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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 22nd March , 2017.

L. A BILL No. 2 OF 2017.

A BILL FURTHER TO AMEND THE TELANGANA BHOODAN AND GRAMDAN ACT, 1965.

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 Bhoodan and Gramdan (Amendment) Act, 2017.

Short title
and
commence-
ment.

[1]

B.423-1 (DA)

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

Amendment of section 2. Act 13 of 1965.

2. In the Telangana Bhoodan and Gramdan Act, 1965 (hereinafter referred to as the Principal Act), in section 2,-

(a) after clause (i), the following clause shall be inserted, namely,--

“(i a) “notification” means notification published in the Telangana Gazette and the word notified shall be construed accordingly;”

(b) after clause (1), the following clauses shall be inserted, namely,--

“(ia) “Secretary” means the Secretary appointed to the Board under the Act;”

(ib) “State” means the State of Telangana;”

(c) in clause (n), for the expression “the State Reorganization Act, 1956,” the following expression shall be substituted, namely,--

“The Andhra Pradesh Reorganization Act, 2014.”

Amendment of section 4.

3. In the principal Act, in section 4, for sub-section (1), the following shall be substituted, namely,--

“(1) The Board shall consist of a Chairman, a Vice-Chairman and such number of other members as may be considered necessary, to be appointed, by notification, by the Government”.

Insertion of section 4A.

4. In the principal Act, after section 4, the following new section shall be inserted, namely,--

“Secretary and other members of the staff.”

4 A. There shall be appointed,--

(i) Secretary; and

(ii) other members of staff to assist the Secretary and the Board, on such terms and conditions as may be prescribed.”

5. In section 9 of the principal Act, in sub-section (1), in clause (c), for the words “or within six months from the date of dissolution.”, the following shall be substituted, namely,--

Amendment of section 9.

“or within one year from the date of dissolution, and the Government may, extend the time for such period not exceeding three years.”.

6. In section 14 of the principal Act, in sub-section (1), after the words “community purpose”, the following shall be inserted namely,--

Amendment of section 14.

“and also to poor persons and weaker sections for the purpose of house sites”.

7. In section 17 of the principal Act, in sub-section (2), for the expression “the A.P. Gram Panchayats Act, 1964”, the following expression shall be substituted namely,--

Amendment of section 17.

“The Telangana Panchayat Raj Act, 1994”.

8. In section 24 of the principal Act, for the opening paragraph, the following shall be substituted, namely,--

Amendment of section 24.

“The Tahsildar may, on receipt of a complaint/ application made by any person or *suo-motu*, after giving an opportunity of making a representation, evict,--

(a) any allottee from the land, if the individual fails, without sufficient cause, to cultivate the land personally or the land is in possession of a person other than the allottee, during a period of two consecutive agricultural years; or

(b) any person, other than the allottee, from the house site/constructed building on the Bhoodan Land, if such house site/house is in his possession, for a period of two years”.

Insertion of sections 24-A, 24-B, 24-C and 24-D.

9. After section 24 of the principal Act, the following sections shall be inserted, namely,—

“Removal of encroachment from Telangana Bhoodan Yagna Board property.

24-A. (1) Whenever the Secretary of the Board, on receipt of any complaint or ***suo-motu***, considers that there has been an encroachment on any land, building, space or other property belonging to the Board and registered as such under this Act, he shall cause to be served upon the encroacher a notice in the manner prescribed specifying the particulars of the encroachment, calling upon him to show cause as to why an order requiring him to remove the encroachment before a date specified in such notice, should not be made.

(2) If, after considering the objections received during the period specified in the notice, and after conducting an inquiry in such manner as may be prescribed, the Secretary is satisfied that the property in question is Bhoodan land/property, he may by an order, require the encraocher to remove such encroachment and deliver possession of the land, building, space or other property encroached to the Board”.

Enforcement of orders made under section 24-A.

24-B. Where the person, ordered under subsection (2) of section 24-A or covered under rule 9 (vii) of the Bhoodan and Gramdan Rules, 1965, omits or fails to remove such encraochment within the time specified in the order or, as the case may be, fails to vacate the land, building, space or other property to which the order relates, the Secretary of the Board may apply to the Tahsildar within the local

limits of whose jurisdiction the land, building, space or other property is situate, for evicting the encroacher, and, there upon, the Tahsildar shall make an order directing the encroacher to remove the encroachment or as the case may be vacate the land, building, space or other property. The Tahsildar shall evict the encroachment from the land, building space or other property, by taking such police assistance as may be necessary for the purpose and deliver the possession thereof to the Secretary of the Board.

Review and
cancellation
of illegal
allotments.

24-C. Notwithstanding anything contained in the Act, the Board may, examine, review, reconsider and enquire into any illegal allotments made in favour of any person or institution or otherwise, after giving notice to the person or institution concerned, pass appropriate orders.

Vesting of land
with the board
and its use.

24-D. Whenever the land allotted under this Act comes within the urban area or ceases to be agricultural land, the said land will vest with the Board and the Board may use such land for non-agricultural purposes, as deemed fit.”.

STATEMENT OF OBJECTS AND REASONS

In order to give importance to the ideology (distribution of the land to landless) of Sri Acharya Vinobha Bhave, the Andhra Pradesh Bhoodan and Gramdan Act, 1965 (Act No. 13 of 1965) was enacted and the said Act has been adapted to the State of Telangana.

The Principal Secretary to Government, Revenue Department, Telangana Secretariat has been appointed as Authority to exercise the powers and discharge the duties of the Bhoodan Board in the State of Telangana, pending constitution of regular Bhoodan Board, vide G.O.Ms. No.11, Revenue (Assn.1) Department, dated: 05.07.2014 r/w.G.O.Ms.Nos.59 and 60, Revenue (Assn.1) Department, dated: 13.05.2015.

According to section 4 of the Act, the Government shall consult Sri Acharya Vinobha Bhave or a person nominated by him for appointment of members to the Board. The Authority of the Board has brought to the notice of the Government that as per the records available with the Telangana Bhoodan Yagna Board, no person was nominated by Sri Acharya Vinobha Bhave for the purpose of consultation by Government in constitution of Board till the date of his demise on 15.11.1982.

As there is no proper authenticity of persons, whom Sri Acharya Vinobha Bhave had nominated, for consultation by the Government before constitution of the Bhoodan Board, there is every possibility that the persons having negative attitude may likely approach the persons having association with Sri Acharya Vinobha Bhave during his life time or having association with the Special Committee constituted by Sri Vinobha Bhave or a person nominated by him, before constitution of the Bhoodan Board by the Government. Hence, it is quite necessary to dispense with the provision of consultation with Sri Acharya Vinobha Bhave or a person nominated by him before constitution of the Bhoodan Board by the Government and also to restrict the number of nominated members in the Board as deemed to be adequate by Government instead of nominating (9) members.

As per section 9(1) of the Act, in case of dissolution, Government may under section 3, reconstitute the Board, either immediately or within 6 months from the date of dissolution. In G.O.Ms.No.11, Revenue (Assn.I) Department, dated: 05.07.2014, Government have appointed the 'authority' under section 9(4) of the Act, to exercise the powers and discharge the duties of the Bhoodan Board in the State of Telangana, pending constitution of regular Bhoodan Board. In G.O.Ms.No.59, Revenue (Assn.I) Department, dated 13.05.2015, orders were issued dissolving the Bhoodan Board for the State of Telangana under section 9(1) of the Act. In G.O.Ms.No.60, Revenue (Assn.I) Department, dated: 13.05.2015, Government have appointed the Principal Secretary to Government, Revenue Department as authority to exercise the powers and discharge the duties of the Bhoodan Board in the State of Telangana, pending constitution of regular Bhoodan Board. The stipulated period of six months for constitution of new board expired and it will take considerable time to constitute new Board. The new Board could not be constituted within six months from the date of dissolution; there is a need to extend the stipulated period, from six months to one year or more, by amending section 9(1) of the said Act suitably.

In the present state of affairs, it is considered necessary to give land to poor people and weaker sections for the purpose of house sites as was done earlier by the then Board duly incorporating the provision in section 14 (1) of the said Act.

As per section 24 of the Act, the Tahsildar can evict the allottee of Agricultural Bhoodan land, where the allottee fails, without sufficient cause, to cultivate the land personally during a period of two consecutive agricultural years. But, for this, he has to await for the receipt of the application made by the Gram Sabha. Gram Sabha assemblies only twice in a year. Till such time, the Tahsildar may lose an opportunity to evict the allottee and to put the land to better use, by allotting the same to land less and needy poor people etc. In some cases, it is observed that the house sites / constructed houses over Bhoodan Land, are in possession of other than the allottee, which means the primary purpose of allotment of Bhoodan Lands is

defeated itself. This may also be treated as violation and upon which eviction procedure as proposed above may be initiated. To overcome this, the Tahsildar may be allowed to act on the application made by any one or suo-motu, when such instances comes to his notice, by amending section 24 of the said Act suitably.

After distributing, most of the lands donated by various landlords to landless poor persons and also allotment of land to various institutions, considerable acres of Bhoodan lands have been encroached upon and the remaining extents are also prone to encroachment. Since, there is no specific provision in the Telangana Bhoodan and Gramdan Act, 1965 to deal with the encroachment on any land, building, space or other property, there is a necessity to incorporate the procedure in the Act, authorizing the Secretary of the Board to take action on the encroachments, by inserting new provisions. Opportunity has also been taken for having certain other provisions viz., vesting, the power to review on illegal allotments and pass appropriate orders, with the Board; and for appointment of a Secretary along with the other members of the Staff in the Board to assist the Secretary and the Board, etc.

Accordingly, it has been decided to amend the Telangana Bhoodan and Gramdan Act, 1965 (Act No.13 of 1965) suitably.

This Bill seeks to give effect to the above decisions.

MOHAMMED MAHMOOD ALI,
Deputy Chief Minister
and Minister for Revenue, Relief,
Rehabilitation, ULC, Stamps and
Registration.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1 (2), 2, 3, 4 and 9 of the Bill authorize the Government to issue notifications or to make rules in respect of the matters specified therein and generally to carry out the purposes of the Act. As such the notifications issued, or rules made which are intended to cover matters mostly of procedural in nature are 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 provisions of the Bill regarding delegated legislation are thus of normal type and mainly intended to cover matters of procedure.

MOHAMMED MAHMOOD ALI,
Deputy Chief Minister
and Minister for Revenue, Relief,
Rehabilitation, ULC, Stamps and
Registration.

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

The Telangana Bhoodan and Gramdan (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
and Minister for Revenue, Relief,
Rehabilitation, ULC, Stamps and
Registration.

Dr. S. RAJA SADARAM,
Secretary to State Legislature.