

THE ANDHRA PRADESH WATANS (ABOLITION) ACT, 1978

ACT No. 10 OF 1978

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[2nd February, 1978]

AN ACT TO ABOLISH THE SYSTEM OF WATANS IN THE TELANGANA AREA OF THE STATE OF ANDHRA PRADESH AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

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

1. Short title, extent and commencement – (1) This Act may be called the Andhra Pradesh Watans (Abolition) Act, 1978.
 - (2) It extends to the whole of the Telangana area of the State of Andhra Pradesh.
 - (3) It shall be deemed to have come into force on the 8th December, 1977.
2. Definitions - In this Act, unless the context otherwise requires,—
 - (a) 'appointed day' means the day on which this Act came into force;
 - (b) 'Collector' means any officer-in-charge of a revenue division and includes Deputy Collector, a Sub-Collector, an Assistant Collector and any other officer appointed by the Government to perform the functions of the Collector under this Act;
 - (c) 'Government' means the State Government;
 - (d) 'gumastha' means a person appointed to officiate in place of a watandar;
 - (e) 'hissedar' means a person who is not a holder of a watan but who is recognised as a shareholder and is entitled to, a share in the haq-e-malikana appertaining to the watan, that is to say, the one-third of the amount of the average scale of remuneration to which the concerned watandar is entitled;
 - (f) 'notification' means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;
 - (g) 'prescribed' means prescribed by rules made by the Government under this Act;
 - (h) 'Telangana area' means the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

(i) 'watan' means a village office together with a right to hold the property appertaining thereto held hereditarily; but does not include the village offices of sethsindhies and neeradies;

(j) 'watandar' or 'holder of a watan' means a person who has been recognised by the competent authority to have a right to hold a watan.

(2) The words and expressions used and not defined in this Act but defined in the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 F (Act VIII of 1317 F)., shall have the meanings respectively assigned to them in that Act.

3. Abolition of certain watans together with the right to hold office and the incidents thereof – (1) With effect on and from the appointed day, notwithstanding anything in any law, custom, usage, settlement, grant, sanad or order-

(a) all watans shall stand abolished;

(b) all rights connected with watans, including all rights to hold any office, whether hereditary, contractual or otherwise, and any liability to render service, appertaining to the watans, shall stand extinguished.

(c) any provision of law, usage or practice relating to the succession to any watan shall be void; and

(d) all other incidents appertaining to watans shall stand extinguished.

(2) Every watandar, hissedar or gumastha appertaining to a watan and holding such watan on the appointed day shall, notwithstanding anything in any contract, custom, usage or other settlement, cease to hold such watan on the abolition of the watans and he shall be entitled to hold any village office only subject to the rules made by the Governor under the proviso to article 309 of the Constitution.

4. Amount to be paid on abolition of watans – (1) Notwithstanding anything in any law, custom, usage, settlement, grant, sanad or order, a watandar whose watan is abolished or a hissedar who ceases to be entitled to the right to perform the duties of a hereditary village office, in consequence of the provisions of this Act shall be paid an amount equal to seven times the one-third of the amount or the average scale of remuneration to which such watandar or hissedar is entitled annually immediately prior to the appointed day:

Provided that where there are more than one person as watandar or hissedar, each of such persons shall be entitled to receive such sum in proportion to his share in the watan.

Explanation:- (a) In calculating the average scale of remuneration, three immediately preceding years scale of remuneration shall be taken into consideration.

(b) For the purposes of this section, a gumastha, deputy or substitute, officiating for the watandar or hissedar shall not be entitled to receive any such amount.

(c) The term "remuneration" means the commission received by the waandar on the land revenue collected, and does not include any other allowances payable to the watandar.

(2) The amount payable under this section shall be paid within a period of ¹[twenty-one months] from the appointed day-

- (i) in a case where such amount does not exceed five thousand rupees, in one lumpsum; and
- (ii) in any other case, in two equal instalments.

(3) In the event of the death of the watandar or hissedar before payment in full, or after payment in part, of the amount referred to in sub-section (1), the amount which remained so unpaid on his death shall be paid to his legal heir or heirs.

5. Method of determining amount for extinguishment of other rights –

(1) If any person is aggrieved consequent on the extinguishment or modification of any rights to, or interest in his property and if no amount for such extinguishment or modification has been provided for in this Act such person may apply to the Collector for payment of an amount therefor.

(2) An application under sub-section (1) shall be made to the Collector in the prescribed form and within the prescribed time.

(3) The Collector shall, on receipt of such application and after holding an enquiry in the prescribed manner, make an award determining the amount payable in the manner and according to the method provided for in

¹. Substituted by the Act No. 11 of 1979, S.2.

sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

6. Appeal – (1) Any person aggrieved by the award of the Collector made under sub-section (3) of section 5 may appeal to the Commissioner for Land Revenue within sixty days from the date of communication of the award.

(2) In deciding appeals under sub-section (1), the Commissioner for Land Revenue shall exercise all the powers which a Civil Court has and follow the same procedure which the court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908 (Central Act V of 1908).

(3) Notwithstanding anything in the Andhra Pradesh Court-fees and Suits Valuation Act, 1956 (Act VII of 1956), every appeal made under this Act to the Commissioner for Land Revenue shall bear a court-fee stamp of such value as may be prescribed.

7. Finality of award of Collector and decision of Commissioner for Land Revenue - The award made by the Collector subject to an appeal to the Commissioner for Land Revenue and the decision of the Commissioner for Land Revenue shall be final and shall not be questioned in any court of law.

8. 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) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the procedure to be followed by the Collector in determining questions as to whether or not a person was the watandar, hissedar, gumastha or any other person on their behalf;

(b) the procedure relating to appeals before the Commissioner for Land Revenue;

(c) any other matter which has to be or may be prescribed.

(3) 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.

9. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the Government may make such orders, not inconsistent with the purpose of this Act as appear to them to be necessary or expedient for the purpose of removing the difficulty:

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

10. Repeal - (1) On the commencement of this Act, the provisions of the Dastoorul Amal Patel Patwaries, the Firmans, the orders and circulars pertaining to watans and village offices thereof shall stand repealed in so far as they are repugnant to or inconsistent with the provisions of this Act.

(2) The Andhra Pradesh Watans (Abolition) Ordinance, 1977 (Ordinance 20 of 1977), is hereby repealed.

(3) Upon such repeal, the provisions of the Andhra Pradesh General Clauses Act, 1891 (Act I of 1891), shall apply.