provisions of Chapter XI of the Land Revenue Act shall apply to the appeals to the Collector under this Act as if the Collector were the immediate superior of the Tahsildar or the Tribunal. The Collector in appeal shall have power to award costs."

7. For section 90A of the principal Act, the following section shall be substituted, namely:—

Substitution of section 90A of Hyd. Act No. XXI of 1950 by new section.

Powers of  
Collector to  
transfer and  
withdraw  
appeals.

“90A. The Collector, may after due notice to the parties, by order in writing,—

- (a) transfer any appeal pending before him or before any Assistant or Deputy Collector subordinate to him to any Assistant or Deputy Collector specified in such order, performing the duties and exercising the powers of a Collector and upon such transfer the Assistant Collector or the Deputy Collector, as the case may be, shall have power to hear and decide the appeal as if it was originally filed to him ; or
- (b) withdraw any appeal pending before any Assistant or Deputy Collector and himself hear and decide the same.”

Amendment  
of section  
90-B of Hyd.  
Act No. XXI  
of 1950.

8. In section 90B of the principal Act, in sub-section (1), for the proviso, the following shall be substituted, namely :—

“ Provided that no such record shall be called for after the expiry of one year from the date of such order and no order of such Tahsildar or Tribunal shall be modified, annulled or reversed unless an opportunity has been given to the interested parties to appear and to be heard.”

Amendment  
of section 92  
of Hyd. Act  
No. XXI of  
1950

9. In section 92 of the principal Act, the words, brackets and figures beginning with the words “ and shall have the powers ” and ending with the figures “ 89 ” shall be deleted.

Amendment  
of section 94  
of Hyd. Act  
No. XXI of  
1950.

10. In section 94 of the principal Act, for the words “in the prescribed manner”, the following shall be substituted, namely :—

“ in the manner provided in section 21 of the Mamlātdars' Courts Act, 1906, as if it were a decision of the Tahsildar under the said Act : Bom.  
II of  
1906.

Provided that such order shall not be executed till the expiry of the period of appeal or as the case may be, of application for revision as provided in section 93. ”.

Amendment  
of section  
98-B of Hyd.  
Act No. XXI  
of 1950.

11. In section 98B of the principal Act,—

(1) in sub-section (4), for the word “ transferee ” the word “ transferor ” shall be substituted ;

(2) in sub-section (5), for the word, brackets and figure “ or (4) ” the words, brackets and figure “ or the transferor refuses to accept the amount paid to him under sub-section (4) ” shall be substituted.

Amendment  
of section  
98-C of Hyd.  
Act No. XXI  
of 1950.

12. In section 98C of the principal Act,—

(1) to sub-section (2), the following proviso shall be added, namely :—

“ Provided that where the alienation or transfer of land was made by the land-holder to the tenant in possession of the land and the area of the land so alienated or transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed three family holdings, the Tahsildar shall not declare such alienation or transfer to be invalid if—

• (i) the price of the land received by the landholder does not exceed the reasonable price thereof under section 50C and the alienee or transferee pays to the State Government a penalty of one rupee within such period not exceeding three months as the Tahsildar may fix, or

(ii) the price of the land received by the land-holder exceeds the reasonable price thereof under section 50-C and the alienor or transferor as well as the alienee or transferee pays to the State Government each a penalty equal to one-tenth of the reasonable price within such period as the Tahsildar may fix. ” ;

(2) in sub-section (4), for the proviso, the following shall be substituted, namely :—

“ Provided that where the alienation or transfer of land was made by the land-holder to the tenant in possession of the land and the area of the land so alienated or transferred together with the area of other land, if any, cultivated personally by the tenant did not exceed three family holdings, then—

(a) if the price of the land received by the alienor or transferor does not exceed the reasonable price, the amount forfeited under sub-section (3) shall be returned to the alienor or transferor and the land restored to the alienee or transferee on payment to the State Government of a penalty of one rupee ; and

(b) if the price of the land received by the alienor or transferor exceeds the reasonable price, the Tahsildar shall grant the land to the alienee or transferee on payment of price equal to one-tenth of the reasonable price and out of the amount forfeited under sub-section (3), the alienor or transferor shall be paid back an amount equal to nine-tenths of the reasonable price.”

13. In section 102 of the principal Act,—

(1) in sub-section (1), clause (i) shall be deleted ;

(2) in sub-section (2)—

(i) after the words “ in respect of such land ” the words and figures “ and if the management had been assumed before the land holder could exercise the right to terminate the tenancy under section 44 then ” shall be inserted, and

(ii) the words, figures and letter “ if he has not already exercised the right of purchase under section 53-F ” shall be deleted.

Amendment  
of section 102  
of Hyd. Act  
No. XXI of  
1960.

14. After section 102-B of the principal Act, the following section shall be inserted, namely :—

“ 102-C. (1) The foregoing provisions of this Act except those of Chapter VI and of sections 95-B, 96-A, 97, 98, 99, 100, 100-A and 101 shall not apply—

(i) to lands, the management of which is assumed under section 51, and

(ii) to surplus lands, the management of which is assumed under section 53-C or 53-H,

so long as such management continues.

(2) On the termination of the management of any such land or surplus land the foregoing provisions of this Act shall apply thereto subject to the following modifications, namely :—

(a) if on the date of the termination of the management, any land referred to in clause (i) of sub-section (1) is in the possession of a tenant holding it from the land-holder immediately before the assumption of the management, or where such tenant is dead, in the possession of his successor-in-title and if the

Insertion of  
section 102-C  
in Hyd. Act  
No. XXI of  
1960.

Certain pro-  
visions of the  
Act not to  
apply to  
lands taken  
under  
manage-  
ment.

*Hyderabad Tenancy and Agricultural Lands [1961 : Mah. XLV  
(Re-enactment, Validation and Further  
Amendment) Act, 1961*

management had been assumed before the land-holder could exercise the right to terminate the tenancy under section 44 then, the land-holder shall be entitled to terminate the tenancy under section 44 by giving three months' notice within one year from such date and the tenant shall have the right to purchase the land under section 38 within one year from the expiry of the period during which the land-holder was entitled to terminate the tenancy as aforesaid ;

(b) if on the date of the termination of the management of any land referred to in clause (i) of sub-section (1), or of any surplus land referred to in clause (ii) of sub-section (1), such land or as the case may be, such surplus land is in possession of a lessee holding it under a lease granted by the manager, and such lessee has not already exercised the right of purchase under section 53-F, then on the expiry of the period of the lease, the person to whom the possession of such land or surplus land is delivered under section 53, shall be entitled to take possession of it unless the said lessee within a period of three months from the expiry of the lease offers to purchase the land. Such offer shall be made in the manner provided in section 38 and thereupon the provisions of that section shall *mutatis mutandis* apply to such purchase as if the said lessee were a tenant applying under section 38 :

Provided that where by such purchase, the interest of the land-holder as well as the interest of the tenant, if any, holding from the land-holder is acquired by the lessee, the amount payable to the land-holder under section 38 shall be apportioned by the Tribunal between the landholder and the tenant and paid accordingly."



IX

THE BOMBAY CO-OPERATIVE SOCIETIES (EXTENSION) ACT, 1960.  
 (Bom. XX of 1960.)

24. After the Schedule to the principal Act, the following new Schedule shall be added, namely :—

Addition of  
 Second  
 Schedule to  
 Bom.  
 VII of  
 1925.

“SECOND SCHEDULE.

*Further enactments repealed.*

(See section 74.)

Year.	No.	Title.	Extent of repeal.
(1)	(2)	(3)	(4)

1950	XXI	The Hyderabad Tenancy and Agricultural Lands Act, 1950, in its application to the Hyderabad area of the State of Bombay.	The words “to provide for registration of Co-operative Farms” in the preamble, clauses (dd) and (e) in sub-section (1) of section 2, Chapter VIII and sub-section (2) of section 97.”
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## X

**THE MAHARASHTRA ADAPTATION OF LAWS (STATE AND  
CONCURRENT SUBJECTS) ORDER, 1960.**

No. 13104/B.—Whereas by section 88 of the Bombay Reorganisation Act, 1960 (hereinafter referred to as “the Act”), the appropriate Government is empowered, by order to make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, for the purpose of facilitating the application of any law in relation to the State of Maharashtra so that every such law shall have effect subject to the adaptations and modifications so made;

Now, therefore, in exercise of the powers conferred by the Act and all other powers enabling it in that behalf, the Government of Maharashtra hereby orders as follows:—

1. (1) This Order may be called the **Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.**

(2) It shall come into force on the 1st day of May 1960.

2. (1) In this Order—

(a) “appointed day” means the 1st day of May 1960;

(b) “existing State law” means any law in force, immediately before the appointed day, in the whole or any part of the territories now comprised in the State of Maharashtra, but does not include any law relating to a matter enumerated in the Union List;

(c) “law” has the same meaning as in clause (d) of section 2 of the Act.

(2) The General Clauses Act, 1897, applies for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. As from the appointed day, the existing State laws mentioned in the Schedule to this Order shall, until altered, repealed or amended by a competent Legislature or other competent authority, have effect subject to the adaptations and modifications directed by the Schedule or, if it is so directed, shall stand repealed.

4. (1) Whenever an expression mentioned in column (1) of the Table hereunder printed occurs (otherwise than in a title or preamble or in a citation or description of an enactment) in an existing State law, whether an Act, Ordinance or Regulation mentioned in the Schedule to this Order or not, then, in the application of that law to the State of Maharashtra or as the case may be, to any part thereof, unless that expression is by this Order expressly directed to be otherwise adapted or modified, or to stand unmodified, or to be omitted, there shall be substituted therefor the expression set opposite to it in column (2) of the said Table, and there shall also be made in any sentence in which the expression occurs such consequential amendments as the rules of grammar may require:—

(1)	(2)
(1) Bombay State or State of Bombay .. ..	State of Maharashtra.
(2) pre-Reorganisation State of Bombay, excluding the transferred territories.	Bombay area of the State of Maharashtra.
(3) Governor of Bombay .. ..	Governor of Maharashtra.
(4) Government of Bombay .. ..	Government of Maharashtra.
(5) High Court of Bombay .. ..	High Court of Maharashtra. •

(2) A direction in the Schedule to this Order that a specified existing State law, or section or portion of such law shall stand unmodified shall be construed merely as a direction that it is not to be modified or adapted in accordance with the provisions of this paragraph.

5. Where this Order requires that in any specified existing State law, or in any section or other portion of such law certain words shall be substituted for certain other words, or that certain words shall be omitted, that substitution or omission, as the case may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that law or, as the case may be, in that section or portion.

6. (1) The following provisions shall have effect where an existing State law which under this Order is to be adapted or modified has before the appointed day been amended either generally or in relation to any particular area, by the insertion or omission of words, or the substitution of words for other words—

(a) effect shall first be given in the amending law to any adaptation or modification required by paragraphs 3, 4 and 5 of this Order to be made therein ;

(b) the original law shall then be amended, either generally or, as the case may be, in its application to the particular area, so as to give effect to the directions contained in the amending law, or where any adaptation or modification has fallen to be made under clause (a), in that law as so adapted or modified ; and

(c) all adaptations and modifications required by this Order to be made in the original law shall then be made in that law as so amended, except so far as in the case of any particular area they may be inapplicable.

(2) In this paragraph, references to the amendment of a law by the insertion or omission of words or the substitution of words do not include references to an amendment which is effected merely by directing that certain words shall be construed in a particular manner.

7. Any reference in any existing State law to the Legislature of the State (or any House or Houses thereof) shall be construed as a reference to the Legislature of the State of Maharashtra or to the corresponding House or Houses thereof.

8. Notwithstanding any adaptation made by this Order, where the extent or application of an existing State law in force immediately before the appointed day, refers, by reason only of such adaptation, to the State of Maharashtra, such reference shall not be deemed to include a reference to any part of that State to which that law did not extend or apply immediately before the appointed day.

9. (1) If on the appointed day, any body, authority or person entitled by, or under any existing State law to exercise any rights, powers or jurisdiction, or to perform any duties or to discharge any functions or to hold any property, is not or cannot be duly constituted or appointed by reason of the alteration of territories by the Bombay Reorganisation Act, 1960 then, save as expressly provided by or under the Act or any adaptation made in such law all such rights, powers and jurisdiction shall be exercisable, all such duties shall be performed and all such functions shall be discharged by, and all such property shall vest in, the State Government.

(2) Nothing in sub-paragraph (1) shall be deemed to prevent the State Government from duly constituting or appointing under such law after the appointed day, any body, authority or person to exercise or perform or discharge all or any

of such rights, powers, jurisdiction, duties or functions or vesting therein all or any part of the property aforesaid.

10. The provisions of this Order which adapt or modify any law so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable shall not render invalid any notification, order, licence, permission, award, commitment, attachment, bye-law, rule or regulation duly made or issued, or anything duly done, before the appointed day; and any such notification, order, licence, permission, award, commitment, attachment, bye-law, rule, regulation or thing may be revoked, varied or undone in like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by the competent authority and under and in accordance with the provisions then applicable to such a case.

11. Nothing in this Order shall affect the previous operation of, or anything duly done or suffered under, any existing State law or any right, privilege, obligation, or liability already acquired, accrued, or incurred under any such law, or any penalty, forfeiture or punishment incurred in respect of any offence already committed against any such law.

## XII

**THE HYDERABAD TENANCY AND AGRICULTURAL LANDS  
(AMENDMENT) ACT, 1960.**

(Mah. XXVIII of 1960.)

*An Act further to amend the Hyderabad tenancy and Agricultural Lands  
Act, 1950.*

WHEREAS it is expedient further to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950, for the purposes hereinafter appearing ; It is hereby enacted in the Eleventh Year of the Republic of India as follows :—

Hyd.  
Act  
XXI  
of  
1950.

**Short title.** 1. This Act may be called the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1960.

**Amendment of section 2 of Hyd. Act XXI of 1950.** 2. In section 2 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as "the principal Act"), in sub-section (1), for clause (w) the following shall be substituted, namely :—

Hyd.  
Act  
XXI  
of  
1950.

“(w) ‘Tribunal’ means an Agricultural Lands Tribunal constituted under section 87 ;”

**Amendment of section 4 of Hyd. Act XXI of 1950.** 3. To section 4 of the principal Act, the following sub-section shall be added, namely :—

“(3) Where different classes of land are held in the same local area, or any class or classes of land are held in different local areas, the manner of calculating the family holding in such case shall be as prescribed by rules.”

**Insertion of new section 4-A in Hyd. Act XXI of 1950.** 4. In Chapter III of the principal Act, under the sub-heading “General Provisions”, before section 5, the following new section shall be inserted, namely :—

“4A. The provisions of Chapter V of the Transfer of Property Act, 1882, shall, in so far as they are not inconsistent with the provisions of this Act, apply to tenancies and leases of land to which this Act applies.”

IV of  
1882.

**Amendment of section 5 of Hyd. Act XXI of 1950.** 5. In section 5 of the principal Act, the following shall be added at the end, namely :—

“Provided also that, any person who, on the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1957, was cultivating personally any land belonging to another and is in possession thereof on the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Ordinance, 1960 (that is, on 18th day of October 1960) shall, notwithstanding that such person did not hold a lease in conformity with the provisions of section 6, 7, 8 or 9 as those sections stood immediately before the said date, be deemed to be a tenant for the purposes of this section.”

Bom.  
XXX  
II of  
1958.  
Mah.  
Ord.  
IV of  
1960.

**Amendment of section 19-A of Hyd. Act XXI of 1950.** 6. In section 19A of the principal Act, in sub-section (1), the words “for that local area” shall be, and shall be deemed always to have been deleted.

7. In section 28 of the principal Act, in sub-section (1), to the proviso, the following shall be added at the end, namely :—

“ and the land holder has given intimation to the tenant of the default within a period of six months of each default. ”

Amendment of section 28 of Hyd. Act XXI of 1950.

8. In the principal Act,—

(a) in sections 37A, 38 (sub-section (7)), 38A (second proviso), 38B (second proviso), 38E (sub-section (1), first proviso), 41 (sub-section (4)), 48 and 53F (sub-section (1), proviso), the words “ for the local area concerned ”, and

Amendment of sections 37-A, 38, 38-A, 38-B, 38-E, 44, 48, 53C and 53F of Hyd. Act XXI of 1950.

(b) in sections 38A (third proviso), 38B (first proviso), and 53C [sub-section (1A), Explanation I, and sub-section (2)], the words “ in the local area concerned, ”,

shall be, and shall be deemed always to have been deleted.

9. (a) Section 38H of the principal Act shall be renumbered as sub-section (1) of that section, and in sub-section (1) as so renumbered, after the words “ created in any area ” the words and brackets “ by a landholder (not being a person serving in the Naval, Military or Air Forces in India), ” shall be inserted ;

Amendment of section 38H of Hyd. Act XXI of 1950.

(b) after sub-section (1) so renumbered, the following new sub-section shall be added, namely :—

“ (2) In the case of a tenancy created after the date referred to in sub-section (1) by a person serving in the Naval, Military or Air Forces in India, it shall be lawful for such person to terminate the tenancy in the manner and to the extent specified in section 44 ; and notwithstanding anything contained in any agreement or usage to the contrary his tenant who cultivates personally shall be entitled within one year of the expiry of the period aforesaid to purchase the land or such part thereof, as will raise the tenant's holding to the extent permissible under section 38 ; and the provisions of sections 44 and 38 shall, in so far as they may be applicable, apply to such termination and purchase. ”

10. In section 44 of the principal Act, after sub-section (6), the following new sub-section shall be inserted, namely :—

Amendment of section 44 of Hyd. Act XXI of 1950.

“ (6A) The provisions of sub-section (5) and of sub-section (6) shall not apply to a landholder who, on ceasing to serve in the Naval, Military or, as the case may be, Air Forces in India, applies for possession of land as provided in sub-section (3). ”

11. After section 50C of the principal Act, the following Chapter shall be inserted, namely :—

Insertion of new Chapter V-A in Hyd. Act XXI of 1950.

#### “ CHAPTER V-A.

##### CONSTRUCTION OF WATER-COURSE THROUGH LAND OF ANOTHER.

50D. (1) If any person desires to construct a water-course to take water for the purpose of agriculture from a source of water to which he is entitled, but such water-course is to be constructed through land which belongs to, or is in possession of, another person (hereinafter in this Chapter called the “ neighbouring holder ”), and if no agreement is arrived at for such construction between the person and the neighbouring holder, the person desiring to construct the water-course may make an application in the prescribed form to the Tahsildar.

Construction of water-course through land belonging to other person.

*Explanation.*—For the purposes of this Chapter, the neighbouring holder shall include the person to whom the land belongs and all persons holding through or under him.

(2) On receipt of the application, if after making an inquiry and after giving to the neighbouring holder and all other persons interested in the land an opportunity of stating any objection to the application, the Tahsildar is satisfied that for ensuring the full and efficient use for agriculture of the land belonging to the applicant it is necessary to construct the water-course, he may by order in writing direct the neighbouring holder to permit the applicant to construct the water-course on the following conditions, that is to say,—

(i) the water-course shall be constructed through such land in such direction and manner as is agreed upon by the parties, or failing agreement as directed by the Tahsildar so as to cause as little damage to the land through which it is constructed as may be possible;

(ii) where the water-course consists of pipes, the pipes shall be laid at a depth not less than one foot and a half from the surface of the land;

(iii) where the water-course consists of a water channel, the channel shall not exceed five feet in breadth;

(iv) the applicant shall pay to the neighbouring holder—

(a) such compensation for any damage caused to such land by reason of the construction of the water-course injuriously affecting such land;

(b) such annual rent as the Tahsildar may decide to be reasonable;

(v) the applicant shall maintain the water-course in a fit state of repair;

(vi) the applicant shall within the prescribed period execute an agreement in the prescribed form in favour of the neighbouring holder;

(vii) such other conditions as the Tahsildar may think fit to impose.

(3) An order made under sub-section (2) shall direct how the amount of compensation shall be apportioned among a neighbouring holder and all persons interested in the land.

(4) Any order made under sub-section (2) shall, after the applicant executes an agreement as required by clause (vi) of sub-section (2), be a complete authority to him, or to any agent or other person employed by him for the purpose, to enter upon the land specified in the order with assistants or workmen and to do all such work as may be necessary for the construction of the water-course, and for renewing or repairing the same.

Failure to pay rent and to keep water-course in good repair.

50E. If the person in whose favour an order under sub-section (2) of section 50D is made—

(a) fails to pay the amount of compensation or the amount of the rent, it shall be recovered as an arrear of land revenue on an application being made to the Tahsildar by the person entitled thereto;

(b) fails to maintain the water-course in a fit state of repair, he shall be liable to pay such compensation as may be determined by the Tahsildar for any damage caused on account of such failure.

Removal or discontinuance of water-course

50F. (1) If a person intends to remove or discontinue the water-course constructed under authority conferred on him under section 50D, he may do so after giving notice to the Tahsildar and the neighbouring holder.

300

(2) In the event of removal or discontinuance of such water-course the person taking the water shall fill in and reinstate the land at his own cost with the least practicable delay. If he fails to do so, the neighbouring holder may apply to the Tahsildar, who shall require such person to fill in and reinstate the land.

50G. The neighbouring holder, or any person on his behalf, shall have the right to the use of any surplus water from the water-course on payment of such rates as may be agreed upon between the parties, and on failure of agreement, as may be determined by the Tahsildar. If a dispute arises whether there is or is no surplus water in the water-course, it shall be determined by the Tahsildar, and his decision shall be final. Neighbouring holder entitled to use surplus water on payment of rate.

12. Section 87-A of the principal Act shall be deleted.

Deletion of section 87-A of Hyd. Act XXI of 1950.

13. In section 90-B of the principal Act, in sub-section (1), for the words "Chief Controlling Authority" the word "Commissioner" shall be substituted.

Amendment of section 90-B of Hyd Act XXI of 1950.

14. In section 96 of the principal Act, in sub-section (1),—

Amendment of section 96 of Hyd. Act XXI of 1950.

(a) after the word "sub-sections" the words "or of any order made thereunder" shall be inserted;

(b) in the *Explanation*,—

(i) after the word "sub-sections", wherever it occurs, the words "or of orders" shall be inserted;

(ii) for the words "the numbers of which are given" the words "the reference to which is made" shall be substituted;

(c) in the Table,—

(i) in the heading, after the words "Fine which may be imposed" the words "in rupees" shall be added;

(ii) after the entries relating to section 32, the following shall, respectively, be inserted, namely:—

"An order made under sub-section (2) of section 50-D	Failure of a neighbouring holder to comply with an order made under sub-section (2) of section 50-D.	100
--	--	-----

An order made under sub-section (2) of section 50-F	Failure of the person taking water to comply with an order made under sub-section (2) of section 50-F.	100"
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15. In section 97 of the principal Act,

(b) after sub-section (3), the following sub-sections shall be added, namely:—

Amendment of section 97 of Hyd. Act XXI of 1950.

"(4) Rules made under this section shall be subject to the condition of previous publication.



*Hyderabad Tenancy and Agricultural Lands [1961 : Mah. XLV  
(Re-enactment, Validation and Further  
Amendment) Act, 1961*

(5) All rules made under this section shall be laid before each House of the State Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following, and publish in the *Official Gazette*."

Amendment  
of section  
96-A of Hyd.  
Act XXI  
of 1950.

16. In section 98-A of the principal Act, in sub-section (1),—

(a) after the words "in contravention of any of the provisions of" the words, figures and letter "section 38-D or of" shall be and shall be deemed to have been inserted on the 8th day of June 1958;

(b) in clause (a), for the portion beginning with the words "to the State Government a penalty" and ending with the words "in any other case" the words "to the State Government a penalty of five rupees" shall be and shall be deemed to have been substituted on the 8th day of June 1958;

(c) after clause (b), the following shall be and shall be deemed to have been inserted on the 8th day of June 1958, namely:—

"Provided that, if any such alienation or transfer has been made in favour of a tenant in actual possession, the penalty shall be one rupee only:

Provided further that, if any permanent alienation or transfer is made in favour of any person other than the tenant who was in actual possession and such alienation or transfer is made either after the unlawful eviction of such tenant, or the alienation or transfer results in the eviction of such tenant, then the alienation or transfer shall not be validated as aforesaid; but if the tenant so evicted has failed to apply for restoration to possession of the land under section 32 within the period therein provided, the alienation or transfer may be validated as aforesaid."

Amendment  
of section 99  
of Hyd. Act  
XXI of 1950

17. In section 99 of the principal Act, for the words "Board of Revenue" at both the places where they occur, the word "Commissioner" shall be substituted.

Amendment  
of section  
100 of  
Hyd. Act  
XXI of 1950

18. In section 100 of the principal Act, for the words "Board of Revenue" the words "the Commissioner" shall be substituted.

Repeal of  
Mah. Ord.  
IV of 1960.

19. The Hyderabad Tenancy and Agricultural Lands (Amendment) Ordinance 1960, is hereby repealed; and the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if the Ordinance were an enactment.

Mah.  
Ord.  
IV of  
1960.  
Bom.  
I of  
1904.

**THE HYDERABAD TENANCY AND AGRICULTURAL LANDS  
(AMENDMENT) ACT, 1965**

—————  
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MAHARASHTRA ACT No. XLV OF 1965.<sup>1</sup>[THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (AMENDMENT)  
ACT, 1965.]

[28th October 1965]

Amended by Mah. 11 of 1976 (14-4-1976)\*

An Act further to amend the Hyderabad Tenancy and Agricultural  
Lands Act, 1950.

Hyd. Act XXI of 1950. WHEREAS it is expedient further to amend the Hyderabad Tenancy and Agricultural Lands Act, 1950; It is hereby enacted in the Sixteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1965.

Short title and commencement.

(2) It shall come into force on such <sup>2</sup>date as the State Government may, by notification in the *Official Gazette*, appoint.

Hyd. Act XXI of 1950. 2. In section 38 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as "the principal Act"), in sub-section (7), in clause (b),—

Amendment of section 38 of Hyd. Act XXI of 1950.

(i) in the first proviso, the words "at the prevailing market value in the local area" shall be deleted;

(ii) the second proviso shall be deleted.

3. Section 38D of the principal Act shall be deleted.

Deletion of section 38D of Hyd. Act XXI of 1950.

4. For sections 47 to 50 (both inclusive) of the principal Act, the following sections shall be substituted, namely:—

Substitution of sections 47 to 50 of Hyd. Act XXI of 1950.

"47. (1) Save as provided in this Act,—

(a) no permanent alienation (including sale in execution of a decree of a civil court, or for recovery of arrears of land revenue, or for sums recoverable as arrears of land revenue) or lease of any land or interest therein (not being a permanent alienation or lease of a dwelling house or the site thereof or of any land appertaining to it, in favour of an agricultural labourer or an artisan), or

Transfer to non-agriculturists barred.

(b) no mortgage of any land or interest therein in which the possession of the mortgaged property is delivered to the mortgagee (not being a mortgage of any land or interest therein effected in favour of a co-operative bank as security for any loan advanced by such bank or any transfer declared to be a mortgage by a court under section 24 of the Hyderabad Agricultural Debtors' Relief Act, 1956),

Hyd. Act XVI of 1956.

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1965, Part V, Extra., Pages 350-351.

<sup>2</sup> 1st December 1965, vide G.N., R. & F.D., No. TNC. 5763/54449-M-(Spl.), dated 29th November 1965.

\* This indicates the date of commencement of Act.

shall be valid in favour of a person who is not an agriculturist or an agricultural labourer or who being an agriculturist or an agricultural labourer, will, after such permanent alienation or lease or mortgage aforesaid, hold land as landholder or tenant or partly as landholder and partly as tenant exceeding two-thirds of the ceiling area determined under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961:

Mah.  
XX-  
VII  
of  
1961

Provided that, the Collector or any officer authorised by the State Government in this behalf may grant permission for such permanent alienation, lease or mortgage in such circumstances and subject to such conditions as may be prescribed.

*Explanation.*—For the purpose of this sub-section, the expression “ agriculturist ” includes any person who as a result of the acquisition of his land for a public purpose has been rendered landless for a period not exceeding ten years from the date of such acquisition.

(2) Where any condition subject to which permission for any permanent alienation or lease or mortgage is granted is contravened, then the land in respect of which such permission was granted shall be liable to be forfeited in accordance with the provisions of section 98C-2.

(3) Where permission is granted to any permanent alienation or lease or mortgage of land under sub-section (1), any subsequent permanent alienation, lease or mortgage of such land shall also be subject to the provisions of sub-section (1).

(4) Nothing in section 50C shall apply to any sale made under sub-section (1).

Sale of  
agricultural  
land to  
particular  
person.

48. (1) Where a landholder intends to sell any land leased to a tenant, he shall apply to the Tribunal for determining the reasonable price thereof. The Tribunal shall thereupon determine the reasonable price of the land in accordance with the provisions of section 50C: The Tribunal shall also direct that the price shall be payable either in a lump sum, or in annual instalments not exceeding six carrying simple interest at three per cent. per annum.

(2) After the Tribunal has determined the reasonable price, the landholder shall simultaneously in the prescribed manner, make an offer to sell such land—

(a) in the case of agricultural land—

(i) to the tenant in actual possession thereof, such land being a fragment, notwithstanding, and

(ii) to all persons or bodies mentioned in the priority list,

(b) in the case of a dwelling house, or a site of a dwelling house or land appurtenant to such house when such dwelling house, site or land is not used or is not necessary to carry on agricultural operations in the adjoining lands—

(i) to the tenant thereof;

(ii) to the person residing in the village who is not in possession of any dwelling house:

Provided that, if there be more than one such person, the offer shall be made to such person or persons and in such order of priority as the Collector may determine in this behalf, regard being had to the needs of the following persons, that is to say—

- (i) an agricultural labourer,
- (ii) an artisan,
- (iii) any other person in the village.

(3) The persons to whom such offers are made shall intimate to the landholder within one month from the date of receipt of the offer, whether they are willing to purchase the land referred to in sub-section (2) at the price determined by the Tribunal.

(4) (a) If only one person intimates to the landholder his willingness to accept the offer, the landholder shall call upon such person, and

(b) if more persons than one so intimate, the landholder shall call upon the person having the highest priority in the order of priority provided by sub-section (2), by notice in writing in the prescribed form, to pay him the amount of reasonable price determined by the Tribunal or to deposit the same with the Tribunal within one month or such further period as the landholder may consider reasonable from the date of receipt of the notice by such person.

(5) If the person to whom a notice is given fails to pay such price to the landholder or to deposit the same with the Tribunal within the period provided by that sub-section, such person shall be deemed to be not willing to purchase the land, and the landholder shall then call upon in the manner provided in sub-section (4) the person who stands next highest in the order of priority, and who has intimated his willingness to the landholder to purchase the land.

(6) If any dispute arises under this section regarding—

- (a) the offer made by the landholder under sub-section (2), or
  - (b) the notice given by the landholder under sub-section (4) or (5), or
  - (c) the payment or deposit of the reasonable price, or
  - (d) the execution of the sale deed,
- such dispute shall be decided by the Tribunal.

(7) Any sale made in contravention of this section shall, subject to the provisions of section 49, be invalid.

(8) If a tenant refuses or fails to purchase the land or a dwelling house offered to him under this section, and the land or the dwelling house, as the case may be, is sold to any other person under this section, the landholder shall be entitled to evict such tenant and put the purchaser in possession.

*Explanation.*—For the purposes of this section, the priority list shall be as follows, namely:—

- (i) a co-operative farming society, the members of which are agricultural labourers, landless persons or a combination of such persons;
- (ii) agricultural labourers;
- (iii) landless persons;

(iv) a co-operative farming society of agriculturists who hold either as landholder or tenant or partly as landholder and partly as tenant, landless in area than one family holding and who are artisans;

(v) an agriculturist who holds either as landholder or tenant or partly as landholder and partly as tenant, land less in area than one family holding and who is an artisan;

(vi) any other co-operative farming society;

(vii) any agriculturist who holds either as landholder or tenant or partly as landholder and partly as tenant land larger in area than one family holding but less in area than two-thirds of the ceiling area as determined under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961;

(viii) any person, not being an agriculturist, who intends to take to the profession of agriculture."

Mah.  
XX-  
VII  
of  
1961.

49. Nothing in sections 47 and 48 shall apply to sales effected by or in favour of a co-operative bank registered under the Maharashtra Co-operative Societies Act, 1960."

Mah.  
XXIV  
of  
1961.

5. In section 50A of the principal Act,—

(a) in clause (i), the words, figures and letter "except section 38D" shall be deleted;

(b) clause (ii) shall be deleted.

6. In section 50B of the principal Act, in sub-section (1), the figures and letter "38D," shall be deleted and for the word, figures and letter "<sup>1</sup>[or 46D]" the figures, letter and word, "<sup>2</sup>[46D or 48]" shall be substituted.

7. In section 50C of the principal Act, sub-section (3) shall be deleted.

8. In section 51 of the principal Act, after the words "for any other cause whatsoever," the words "not beyond his control or that the full and efficient use of the land has not been made for the purpose of agriculture," shall be inserted.

9. Section 53B of the principal Act shall be deleted.

<sup>1</sup> This word, figures and letter were substituted for the word, figures and letter "or 38H" by Mah. 11 of 1976, s. 3, Second Schedule.

<sup>2</sup> These figures, letter and word were substituted for the figures, letter and word "38H or 48", *ibid.*

Exemption  
to sales by  
or in favour  
of co-opera-  
tive banks.

Amendment  
of section  
50A of Hyd.  
Act XXI of  
1950.

Amendment  
of section  
50B of Hyd.  
Act XXI of  
1950.

Amendment  
of section  
50C of Hyd.  
Act XXI of  
1950.

Amendment  
of section  
51 of Hyd.  
Act XXI of  
1950.

Deletion of  
section 53B  
of Hyd. Act  
XXI of 1950.

10. In section 87 of the principal Act, to sub-section (1), the following shall be added, namely:—
- “ Provided that, it shall be lawful for the State Government, by notification in the *Official Gazette*, from time to time to alter the local limits of the jurisdiction of the Tribunal or to abolish the Tribunal so constituted or reconstitute the Tribunal for such area as may be specified in the notification; and in any such case, to arrange for transfer of proceedings pending before any Tribunal on the date of such alteration or reconstitution. ”.

Amendment of section 87 of Hyd. Act XXI of 1950.

11. After section 89.B of the principal Act, the following new section shall be inserted, namely:—

Insertion of new section 89 C in Hyd. Act XXI of 1950.

“ 89 C (1) If in the course of a proceeding under section 38, 38A, 38B, 38E, 38F, 38G or 38H in respect of any tenant, the Tribunal finds that such tenant holds as a tenant other land outside its jurisdiction, then the Tribunal shall refer the case in the prescribed manner to the Collector if the other land is in the same district, and to the Commissioner, if the other land is in another district and to the State Government if the other land is in another division.

Designated Tribunal to conduct proceedings in respect of land held by the same tenant in different areas.

(2) On receipt of the reference, the Collector or the Commissioner or as the case may be, the State Government shall,—

(a) call for the details of the land in the prescribed form from the Tribunal within whose jurisdiction the land is situate ;

(b) after taking into consideration the extent of land held by the tenant situate within the jurisdiction of different Tribunals, direct that the proceedings under section 38, 38A, 38B, 38E, 38F, 38G or 38H in respect of all the lands held by the tenant as tenant shall be conducted and disposed of by the Tribunal designated for the purpose, and transfer the case accordingly ; and

(c) give intimation of the transfer to the Tribunal, the landholders and the tenant concerned.

(3) The Tribunal designated under sub-section (2) shall exercise jurisdiction under this Act in respect of all the said lands :

Provided that, any order to be issued to the village officers under section 94 shall be issued by or through the Tahsildar to whom such officers are subordinate. ”.

12. In section 95 of the principal Act, the following shall be added, namely :—

Amendment of section 95 of Hyd. Act XXI of 1950.

“ Provided that, the State Government may by order published in the *Official Gazette* remit whether prospectively or retrospectively, in the whole or any part of the State, the court-fee so payable on any application or appeal made by any person or class of persons. ”.

13. In section 98A of the principal Act, in sub-section (4), after the word, figures and letter “ section 38E ” the words, figures and letter “ or section 38F ” shall be added and shall be deemed to have been added and to have come into force on the 8th day of June 1958.

Amendment of section 98 A of Hyd. Act XXI of 1950.

Insertion of  
new sections  
98 C-1  
and 98C-2 in  
Hyd. Act  
XXI of  
1950.

14. After section 98C of the principal Act, the following new sections shall be inserted, namely :—

Certain  
alienations,  
transfers,  
etc., of land  
made before  
9th July  
1965 not  
to be invalid.

“98C-1. (1) Notwithstanding anything contained in section 98A, 98B or 98C, a permanent alienation, transfer or acquisition of any land in contravention of section 38D or any of the provisions of Chapter V as they stood immediately before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1965 made before the 9th day of July 1965 and which has not already been validated under section 98A, 98B or 98C before such date, shall not be deemed or declared to be invalid merely on the ground that such permanent alienation, transfer or acquisition was made in contravention of the said section 38D or Chapter V if the purported alienee is in possession of the land and he pays to the State Government a penalty equal to 1 per cent. of the consideration or Rs. 100 whichever is less. Mah. XLV of 1965.

(2) Nothing in sub-section (1) shall apply to a permanent alienation or transfer made by a landholder in favour of a person other than a tenant in actual possession where such permanent alienation or transfer is made either after unlawful eviction of such tenant or results in the eviction of the tenant in actual possession, unless such tenant has failed to apply for possession of the land under sub-section (1) of section 32 within the period referred to in that section.

(3) The validation of any permanent alienation or transfer of any land under this section shall not affect the right accrued to any person under section 37A, 38E, 38F or 38G.

Disposal of  
land,  
permanent  
alienation,  
lease or  
mortgage of  
which is  
invalid for  
breach of  
conditions.

98C-2(1) Where the Collector *suo motu*, or on an application made to him in this behalf has reason to believe, that there has been a breach of any of the conditions subject to which permission for permanent alienation or lease or mortgage was granted under section 47, he shall issue a notice and hold an inquiry, and after giving an opportunity of being heard to the person in whose favour any such transfer was made, decide whether there has been any breach of condition of such transfer and on his holding in the affirmative, make an order declaring any such transfer to be invalid, unless he holds that the breach was occasioned for reasons beyond the control of such person.

(2) On making an order under sub-section (1), the land shall stand forfeited and transferred to, and shall vest without further assurance, in the State Government.

(3) The land vesting in the State Government under sub-section (2) shall be disposed of by the Collector to persons or bodies in the order given in section 48 or in such other manner as the State Government may, by general or special order, direct; and the encumbrances lawfully subsisting thereon on the date of the vesting shall be determined in the manner provided in section 38A-1 and be paid out of the occupancy price in the manner provided in sub-section (4).

(4) (a) If the total amount of encumbrances lawfully subsisting on the land on the date of vesting referred to in sub-section (3) is less than the purchase price of the land—

(i) where the purchase price is paid in lump sum, it shall be deducted from the purchase price and balance paid to the landholder,



(ii) where the purchase price is made payable in instalments, the Tribunal shall deduct such amount from such instalments towards the payment of the encumbrances :

Provided that, where under any agreement, award, decree or order of a court or any law, the amount of the encumbrances is recoverable in instalments, the Tribunal shall deduct such amount as it deems reasonable from the instalments so payable.

(b) If the total amount of such encumbrances is more than the amount of the purchase price, the purchase price in lump sum or the instalments, as the case may be, shall be distributed in the order of priority. If any person has a right to receive maintenance or alimony from the profits of the land, the Tribunal shall also make deductions for payments out of the purchase price.

(5) Nothing in this section shall affect the rights of the holder of any such encumbrances to proceed to enforce against the landholder his right in any other manner or any other law for the time being in force."

15. The amendments made to the principal Act by section 10 shall be deemed to have been made and to have come into force on the 26th day of January 1956 ; and notwithstanding any judgment, decree or order of any Court or Tribunal, anything done or any action taken in the exercise or purported exercise of any powers or duties conferred or imposed under section 87 of the principal Act (including the abolition and reconstitution of Tribunal effected, or the alteration of local limits of jurisdiction of Tribunals and any transfer of proceedings made) shall be deemed to have been validly and effectually done or taken under section 87 of the principal Act as amended by this Act, and accordingly, no suit or legal proceedings shall be entertained or continued in any Court or Tribunal on the ground only that the provisions of the said section as amended by this Act were not in force on the date when such thing was done or action taken. Validation of things done and action taken.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ५, अंक ५५]

शुक्रवार, फेब्रुवारी ७, २०१४/माघ १८, शके १९३५

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Act, 2012 (Mah. Act No. I of 2014), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,  
Principal Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. I OF 2014.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette" on the 7th February 2014).

An Act

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.

Bom. LXVII  
of 1948.  
Hyd. XXI of  
1950.  
Bom. XCIX  
of 1958.

WHEREAS it is expedient further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

(१)

## CHAPTER I

## PRELIMINARY.

Short title. 1. This Act may be called the Bombay Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Act, 2012.

## CHAPTER II

AMENDMENT TO THE BOMBAY TENANCY AND AGRICULTURAL  
LANDS ACT, 1948.

Amendment of section 43 of Bom. LXVII of 1948. 2. In section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, in sub-section (1), after the existing proviso, the following proviso shall be added, namely :—

“ Provided further that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government ;

(b) the purchaser shall be an agriculturist ;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and Mah. XXVII of 1961.

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated. ” Bom. LXII of 1947.

## CHAPTER III

AMENDMENT TO THE HYDERABAD TENANCY AND  
AGRICULTURAL LANDS ACT, 1950.

Amendment of section 50B of Hyd. XXI of 1950. 3. In section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950, to sub-section (1), the following proviso shall be added, namely :—

“ Provided that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government ;

(b) the purchaser shall be an agriculturist ;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and Mah. XXVII of 1961.

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated. ” Bom. LXII of 1947.

CHAPTER IV

AMENDMENT TO THE BOMBAY TENANCY AND AGRICULTURAL LANDS  
(VIDARBHA REGION) ACT, 1958.

Bom. 4. In section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Amendment of  
XCIX of Act, 1958, to sub-section (1), the following proviso shall be added, namely :— section 57 of  
1958. Bom. XCIX of  
1958.

“ Provided that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government ;

(b) the purchaser shall be an agriculturist ;

Mah.  
XXVII  
of 1961.

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and

Bom.  
LXII  
of  
1947.

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated. ”.