

Agency Tracts Interest and Land Transfers Act, 1917

1 of 1917

[14th August, 1917]

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An Act to regulate the rate of interest and the transfer of land in the Ganjam, Vizagapatnam and Godavari Agency Tracts. Preamble : Whereas it is expedient to limit the rate of interest and to check transfers of land in the Agency tracts of the Ganjam, Vizagapatnam and Godavari districts ; It is hereby enacted as follows :

1. Short title :-

This Act may be called the Agency Tracts Interest and Land Transfers Act, 1917.

2. Definitions :-

In this Act unless there is anything repugnant in the subject or context

(a) "Agency tracts" means the scheduled districts as defined in Acts XIV and XV of 1847 and included within the districts of Ganjam, Vizagapatnam and Godavari.

(b) "Agent" means "Agent to the Governor" in the districts of

Ganjam and Vizagapatnam and "Government Agent" in the district of Godavari :

(c) "Hill tribe" means any body or class of persons resident in the Agency tracts (not being a landholder as defined in the Andhra Pradesh (Andhra Area) Estates Land Act, 1908 (Act 1 of 1908) that may from time to time be notified as such for the purposes of the Act by the State Government.

(d) "Immoveable property" does not include standing timber, growing crops or grass.

(e) "Prescribed" means prescribed by rules made under this Act.

(f) "Transfer" means mortgage with or without possession, lease, gift, exchange or any other dealing with property not being a testamentary disposition and includes a charge or any contract relating to immovable property.

3. Maximum interest that may be allowed as against a member of hill tribe :-

In any suit instituted after the commencement of this Act, notwithstanding any agreement to the contrary, 197

(a) interest on any debt or liability shall not as against a member of a hill tribe allowed or decreed at a higher rate than twenty four per centum per annum nor shall any compound interest or any collateral advantage be allowed as against him ;

(b) the total interest allowed or decreed on any debt or liability as against a member of a hill tribe shall not exceed the principal amount.

4. Transfer of immovable property by a member of a hill tribe :-

(1) Notwithstanding any rule of law or enactment to the contrary, any transfer of immovable property situated within the Agency tracts by a member of a hill tribe shall be absolutely null and void unless made in favour of another member of a hill tribe, or with the previous consent in writing of the Agent or of any other prescribed officer.

(2) Where a transfer of property is made in contravention of sub section (1), the Agent or any other prescribed officer may, on application by anyone interested, decree ejectment against any

person in possession of the property claiming under the transfer and may restore it to the transferor or his heirs.

(3) Subject to such conditions as may be prescribed an appeal against a decree or order under sub section (2) if made by the Agent shall lie to the *{State Government} and if made by any other officer shall lie to the Assistant Agent or to the Agent as may be prescribed.

5. Suits against a member of a hill tribe to be instituted in the Agency Courts :-

Notwithstanding the provisions of any law to the contrary, every suit against a member of a hill tribe instituted after the commencement of this Act shall be instituted only in the Courts of the Agency tracts.

6. Attachment of immovable property :-

In execution of a money decree against a member of a hill tribe, no immovable property owned by him within the Agency tracts shall be liable to be attached and sold except as and if prescribed.

7. Framing of rules :-

(1) The {State Government} may from time to time make rules to carry out the purposes of the Act.

(2) All rules made under this section shall be published in the {Official Gazette} and, on such publication, shall have the same effect as if enacted in this Act.

8. Savings :-

(1) This Act shall not affect transfers made or debts or liabilities incurred before the coming into force of this Act.

(2) Nothing in this Act shall affect a landholder s right to proceed against the ryot in accordance with the provisions of the Andhra Pradesh (Andhra Area) Estates Land Act, 1908(Act 1 of 1908) or the first charge declared by Section 5 of that Act, or the provisions of the said Act regarding relinquishment of a holding by a ryot.