



## **The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977**

Act 9 of 1977

### **Keyword(s):**

Assigned Land, Prohibition of Transfer

Amendments appended: 32 of 1989, 38 of 1998, 11 of 2019, 31 of 2020, 35 of 2021, 35 of 2023  
6 of 2024

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THE ANDHRA PRADESH ASSIGNED LANDS  
(PROHIBITION OF TRANSFERS) ACT, 1977

(ACT NO. 9 OF 1977)

ARRANGEMENT OF SECTIONS

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THE ANDHRA PRADESH ASSIGNED LANDS  
(PROHIBITION OF TRANSFERS) ACT, 1977  
(ACT NO. 9 OF 1977)

(29<sup>TH</sup> April, 1977)

AN ACT TO PROHIBIT TRANSFERS OF CERTAIN LANDS ASSIGNED TO  
LANDLESS POOR PERSONS IN THE STATE OF ANDHRA PRADESH.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty-eight Year of the Republic of India as follows:-

1. Short title, extent and commencement - (1) This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall be deemed to have come into force on the 21<sup>st</sup> January, 1977.

2. Definitions - In this Act, unless the context otherwise requires,-

(1) "assigned land" means <sup>1</sup> [lands or house sites assigned] by the Government to the <sup>2</sup> [landless or homeless poor persons] under the rules for the time being in force, subject to the condition of non-alienation and includes lands allotted or transferred to <sup>3</sup> [landless or homeless poor persons] under the relevant law for the time being in force relating to land ceilings; and the word "assigned" shall be construed accordingly;

*Explanation:-* A mortgage in favour of the following shall not be regarded as an alienation, namely,-

(i) the Central Government, or the State Government or any local authority ;

(ii) any co-operative society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964 (Act 7 of 1964); and

(iii) any bank which includes,-

(a) the Agricultural Development Bank;

(b) the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (Central Act 2 of 1934);

(c) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955);

(d) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act, 38 of 1959); and

(e) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act, 5 of 1970);

(2) "Government" means the State Government;

(3) "landless poor person" means a person who owns an extent of land not more than 1.011715 hectares (two and half acres) of wet land or 2.023430 hectares (five acres) of dry land or such other extent of land as has been or may be specified by the Government in this behalf from time to time and who has no other means of livelihood.

*Explanation:-* For the purposes of computing the extent of land under this clause, 0.404686 hectares (one acre) of wet land shall be equal to 0.809372 hectares (two acres) of dry land;

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<sup>1</sup>. Substituted by Act No.11 of 2019, s.2, for the words "lands assigned"

<sup>2</sup>. Substituted by Act No.11 of 2019, s.2, for the words "land less poor persons"

<sup>3</sup>. Substituted by Act No.11 of 2019, s.2, for the words "land less poor persons"

(4) "notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;

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

(6) "transfer" means any sale, gift, exchange, mortgage with or without possession, <sup>1</sup>[lease (except in the case of Lease to the Andhra Pradesh Green Energy Coproration Ltd., for use as deemed fit and including for usage of non-agriculture purpose)] or any other transaction with assigned lands, not being a testamentary disposition and includes a charge on such property or a contract relating to assigned lands in respect of such sale, gift, exchange, mortgage, <sup>2</sup>[Lease (except in the case of Lease to the Andhra Pradesh Green Energy Coproration Ltd., for use as deemed fit and including for usage of non-agriculture purpose)] or other transaction.

3. Prohibition of transfer of assigned lands - (1) Where, before or after the commencement of this Act any land has been assigned by the Government to a landless poor person for purposes of cultivation or as a house-site then, notwithstanding anything to the contrary in any other law for the time being in force or in the deed of transfer or other document relating to such land, it shall not be transferred and shall be deemed never to have been transferred; and accordingly no right or title in such assigned land shall vest in any person acquiring the land by such transfer.

(2) No landless poor person shall transfer any assigned land, and no person shall acquire any assigned land, either by purchase, gift, <sup>3</sup>[Lease (except in the case of Lease to the Andhra Pradesh Green Energy Corporation Ltd., for use as deemed fit and including for usage of non-agriculture purpose)], mortgage, exchange or otherwise.

<sup>4</sup>[(2A) No assignee shall transfer any assigned house site, and no person shall acquire any assigned house site, either by purchase, gift, <sup>5</sup>[Lease (except in the case of Lease to the Andhra Pradesh Green Energy Corporation Ltd., for use as deemed fit and including for usage of non-agriculture purpose)], mortgage, exchange or otherwise, till completion of the period of 20 years from the date of assignment.

(2B) Where the assigned House site was alienated by the assignee as on the date of commencement of this Act, such house site shall be regularized in favour of the alienee as a one-time measure.

(2C) The eligible family shall be assigned house site only once in life time.]

(3) Any transfer or acquisition made in contravention of the provision of sub-section (1) or sub-section (2) <sup>6</sup>[or sub-section (2A)] shall be deemed to be null and void.

(4) The Provisions of this section shall apply to any transaction of the nature referred to in sub-section (2) in execution of a decree or order of a civil court or of any award or order of any other authority.

(5) Nothing in this section shall apply to an assigned land which was purchased by a landless poor person in good faith and for valuable consideration from the original assignee or his transferee prior to the commencement of this Act and which is in the possession of such person for purposes of cultivation or as a house-site on the date of such commencement.

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<sup>1</sup>. Substituted by Act No.31 of 2020, s.2 for the word "Lease".

<sup>2</sup>. Substituted by Act No.31 of 2020, s.2 for the word "Lease".

<sup>3</sup>. Substituted by Act No.31 of 2020, s.3 for the word "Lease".

<sup>4</sup> Sub-Sections (2A),(2B),(2C) inserted by Act No.11 of 2019, s.3.

<sup>5</sup> Substituted by Act No.31 of 2020, s.3 for the word "Lease".

<sup>6</sup> The words "or sub-section 2A" inserted by by Act No.11 of 2019, s.3.

4. Consequences of breach of provisions of Section 3 - (1) If, in any case, the District Collector or any other officer not below the rank of a <sup>1</sup>[Mandal Revenue Officer], authorised by him in this behalf, is satisfied that the provisions of sub-section (1) of section 3, have been contravened in respect of any assigned land, he may, by order-

<sup>2</sup>[(a) take possession of the assigned land after evicting the person in possession after such written notice as the Collector or Mandal Revenue Officer may deem reasonable and any crop or other produce raised on such land shall be liable to forfeiture and any building or other construction erected or anything deposited, thereon shall also be forfeited, if not removed by him, after such notice, as the Collector or the Mandal Revenue Officer may direct Forfeitures under this section shall be adjudged by the Collector or Mandal Revenue Officer and any property forfeited shall be disposed of as the Collector or Mandal Revenue Officer may direct; and;]

<sup>3</sup>[(b) (i) reassign the said resumed land, other than those lands/areas as may be notified by the Government from time to time in public interest and for public purpose, to the transferee who purchased the land in good faith and for valuable consideration on or before 29<sup>th</sup> January, 2007, subject to the condition that he/she is landless poor person, and is in occupation of the land by using the said land for agriculture or as house site, as on the date of taking possession by eviction:

Provided that the reassignment in case of transferee shall be limited to only such an extent that the total holding of the reassignee including any other land held by him/her does not exceed 5.00 Acres dry land or 2 ½ Acres wet land:

Provided further that where the transferee who has purchased the land and got reassignment of it, or his legal heir, transfers the reassigned land, the land shall be resumed for assignment to the other eligible landless poor:

(ii) restore the said assigned land, other than those lands/areas as may be notified by the Government from time to time in public interest and for public purpose, to the original assignee, subject to the condition that he or she is landless poor person as on the date of restoration for one time; or

(iii) assign to other eligible landless poor person: Provided that the restoration of land shall be limited to only such an extent that the total holding including any other land held by him/her does not exceed 5.00 Acres dry land or 2 ½ Acres wet land:

Provided further that where the original assignee or his legal heir, after first restoration transfers the assigned land, the land shall be resumed for assignment to the other eligible landless poor:

Provided also that if no eligible landless poor persons are available in the village/area, the resumed land will be utilised for public purpose.

*Explanation:* For the purpose of this clause "Public Interest" and "Public Purpose" shall mean and include, the Weaker Section Housing, Public Utility, Infrastructure Development, promotion of industries and Tourism or for any other public purpose;]

<sup>4</sup>[(C) In the areas which may be notified by Government from time to time, time, lands resumed under clause 4(a) above, shall be utilized for public purpose.]

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<sup>1</sup> Substituted by Act No. 32 of 1989, s.2, for the word "Tahasildar"

<sup>2</sup> Substituted by Act No. 38 of 1998, s.2,

<sup>3</sup> Clause b substituted by Act No.21 of 2008, S.2

<sup>4</sup> . Clause c substituted by Act No.8 of 2007, S.2

<sup>1</sup>[(2) An eviction under sub-section (1) shall be made by serving a notice in the manner prescribed in section 25 of the Andhra Pradesh Revenue Recovery Act, 1864 (Act II of 1864), or in any such other manner as the State Government may direct, on the person reputed to be in occupation or his agent requiring him within such time as the Collector or the Mandal Revenue Officer may deem reasonable after receipt of the said notice to vacate the land, and, if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and if the officer removing any such person shall be resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may issue a warrant for arrest of the said person and on his appearance commit him to close custody in the office of the Collector or of any Mandal Revenue Officer for such period not exceeding thirty days as may be necessary to prevent the continuance of such obstruction or resistance or may send him with a warrant in the form of schedule for imprisonment in the civil jail of the District for the like period:

Provided that no person so committed or imprisoned under this section shall be liable to be prosecuted under sections 183, 186 or 188 of the Indian Penal Code, 1860 (Central Act No.45 of 1860) in respect of the same facts.

(3) Any person who unauthorisedly re-enters and occupies any land from which he was evicted under this section, shall be punished with imprisonment for a term which may extend upto six months or with fine upto rupees five thousand or with both.]

<sup>2</sup>[(4) <sup>3</sup>[Any order passed in revision under section 4B and subject to such order, the decision in appeal under section 4A and subject to the said orders in revision and appeal, any order passed under sub-section (1)] shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by any officer or authority or Government in pursuance of any power conferred by or under this Act.

(5) For the purposes of this section, where any assigned land is in possession of a person, other than the original assignee or his legal heir, it shall be presumed, until the contrary is proved, that there is a contravention of the provisions of sub-section (1) of section 3.]

<sup>4</sup>[4A. APPEAL - (1) Any person aggrieved by an order passed by the Mandal Revenue officer under sub-section (1) of section 4, may within ninety days from the date of receipt by him of such order appeal to the Revenue Divisional Officer.

(2) Any person aggrieved by an order passed by the Revenue Divisional Officer under sub-section (1) of section 4 may, within ninety days from the date of receipt by him of such order appeal to the District Collector.

4B. REVISION - (1) The District Collector may in respect of any proceeding not being a proceeding covered by sub-section (2) of section 4A on an application made to him and the Government may in respect of any proceedings either suo motu or on an application made to them, call for and examine the record of any officer subordinate to him or them to

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<sup>1</sup> Sub-sections (2) and (3) added, by renumbering existing sub-section (2) and (3) as sub-sections (4) and (5) by Act No. 38 of 1998, s.

<sup>2</sup> Existing sub-sections (2) and (3) renumbered as sub-sections (4) and (5) by Act No. 38 of 1998

<sup>3</sup> Substituted by Act No. 32 of 1989, s.2, for the words "Any order passed under sub-section (1)

<sup>4</sup> Section 4A, 4B inserted by Act No.32 of 1989, s.3.

satisfy himself or themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order taken or passed therein, and if in any case, it appears to the District Collector or as the case may be to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that every application for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order adversely affecting any person shall be passed under sub-section (1), unless such person has been given an opportunity of making his representation.

(3) The District Collector or the Government as the case may be, may also suspend the execution of the decision or order pending exercise of their power under sub-section (1).]

<sup>1</sup>[5. Prohibition of registration of assigned lands - (1) The District Collector or any other Officer, not below the rank of a Mandal Revenue Officer authorized by him in this behalf, shall within 45 (forty five) days from the date of commencement of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2006 furnish to the Registering Officer having jurisdiction over the area a list of lands assigned to the landless poor persons with all particulars of assignment and further furnish such particulars of new assignment forthwith.

(2) Notwithstanding anything in the Registration Act, 1908, no Registering Officer shall accept for registration of any document relating to the transfer of or creation of any interest in any assigned lands as furnished in the list under sub-section (1).]

6. Exemption - Nothing in this Act shall apply to the assigned lands held on mortgage by the State or Central Government, any local authority, a co-operative society, a scheduled bank or such other financial institution owned, controlled or managed by a State Government or the Central Government, as may be notified by the Government in this behalf.

7. Penalty - (1) Whoever acquires any assigned land in contravention of the provisions of sub-section (2) of Section 3 shall be punished with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.

<sup>2</sup> [Provided that any person who has voluntarily disclosed and surrendered the assigned land in his possession or discloses and surrenders the assigned land in his possession within 90 days from the commencement of Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2006 shall be exempted from Prosecution.]

(2) Whoever opposes or impedes the District Collector or any person authorised, in taking possession of any assigned land under this Act shall be punished with imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.

<sup>3</sup>[(2A) Any officer, violating the provisions under subsections (1) and (2) of section 5 shall be punished with simple imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.]

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<sup>1</sup>. Substituted by Act No.8 of 2007, s.3

<sup>2</sup>. Proviso added by Act No.8 of 2007, s.4

<sup>3</sup>. Inserted by Act No. 8 of 2007, s.4

(3) No Court shall take cognizance of an offence punishable under this section, except with the previous sanction of the District Collector.

8. Protection of action taken - (1) No suit, prosecution or other legal proceeding shall lie against any person, officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered, by virtue of any provision of this Act, or for anything which is in good faith done or intended to be done in pursuance of this Act, or any rules made thereunder.

9. Power to make rules - (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session, or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. Act to override other laws - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom, usage or contract or decree or order of a court, tribunal or other authority.

11. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, published in the Andhra Pradesh Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the removal of the difficulty :

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

12. Repeal of Ordinance 2 of 1977 - The Andhra Pradesh Assigned Lands (Prohibition of Transfers) Ordinance, 1977 is hereby repealed.



**THE ANDHRA PRADESH ASSIGNED LANDS**  
**(PROHIBITION OF TRANSFERS) AMENDMENT**  
**ACT, 1989.\***

**ACT NO. 32 OF 1989.**

**[5th December, 1989.]**

**An Act to amend the Andhra Pradesh Assigned lands (Prohibition of Transfers) Act, 1977.**

**Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fortieth Year of the Republic of India as follows:-**

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**\*Received the assent of the Governor on the 4th December, 1989. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Extraordinary, Part IV-A, dated the 13th September, 1989 at Page 4.**

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Short title.

1. This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Amendment Act, 1989.

Amendment of section 4, Act 9 of 1977.

2. In the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (hereinafter referred to as the principal Act), in section 4,—

(i) in sub-section (1) for the word "Tahsildar", the words "Mandal Revenue Officer" shall be substituted;

(ii) in sub-section (2), for the expression "Any order passed under sub-section (1)", the expression "Any order passed in revision under section 4-B and subject to such order, the decision in appeal under section 4A and subject to the said orders in revision and appeal, any order passed under sub-section (1)", shall be substituted.

Insertion of new sections 4A and 4B.

3. After section 4 of the principal Act, the following sections shall be inserted, namely:—

Appeal

4A (1) Any person aggrieved by an order passed by the Mandal Revenue Officer under sub-section (1) of section 4, may, within ninety days from the date of receipt by him of such order appeal to the Revenue Divisional Officer.

(2) Any person aggrieved by an order passed by the Revenue Divisional Officer under sub-section (1) of section 4 may, within ninety days from the date of receipt by him of such order appeal to the District Collector.

Revision:

4B (1) The District Collector may in respect of any proceeding not being a proceeding covered by sub-section (2) of section 4A on an application made to him and the Government may in respect of any proceedings either suo motu or on an application made

to them, call for and examine the record of any officer subordinate to him or them to satisfy himself or themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order taken or passed therein, and if in any case, it appears to the District Collector or as the case may be to the Government that any such decision or order should be modified, annulled, reversed or remitted for re-consideration, they may pass orders accordingly :

Provided that every application for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding decision or order to which the application relates was communicated to the applicant.

(2) No order adversely affecting any person shall be passed under sub-section (1), unless such person has been given an opportunity of making his representation.

(3) The District Collector or the Government as the case may be, may also suspend the execution of the decision or order pending exercise of their power under sub-section (1).".

## ACT No. 38 OF 1998.

\* [29th December, 1998.]

AN ACT FURTHER TO AMEND THE ANDHRA  
PRADESH ASSIGNED LANDS (PROHIBITION  
OF TRANSFERS) ACT, 1977.

Be it enacted by the Legislative  
Assembly of the State of Andhra Pradesh  
in the Forty-ninth Year of the Republic  
of India, as follows:-

\*[Received the assent of the Governor on the 02-09-1998.  
and assent of the President received on 16-12-1998. For  
statement of object and reasons please see the Andhra  
Pradesh Gazette, Part-IV-A, Extraordinary dated 16-07-1998  
at Page. 5.]

Short  
title,  
extent  
and  
commence-  
ment.

1. (1) This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 1998.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment  
of section  
4, Act 9  
of 1977.

2. In the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, in section 4, in sub-section (1);-

(i) for clause (a), the following shall be substituted, namely:-

"(a) take possession of the assigned land after evicting the person in possession after such written notice as the Collector or Mandal Revenue Officer may deem reasonable and any crop or other produce raised on such land shall be liable to forfeiture and any building or other construction erected or anything deposited, thereon shall also be forfeited, if not removed by him, after such notice, as the Collector or the Mandal Revenue Officer may direct. Forfeitures under this section shall be adjudged by the Collector or Mandal Revenue Officer and any property forfeited shall be disposed of as the Collector or Mandal Revenue Officer may direct; and";

(ii) after sub-section (1), the following sub-sections shall be added, namely:-

"(2) An eviction under sub-section (1) shall be made by serving a notice in the manner prescribed in section 25 of the Andhra Pradesh Revenue Recovery Act, 1864, or in any such other manner as the State Government may direct, on the person reputed to be in occupation or his agent requiring him within such time as the Collector or the Mandal Revenue Officer may deem reasonable after receipt of the said notice to vacate the land, and, if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and if the officer removing any such person shall be resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may issue a warrant for arrest of the said person and on his appearance commit him to close custody in the office of the Collector or of any Mandal Revenue Officer for such period not exceeding thirty days as may be necessary to prevent the continuance of such obstruction or resistance or may send him with a warrant in the form of schedule for imprisonment in the civil jail of the District for the like period:

Act 12 of  
1864.

Provided that no person so committed or imprisoned under this section shall be liable to be prosecuted under Central sections 183, 186 or 188 of the Indian Act 45. Penal Code in respect of the same of 1860. Facts.

(3) Any person who unauthorisedly re-enters and occupies any land from which he was evicted under this section, shall be punished with imprisonment for a term which may extend upto six months or with fine upto rupees five thousand or with both." and;

(iii) the existing sub-sections (2) and (3) shall be re-numbered as sub-sections (4) and (5) thereof.

G. BEAVANI PRASAD,  
Secretary to Government,  
Legislative Affairs & Justice.



RIGHT TO  
INFORMATION

**ఆంధ్రప్రదేశ్ రాజపత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PART IV-B EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

**No. 11] AMARAVATI, MONDAY, 18<sup>th</sup> FEBRUARY, 2019.**

**ANDHRA PRADESH ACTS, ORDINANCES AND  
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 18<sup>th</sup> February, 2019 and the said assent is hereby first published on the 18<sup>th</sup> February, 2019 in the Andhra Pradesh Gazette for general information :-

**ACT No. 11 of 2019.**

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH  
ASSIGNED LANDS (PROHIBITION OF TRANSFERS) ACT, 1977.**

Be it enacted by the Legislature of State of Andhra Pradesh in the Seventieth year of Republic of India as follows,-

1. (1) This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2019.
- (2) It shall be deemed to have come into force with effect on and from the 29<sup>th</sup> January, 2019.

Short title and  
Commencement.

2. In the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (herein after referred to as the principal Act), in section 2, in clause (1), for the words, "lands assigned", the words "lands or house sites assigned" and for the words, "landless poor persons" wherever they occur, the words, "landless or homeless poor persons" shall be substituted.

Amendment of  
Section 2.  
Act No. 9 of 1977.

3. In the principal Act, in section 3,-

- (i) after sub-section (2), the following sub-sections shall be inserted, namely:-

Amendment of  
Section 3



“(2A) No assignee shall transfer any assigned house site, and no person shall acquire any assigned house site, either by purchase, gift, lease, mortgage, exchange or otherwise, till completion of the period of 20 years from the date of assignment.

(2B) Where the assigned House site was alienated by the assignee as on the date of commencement of this Act, such house site shall be regularized in favour of the alienee as a one- time measure.

(2C) The eligible family shall be assigned house site only once in life time.”

(ii) in sub-section(3), after the expression “sub-section(2)” the expression “or sub-section(2A)” shall be inserted.

Repeal of  
Ordinance  
No. 1 of 2019.

4 . The Andhra Pradesh Assigned Lands (Prohibition of Transfers)(Amendment) Ordinance, 2019 is hereby repealed.

**R. ARAVIND,**

Secretary to Government (I/c),  
Legal and Legislative Affairs & Justice,  
Law Department.





**ఆంధ్రప్రదేశ్ రాజపత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PART IV-B EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

No. 31] AMARAVATI, THURSDAY, 24<sup>th</sup> DECEMBER, 2020.

**ANDHRA PRADESH ACTS, ORDINANCES AND  
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 20<sup>th</sup> December, 2020 and the said assent is hereby first published on the 24<sup>th</sup> December, 2020 in the Andhra Pradesh Gazette for general information :

**ACT No. 31 of 2020.**

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH ASSIGNED  
LANDS (PROHIBITION OF TRANSFERS) ACT, 1977.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy First Year of the Republic of India as follows,-

1. (1) This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2020. Short Title and commencement.  
(2) It shall be deemed to have come into force on and from the 15<sup>th</sup> September, 2020.
2. In the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (herein after referred to as the principal Act), in Section 2, in clause (6), for the word, "Lease" wherever it occurs, the words "Lease (except in the case of Lease to the Andhra Pradesh Green Energy Corporation Ltd., for use as deemed fit and including for usage of non-agriculture purpose)" shall be substituted. Amendment of section 2.  
Act No.9 of 1977
3. In the Principal Act, in Section 3,- Amendment of section 3.
  - (i) in sub-section (2), for the word, "Lease", the words "Lease (except in the case of Lease to the Andhra Pradesh Green Energy Corporation Ltd., for



use as deemed fit and including for usage of non-agriculture purpose)" shall be substituted.

- (ii) in sub-section (2A), for the word, "Lease", the words "Lease (except in the case of Lease to the Andhra Pradesh Green Energy Corporation Ltd., for use as deemed fit and including for usage of non-agriculture purpose)" shall be substituted.

Repeal of Ordinance  
No. 11 of 2020.

4.

The Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Ordinance, 2020 is hereby repealed.

**VADDADI SUNITHA,**

Secretary to Government (FAC),

Legal and Legislative Affairs & Justice,

Law Department.





**ఆంధ్రప్రదేశ్ రాజపత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PART IV-B EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

No. 35] AMARAVATI, THURSDAY, 6<sup>th</sup> JANUARY, 2022.

**ANDHRA PRADESH ACTS, ORDINANCES AND  
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 22<sup>nd</sup> December, 2021 and the said assent is hereby first published on the 6<sup>th</sup> January, 2022 in the Andhra Pradesh Gazette for general information :

**ACT No. 35 of 2021.**

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH  
ASSIGNED LANDS (PROHIBITION OF TRANSFERS) ACT, 1977.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the seventy second year of the Republic of India as follows , -

1. (1) This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2021. Short title and Commencement.
- (2) It shall be deemed to have come into force with effect on and from the 17<sup>th</sup> September, 2021.
2. In the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, in section 3, for sub-sections (2A) and (2B), the following shall be substituted, namely, - Amendment of section 3.  
Act No.9 of 1977.

“(2A) No assignee shall transfer any assigned house site or house constructed on any assigned house site, and no person shall acquire any assigned house site or house constructed on any assigned house site; either by purchase, gift, lease (except in the case of Lease to the Andhra Pradesh Green Energy Corporation Ltd., for use as deemed fit and including for usage of non-agriculture purpose), mortgage, exchange or otherwise, till completion of the period of ten years from the date of assignment.



(2B) Where the assigned house site or house constructed on any assigned house site has already been alienated by the assignee as on the date of commencement of this Act; and complies with sub-section (2A);

Or

the assigned house site or house constructed on any assigned house site is proposed for alienation duly complying with the sub-section (2A), such alienation shall be permitted as per the procedure prescribed.”.

Repeal and  
Savings.

3. (1) The Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Ordinance, 2021 is hereby repealed.

Ordinance No. 16  
of 2021.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

**VADDADI SUNITHA,**

Secretary to Government (FAC),  
Legal and Legislative Affairs & Justice,  
Law Department.





**ఆంధ్రప్రదేశ్ రాజపత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PART IV-B EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

No. 35] **AMARAVATI, FRIDAY, 27<sup>th</sup> OCTOBER, 2023.**

**ANDHRA PRADESH ACTS, ORDINANCES AND  
 REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 18<sup>th</sup> October, 2023 and the said assent is hereby first published on the 27<sup>th</sup> October, 2023 in the Andhra Pradesh Gazette for general information :

**ACT No. 35 of 2023.**

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH ASSIGNED  
 LANDS (PROHIBITION OF TRANSFERS) ACT 1977.**

Be it enacted by the legislature of the State of Andhra Pradesh in the Seventy - fourth Year of Republic of India as follows,-

1. (1) This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2023. Short Title,  
extent and  
commencement.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) Sections 2 and 3 shall be deemed to have come into force with effect on and from the 31<sup>st</sup> July, 2023 and Section 4 shall be deemed to have come into force with effect on and from 21<sup>st</sup> January, 1977.
2. In the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, (hereinafter referred to as the principal Act); in Section 2, in clause (1) after the words, 'subject to the condition of non-alienation', Amendment  
of Section 2.  
  
Act 9 of  
1977.



the words, '**within a period of twenty (20) years from the date of assignment in the case of lands assigned for agricultural purpose, and within a period of ten (10) years from the date of assignment in case of house sites,**' shall be inserted;

Amendment of 3.  
Section 3.

In the Principal Act, in Section 3, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) (i) No landless poor person or his / her legal heir, shall transfer any land assigned for agricultural purpose, and no person shall acquire any such assigned land, either by purchase, gift, lease (except in the case of Lease to the Andhra Pradesh Green Energy Corporation Ltd., for use as deemed fit and including for usage of non-agriculture purpose)", mortgage, exchange or otherwise, within a period of twenty (20) years from the date of assignment.

(ii) After expiry of the above period of twenty years, such assigned land may be alienated by the assignee or his/ her legal heirs as per the procedure prescribed, without further reference to the government.

(iii) where any land adjoining such assigned land is earmarked for any use other than agriculture use in the master plan of the area, the assignee or his/her legal heirs shall be paid current basic value of said adjoining non agricultural land by the purchaser of the such assigned land."

Amendment 4.  
Section 4.

In the Principal Act, in Section 4, in sub-section (1), after clause (c), the following clause shall be inserted, namely: -

"(d) Notwithstanding anything contained in any other law for the time being in force, where an assigned land is resumed in public interest for a public purpose, the assignee shall be entitled to payment of compensation equivalent to the market value of the land on par with land owner, but shall not claim for payment of compensation amount as per the negotiated award with the land owner or amount awarded by the reference or appellate courts."

5. (1) The Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Ordinance, 2023 is hereby repealed.

Repeal and  
savings.

Ordinance No.9  
of 2023.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

**G. SATYA PRABHAKARA RAO,**

Secretary to Government,  
Legal and Legislative Affairs & Justice,  
Law Department.





**ఆంధ్రప్రదేశ్ రాజపత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PART IV-B EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

No.6] AMARAVATI, WEDNESDAY, 6<sup>th</sup> MARCH, 2024.

**ANDHRA PRADESH ACTS, ORDINANCES AND  
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 5<sup>th</sup> March, 2024 and the said assent is hereby first published on the 6<sup>th</sup> March, 2024 in the Andhra Pradesh Gazette for general information :

**ACT No. 6 of 2024**

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH ASSIGNED  
LANDS (PROHIBITION OF TRANSFERS) ACT, 1977.**

Be it enacted by the legislature of the State of Andhra Pradesh in the Seventy-Fifth Year of Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Act, 2024. Short title  
extent and  
commencement.  
(2) It extends to whole of the State of Andhra Pradesh.  
(3) (i) Section 2 (i) of this Act shall be deemed to have come into force w.e.f 29<sup>th</sup> January, 2019.  
(ii) Section 2 (ii) of this Act shall be deemed to have come into force w.e.f. 17<sup>th</sup> September, 2021.
2. In the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, in section 3,- Amendment  
of section 3.  
(i) for sub-section(1) the following shall be substituted, namely,- Act No.9 of  
1977.



“(1) Where before or after the commencement of the Principal Act (Act 9 of 1977), any land has been assigned by the Government to a landless poor person or homeless poor person for purposes of cultivation or as a house site, the same shall be subject to a condition of non-alienability as prescribed under this Act as amended from time to time.

Provided that any alienation within the prescribed period of non-alienability would render the assignment and consequential conveyance if any, void.”

- (ii) After sub-section (1) as so amended, the following shall be inserted, namely,-

“(1A) Notwithstanding anything to the contrary contained in the Principal Act (Act 9 of 1977) as amended from time to time and in any other law for the time being in force including any terms and conditions of any grant/patta, by whatsoever name called, whether under Board Standing Orders or otherwise, the assignee/ beneficiary of a house site shall be entitled to freehold rights to the house sites 10 years after the date of assignment.

Provided that the assignee shall be entitled to such free hold rights only if he/ she constructs the house within the time frame prescribed under the grant/ patta unless extended otherwise.

(1B) At the time of assignment of house site or at any time thereafter, whether the assignment of house site is made prior to coming into force of Act 35 of 2021 or otherwise, the State shall execute a Conveyance Deed for the house site conveying the accrual of freehold rights in future (effective from the date of completion of 10 years from the date of assignment) subject to compliance of section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977.

**Explanation:**

- (i) The statutory rules prescribing issuance of NOC in favour of assignees or their legal heirs shall not be applicable to instances



where conveyance deeds are executed in accordance with the provisions of this Act.

- (ii) In all other cases, the procedure prescribed under the statutory rules shall be complied with."

3. (1) The Andhra Pradesh Assigned Lands (Prohibition of Transfers) (Amendment) Ordinance, 2024, is hereby repealed.

Repeal and savings.

Ordinance No.1 of 2024.

- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

**G. SATYA PRABHAKARA RAO,**  
Secretary to Government,  
Legal and Legislative Affairs & Justice,  
Law Department.



**STATEMENT OF OBJECTS AND REASONS**

The objectives of Act No. 2 of 1994 and the circumstances leading to the amendments to the said Act vide Act 3 of 1998 and Act 27 of 1998 have been noticed by the Hon'ble Supreme Court in the judgement reported in the case of A. Manjula Bhashini and Ors v. Managing Director, Andhra Pradesh Women's Cooperative Finance Corporation Ltd and Anr reported in (2009) 8 SCC 431. The consequences arising from the orders of regularization issued in individual cases either in pursuance of Orders of Court or otherwise were made clear in a Memo issued by the Government dated 01.09.1997 in Memo No. 573/225/A3/PC/III/97 to the effect "that any regularization of services shall be reckoned only prospectively from the date of issue of regularization orders and not from any previous date for the purpose of benefits concerned, including pensionary benefits, and therefore cases for counting of service for pension and any other purposes for the period prior to the effective date of regularization cannot be acted upon." However, the Hon'ble High Court in a set of judgements including in Devarakonda Srilakshmi v. Government of A.P. reported in 2010 (2) ALD 165 and in the case of State of A.P. rep., by its Secretary, Finance and Planning v. M. Raja Rao reported in 2016 (4) ALD 662 held that having regard to the specific provisions contained in A.P. Revised Pension Rules, 1980 more particularly Rules 13 and 14, the service rendered by the employees prior to regularization is to be reckoned for the grant of pension.

The objectives of Act 2 of 1994 and its amendments were inter alia to prohibit continuous engagement of employees on daily wage basis or part time basis and also to provide a one-time measure for regularization effective from the dates of regularization which is linked to the availability of sanctioned posts and the fulfilment of conditions prescribed in G.O. Ms. No. 212 Finance (FW.PC.III) Department, dated 22.04.1994 and G.O.(P) No. 112 Finance (FW.PC.III) Department, dated 23.7.1997. It was not in the contemplation of the State to provide for reckoning of service rendered prior to the date of regularization for the purposes of pension as applicable prior to 01.09.2004 having regard to the enormous drain on the State exchequer in relation to the subject matter. The appointments made which are subject matter of regularization under Act 2 of 1994 are clearly in the context of the prevailing situations sought to be remedied as a one-time measure. The absence of a legislated provision as regards to the above subject matter



has resulted in various directions issued by Courts from time to time on the touchstone of the Andhra Pradesh Revised Pension Rules, 1980.

The context of Rule 13 of the Andhra Pradesh Revised Pension Rules, 1980 would have no application having regard to the circumstances leading to the framing of a one-time scheme for regularisation object sought to be achieved vide amendments to Act 2 of 1994. The above Rule 13 of APRPR 1980 is proviso made "subject to" some other provisions/rules and it conveys the idea that "subject to" shall yield to another provision to which it is made "subject" and cannot be considered on par with a non-obstinate clause. In this context Rule 2 of APRPR, 1980 deals with application of the Pension Rules, 1980. On further reading of the above Rule 2 (g)(i) of APRPR, 1980, it is quite clear that the APRPR 1980 shall not applied to all Government servants appointed on or after 01.09.2004 to services and posts in connection with the affairs of the State which are borne on pensionable establishment whether temporary or permanent. Rule 2(g)(ii) to (v) deals with the non-applicability of the APRPR, 1980 to various sectors of the Government as contemplated under Article 12 of Indian Constitution. On conjoint reading Rule 2(g)(i) with Rule 13, it is crystal clear that Rule 13 is a "subject to proviso and shall yield to Rule 2(g)(i) of APRPR 1980". In view of the above legal position no appointment made after 01-09-2004 shall have any kind of pensionary benefits & in view of the affirmative rule position i.e., 2(g)(i) that the APRPR, 1980 rules shall not apply to all the Government servants to appointed on or after 01-09- 2004 to any service or post. As such, the service rendered prior to 01-09-2004 in any post either on temporary, adhoc, part time, full time, daily wage, NMR, contingent basis cannot be considered for any purpose including as qualifying service, post 01-09-2004 appointments made or services regularised.

The contents of the Memo dated 01.09.1997, reflects the fact that in the absence of statutory framework therefor has resulted in the situation as of today wherein approximately Rs. 10,600 crore amount is required to be paid in pursuance of the orders of the Court and the amount is further likely to grow upon conclusion of litigation in those matters. The total number of persons regularized in pursuance of G.O. Ms. No. 212 Finance (FW.PC.III) Department, dated 22.04.1994 and G.O.(P) No. 112 Finance (FW.PC.III) Department dated 23.7.1997 after 01.09.2004 is approximately 5,500 and financial implications on account of pension benefits is likely to be Rs. 8,800



crore. The total number of persons regularized in pursuance of the above stated GOs prior to 01.09.2004 is approximately 3,500 and financial implications on account of retrospective pension benefits is likely to be Rs.1,800 crore.

The consolidated statement showing the financial implications is as follows:

Sl.No.	Description	Appx.
1	Total number of persons regularized after 01-09-2004	5,500
	implications for each person (if 20 years lifespan is considered, including family pension post-retirement i.e. 01-07-2020)	1,60,50,000/-
	Total: 1,60,50,000 X 5,500)	8,800 crore
2	Total number of persons regularized before 01-09-2004	3,500
	implications for each person (if 20 years life span & 10 increments considered, including family pension post- retirement i.e., 01-07-2020)	51,75,000/-
	Total: (51,75,000 X 3,500)	1,800 crore
	<b>Grand Total</b>	<b>10,600 Cr</b>

However, in the recent past, the Government had to effect the regularisation with retrospective effect, of the services of several persons whose services are regularised with prospective effect, & who approached the Hon'ble Tribunals & High Courts, and obtained favourable orders for the regularisation of their services with retrospective effect, in spite of appeals filed by the Government, inter-alia in the following cases;

- (a) Agriculture & Cooperation (Sericulture) Department: Field Assistants in the W.P. Nos. 4289/2020, 4290/2020, 4592/2020, 4593/2020, 4596/2020, 4663/2020, 4595/2020, 4599/2020, 4600/2020, 4597/2020, 4603/2020, 4288/2020, 14940/2019 and 5001/2020.
- (b) MA&UD Department: Class IV employees in the W.P. Nos. 20635/2012, 22564/2012 and 36199/2017.
- (c) School Education Department: In the case of Part Time Vocational Instructors in the W.P. Nos. 1425/2019, 973/2020 & batch.



In the above cases, in spite of appeals filed in the court, since no stay could be obtained, the Government was compelled, in the teeth of the contempt proceedings, to implement the regularisation from retrospective effect, subject to the outcome of the appeals.

Having regard to the recurrence of such situations and further drain on the exchequer which is likely to be caused, in overarching public interest, the Legislature deems it necessary to remove the basis of the rulings of the Courts as reflected in the above referred judgments which have been followed in various other judgments rendered by the Andhra Pradesh Administrative Tribunal and the High Court while the SLPs arising therefrom have also been dismissed. In relation to a few orders which have been passed, SLPs have also been preferred and matters are pending adjudication before the Supreme Court, but, stay is granted by the Supreme Court. However, SLPs have not been filed in all such matters resulting in a situation where in the Government had complied with the directions issued in a few matters, in few other matters SLPs are not filed and in a few SLPs, there is stay of operation of such directions issued by the High Court and Tribunal.

The Law on the subject issue is well reiterated by the Hon'ble Supreme Court of India in Civil Appeal No.1787 of 2023 vide judgement 24<sup>th</sup> March 2023, that there shall be a specific Rule under regularisation scheme for considering the service rendered as casual, contractual basis for treating the said service as Temporary Service and for the purpose of counting the service for pensionary / service benefits, in the absence of the any such rules or regularisation scheme, the services rendered as casual / contractual cannot be treated as temporary service and such service cannot be counted for pensionary / service benefits.

**G. SATYA PRABHAKARA RAO,**

Secretary to Government,  
Legal and Legislative Affairs & Justice,  
Law Department.