ANDHRA PRADESH LEGISLATIVE ASSEMBLY DEBATES

Official Report

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Ninth Day of the Eighth Session of the
Andhra Pradesh Legislative Assembly

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

Wednesday, the 3rd December, 1958
(Mr. Speaker in the Chair)
The House met at Nine of the Clock

QUESTIONS AND ANSWERS
(See Part I)

BUSINESS OF THE HOUSE.
3rd December, 1958 Business of the House

போச்சூட்டு allow நீதியை & மணியை எச்சாரித்திருக்கிறார். காதல் மினால் புது செய்தை அம்பியும் கட்சியின் allow நீதியாக.

(i) இ. பைஜெட்டுந்திது (சோன்னிது) : உள்ளூர் : இரண்டு சில முயற்சியிலிருந்து கிடையாதவுடன் இதிலும் மிகுதியுடன் கொண்டிருந்தனர். அதற்கு ஏற்றியுள்ளது. மறு செய்ய இதுவைக்கதேடு என்ற உயர் மேற்கை. எனவே தமிழக பொழியியல் துறை அமனது. இதையே M. L. A’s. முனையில் கொண்டுவரும்?

முதல் இராசியகம்: M. L. A’s. முனையில் கொண்டுவரும்?

(ii) இ. திசைப்பெட்டியுடன் (மூக்கூர்) : உள்ளூர்: இரண்டு முயற்சியிலிருந்து முயற்சியுடன் கிடையாதவுடன் மிகுதியுடன் கொண்டிருந்தனர். மறுக்கள் வட்டை கல்வி உடன் முன்னேற்றம். மறுக்கள் வட்டைக்கு வரும் முன்னேற்றம்? இ. கொண்டிருந்த உயர் மேற்கை என்றும் கொண்டு வரும்?

முதல் இராசியகம்: அரை கொண்டு வரும் முன்னேற்றம். ஏனெனும் எச்சாரித்திருக்கிறார். கண்டு கைத்தாள் நன்னைவு எச்சாரித்திருக்கிறார். அரை கொண்டு வரும் முன்னேற்றம் என்றும்.

(iii) இ. குரோஜியுடன் (சோன்னுல் கூரு) : உள்ளூர்: "என் நாட்டிற்கு எந்தக் காலத்துறையின் ஒரு நோக்கு என்றுக்கூறி என்று வந்துள்ளேன். அதையும் எந்த காலத்துறையின் ஒரு நோக்கு என்று வந்துள்ளேன். அதையும் எந்த காலத்துறையின் ஒரு நோக்கு என்று வந்துள்ளேன்.

முதல் இராசியகம்: என் எச்சாரித்து என்று கூறியும். என்று கூறியும் என்று கூறியும். என்று கூறியும் என்று கூறியும். என்று கூறியும். 

(iv) இ. காரட்டுந்திது (சோன்னு) : உள்ளூர்: "என் காலத்துறையில் எந்தக் காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் 

முதல் இராசியகம்: எச்சாரித்து என்று கூறியும். என்று கூறியும் என்று 

(v) இ. கொண்டியுடன் (சோன்னுல் கூரு) : உள்ளூர்: "என் காலத்துறையில் எந்தக் காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறையில் எந்த காலத்துறை 

முதல் இராசியகம்: எச்சாரித்து என்று கூறியும். என்று கூறியும் 

democratic method என்று, எச்சாரித்து என்று.
Coercive methods are justified only in cases of genuine emergencies.

Agitation is unjustified unless it is done through democratic means.

You are a democratic Government. Therefore you have to take into consideration seriously public opinion expressed through telegrams, through resolutions, through meetings, etc. That is all I can say because you represent people, and people's opinion should be respected.

People's opinion is expressed only by a certain percentage of people?

1% of the people.

1% of the population.
My advice is that the democratic Government should take note of the resolutions, statements, etc. contained in the agitation and make suitable provision for the same. General principles should be embodied in the constitution and implemented. At the same time, it is our duty to take note of the general agitation that is prevailing in the country. 90 percent is no substitute for 100 percent. The Lady Member is requested to influence the Chairman and other Members of the Select Committee to proceed with the Bill.

Mr. Peri (member) observed: There is no substitute for 90 percent. delay is 0 percent. May be we can proceed with the Bill in 25 days. 101 members do not constitute a quorum.


Mr. Chair: The motion stands. Let us proceed.

Mr. Speaker, in special debate (Sub-section): Hon. Mr. Minister for Finance, regarding the current budget deficit, I wish to clarify something. We are currently facing a severe economic crisis. The government has introduced various measures to tackle it but we need to analyze the situation carefully. In the long run, we must ensure that the policy decisions are sound and sustainable.

It is a basic requirement. As a result, the draft must be finalized.

(ii) a. Opinion (Sub-section): 101 members last year, 101 members, 50% of the public opinion, 25% of the public opinion.

Hon. Chair: Mr. Speaker, the constitution says that each member represents all the people of the constituency, regardless of whether they voted or not. Each constituency has 101 members.

Mr. Speaker, in the current debate (Sub-section): Hon. Chair, regarding the current budget, I wish to clarify something.

Mr. Chair: Hon. Member.

Hon. Chair: Hon. Member.
Calling attention to matters of urgent public importance - Letting out of water to second crop in Krishna Delta.

MESSAGE FROM THE COUNCIL

Th: Andhra Pradesh (Extension of Term of Office of Vice Chancellor) Bill, 1958 (L. A. Bill No. 30 of 1958)

Mr. Speaker: I have to announce to the House that I have received the following message from the hon. Chairman of the Legislative Council dated 2-12-1958: “In accordance with Rule III of the Andhra Pradesh Legislative Council Rules, as adopted under clause (2) of Article 208 of the Constitution of India, I transmit a copy of the Andhra Pradesh (Extension of Term of Office of Vice-Chancellor) Bill, 1958, (L. A. Bill No. 30 of 1958) as passed and agreed to by the Council on the 1st December 1958 without any amendment and signed by me.”

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

Letting out of water to second crop in Krishna Delta.
Sri J. V. Narasing Rao: Sir, During the year 1953, the Planning Commission of the Government of India held that it would be in the national interest to utilise the surplus waters of the Tungabhadra Reservoir which would otherwise go to waste for the second crop irrigation in Krishna Delta. This Government accordingly addressed the Planning Commission during 1953 and 1954 to make arrangements to enable this Government to utilise the surplus storage waters in the T. B. Reservoir for raising second crop in Krishna Delta. The Planning Commission were pleased to give necessary instructions to the Governments of Mysore, Ex-Hyderabad and the T. B. Board to allow surplus waters for raising second crop in Krishna Delta on a purely temporary basis without involving any right by this temporary usage. The water let out was used for cultivating II crop in Krishna Delta during 1953-54, 1954-55, 1955-56, 1956-57 and 1957-58.

The Secretary, T. B. Board has been requested to obtain the approval of the T. B Board for allowing supplies from the T. B. Reservoir for raising second crop in Krishna Delta during 1958-59 season. It appears that the T. B. Board at its meeting held on 27th and 28th November, 1958 has since agreed to let down waters from the T. B. Reservoir for second crop in Krishna Delta during the year 1958-59, but the communication from the Secretary, T. B Board, is awaited. On receipt of the approval from the T. B. Board, instructions will be issued to the Board of Revenue to make necessary arrangements to fix the areas and intimate the ryots in Krishna, Guntur and West Godavari districts about the availability of water for raising second crop during 1958-59 season.

BREACHES TO KADAM DAM

3rd December, 1958

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Mr. Speaker: That expression has been held unparliamentary in the Madras State Assembly.

Mr. Speaker: In Madras, but not in Andhra. (Laughter)

Sri S. Ranganatha Mudaliar: That is a slur on the Tamilians. I am so sorry.

Sri S. Ranganatha Mudaliar: ‘Koosar’ is not an slur. It is a term of endearment among Tamilians.

Sri S. Ranganatha Mudaliar: ‘Koosar’ is not a slur. It is a term of endearment among Tamilians.
Sri J. V. Narasinga Rao: It is another matter sent by him which is perhaps not admitted. No date is fixed, Sir, for that.

Re: S. J. K. N.: It is another matter sent by him which is perhaps not admitted. No date is fixed, Sir, for that.
The work on the Kadam Project was started in 1949 and was nearly completed by the beginning of this year. Following heavy rains in August-September 1958, the Kadam Dam breached in some places on 31-8-1958 resulting in appreciable damage to crops.

The breach so far as we are aware at present, was due to continuous abnormal rains. A High Level Committee has been appointed to go into the question thoroughly and advise the Government pending their report. It may not be possible nor desirable to speculate on causes leading upto it.

As a first step towards saving the standing crop, water was supplied from the minor streams that crossed the canal...
and the supply restored within a fortnight. The quantum of flow in the stream was carefully estimated, but though it served the purpose for major part of the crop period, there was the fear of supply from the streams dwindling down before the crops matured. The following are the streams diverted into the canals. Details of the pumps installed in streams to pump water are also furnished below:

I. Streams diverted:

(1) At chain 152 of main canal to feed distributaries 1 & 2
(2) At chain 266
(3) At chain 551
(4) Gudi-Vagu stream in 19th mile of main canal to feed distributaries No. 10 to 13
(5) Rottiguda-Vagu to feed distributary No. 19
(6) Chemmakura Vagu to feed distributary No. 22
(7) Mathdi-Vagu to feed distributary No. 25 and 26
(8) Utra-Vagu and Peddayya Vagu to feed distributary No. 29

II. Pumps installed:

(1) One pump 6"x6" at Head sluice
(2) One pump 6"x6" at Chain 52
(3) One pump 21/2" x 3" and one pump 4"x3" at Ch 361 to feed distributary No. 4.
(4) One pump 21/2" x 3" to feed distributaries No. 5 & 6
(5) Three pumps on Bhu tapur-Vagu to feed distributary No. 9

Since the supply from the streams was not adequate to mature the crop, there was no alternative left but to resort to pumping the low flow available in the main river. As the crop area was pretty big and the lift very high, heavy duty pumps were collected from far and near. Persistent efforts were made and the supply to the pumps established. Even the installation of heavy pumps involved transport of loads as heavy as a ton or more each piece across the river. As all the communications had been cut
off, this involved great difficulty. Six pumps were put in position at the head sluice. Some of them were put into commission also. But as they were on temporary foundations and the lift being near about 50 feet, continuity of supply could not be established in the beginning. In the meanwhile the supplies from the main streams dwindled down as a result of which all the crop could not be saved. In fact all the streams excepting three viz., Gudi Vagu, Rotti Vagu and Mathdi Vagu dried up by the end of October. The discharge in the three major streams was also found to be short of the full requirements.

Out of the standing crop of 8,587 acres at the time of breaching of the dam, about 50% of the area is reported to have withered away by 30-10-58. With the help of pumping arrangements referred to above, allowing 10% for further calamities, it is expected that 40% of the crop area yielding about 1500 tons of paddy worth about Rs. 7,50,000 will be saved. All the water available from whatever source was equitably distributed by the constant vigilance of the P. W. D. and the Revenue Officers.

Now that the pumping arrangement from the main river has been established, the possibilities of supplying water to the second crop to an extent of about 2,000 acres is under active examination of the special Chief Engineer (Irrigation).

In addition to that, I may submit, Sir, there are some wild allegations made about the distribution of water by interested parties who have nothing to do with that area just because they wanted to make some political capital, but that has also been enquired into. The distribution of water was made equitably. We could not get a stream for each distributary. When they found out a stream, they tried to head up water and distribute for two distributaries near about on the upper reaches as in the lower reaches. That was the genuine effort made and there was no discrimination in the distribution of water and the local people are appreciative, although some interested parties may give it any colour.

Sir. K. M. On a point of Personal explanation, interested parties are appreciative.
Interested parties are hereby excused.

I am not going to allow. The matter is closed.

_Sri B Ratnasabhapathi_: I am not going into that aspect. He is making a reference to us. I wish to reply to that. A statement has been made on the floor of the House......

_Mr. Speaker_: Please resume your seat.

Mr. Speaker: Please resume your seat.

_Sri J. V Narasinga Rao_: It is not a political party. It is individuals.

_Sri B. Ratnasabhapathi_: On a point of clarification, Sir.

_Sri P. Narasinga Rao_: On a point of clarification, Sir.

_Mr. Speaker_: No clarification at this stage.

_Sir E. Sujangar: On a point of order, Sir. The honourable wild allegation is hereby insterested parties are hereby excused. Kindly come clarify this matter.

It is a responsible statement. What is the allegation? Who has made it? And what is the basis for that?

_Mr. Speaker_: There is no necessity. Any body may say 'political parties' or 'those interested against me'...

(Sri B. Ratnasabhapathi rose...)

_Mr. Speaker_: When I am on my legs, the hon. member should sit down; otherwise, I will have to take action against him. When I asked him to sit down, he did not do so and then said that he would walk out in protest. Is that the way? It is a contempt of the House.
Mr. Speaker: I have closed the matter. Everybody 30½. I am advising Mr. Ratnasabhapathi not to bother himself. When I say ‘I have closed’, nobody should raise any voice; nobody should whisper; nobody should talk, nobody should protest. If anybody protests...

Sri B. Ratnasabhapathi: I am not going to protest.

PAPER LAID ON THE TABLE OF THE HOUSE


Mr. Speaker: paper laid.

GOVERNMENT BILLS


Sri K. Venkata Rao. Sir I beg to move:

“that the Madras Estates Land Act (Reduction of Rent) (Andhra Pradesh Amendment) Bill, 1958 be referred to a Select Committee.”

Mr. Speaker: Motion moved.
In this Act unless there is something repugnant to the subject or context:

(2) Estate means:

(a) any permanently settled estate or temporarily settled zamindars.

(b) any portion of such permanently settled estates or temporarily settled zamindars which is separately registered in the office of the Collector;

(c) any unsettled Polim or Jagir;

(d) any inam village of which the grant has been made, confirmed or recognised by the British Government notwithstanding and that subsequent to the grant, the village has been partitioned among the grantees of the successors-in-title of the grantee or grantees.

"In certain cases held that villages were not Estates but did not cancel the rent reduction notification.

(2) In certain other cases both things were done.

(3) In some of these cases Government were parties to the litigation. In others parties were private.

(4) In spite of earlier civil court decisions, Special
officers held some villages to be Estates and published the rent reduction notification.

Where the High Court or any other competent civil court has unequivocally held that the village in question is not an estate;

Where the Government have been a party to the litigation.

Where it is not proposed to appeal against the decision which therefore became final.

As regards inam hamlets and khandrigas which became estates by virtue of the Estates Land Amendment Act of 1956, the ‘Estate’ character of these areas was brought into effect from 7-1-1948. In those cases where the courts had held that certain areas to be not estates under the amended definition of Section 3 (2) (d) but which had subsequently become estates by virtue of the amendment Act of 1956, it has been advised legally that there is no need to cancel the rent reduction notification issued earlier i.e., before the Amendment Act of 1956, even though these areas were not estates at the time of the issue of rent reduction notifications due to the fact that by the Amendment Act of 1956, retrospective application of the estate character had been enforced from 7-1-1948 being the same date on which the Rent Reduction Act came into force. There would therefore arise no need for cancelling the rent reduction notifications in such cases where the areas concerned have become estates under the definition of ‘Estates’.
amendments passed the Madras Estates Land Act (Reduction of Rent) (Amendment) Bill, 1958.


Cases where the area concerned is not an estate even under the revised definition of the estate under the amendment of 1956 i.e., in regard to hamlets and khandrikas lying in ryotwari or zamindari villages and also minor inams covered by the Inams Abolition Act.

Where the area concerned is not an estate even under the revised definition of the estate under the amendment of 1956 i.e., in regard to hamlets and khandrikas lying in ryotwari or zamindari villages and also minor inams covered by the Inams Abolition Act.

The Madras Estates Land Act (Reduction of Rent) (Andhra Pradesh Amendment) Bill, 1958

Amendment of the Rent Act, 1947. The Madras Estates Land Act (Reduction of Rent) (Andhra Pradesh Amendment) Bill, 1958 seeks to amend the Rent Act, 1947 to reduce rents and regulate rent collections. It aims to provide relief to landholders who have been affected by economic conditions and to ensure fair treatment of tenants. The amendment seeks to cancel excessive rents and provide for a just and equitable reduction in rents. It also provides for the appointment of committees to examine cases and to fix reduced rents. The bill aims to protect the interests of both landholders and tenants and to promote peaceful co-existence.

Fundamental Rights

The bill also seeks to protect the fundamental rights of tenants as provided under the Indian Constitution. It ensures that tenants have the right to live, work, and conduct their affairs without unreasonable interference. The bill also seeks to provide for just and reasonable compensation for rents paid by tenants and to ensure that tenants are not deprived of their property without due process of law.
On a point of order.

Sir! On a point of order.

Mr. Deputy Speaker in the Chair

On a point of order.

Point of order.
Point of order. Any points are allowed.

A point of order: Sir, I would like to raise a Point of order.

On a point of order, Sir. I would like to raise a Point of order.

Notice shall cause to be published in the village in the prescribed manner, a notice requiring all persons who have applied to the Settlement Officer under Sub-section (1) or filed before him statements under sub-section (2), to appear before it and after giving them a reasonable opportunity of being heard give its decision.

"Where any such appeal is preferred, the Tribunal shall cause to be published in the village in the prescribed manner, a notice requiring all persons who have applied to the Settlement Officer under Sub-section (1) or filed before him statements under sub-section (2), to appear before it and after giving them a reasonable opportunity of being heard give its decision.
The Madras Estates Land Act (Reduction of Rent) (Andhra Pradesh Amendment) Bill, 1958

The question is:

“That the Madras Estates Land Act (Reduction of Rent) (Andhra Pradesh Amendment) Bill 1958 be referred to a Select Committee.”

The motion was adopted.

Sri K. Venkata Rao: Sir, The Select Committee will consist of the following members:
Where any such appeal is preferred, the Tribunal shall cause to be published in the village in the prescribed manner, a notice requiring all persons who have applied to the Settlement officer under Sub-section (1) or filed before him statements under sub-section (2), to appear before it and after giving them a reasonable opportunity of being heard give its decision.
The Madras Estates Land Act (Reduction of Rent) (Andhra Pradesh Amendment) Bill, 1958

The question is:

"That the Madras Estates Land Act (Reduction of Rent) (Andhra Pradesh Amendment) Bill 1958 be referred to a Select Committee."

The motion was adopted.

Sri K. Venkata Rao: Sir, The Select Committee will consist of the following members:

Sri K. Venkata Rao: Sir, I beg to move:

“That the Madras Estate (Abolition and Conversion into Ryotwari) (Andhra Pradesh Second Amendment) Bill, 1958, be read a first time.”

Mr. Deputy Speaker: Motion moved.
The Madras Estates (Abolition and Conversion into Ryotwari) (Andhra Pradesh Second Amendment) Bill, 1958

The issue arose in Madras High Court as an independent estate vs. inam estate. The original estates were converted into ryotwari estate by an amendment. In the case of inam estates, the burden of proof was on the state. The Rent Reduction Act applies to cases where automatic or voluntary notice is given. The old rent gets the retrospective effect. The abolition judgment is subject to review. In the case of an estate, the burden of proof is on the state. The Madras Legal Department published a notice in 1958-1960, which was followed by a review. The Rent Reduction Act applies in cases of inam estates. 1955-

The Madras Estates Act provided for the conversion of estates into Ryotwari, which involved the abolition of the zamindari system and the transfer of land to the ryotwari system. A judgment was required to confirm the abolition of estates and to confirm the powers of the Settlement Officer. The final judgment would be issued by the Supreme Court. Any appeal against the final judgment could be made to the Supreme Court. Additionally, a private appeal could be made to the Governor, and a private appeal could also be made to the Supreme Court. The application for withdrawal of the notice withdraw would follow the procedure of the Supreme Court. Any amendment to the procedure would follow the procedure of the Supreme Court. A general application would be made to withdraw the notice withdraw.

The estate was abolished. Supreme Court directed that any particular case be filed as a general application. General application pertained to the amendment of the estate.

The Select Committee prepared the general application for the drafting of the purpose and estate section. The estate was abolished and estate amendments were passed.

Tribunal of estate was abolished. Legislation regarding appeal was prepared. A general application was prepared and sent to the Select Committee for drafting. The purpose of the estate was discussed by the estate and appeals were made. The estate was abolished and estate amendments were made.
3rd December, 1953

The Madras Estates (Abolition and Conversion into Ryotwari) (Andhra Pradesh Second Amendment) Bill, 1953.

“Importance of the Bill: The Madras Tenancy Act was framed in 1908. It was amended in 1919 and 1947. The Second Amendment Bill of 1953 introduces certain changes in the Act. The main object of the Bill is to declare certain estates as Ryotwari estates and to give the tenants of such estates the right to purchase their holdings at a reasonable price.”

Supreme Court judgments: Several judgments have been pronounced in the Supreme Court regarding the applicability of the Tenancy Act.

High Court Judgment: The High Court has also given its judgment in favour of the tenant.

Legal Department: The Legal Department has prepared the necessary amendments to the Act.

High Court Judgment: The High Court has pronounced its final judgment in favour of the tenant.

Notice: Notice has been served to all the tenants of the estates to declare their holdings as Ryotwari estates.”

...notices wrong to serve unconditional serve notices withdraw unconditional serve notices withdraw from estates. Supreme Court Judgement point mention...
"The Act came into force on 19-4-1949. Under Section 1 (4) of the Act, certain Sections thereof were to come into force at once and the other Sections on such date as the Government might by notification appoint, in respect of any zamindari under-tenure or inam estate. In exercise of the powers conferred by this Section, the appellant issued a notification on 22-8-1949 bringing the Act into force as regards the Ramanathapuram estate from 7-9-1949.

Among the villages mentioned as comprised in the zamindari was "Kanupur" (Part) described as an under-tenure. It is common ground that the part referred to in this notification is the one-sixteenth part, which forms the subject-matter of this appeal.

The respondent who represents the holders of this inam filed the application out of which the present arises under Article 226 of the Constitution for a Writ of Certiorari quashing the notification dated 22-8-1949 as ultra vires."
Post Inam Estate
High Court notify
Under tenure inams

Assistant Settlement Officer notification issue

High Court contest

Legal Department

Legal experts argue that certain points in the notification withdraw the position taken by the select committee. Unqualified notice withdraws the nature of the notification. Legal experts argue that the select committee's position is incorrect. Legal experts argue that the select committee's position is incorrect.

In the estates, the High Court holds that the estate is burdened to prove a certain fact. The High Court holds that the estate is burdened to prove a certain fact. The High Court holds that the estate is burdened to prove a certain fact.


districts for the time being the Headquarters of the Estate Department. The said Estate Department, hereinafter referred to as "the Department", shall be responsible for the administration of the estates. Any person aggrieved by any order or decision of the Department may appeal to the High Court. Any person aggrieved by any decision of the High Court may appeal to the Supreme Court. The Supreme Court may notify any of its decisions. Any person aggrieved by any decision of the Supreme Court may appeal to the Privy Council. Any person aggrieved by any decision of the Privy Council may appeal to the Governor General in Council. The Governor General in Council may alter any of its decisions. Any person aggrieved by any decision of the Governor General in Council may appeal to the Advocate General. The Advocate General may alter any of its decisions. Any person aggrieved by any decision of the Advocate General may appeal to the Governor General in Council. Any person aggrieved by any decision of the Governor General in Council may appeal to the Supreme Court. The Supreme Court may alter any of its decisions. Any person aggrieved by any decision of the Supreme Court may appeal to the Governor General in Council. The Governor General in Council may alter any of its decisions.

3. The Governor General in Council may, by notification, alter any of its decisions.

The burden of proof for the original estates shall be 10 rupees per acre. In the absence of any such statement or record, the burden of proof shall be on the original estate owner to prove his right to the estate. Whenever a notification cancelling the registration of an estate is issued, the burden of proof shall be on the original estate owner to prove the correctness of the notification. If the registration of an estate is cancelled, the owner of the original estate shall have the right to appeal to the Court of Final Appeal for the State of Andhra Pradesh. Any appeals from the Court of Final Appeal shall be heard by the Andhra Pradesh High Court. The Andhra Pradesh High Court shall have the power to declare the registered estate to be original estates and to cancel the notification.


Cancellation of a notification in respect of an estate does not prevent the Government from notifying the estate again.

(Sri P. V. Narasimha Rao in the chair)


Date: 7th December, 1958

(Sri P. V. Narasimha Rao in the chair)

Member: Is there any reply on this? What is the position?

(Sri V. R. V. G. Basavaiah)

Sir, the cancellation the amendment has prescribed is only for the said land. The land cannot be cancelled if there is an agreement on it. The agreement is valid in the absence of the relevant rules. The relevant land cannot be cancelled. The land that is registered cannot be cancelled. The land that is registered cannot be cancelled. The land that is registered cannot be cancelled. The land that is registered cannot be cancelled. The land that is registered cannot be cancelled.

Cancellation of a notification in respect of an estate does not prevent the Government from notifying the estate again.

(Sri P. V. Narasimha Rao in the chair)

Member: Is there any reply on this? What is the position?

(Sri V. R. V. G. Basavaiah)

Sir, “cancel” does not mean the same. What is the position?

(Sri P. V. Narasimha Rao in the chair)

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(Sri V. R. V. G. Basavaiah)

Sir, “cancel” does not mean the same. What is the position?
Provisions of the Act were brought into force in certain inam villages on the assumption that they were under tenure estates, but it has been subsequently found that this
assumption is not correct. It is, therefore, necessary to withdraw the operation of the Act from those villages and clause 9 of the Bill provides for such a withdrawal. To withdraw the operation of the Act a single word is necessary. The word "cancel" does not cancel the word "under tenure" or "under tenure estate". The word "transmutation" does not cancel it. The word "withdrawal" does not cancel it. The word "notified under tenure estate" does not cancel it. The word "withdrawal" does not cancel it. The word "transmutation" does not cancel it. The word "withdrawal" does not cancel it. The word "transmutation" does not cancel it. The word "withdrawal" does not cancel it.

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The Madras Estates (Abolition and Conversion into Ryotwari) (Andhra Pradesh Second Amendment) Bill, 1958

3rd December, 1958

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human intelligence

Mr. Chairman: The question is:

"That the Madras Estates (Abolition and Conversion into Ryotwari) (Andhra Pradesh Second Amendment) Bill, 1958, be read a first time."

The motion was adopted.

Sri K. Venkata Rao: Sir, I beg to move:

"That the Madras Estates (Abolition and Conversion into Ryotwari) (Andhra Pradesh Second Amendment) Bill, 1958, be read a second time."

Mr. Chairman: Motion moved.

(Pause)

Mr. Chairman: The question is:

"That the Madras Estates (Abolition and Conversion into Ryotwari) (Andhra Pradesh Second Amendment) Bill, 1958, be read a second time."

The motion was adopted.

Clause 2

The motion was adopted.

Clause 2
3rd December, 1958

The Madras Estates (Abolition and Conversion into Ryotwari) (Andhra Pradesh Second Amendment) Bill, 1958

"The Government may" or may not.

'p. 3. The Government may: 'May' or 'shall' or may not.

's. 3. The Government may: 'May' or 'shall' or may not.

3rd December, 1958

valid
modification
Cancel

Explanation

Objects and Reasons

Sections

contest
explanation

`cancel`
`modification`

purpose
There are at present more than 300 cases in which the villages once notified as inam estates or undertenure estates as the case may be have to be deleted from the notifications concerned as the tenure of the villages was wrongly notified, by virtue of either the Civil Court decisions or the decisions of Settlement Officers and Tribunals or as a result of the tenure investigation made by the Government themselves. The question whether legislative action on the lines of Sec 9 of Madras Act XVII of 1951 should be taken to delete all such villages was considered by the Government.

As instances of such wrong notifications come to the Government from time to time it has been desirable to take general powers by amending the Act so as to enable them to cancel or amend a notification issued under Sec. 1 (4) the Abolition Act. This does not however mean that the Government do not propose to apply the provisions of the Abolition Act to the village concerned. The village will be notified correctly and appropriately after the tenure investigation is completed. For this purpose in the present amending Bill provision is made in clause (2) of the Bill to the effect that the cancellation of a notification in respect of an estate does not prevent the Government from notifying the estate again in the appropriate manner. For example, several inam villages which were held to be not inam villages previously became inam estates now by virtue of the Andhra Pradesh Amendment Act XVIII of 1957 which brought under the scope of the Abolition Act the post-1936 inams i.e. the riam villages in which both the melwaram and kudiwaram rights stood vested in the inamds and became estates under the Madras Estates Land (Third Amendment) Act, 1936. Though on account of the deci-

sions of Civil Courts or Settlement Officers or Tribunals holding them as not inam estates, they were proposed to be deleted from the notifications concerned (in cases where such inam villages were previously notified under Sec. 1 (4) of the Abolition Act), Government are taking steps to notify them afresh under the Abolition Act after the amendment Act aforesaid has come into force. Similarly the inam hamlets and khandrikas which became estates under the Madras Estates Land (Andhra Amendment) Act, 1956 which were previously held as not estates will now be notified under Sec. 21 (4) of the Abolition Act, with reference to the latest amendments of the Estates Land Act and the Estates Abolition Act. As the original notifications in which they were previously notified were not previously cancelled, general powers are now sought to be taken by amending the Sec. 1 of the Abolition Act as in clause 2 of the Bill so as to empower the Government to cancel the notifications previously made which are now void or inoperative (inoperative more correct).

The are also cases in which an inam village which is only an undertenure estate was notified as a zamin estate wrongly. In such cases the notifications are being modified so as to indicate the correct tenure of the villages as an undertenure and not as a zamin estate. In such cases there is no withdrawal of the provisions of the Abolition Act altogether. Only the tenure is changed. For this power is sought to be taken for modifying the previous notifications suitably.

As regards the clause 3 of the Bill it may be mentioned that certain inam villages like the Nindalikhandrika of Nellore district were originally notified as separate inam or undertenure estates. They were subsequently found to be only darmila inams and not separate inam villages at the time of the grant. In the case of Karuppur village of Ramanadhapuram district the Madras High Court quashed the notification issued under Sec. 1 (4) of the Abolition Act and held that darmila inams fell under Sec. 20 of the Abolition Act, that they were protected by that Section and that the Government could not administer the village under the Abolition Act. Based on this decision the High Court held in several other cases of other darmila inams that the villages concerned were protected under Sec. 20 of the
Abolition Act. Nindalikhandrika is one such case. The High Court quashed the notification relating to that village based on the previous decision of the High Court in C. M. P. No. 8302 of 50. In the appeal filed in the Supreme Court against the decision of the Madras Government in the Karuppur case, the Supreme Court held in C. A. No. 219 of 54, dated 20-1-1955 that darmila inams do not fall under Sec. 20 of the Abolition Act, that they vest in the Government along with the main estate of which they formed parts under Sec. 3 (b) of the Abolition Act. Though the Supreme Court thus gave a general ruling, the individual cases in which the High Court quashed the notifications issued by the Government and also prohibited the Government from exercising acts of management etc. under the Abolition Act, became final as no appeals were filed against them, and the Government feel a legal difficulty in resuming the administration of darmila inams in all such cases in pursuance of the Supreme Court's decision. In order to validate the actions of the Government in taking possession and administering darmila inams under the provisions of the Abolition Act specific amendment to Sec. 3 of the Abolition Act to enable the Government in this regard is now sought to be made in clause 3 of the Bill. As it is necessary to give retrospective effect to the resumption of the administration of these darmila inams with effect from the notified date of the parent zamin estates, necessary provision is made in this regard in clause 4 of the Bill.

I therefore request the hon. Members not to have any kind of doubts about this Bill.
Mr. Chairman: The question is:

“That Clause 2 do stand part of the Bill.”

The motion was adopted.

Sri G. Yellamanda Reddy: Sir, I demand a division.

The House divided:

Ayes: 63, Noes: 26

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3

Mr. Chairman: The question is:

“That Clause 3 do stand part of the Bill”.

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4

Mr. Chairman: The question is:

“That Clause 4 do stand part of the Bill.”
The motion was adopted.
Clause 4 was added to the Bill.

Clause 1

Mr. Chairman: The question is:
“That Clause 1 and Preamble do stand part of the Bill.”
The motion was adopted.
Clause 1 and Preamble were added to the Bill.

Sri K. Venkata Rao: Sir, I move that the Madras Estates (Abolition and Conversion into Ryotwari) (Andhra Pradesh Second Amendment) Bill, 1958 be read a third time and passed.

Mr. Chairman: Motion moved.
Mr. Chairman: The question is:

That the Madras Estates (Abolition and Conversion into Ryotwari) (Andhra Pradesh Second Amendment) Bill, 1958 be read a third time and passed.

The motion was adopted.

(The House then adjourned till Nine of the clock on Thursday, the 4th December, 1958.)