

ANDHRA PRADESH SCHEDULED AREAS RYOTWARI SETTLEMENT REGULATION, 1970

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ANDHRA PRADESH SCHEDULED AREAS RYOTWARI SETTLEMENT REGULATION, 1970

In exercise of the powers conferred by sub paragraph (2) of paragraph 5 of Fifth Schedule to the Constitution of India, the Governor of Andhra Pradesh, with the assent of the President hereby makes the following Regulation in the Twenty First year of the Republic of India, namely

1. Short title, application and commencement :-

(1) This Regulation may be called the Andhra Pradesh Scheduled Areas Ryotwari Settlement Regulation, 1970.

(2) It applies to all lands in the Scheduled Areas in the Andhra area in respect of which no settlement has been effected, other than those comprised within the Muttas and the Muttas governed by the Regulations providing for the abolition of Muttas and Mahals in certain Scheduled Areas of the State of Andhra Pradesh, and to the estates in the said Areas.

Explanation:- For the purposes of sub section (2), -

(a) the expression "estate" shall have the meaning assigned to it in Clause (2) of Section 3 of the Andhra (Andhra Area) Estates Land Act, 1908;

(b) no settlement shall be deemed to have been effected in respect of lands if the assessment fixed on such lands is not expressed at a rate per acre, notwithstanding that such lands are covered by settlement notifications.

(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different areas.

2. Definitions :-

In this Regulation, unless the context otherwise requires:-

(1) "Andhra area" means the territories of the State of Andhra Pradesh other than those specified in sub section (1) of Section 3 of the States Reorganisation Act, 1956;

(2) "Director" means the Director of Settlements, Survey and Land Records appointed as such by the Government;

(3) "Government" means the State Government;

(4) "Notification" means a notification published in the Andhra Pradesh Gazette;

(5) "Prescribed" means prescribed by rules made by the Government under this Regulation;

(6) "Settlement Officer" means the Settlement Officer appointed as such by the Government;

(7) "State" means the State of Andhra Pradesh;

3. Functions of the Director :-

As soon as may be after the making of this Regulation, the Government shall appoint the Director of Settlements to carry out the survey and settlement operations in the Scheduled Areas to which this Regulation applies and introduce ryotwari settlement therein. The Director shall be subordinate to the Board of Revenue.

4. Settlement Officer :-

(1) As soon as may be after the making of this Regulation, the

Government shall appoint one or more Settlement Officers to carry out the functions and duties assigned to them under this Regulation.

(2) The Settlement Officer shall be subordinate to the Director and shall be guided by such lawful introductions as may be issued from time to time, by the respective immediate superior authority or other higher authority.

(3) The Director shall have power either suo motu or on application to revise or cancel any of the orders, decisions or proceedings of the Settlement Officer:-

Provided that the Director shall not pass any order adversely affecting any party unless such party has had an opportunity of making a representation.

5. Power of control of the Board of Revenue :-

The Board of Revenue shall have power.

(a) to superintend the survey and settlement operations in the Scheduled Areas to which this Regulation applies;

(b) to issue lawful instructions for the guidance of the Director and the Settlement Officers; and

(c) to revise or cancel suo motu or on an application any of the orders, decisions or proceedings of any Settlement Officer or the Director:

Provided that the Board of Revenue shall not pass any order adversely affecting any party unless such party has had an opportunity of making a representation.

6. Survey of the Scheduled Areas to which this Regulation applies :-

(1) The lands in the Scheduled Areas to which this Regulation applies shall be surveyed under provisions of the Andhra Pradesh Survey and Boundaries Act, 1923, as if they were Government lands.

(2) So much of the cost of the Survey as is payable by the ryots or other persons who are members of the Scheduled Tribe under the provisions of Section 8 of that Act shall be borne by the Government.

7. Lands in which ryot is entitled to ryotwari patta :-

(1) Every ryot in the Scheduled Areas to which this Regulation applies shall be entitled to a ryotwari patta in respect of all cultivable lands which were proper which ought to have been properly included in his holding and which are not lands in respect of which any other person is entitled to a ryotwari patta under any other law for the time being in force in the State relating to grant of ryotwari patta:

Provided that in the case of lands in the estates which have been taken over under the Andhra (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 a person who would be entitled to a ryotwari patta under that Act shall be granted a patta, if the lands have been continuously in the occupation of that person from the notified date;

Provided further that in respect of lands other than those to which a person is entitled to a ryotwari patta under the first proviso, no ryot who is not a member of the Scheduled Tribes shall be entitled to ryotwari patta in respect of cultivable land unless -

(a) such a person had been in possession or in occupation of the land for a continuous period of not less than eight years immediately before the commencement of this Regulation;

(b) such possession or occupation shall not be void or illegal under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959, or any other law for the time being in force.

Explanation:- In this sub section, the expression "notified date" shall have the meaning assigned to it in Clause (10) of Section 2 of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948.

(2) No lessee of any land and no person to whom a right to collect the rent of any land has been leased before the coming into force of this Regulation including an ijaradar or a farmer of rent, shall be entitled to a ryotwari patta in respect of such land under this section.

8. Reservation of lands exceeding ten per cent gradient etc. :-

Notwithstanding anything in this Regulation, no ryotwari patta shall be granted in respect of

- (i) lands which exceed ten per cent gradient;
- (ii) beds and bounds of tanks;
- (iii) drainage or irrigation channels thrashing floors, cattle stands, village sites and other lands used for communal purposes; which shall vest in the Government free from all encumbrances.

9. Grant of patta :-

(1) The Settlement Officer shall inquire into the nature and history of all lands in respect of which ryotwari patta is claimed under Section 7 and decide in respect of which lands the claim should be allowed and the persons who are entitled to ryotwari patta:-

Provided that the claim for a ryotwari patta is not void under any other law applicable to the Scheduled Areas.

(2) The Settlement Officer may suo motu and shall on an application made by a person, after serving a notice in the prescribed manner on all the persons interested in the grant of ryotwari patta and after giving them an opportunity of making representation and after examining all the relevant records in this behalf, pass an order either granting the ryotwari patta to the ryot in respect of the lands concerned or refusing to grant such patta.

(3) An appeal shall lie to the Director against the decision of the Settlement Officer and to the Board of Revenue against the decision of the Director within sixty days from the date of communication of the order or decision appealed against and the decision of the Board of Revenue shall be final and shall not be questioned in any court of law.

10. Liability to pay assessment etc. to Government :-

Every ryot who becomes entitled to a ryotwari patta under this Regulation in respect of any land shall, with effect on and from the date on which the settlement rates of assessment become effective, be liable to pay to the Government such ryotwari or other assessment, as may be lawfully imposed on the land in pursuance of ryotwari settlement effected under Section 12.

11. Framing and publishing of settlement notification :-

(1) The Government shall frame and publish a settlement notification for the purpose of effecting a ryotwari settlement of the Scheduled Areas to which the Regulation applies.

(2) Every notification referred to in sub section (1) shall be subject to the condition of previous publication in the manner specified below, namely:

(a) the Government shall publish a draft of the proposed notification embodying such principles as may be prescribed and adopting the rates of assessment set out in the settlement notification or re settlement notification as standardised by the standard rates of assessment under the Andhra Pradesh (Andhra Area) Land Revenue Assessment (Standardisation) Act, as in force on the date of coming into force of this Regulation in district or tract in which the Scheduled Area is situate, with such modification as may be found necessary or if more than one such notification, is in force in district or tract the rates set out in that one of those notifications which the Government consider to be most appropriate to the Scheduled Areas concerned.

(b) the publication shall be made in such manner as the Government may deem fit to be sufficient or as may be prescribed;

(c) there shall be published with the draft, a notice specifying a date on or after which, the draft will be taken into consideration;

(d) the Government or any other authority authorised by them in this behalf shall consider any objection or suggestion which may be received by the Government or other authority from any person with respect to the draft, before the date so specified;

(e) the publication in the Andhra Pradesh Gazette of the notification purporting to have been framed and published in exercise of the powers conferred under this section after previous publication, shall be conclusive proof that the notification has been duly framed and published.

(3) The notification referred to sub section (1), shall embody the principles as notified in the draft notice published under sub section (2), with or without modifications, and shall adopt the rates of assessment proposed to be imposed at the ryotwari settlement.

12. Manner of effecting ryotwari settlement :-

(1) The Settlement Officer shall effect a ryotwari settlement of the Scheduled Areas to which this Regulation applies, in accordance with the settlement notification framed and published by the Government for the purpose under Section 11 and communicate

the same to the persons concerned.

(2) An appeal shall lie to the Director against the order of the settlement officer within sixty days from the date of its communication under sub section (1).

(3) The settlement notification framed and published under Section II of any final order passed in pursuance thereof under this section shall not be questioned in any court of law.

13. Application of Andhra Pradesh Land Revenue (Enhancement) Act, 1967 (Andhra Pradesh Act 8 of 1967)

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Upon effecting the ryotwari settlement under Section 12, such of the provisions of Andhra Pradesh Land Revenue (Enhancement) Act, 1967, as relate to the levy of additional land revenue shall apply and the rates of assessment imposed at the ryotwari settlement under that section shall be construed as land revenue within the meaning of the said Act.

14. Protection of acts done in good faith, etc. :-

No suit, prosecution or other legal proceedings shall lie against the Government or any officer for anything which is in good faith done or intended to be done in pursuance of this Regulation or any rule or order made thereunder.

15. Regulation to override other laws :-

The provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith in the Andhra Pradesh (Andhra Scheduled Areas) Estates (Abolition and Conversion into Ryotwari) (Amendment) Regulation, 1960, or any other law, custom, usage or agreement for the time being in force, or any decree or order of a Court, tribunal or other authority.

16. Power to make Rules :-

(1) The Government may, by notification make rules for carrying out all or any of the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for:

(a) all matters expressly required or allowed by this Regulation to be prescribed;

(b) the principles for effecting a ryotwari settlement;

(c) the furnishing of information required for the purpose of this Regulation;

(d) the production of documents;

(e) the procedure to be followed in the holding of enquiries and the enforcement of the persons at such enquiries and their examination;

(f) the application of the Code of Civil Procedure, 1908, and the Limitation Act, 1963, to applications appeals or revision under this Regulation; and the fees to be paid therefor; and

(g) all other matters which are not expressly provided for in this Regulation, but which in the opinion of the Government, are necessary for giving effect to the purposes of this Regulation.