

DELHI BHOODAN YAGNA ACT, 1955

10 of 1956

[31st December 1955]

CONTENTS

1. Short title, extent and commencement
2. Interpretation
3. Establishment of Bhoodan Yagna Board
4. Constitution of the Board
5. Appointment of officers and servants
6. Conduct of business
7. Application of property and contracts
8. Boards Funds
9. Dissolution of Board
10. Procedure for making donation of land
11. Order of Tehsildar subject to civil suit
12. Gifts to be irrevocable
13. Lands vesting in Board do not attachable
14. Lands donated prior to the commencement to this Act
15. Power of Board to grant leases
16. Conditions of leases
17. Ejectment or lessees on breach of conditions
18. Grants to be made in accordance with the Bhoodan Yagna Scheme
19. Disposal of undistributed land
20. Rights of Bhoodan lessee
21. Recovery of arrears of lease-money
22. Exemption from stamp duty and registration
23. Ejectment of persons unlawfully in possession
24. Partition of holding
25. Power to remit land revenue
26. Procedure
27. Regulations
28. Power to make Rules

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An Act to facilitate the activity in connection with the Bhoodan Yagna initiated by Shri Acharya Vinoba Bhave and to provide for

the constitution of Bhoodan Yagna Board, the donation of land to the said Board, the distribution of land received in donation to landless persons to provide for matters ancillary thereto. Be it enacted by the Legislative Assembly of the State of Delhi in the Sixth Year of the Republic of India as follows:

1. Short title, extent and commencement :-

- (1) This Act may be called the Delhi Bhoodan Yagna Act, 1955.
- (2) It extends to the whole of the Union Territory of Delhi.
- (3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, direct.

2. Interpretation :-

- (1) In this Act unless there is anything repugnant in the subject or context :

- (a) "Bhoodan Yagna" means the movement initiated by Shri Acharya Vinoba Bhave for acquisition of land through voluntary gifts with a view to distribute it to landless persons or to use it for community purpose;

- (b) "Board" means the Bhoodan Yagna Board established under section 3;

- (c) "community purpose" means any purpose which is for the good of the community of the village in general.

- (d) "land" means land which is or can be used for agricultural purposes or for purposes subservient thereto or for pasture, including grove land and tank which may be used for the purposes of irrigation or fishing or growing singharas or other similar produce but does not include 'abadi'.

- (e) "land holder" means as respects any land

- (i) in areas to which the Delhi Land Reforms Act, 1954 applies, its Bhumidar.

- (ii) in other areas its proprietor and also includes a tenant having heritable and transferable interest in land.

- (f) "landless person" means a person

- (i) whose main source of livelihood is agriculture or agricultural labour or any avocation connected with agriculture or village

economy, such as dhobi, hajam, kumhar, priet, etc. who undertakes in writing to employ himself on lands granted to him under this Act; and

(ii) who does not hold any land or holds land not exceeding such area as may be prescribed.

(g) "notification" means a notification in the Official Gazette;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "State Government" means the Chief Commissioner, Delhi.

(j) Words and expressions not defined in this Act shall have the meaning assigned to them :

(i) in areas referred to in sub-clause (i) of clause (e) in the Delhi Land Reforms Act, 1954.

(ii) in other areas, in law relating to land tenure applicable to the land.

(2) The General Clauses Act, 1897, applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Establishment of Bhoodan Yagna Board :-

(1) There shall be established the Board by the name of the Delhi Bhoodan 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 Bhoodan Yagna in accordance with the provisions of this Act.

4. Constitution of the Board :-

(1) The Board shall consist of a Chairman, a Secretary and such number of members which shall be less than four and not more than seven as the State Government may determine.

(2) The Chairman, Secretary and members of the Board shall be appointed by the State Government.

Provided that during the life time of Shri Acharya Vinoba Bhave,

the Chairman, Secretary and members shall be appointed on his nomination :

Provided further that if Shri Acharya Vinoba Bhave fails to nominate the Chairman, Secretary and members within the date fixed on that behalf by the State Government, the State Government shall appoint the Chairman, Secretary and members of the Board.

(3) The names of the Chairman, Secretary and members shall be published in the Official Gazette.

(4) The term of the office of the Chairman, Secretary and members of the Board shall be four years from the date of the publication of their names in the Official Gazette and shall include any further period which may elapse between the expiration of the said period of four years and the date of publication in the Official Gazette of the names of the Chairman, Secretary and members of the next succeeding Board :

Provided that the State Government may remove from office any member who in the opinion of the State Government has failed to perform or is unable to carry out his duties or has so abused his position as a member as to render his continuance as member detrimental to the interests of the public.

(5) The Chairman, Secretary and members of the Board shall be eligible for reappointment.

(6) The Chairman, the Secretary or any member may at any time resign his office by submitting his resignation to the State Government.

(7) Anything done or any proceedings taken under this Act shall not be questioned on account of vacancy in the Board or any defect or irregularity in the appointment of the Chairman, the Secretary or any member of the Board.

(8) Filling of casual vacancies. If the Chairman, Secretary or any member of the Board is unable by reason of his death, resignation, removal or otherwise, to complete his full term of office, the vacancy so caused shall be filled by the appointment of another person in the manner laid down in section 4 and such person shall fill such vacancy for the remaining portion of the term for which the Chairman, Secretary or the member, as the case may be, in whose place such person is appointed would otherwise have continued in

office.

5. Appointment of officers and servants :-

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

(2) The remuneration and other conditions of service of the officers and servants of the Board shall be such as may be determined by the Board.

6. Conduct of business :-

The procedure of the working of the Board and the conduct of its business shall be such as may be prescribed.

7. Application of property and contracts :-

(1) All property, whether movable or immovable vested in the Board shall be held and applied by it subject to the provisions and for the purposes of this Act.

(2) The Board may enter and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

8. Boards Funds :-

The Board shall have its own funds and may accept grants, donations, gifts or loans from the Central or State Government or any local authority or any individual or body whether incorporated or not, for all or any of the purposes of the Board.

9. Dissolution of Board :-

(1) If at any time the State Government is satisfied that

(a) the Board has failed without reasonable cause or excuse to discharge the duties or to perform functions imposed or assigned by or under this Act, or

(b) circumstances have so arisen that the Board is rendered unable or may be rendered unable to discharge duties or to perform functions imposed or assigned by or under this Act, or it is otherwise expedient or necessary to do so, it may by notification

(i) dissolve the Board for a period to be specified which may be extended from time to time;

(ii) direct the reconstitution of the Board in accordance with the

provisions of this Act, and

(iii) declare that the duties, powers and functions of the Board under this Act shall for the period for which it has been dissolved be discharged, exercised and performed by such persons or authorities and subject to such restrictions as may be specified therein.

(2) The State Government may make orders providing for such incidental and consequential matters as may appear to it to be necessary for the purposes of this section.

10. Procedure for making donation of land :-

(1) Notwithstanding anything contained in any law, rule or regulation, any landholder desiring to make a gift to the Board of any land held by him may make such gift by filing with the Tehsildar a declaration in writing in that behalf (hereinafter called the Bhoodan declaration) in the manner prescribed.

(2) On receipt of the Bhoodan declaration, the Tehsildar shall, if satisfied, after such summary enquiry as he thinks necessary, that the declarant is competent to make the gift, issue a notice in the prescribed form to all such persons 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.

(3) The Tehsildar shall also affix a copy of the notice referred to in sub-section (2) 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.

(4) Any person whose interests are affected by the Bhoodan declaration made under sub-section (1) may, before the date specified in the notice, file an objection before the Tehsildar showing cause why the gift should not be accepted.

(5) The Tehsildar shall register every such objection and shall fix a date of hearing of which notice shall be given to the declarant, the objectors and the Panchayat concerned, if any.

(6) On the date of hearing or any date to which it may be postponed, the Tehsildar shall proceed to investigate and dispose of the objection and shall, subject to the other provisions of this section,

(a) either confirm the Bhoodan declaration, or

(b) supersede the same.

(7) If the Tehsildar confirms the Bhoodan declaration then, notwithstanding anything contained in any law for the time being in force, all the rights, title and interests of the declarant in such land shall stand transferred to and vest in the Board for the purposes of the Bhoodan Yagance.

(8) Where the Bhoodan declaration is superseded by the Tehsildar under sub-section (6), the donation shall stand cancelled and the declarant shall be deemed to continue to have all his rights, interest and title in such land as if no such donation was made.

(9) The order made under sub-section (6) to confirm the Bhoodan declaration shall be got registered under the Indian Registration Act, 1908 by the Tehsildar in such manner as may be prescribed and it shall then take effect from the date of the order, as if it were a deed of gift.

(10) No fee for registration of the order shall be chargeable.

(11) Tehsildar may at any stage of the proceedings supersede a declaration on any of the following grounds, namely :

(i) that the donor is incompetent to make a gift;

(ii) that the title of the donor is defective;

(iii) that there are encumbrances on the land;

(iv) that there are arrears of land revenue or rent;

(v) that the land was recorded on the date of the declaration as common pasture land, cremation or burial ground, tank, pathway, or threshing ground;

(vi) such other ground as may be prescribed.

11. Order of Tehsildar subject to civil suit :-

The order of the Tehsildar confirming a declaration, passed under sub-section (6) of section 10, shall not be subject to appeal or revision, but any party aggrieved by order or any other person interested in the land who had no notice of the proceedings under section 10 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 Tehsildar shall be conclusive.

12. Gifts to be irrevocable :-

Every gift of land in respect of which the Bhoodan declaration has been confirmed under sub-section (6) of section 10 shall after such confirmation be irrevocable.

13. Lands vesting in Board do not attachable :-

The land vesting in the Board shall not be liable to attachment or sale in execution of any decree or order passed by a civil court against the Board.

14. Lands donated prior to the commencement to this Act :-

(1) Where any land has been donated for the purposes of the Bhoodan Yagna prior to the commencement of this Act, the Deputy Commissioner shall prepare a list of such lands showing therein

- (a) the area and other particulars of the land;
 - (b) the name and address of the donor;
 - (c) date of donation;
 - (d) the nature of the interest of the donor in the land;
 - (e) if the land has already been granted to any person in pursuance of the Bhoodan Yagna, the name of the person to whom the land has been granted (hereinafter called the grantee);
 - (f) the date of the grant under clause (e);
 - (g) such other particulars as may be prescribed.
- (2) The list so prepared shall be published in the manner prescribed.
- (3) On such publication of the list and notwithstanding anything in any law to the contrary
- (a) the right, title and interest of every donor in land shall with effect from the date of donation be deemed to stand transferred to and vest in the Board as if a Bhoodan declaration had been duly made and confirmed in respect thereof under and in accordance with the provisions of section 10;
 - (b) where such land has in pursuance of the Bhoodan Yagna been granted to any person, it shall with effect from the date of grant be

deemt further to have been granted to the grantee under and in accordance with the provisions of section 15.

15. Power of Board to grant leases :-

Notwithstanding provided in any law to the contrary, the Board or such other authority or person, as the Board may specify, either generally or in respect of any areas, may, in the mann prescribed, grant leases of lands which have vested in it to landless persons.

16. Conditions of leases :-

A person to whom land is leased under sectio 15 shall be recorded in village papers or records of rights as a Bhoodan lesses and shall hold the land subject to the following terms and conditions, namely

- (a) the lessee shall be entitled to hold the land as such so long it continues vested in the Board;
- (b) the leasehold rights shall, on the death of the holder, pass to his heirs;
- (c) the lessee shall not transfer any interest in the land;
- (d) the lessee shall not sublet the land without the previous sanction of the Board;
- (e) the lessee shall not allow the land to lie fallow for a period excess of two years;
- (f) the lessee shall pay the lease-money one month before the day on which land revenue for the land is due;
- (g) the lessee shall comply with any conditions which the'Board impose by regulations.

17. Ejectment or lessees on breach of conditions :-

- (1) If any lesses commits a breach of any of the conditions (a) to (g) in section 16, the Board may apply to the Revenue Assistant for determining the lease.
- (2) The Revenue Assistant may, after giving full opportunity to the lessee to be heard and after such enquiry as he deems fit, determine the lease and restore possession of the land to the Board.
- (3) An appeal against the order of the Revenue Assistant under sub-section (2) shall lie to the Deputy Commissioner.

18. Grants to be made in accordance with the Bhoodan Yagna Scheme :-

All grants shall be made, so far as may be, in accordance with the scheme of Bhoodan Yagna : Provided that if the Board is unable to allot any land vesting in it or to use such land for any community purpose, it shall have the power to exchange such land with other suitable land, or to sell it in order to purchase another land for being distributed according to the provisions of the Act.

19. Disposal of undistributed land :-

If the Board cannot distribute any donated land in accordance with the scheme, it shall transfer such land to the State Government.

20. Rights of Bhoodan lessee :-

Any person who has held land as a Bhoodan lessee for ten years continuously in accordance with the conditions in section 16 shall on the expiry of ten years have the same rights in the land as are held by the Board and the title and interests of the Board therein shall cease.

21. Recovery of arrears of lease-money :-

Any arrears of lease-money due to the Board by a lessee shall on application by the Board be recoverable in the same manner as arrears of land revenue.

22. Exemption from stamp duty and registration :-

The Bhoodan declaration made or deemed to be made under section 10 or a grant of land made or deemed to be made under section 15 shall be and deemed always to have been exempt from payment of stamp duty and from registration or attestation under the law relating to registration or execution of documents, any law to the contrary notwithstanding.

23. Ejectment of persons unlawfully in possession :-

Any person in possession of the land on the date of the order under section 10 and any person who takes possession otherwise than in accordance with the law of the land vesting in the Board may on an application to the Revenue Assistant by the Board or the lessee concerned be ejected.

24. Partition of holding :-

If the land gifted to the Board forms part of a holding, the Board or the lessee concerned may apply to the Revenue Assistant for possession and the Revenue Assistant may, notwithstanding any provision in any law to the contrary, partition the holding and

demarcate the land and apportion the rent.

25. Power to remit land revenue :-

(1) The State Government may, if it is satisfied that the Board has not been able to lease out the land in any year, remit the land revenue or rent due on the land in that year.

(2) - The State Government may by notification direct that the powers conferred on it under sub-section (1) will subject to such conditions as may be specified be exercisable also by the Deputy Commissioner.

26. Procedure :-

The proceedings under this Act shall be deemed for all purposes to be proceedings under the Delhi Land Reforms Act, 1954 (8 of 1954) and the procedure applicable to proceedings under the said Act shall be followed.

27. Regulations :-

The Board may from time to time with the previous sanction of the State Government make regulations consistent with this Act and rules made thereunder

- (a) for regulating its procedure and disposal of its business;
- (b) for the remuneration and conditions of service of its employees;
- (c) 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 leased to one family;
- (d) for prescribing conditions for advancing loans to lessee;
- (e) for any other matter arising out of the Board's functions under this Act for which it is necessary or expedient to make regulations.

28. Power to make Rules :-

(1) The State Government may by notification make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules prescribing

- (a) the area of land for purposes of clause (f) of section 2;
- (b) the form of Bhoodan declaration and the manner in which it

shall be filed;

(c) the documents to be filed with the Bhoodan declaration;

(d) the form of notice under sub-section (2) of section 10 calling upon persons to show cause why the gift of land should not be accepted;

(e) the natural scope and manner of the enquiry under sub-section (2) of section 10;

(f) the manner of filing the objections and their registration;

(g) the manner and mode of service of notice under this Act;

(h) the procedure to be followed in hearing and disposal of objections under section 10;

(i) the matters relating to the grant of land in pursuance of section 15;

(j) the matters which are to be and may be prescribed.