

PUNJAB BHUDAN YAGNA ACT, 1955

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37. Construction of references. Powers of Board to allot land for community purposes. Regulations. Act not to apply to evacuee property. Power to make rules. 1956 : Pb. Act XLVI YAGNA 429 THE PUNJAB BHUDAN YAGNA, ACT, 1955. Punjab Act No. 45 of 1956. [Received the assent of the President on the 29th October, 1956, and was first published in Punjab Government Gazette (Extraordinary) of 31st October, 1956. 1 2 Year No. 3 Short title 45 The Punjab Bhudan Yagna Act, 1955 4 Whether repealed or otherwise amended by legislation Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union and amended in part by Punjab Act 23 of 1957. AN ACT to facilitate activities in connection with the Bhudan Yagna initiated by Shri Acharya Vinoba Bhave, to provide for the constitution of a Bhudan Yagna Board, the donation of lands to the said Board, the distribution of lands received in donation to landless persons as also their utilisation for community purposes ; and for purposes connected with the matters aforesaid. BE it enacted by the Legislature of the State of Punjab in the Seventh Year of the Republic of India as follows • CHAPTER I—PRELIMINARY 1. (1) This Act, be called the Punjab Bhudan Short title, extent Yagna Act, 1955. (2) For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1955. page 738. (3) For Objects and Reasons, see Punjab Gazette (Extraordinary, 1957. page 391. 430 RHODAN YAGNA (1956 in force, Act XLV (2) extends to the whole of Punjab. (3) It shall come into force at once

2. In this Act, unless there is anything repugnant in the subject or context (a) "Bhudan holder" means a person recorded village papers or record-of-rights as a (b) "Bhudan Yagna" means the movement initiated by Shri Acharya Vinoba Bhave for the acquisition of lands through voluntary gifts in (c) "Board" means the Bhudan Yagna Board established under section 3; (d) "Community purpose" means any purpose which is for the good of the community of the Village in general; (e) "land" means land which is occupied or let agricultural purposes or for purposes subsistent to agriculture or for pasture ; (f) "landless person" means a person holding no land or land less than the area which may be prescribed in this behalf (g) "Revenue Officer" means such Revenue Officer appointed under the Punjab Land Revenue Act, 1887, as the State Government may, by notification, appoint to discharge the functions of a Revenue Officer under that Act; (h) "prescribed" means prescribed by rules made under this Act. of the Board

CHAPTER 11—Establishment 3. (1) There shall be established a Board by the incorporation of hudan Yagna name of the Punjab Bhudan Yagna Board. (2) The Board shall be a body corporate having perpetual succession and common seal with power to acquire and dispose of property both movable and immovable and shall, by the said name, sue and be sued. (3) It shall be the duty of the Board to administer all lands vested in it for the benefit of the Bhudan Yagna in accordance with the provisions of this Act and the rules made thereunder. 4 (1) The Board shall consist of the following, Constitution of Board, namely — (a) the Chairman—to be nominated by Shri Acharya Vinobha Bhave . and (b) six or more, but not exceeding ten members to be nominated by Shri Acharya Vinoba Bhave. (2) One of the members shall be appointed as the Secretary of the Board by Shri Acharya Vinoba Bhave. (3) The Board may delegate any of its powers and functions under the Act except the power to make regulations under section 34 of the Secretary or any member or to a sub-committee of three or more of its members. 5. (1) A Chairman, Secretary or member nominated Term of office of members under section 4 shall hold office for a term of four years or chairman. and shall be eligible for re-nomination. (2) The nomination of Chairman, Secretary and the members shall be notified in the and the term of office shall commence from such date as may be notified in this behalf • Provided that the Board may remove from office any of its members who, in its opinion, has failed to perform or is unable to carry out his duties or has so abused his position as a member of the Board as to render his continuance as such detrimental to the interest of the public or the Bhudan Yagna. 6. (1) The Chairman, Secretary or any member of Filling vacancy• the Board may, at any time, resign his office by submitting of 432 BHUDAN YAGNA (1956) Act his resignation to Shri Acharya . Vinoba Bhave. No such (2) Any vacancy of a Chairman), Secretary or a member. (3) Anything done or any proceedings taken under this Act, shall not be questioned on account of the existence of any vacancy in the Board or any defect or irregularity in the nomination of the Chairman, Secretary or any member of the Board

8. The Board may appoint such officers and servants. Appointment of servants as it considers necessary for the efficient performance of its functions

9. The remuneration and other conditions of service of officers and servants. of the officers and servants of the Board shall be such as may be determined by regulations made in this behalf by the Board. Conduct of business

10. The Board shall meet and shall, from time to time, make such arrangements with respect to the day, time, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely Quorum.(a) the Chairman may, whenever he thinks fit, call special meetings; (b) every meeting shall be presided over by the Chairman and, in his absence, by any member chosen by the meeting to preside for the occasion (c) all questions at any meeting shall be decided by a majority of the members present and, in case of equality of votes, the person presiding shall have and exercise a second or casting vote ; and (d) the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose. 11. (1) The quorum for the meeting shall be of five members. 1956: The Act XLVI (2) If at any meeting of the Board a quorum is not present, the Chairman shall adjourn the meeting on such other date as he may think fit, and the business, which would have been brought before the original meeting, if there had been a quorum present, shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not

12. The Board shall have its own fund and may Board's funds. accept grants, donations, gifts or loans from the Central or the State Governments or any local authority or any individual or body of persons, whether incorporated or not, or all or any of the purposes of this Act. Application or 13. All property, fund and other assets vesting in funds, the Board shall be held and applied by it in accordance with the provisions of this Act and the Rules made thereunder

14. The Board may enter into and perform all such Power to make contract. contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act. Dissolution Of 15. (1) If at any time the State Government is satisfied that— (a) the Board has failed without reasonable cause or excuse to discharge duties or to perform functions imposed or assigned by or under this Act, (b) circumstances have so arisen that the Board is rendered unable or may be rendered unable to discharge duties or (c) perform functions imposed or assigned by or under this Act, or (c) it is otherwise expedient or necessary to dissolve the Board, it may by notification in the official Gazette— (i) dissolve the Board

for the period to be specified ; (ii) direct the reconstitution of the Board in accordance with the provisions of section 4 of this Act ; and (1956 : Act YAGNA 434 (iii) declare that the duties, powers and for which it has been dissolved be discharged and performed by such authority and subject to such restrictions (2) The State Government may make such incidental and consequential provisions as may appear to be necessary for this purpose. 16. (1) The Board may, for any Tehsil it considers necessary so to do, constitute Tahsil Committees consisting of not less than three and not more than seven members to be appointed by the Board. (2) The Tahsil Committee may delegate any of its powers and functions under the Act to any member or to a sub-committee of three or more of its members

CHAPTER III—DONATION OF LAND for 17. (1) Any person owning a transferable interest in land and desiring to make a gift thereof to the Board may submit a declaration making the offer in the prescribed form to the Board. (2) The Board shall, if it considers the gift acceptable, forward the declaration to the Revenue Officer having jurisdiction in the Tahsil where the land is situated. (3) On receipt of the declaration mentioned in sub-section (1), the Revenue Officer shall, if satisfied, after such enquiry as he thinks necessary, that (he donor is competent to make the gift and has valid title in the land, issue a notice in the prescribed form to such person as he may consider interested in the property, calling upon them, before a date specified in the notice, to show cause why the gift should not be accepted. (4) The Revenue Officer shall also affix a copy of the notice referred to in sub-section (3) on the notice-board of his Court and shall cause it to be published by beat of drum in the village where the land is situated. 1956 : Pb. Act XINJ 1311 (1) AN YAGNA 435 (5) Any person interested in the property may, before the date specified in the notice, file an objection before the Revenue Officer showing cause why the gift should not be accepted. (6) All such objections shall be enquired into and decided by the Revenue Officer. (7) If no objection is filed before the specified date, or if all the objections filed have been rejected by the Revenue Officer, he shall pass an order accepting the gift on behalf of the Board. (8) On the acceptance of the gift, all title and interest of the donor in the land shall be extinguished and the land shall, subject to the provisions of section 18, vest in the Board in the same rights in which it was held by the donor. (9) The Revenue Officer may at any stage of the proceedings reject the offer of the donor on any of the following grounds, namely (i) that the donor is incompetent to make the gift ; (ii) that the title of the donor is defective ; (iii) that there are encumbrances on the land ; (iv) such other grounds as may be prescribed

18. The order of the Revenue Officer, rejecting an Order of Revenue Officers subject of objection passed under sub-section (7) or section 17, shall civil suit. not be subject to appeal or revision but any party aggrieved by the order or any other person interested in the land who had no notice of the proceedings under section 17 may, within six months from the date of such order, institute a suit in the Civil Court having jurisdiction to have the order set aside and the decision of such Court shall be binding on the Board, and subject to the result of such suit, if any, the order of the Revenue Officer shall be conclusive

19. Every gift of land in respect of which an order Gifts robe has been passed under section 17 shall, after the date of the order, be irrevocable.(1956 : lib. Act BUVDAN YAGNA 436 20. Except for any decree passed under section the lands vesting in the Board shall not be liable to and "Stine in not ntta" chab'e. by a Civil Court against the Board. (A) (1) Where any land has been donated under the provisions of the Bhudan Yagna prior to the commencement of this Act, the Board shall prepare a list of all lands showing therein — such (a) the area and description • (b) the name of the donor; (c) the nature of the interest of the donor in the land • (d) if the land has been granted to any person in pursuance of the Bhudan Yagna, the name of the person to whom the land has been granted; (e) the date of the grant under clause (d) ; and (f) such other particulars as may be prescribed. (2) The list so prepared shall be forwarded to the Deputy Commissioner of the district within whose jurisdiction the land is situated. (3) On receipt of such list, the Deputy Commissioner shall cause action to be taken in accordance with section 17 in respect of the lands described in the list. (4) The provisions of sections 17 to 20 and 21(b) shall apply in respect of all the donations of the said lands as they apply in respect of all donations of lands made after the commencement of this Act: Provided that where an order is made by a Revenue Officer under sub-section (7) of section 17, the gift shall be deemed to have been accepted with effect from the date on which the donation of land was made and for this purpose this Act shall be deemed to have been in force on such date. BIUDAN YAGNA 1956 : Pb. Act XINJ 437 (5) If any land of which the donation is so received before the commencement of this Act has already been granted to any person in pursuance of the Bhudan Yagna, it

shall be deemed to have been granted by the Board to such person on the date on which such person takes possession thereof and the grant shall be subject to all liabilities to which any grant made by the Board in general, shall be subject. (B) Notwithstanding the provision of any law to the contrary, a tenant holding land directly from the State Government shall, for the purposes of this Chapter, be deemed to be owning a transferable interest in such land. 22. (1) Notwithstanding anything contained in any law an owner shall not, for purposes of this Act, be competent to donate— (a) land recorded or by usage treated as pasture, cremation or burial ground, tank, pathway, or thrashing floor ; and (b) such other land as the State Government may by notification in the Gazette specify. (2) The holder of a life-estate shall be competent to donate only his life interest therein

CHAPTER IV—DISTRIBUTION OF LAND 23. Notwithstanding anything provided in any law power to allot land. to the contrary— (i) the Board shall have power to allot the land vesting in it; and (ii) the allottee shall not have and shall not be entitled to claim any rights except as provided for in this Act

24. The Tahsil Committee shall, in accordance with Tahsil committees such regulations as may be made by the Board in this behalf, distribute the land vesting in the Board to landless persons who are capable of cultivating the same personally. 25. The person to whom land is allotted under section Bhudap. holders ; 23 or 24 shall be recorded in village papers or record-of-allotment. 11956 : lil). Act Xlv BIIUDAN YAGNA 438 rights as a Bhudann holder and shall hold the land subject to the following terms and conditions, namely (a) he shall be deemed to hold the land directly from the Board and shall be liable to pay the land revenue that may have been or may be assessed on such land ; (b) his rights shall, on his death, pass to his heirs. (c) he shall not transfer any interest in the land . (d) he shall not allow the land to lie fallow for a period in excess of two years; (e) he shall pay the land revenue on the due date, If a co-operative farming society is formed in the village, he shall if so required by the Revenue Officer become a member of the co-operative farming society and abide by its by-laws and regulations.) 26. If any Bhudan holder commits a breach of any of Ejectment of Bhudan holder on breach of the conditions in section 25, the Revenue Officer may conditions. after such enquiry as he deems fit, determine the right of the holder and the land shall thereupon vest in the Board without affecting his liability to pay the arrears of land revenue recoverable from him. Land by 27. Subject to any decree passed under section IS, not liable to the land held by a person as a Bhudan holder shall not be attachment. liable to attachment or sale in execution of any decree or order passed by a Civil Court

CHAPTER V—MISCELLANEOUS Exemption from 28. The acceptance of a gift under section 17 or a stamp duty and grant of land made or deemed to be made under the provisions of this Act, shall be and be deemed always to have been exempt from (a) payment of stamp duty and (b) registration or attestation under the law relating to registration and execution of documents, any law to the contrary notwithstanding. iAdded by Punjab Act No. 23 of 1957. 439 1956: Pb. Act XLVI BHUBAN Y AONA 29. Any person in possession of the land on the date Ejectment of per. gong unlawful in of the order passed under section 17 and any person who possession. takes possession; otherwise than in accordance with law, of the land received in donation for purposes of the Bhudan Yagna may, on application to a Revenue Officer by the Board or the Bhudan holder concerned, be ejected. Partition of hold. 30. (1) If the land gifted to the Board forms a part, ings. of a holding, the Board or the Bhudan holder concerned may apply to a Revenue Officer for possession and the Revenue Officer may notwithstanding any provision in any law to the contrary, partition the holding and demarcate the land and apportion the rent or the land revenue, as the case may be. (2) If there are any arrears of rent or revenue as the case may be, on the holding partitioned under sub-section (1) the Revenue Officer shall determine the portion of the arrear due on the part of the holding gifted to the Board and thereupon the Board and the Bhudan holder shall be liable to pay the portion of the arrears so determined and notwithstanding anything contained in the Punjab Land Revenue Act, 1887, the Board or the Bhudan holder shall not be liable for the arrears in respect of the remaining part of the holding

31. The proceedings under this Act shall be deemed Procedure. for all purposes to be proceedings under the Punjab Land Revenue Act, 1887, and the procedure applicable to proceedings under the said Act shall be followed

32. If no Tahsil Committee has been formed for any Board's power Tahsil the functions of a Tahsil Committee under this Act committee. shall be performed by the Board

33. After the life time of Shri Acharya Vinoba Construction of Bhawe or at any time when he is unable to perform the functions entrusted to him under this Act owing to infirmity or any other cause the functions assigned to him shall be performed by the Akhil Bharat Sarva Sewa Sangh, Wardha, and all references to Shri Acharya Vinoba Bhawe in this Act shall be construed as references to the said Sangh.(1956 YAGNA 440 34. The Board may allot any land vesting in it to, community purpose or exchange any such land with AS. The Board may, from time to time, with the previous sanction of the State Government, make regulations consistent with this Act and any rules made thereunder (a) for regulating its procedure and the disposal of its business (b) for the remuneration and conditions of service of its employees, (c) for regulating the procedure, disposal of business, constitution and supersession of Tahsil Committees, the term of office and the filling of casual vacancies of office-bearers and members of such committees and removal of office-bearers and members thereof; (d) for the principles to be followed for the distribution of lands, qualifications of persons to whom lands may be given and the maximum area to be allotted to one family, (e) for the appointment of the sub-committees and for the delegation of powers to sub-committees and office-bearers and individual members thereof (f) for any other matter arising out of Board's function under this Act for which it is necessary or expedient to make regulations

36. Nothing in this Act shall apply to evacuee property Act not to apply to evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950). by notification Power to make 37• (1) The State Government may, and subject to the condition of previous publication, make rules, rules to carry out the purposes of this Act. 1956 : Pb. Act XLVI BHUDAN YAGNA 441 (2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules,— (a) prescribing the area of land for purposes of clause (f) of section 2; (b) prescribing the form declaration under sub-section (1) of section 17 for submitting a declaration to make a gift of land; (c) prescribing the form of notice under sub-section (3) of section 17 calling upon persons to show why a gift of land should not be accepted; (d) stating other grounds under item (iv) of sub-section (9) of section 17 for rejecting the offer to make a gift; and (e) prescribing other particulars under clause (f) of sub-section (1) of section 21.