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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in Telangana Legislative Assembly on 7th November, 2017.

L.A. BILL No. 12 of 2017

**A BILL FURTHER TO AMEND THE TELANGANA
RIGHTS IN LAND AND PATTADAR PASS
BOOKS ACT, 1971.**

Be it enacted by the Legislature of the State of Telangana in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Telangana Rights in Land and Pattadar Pass Books (Amendment) Act, 2017;

(2) (i) Sections 2, 3, 5, 6, 7, 8, 9, 10 and 11 shall be deemed to have come into force with effect from 17-06-2017;

Short title,
and extent.

(ii) Section 4 shall come into force on such date as the Government may, by notification, in the Telangana Gazette appoint;

Amendment
of section 4.
Act No. 26
of 1971.

2. In the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (hereinafter referred to as the principal Act), in section 4,-

(1) for sub-section (1) including the proviso thereunder, the following sub-section shall be substituted, namely,-

“(1) Any person acquiring by succession, survivorship, inheritance, partition, Government patta, decree of a Court or otherwise any right as, owner, pattadar of a land and any person acquiring any right as occupant of a land by any other method shall intimate in writing his acquisition of such right, to the Tahsildar within thirty days from the date of such acquisition. The Village Revenue Officer on noting the acquisition of rights in his jurisdiction shall intimate the Tahsildar within one (1) day as prescribed. The Tahsildar shall give or send a written acknowledgment of the receipt of such intimation to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other persons having charge of his property shall intimate the fact of such acquisition to the Tahsildar.”.

(2) in sub-section (2),-

(i) after the words “the Tahsildar of the Mandal”, the words “manually or electronically” shall be inserted;

(ii) at the end of the sub-section, the words “as prescribed” shall be added.

Amendment
of section 5.

3. In the principal Act, in section 5, for sub-section (6), the following sub-section shall be substituted, namely,-

“(6) The Tahsildar shall have the power to correct clerical errors, if any, on the request of the Pattadar or any person interested in the land in the Pass Books as prescribed”.

Amend-
ment of
section 5-A.

4. In the principal Act, in section 5-A, after sub-section (5), the following sub-section shall be added, namely,-

“(6) Subject to the provisions of sub-section (2) of section 5-A, the Tahsildar can regularize claims of those applicants who apply not later than 31.12.2017 and have been in possession and do not have sada bainame (un registered) document, based on enjoyment survey, local enquiry, approval of Gramsabha and it shall be limited upto Ac.5.00 gts”.

5. In the principal Act, in section 6, for the words “pattadar pass book.”, the words “electronically maintained pattadar pass book.” shall be substituted.

Amendment of section 6.

6. In the principal Act, in section 6-A,-

Amendment of section 6-A,.

(1) in sub-section (1),-

(i) the words “mortgagee or tenant” shall be omitted;

(ii) in second proviso, after the word “suo-motu”, the words “or mandatorily mutate and complete the process within a period of fifteen days” shall be inserted.

(2) In sub-section (4), for the words “pattadars, mortgagees or tenants”, the word “pattadars” shall be substituted.

7. In the principal Act, in section 6-C, after sub-section (3), the following sub-section shall be added, namely,-

Amendment of section 6-C,.

“(4) Notwithstanding anything contained in the section 6-C, Credit Agency shall grant loan on the basis of ROR 1-B maintained electronically without insisting on Pattadar Pass Book cum Title deed”.

8. In the principal Act, in section 6-D, in sub-section (1), after the words “such registering authority”, the words “to verify the Webland data maintained electronically and” shall be inserted.

Amendment of section 6-D,.

9. In the principal Act, after section 6-D, the following section shall be added, namely,-

Insertion of section 6-E,.

“Effect on earlier transactions.

6-E. Subject to section 12-A and until the date of enforcement of this amendment Act of 2017, the transactions or other acquisitions in land that the

land owners had shall be governed by the provisions of unamended Act.”

Insertion
of section
12-A,.

10. In the principal Act, after section 12, the following section shall be inserted, namely,-

“ Protection to the
State and Central
Government lands.

12-A, (1) Notwithstanding any judgment, decree, order, proceeding of court or any other authority, save the authority prescribed under the Hyderabad (Abolition of Jagirs) Regulation, 1358F., and rules thereof, all the Jagir lands including Paigah, Samsthans part of Jagir, Maktha, Village Agrahar, Umla and Mukasa, etc., within the meaning of Hyderabad (Abolition of Jagirs) Regulation, 1358F., which stood vested in the State under the said Act, the title and ownership of such Jagir lands never transferred or never deemed to have been transferred to any person.

(2) The Jagir lands defined under the Hyderabad (Abolition of Jagirs) Regulation, 1358F., shall be recorded and maintained as Government lands in the revenue records.

(3) The provisions of sub-section (1) & (2) will have no application to such Jagir lands which are settled, transferred, assigned, allotted, otherwise alienated by the State.

Repeal of
Ordinance
1 of 2017.

11. The Telangana Rights in Land and Pattadar Pass Books (Amendment) Ordinance, 2017 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Rulers of the erstwhile Hyderabad State made grants in the nature of Jagir, Samsthan, Maktha, Paigah, Inam etc. The law relating to Crown Grants made in former Hyderabad State is well settled by Courts. Every Grant made by the Ruler was only for the life time of the grantee and it is neither heritable nor alienable. On the death of the Grantee, the Grant reverts to the Crown and it was in the sole discretion of the Crown to re-grant.

After the accession of the Hyderabad State into the Union of India, the Hyderabad State abolished all the jagirs and Inams under the Hyderabad (Abolition of Jagirs) Regulations 1358F. and commutation amounts were paid to the grantees under the Hyderabad Jagir (Commutation) Regulation, 1359F. The said Regulations were inserted in the Ninth Schedule under article 31B of the Constitution of India. The validity of the abolition of Jagirs was upheld by the Constitution Bench of the Hon'ble Supreme Court of India in Sarwalal Vs. State of Andhra Pradesh in Civil Appeal No. 392/1956 & 686/1957 reported in [1960 (3) SCR, 311]. By virtue of abolition of Jagirs, all the Jagir, Samsthan, Maktha, Inam lands stood vested in the State.

The enquiry relating to Atiya (i.e. Grants) are governed by the Andhra Pradesh (Telangana Area) Atiyat Enquiries Act, 1952. As per the provisions of the said Act, the orders of the Atiyat Court are final and conclusive.

Further, to enjoy ownership rights over their agriculture land and equitable benefits from the Government to the farmers from time to time, there is dire necessity to regularize the claims of those applicants who apply not later than 31-12-2017 and who have been in possession and do not have sada bainama (Unregistered) document, based on enjoyment survey, local enquiry, approval of Gramsabha and it shall be limited upto Ac. 5.00 gts., by amending section 5-A of the Telangana Rights in Land and Pattadar Pass Books Act, 1971.

As per section 12 of the said Act, the provisions of the Act have no application to the lands belonging to the State Government or Central Government. Notwithstanding the vesting of the land in the State by virtue of the Hyderabad (Abolition of Jagirs) Regulation, 1358 F., claims have been made for mutation of such lands by amending Record of Rights.

At present the land owners were insisted for production of Pattadar Pass Books and Title deeds for transactions related to land and also to secure loans by any Credit agency under section 6-B and section 6-C of Telangana Rights in Land and Pattadar Pass Books Act, 1971. Several instances came to the notice of the Government that the farmers are experiencing difficulties in obtaining agricultural loans from the lending agency by producing the Pass Book and Title deed physically. Since all the land related data is computerized and maintained in Maabhoomi Portal, Government have decided to bring certain amendments to the Telangana State Record of Rights in land and Pattadar Passbooks Act, 1971 with the following objectives:-

(i) maintenance of the Record of Rights in electronic form in the Telangana Land Records Management System (TLRMS) and to validate the electronically maintained revenue records in centralized storage devices and being executed through portals such as TLRMS and MeeSeva etc.

(ii) combining title Deed and Pass Book as Title Deed cum Pass Book, to enable the land holders/owners to obtain electronic Pattadar Passbook cum Title deed.

(iii) reducing the need to produce the Pass Books by the user agency.

(iv) to ensure the bankers / credit agency to grant loans based on the revenue records maintained electronically in centralized storage device through Data Base such as Telangana Land Records Management System (TLRMS) etc. without insisting physical production of any type of Revenue records from the farmers.

(v) reduction of time for acquisition of rights from 90 days to 15 days in the Act and making necessary amendments in the rules accordingly.

(vi) to ensure Registration Officers to effect the registration of property on the basis of revenue records maintained electronically in TLRMS by Revenue Department records in centralized storage devices and being executed through portals such as TLRMS and MeeSeva etc.

(vii) these amendments will enable the goals of ease of doing business and greater transparency and accountability in the department.

(viii) to protect the lands belonging to the State Government or Central Government.

It has been considered necessary to strengthen certain provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, to realise the said objectives accordingly it has been decided to amend the relevant provisions of the Act by undertaking a legislation.

As the Legislature of the State was not then in session and it has become imperative for the Government to implement the said decision immediately, the Telangana Rights in Land and Pattadar Pass Books (Amendment) Ordinance, 2017 (Telangana Ordinance No. 1 of 2017) has been promulgated by the Governor on the 17th June, 2017 and the same has been published in the Telangana Gazette dated : 17th June, 2017.

This Bill seeks to replace the said Ordinance.

MOHAMMED MAHMOOD ALI,
Deputy Chief Minister & Minister for Revenue,
Relief, Rehabilitation, Urban Land Ceiling,
Stamps & Registrations.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (2) (ii) clause 1 of the Bill authorizes the Government to issue notification in respect of matters specified therein and generally to carry out the purposes of the Act. As such the notification issued, which is intended to cover matters mostly of procedural in nature is to be laid on the table of the both Houses of the State Legislature and will be subject to any modifications made by the Legislature.

The above provision of the Bill regarding delegated legislation is thus of normal type and mainly intended to cover matters of procedure.

MOHAMMED MAHMOOD ALI,
Deputy Chief Minister & Minister for Revenue,
Relief, Rehabilitation, Urban Land Ceiling,
Stamps & Registrations.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND CONDUCT OF BUSINESS IN THE
TELANGANA LEGISLATIVE ASSEMBLY.**

The Telangana Rights in Land and Pattadar Pass Books (Amendment) Bill, 2017, after it is passed by the Legislature of the State may be submitted to the Governor for his assent under Article 200 of the Constitution of India.

MOHAMMED MAHMOOD ALI,
Deputy Chief Minister & Minister for Revenue,
Relief, Rehabilitation, Urban Land Ceiling,
Stamps & Registrations.

Dr. V. NARASIMHA CHARYULU,
Secretary to State Legislature.