

# TENANCY ACT, 1956

Land Cell

## **ANDHRA PRADESH (ANDHRA AREA) TENANCY ACT, 1956**

### **EVOLUTION OF TENANCY REFORMS IN ANDHRA AREA :**

- One of the important objectives of the land reforms in India has been the protection of rights and interest of tenants by whatever name they have been called.
- Till 1950, the main forms of land tenure in force in Andhra area were Zamindari, Enamdari and Ryotwari.
- Zamindari system was prevalent over 50% of total area of the land. These Zamindars followed a variety of rental arrangements calculated to leave the peasant only the barest and minimum recompense for his labour. The rent agreements between Zamindars and Peasants were inequitous. The Zamindars enjoyed vast powers to enhance the rent, dispose of the waste and community land and also to evict a peasant refusing to accede to their terms, unilaterally.
- The oppressive activities of the Zamindars resulted in the formation of the Andhra Provincial Zamindari Rights (Peasants) Association led by Prof.N.G.Ranga, which supported the cause of ryots. The Congress Ministry in 1937 espoused the cause of tenants.
- After prolonged agitation by Peasant Organisations, Zamindari system was abolished in the year 1949 and 10 years later Inamdari system was abolished.
- To alleviate the problems faced by the tenants and it is only after the independence that land reforms in the area of tenancy have gained momentum.

- As a result of the efforts of several individuals and organisations as stated above the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 has been enacted. It has been amended by Act 39 of 1974 which came into effect from 1-7-1980 to achieve the objects effectively. The A.P. (Andhra Area) Tenancy Rules, 1980 were issued in G.O.Ms.No.2792 Revenue (F) Department dt.27-6-1980 and they came into force from 1-7-1980.

#### **OBJECTS :**

- To protect the tenants from unjust eviction.
- To regulate the fair rent payable by the tenant to the landlord.
- To prescribe the minimum period for agricultural leases.
- To provide for a right of first preference to tenant, in purchasing the land.

#### **DEFINITIONS:**

- Agriculture year means the year commencing on the 1<sup>st</sup> day of June [Section 2(a)]
- Cultivating tenant means a person who cultivates by his own labour or by that of any other members of his family or by hired labour under his supervision and control, any land belonging to another under a tenancy agreement, express or implied, but does not include a mere intermediary. [Section 2(c)]
- Landlord means the owner of a holding or part thereof who is entitled to evict the cultivating tenant. [Section 2(f)]
- Personal cultivation means cultivation of land by a person on his own account. [Section 2(gg)]
- Plantation crop means tea, coffee, rubber, casurina and such other crop as may be notified by the Government. [Section 2(h)]

- Special Officer means any Judicial Officer not below the rank of a District Munsiff. [Section 2(j)] (prior to 1-7-1980 the Special Officer was Tashildar, or Deputy Tashildar of Independent Sub-Taluk).

**STEPS :**

- Maximum rents payable by cultivating tenant is 30% on every crop grown on any irrigable land and 25% on any other land, of gross produce. (Section 3).

**Powers of Special Officer :**

- On application by tenant or landlord, the District Munsiff (Special Officer) determines the fair rent after making enquiry having regard to the following factors : (Section 6)
  - a) the rental values of the lands used for similar purposes in the locality ;
  - b) the profits of agriculture on similar lands in the locality ;
  - c) the prices of crops and commodities in the locality ;
  - d) rates of wages of agricultural labour prevailing in the locality ;
  - e) the improvements made to the land by the landlord or the cultivating tenants ;
  - f) the assessment payable in respect of the land ; and
  - g) such other factors as may be prescribed.

The order shall take effect from the commencement of agricultural year in which the application made and shall be in force for 6 years.

- As per the agreement made earlier by the tenant and landlord, the tenant shall deposit the rent during the pendency of proceedings for the fixation of fair rent. (Section 7)

- The Special Officer shall after due enquiry, order remission of rent on application by the tenant within 15 days before the crop is cut and removed in the case of loss of crop due to widespread calamities. A copy of such application shall be served on the landlord by the cultivating tenant. (Section 8)

#### **RIGHTS AND DUTIES OF TENANT:**

- Every lease subsisting at the commencement of Andhra Pradesh (Andhra Area) Tenancy (Amendment) Act, 1974 shall be deemed to be in perpetuity. [Section 10(1)]
- Leases entered after the commencement of the above amended Act (1-7-1980) shall be for a maximum period of 6 years and such lease is successively renewable for a maximum period of 6 years at a time with same conditions and terms. It should be in writing. The stamp and registration charges shall be borne equally. [Section 10(2&3)]
- To mortgage his interest in the land in favour of the Government or Cooperative Societies or Institutions for sanction of crop loans. [Section 10(4)]
- The lease is heritable. [Section 10(5)]
- Even in the event of change in the ownership, the tenant entitled to continue the tenancy with same terms and conditions. (Section 11)
- If a landlord fails to cultivate the land resumed personally within a period of one year from the date of such resumption or having discontinued cultivation for a continuous period of not less than one year within a period of six years such land shall be restored to the tenant by the Special Officer on application made by the tenant. [Section 12(3)]

- The tenant has to be given an option first to purchase, if the landlord intends to sell the property. If the tenant gives his option to purchase it, and there is no agreement between landlord and tenant with regard to price, they may apply to the Special Officer for the determination of reasonable price of such land. After due enquiry, the Special Officer fixes the price which shall not exceed five times of fair rent, and it shall be payable in 10 equal instalments by the tenant and sale shall become effective on the payment of first instalment. [Section 15(1,2,3 & 4)]
- The tenant may terminate the tenancy and surrender his holding at the end of agriculture year during the currency of lease by giving not less than 3 months notice in writing before the end of such year to the landlord and to Special Officer and surrender takes effect only after it is accepted by Special Officer after due enquiry. (Section 14)
- The tenant has to pay interest on arrears of rent as fixed by the Government from time to time. (Section 9)

#### **RIGHTS OF LANDLORD :**

- The landlord is entitled to resume the possession of the land for his personal cultivation at the end of the period of such lease by giving to the cultivating tenant and Special Officer at least 4 months notice expiring with the period of the lease or renewed lease. [Section 12(1&2)]
- Tenancy can be terminated in the following cases : (Section 13)
  - a) Failed to pay the rent due by him within a period of one month from the date stipulated in the lease deed, or in the absence of such stipulation, within a period of one month from the date on which the rent is due according to the usage of the locality; and in case the rent is payable in the form of a share in the produce, has failed to deliver the produce at the time of harvest ; or

- b) has done any act or has been guilty of any neglect, which is destructive of, or permanently injurious to the land ; or
- c) has sub-let the land; or
- d) has violated any of the conditions of the tenancy regarding the uses to which the land may be put ; or
- e) has wilfully denied the landlord's title to the land ; or
- f) has failed to comply with any order passed or direction issued by the Special Officer or the District Judge under this Act.

Making an application in this regard by landlord to the Special Officer is a condition precedent.

**APPEALS :**

- Against the orders of Special Officer, the appeal lies to the District Judge within 30 days of the passing of the order. The order of District Judge is final. [Section 16(2)]

**SAVINGS :**

- Nothing contained in this Act shall apply – (Section 18)
  - a) to lands in which plantation crops are raised ;
  - b) to orchards, where the tenancy is for the enjoyment only of the usufruct of the trees ;
  - c) to lands owned by the [Central Government or the State Government (Subs. By A.P. Act 2 of 1979)]; and
  - d) to lands leased for grazing purposes ;
  - e) to lands held by any Corporation established by or under a Central or Provincial or State Act, or any Government Company as defined in Section 617 of the Companies act, 1956 or any Port Trust.

- f) to any agricultural land belonging to or given or endowed for the purpose of any charitable or Hindu religious institutions or endowment as defined by the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act.

#### **RULES :**

- Andhra Pradesh (Andhra Area) Tenancy Rules, 1980 provide for -
- a) the procedure to be followed in making inquiries and hearing appeals under this Act ;
  - b) the manner of service of any notice issued under this Act ;
  - c) the execution or enforcement of orders or decisions passed under this Act.

#### **FORMS (APPENDED) :**

FORM – I : Application for adjudication of disputes under the provisions of the A.P. (Andhra Area) Tenancy Act, 1956

FORM – II : Notice for conducting enquiry by the Special Officer

FORM – III : Form of Summons

FORM – IV : Application for Resumption of Land

FORM – V : Application for Restoration of Possession

FORM – VI : Notice to be given by the Land-holder to the Tenant for exercising option to purchase the land.

FORM – VII : Notice to the Respondent to file Counter in Appeal.

FORM – VIII : Notice to the Tenant to pay the balance of fair rent determined by the Special Officer.

#### **CASE LAWS :**

- **The Act has no application to the lands owned by Religious and Charitable Institutions** :- A Division Bench of the High Court of A.P. in



W.P.No. 28714 of 1998, dated 19-2-2002 held that the provisions of A.P. (A.A.) Tenancy Act, 1956 have no application to the Endowments Act in view of the judgement of the Supreme Court in State of Andhra Pradesh Vs. Nallamilli Rami Reddy, (201)7 SCC 708 = 2002(2) ALT 1 SC. Application filed under Section 16 of the A.P. Tenancy Act 1956 in relation to the lands belonging to the Religious Institutions is not maintainable. *Gopiseti Venkaiah Vs. Chavali Brahmabhotlu, 2003(3) ALD 707.*

- **Kinds of rent** :- Kinds of rent-cash, definite share in the produce and definite quantity in the produce irrespective of the yield, *G.Parvatha Vardhanamma Vs. G.Satyanarayana Rao, 1961 A.P. 869.*
- **Agreed rent** :- Agreed rent is deemed to be fair rent, *V.Venkataratnam Vs. Sri Ramalingeswara Swami Devasthanam, 1977 ALT 1(NRC) = 1977(2)An. WR 292.*
- Eviction against the Tenant can be ordered if rent deposited in cash instead of payment of rent in kind as per the Agreement. *M.Krishnavenamma Vs. M.Veerawamy, 1974(1)APLT 76(SN).*
- The burden lies on the tenant to establish the failure of the crop due to widespread calamities. *C.Swamy Vs. R.Suryanarayana, 1971(1)ALT 58 = 1971(2) APLJ 25 = 1970 APHN 316 = AIR 1971 AP 303 = 1971(1) An. WR 149.*
- Lessee under an oral lease is entitled to six years lease period. *M.C.Kesanna Vs. E.Subramanyam, 1976(2) APLJ 72(SN).*
- Oral lease for a period of two years is valid and enforceable. *A.V.Narasimharaju Vs. P.Venkataramayya, 1965(1) An. WR 481.*

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