

Jharkhand Bhoodan Yagna Act, 1954

22 of 1954

[21 July 1954]

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PREAMBLE

An Act to facilitate the donation of lands in connection with the Bhoodan Yagna initiated by Shri Acharya Vinoba Bhave and to provide for the settlement of such lands with landless persons ²[or with a village community, Gram Panchayat, or with a Co-operative Society organised by the Bhoodan Yagna Committee].

Whereas it is expedient to facilitate the donation of lands in connection with the Bhoodan Yagna initiated by Shri Acharya Vinoda Bhave and to provide for the settlement of such lands with landless persons; ²[or with a village community, Gram Panchayat or with a Co-operative Society organised by the Bhoodan Yagna Committee];

AND Whereas it is the desire of Shri Acharya Vinoba Bhave that the lands donated to him in connection with the Bhoodan Yagna prior to the commencement of this Act shall be transferred to, and vest in, the Bhoodan Yagna Committee:

It is hereby enacted as follows:

1. For Statement of Objects and Reasons, see the Bihar Gazette dated the 23rd September, 1953. Pt. V. p. 38; for Report of the Select Committee, see the Bihar Gazette, Extraordinary of the 26th March, 1954, pp.2-19.

2. Inserted by Act 15 of 1959.

1. Short title, extent and commencement :-

(1) This Act may be called the Jharkhand Bhoodan Yagna Act, 1954.

(2) It extends to the whole of the State of Jharkhand.

(3) It shall come into force at once.

2. Definitions :-

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; ¹[or to a village Community, Gram Panchayat, or a Co-operative Society organized by the Committee];

²[a1) "Collector" includes an Additional Collector;"

³[(a2) "Bank" means-

(i) a banking company as defined in the Banking Regulation Act, 1949 (10 of 1949);

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(iii) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);

(iv) a Regional Rural Bank established under the Regional Rural Banks Act, 1976 (21 of 1976);

(v) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 (10 of 1963); and

³[(vi) the Agricultural Finance Corporation Ltd., a Company

incorporated under the Companies Act, 1956 (1 of 1956)];

(b) "Committee" means a Committee established under section 3;

(c) "land" means land which is occupied or let for agricultural or horticultural purposes or for purpose (or for purposes) subservient to agriculture or horticulture and includes waste-lands ⁴[and things attached to the earth, such as trees, bamboo clumps, structures];

(d) "landless person" means a person-

(i) whose main source of livelihood is agriculture or agricultural labour or who undertakes in writing to employ himself on lands granted to him under this Act; and

⁵[(ii) who does not hold any land or holds such areas of land not exceeding five acres as may be prescribed by the Committee];

⁶[and includes a person who has donated in writing his entire lands other than those enumerated in the proviso to sub-section (1) of Section 10 to Shri Acharya Vinoba Bhave or the Committee.

Explanation.-The Committee may prescribe in this behalf different areas for different parts of the State within the limit prescribed in sub-clause (ii)]:

(e) "owner"; means any person who holds any land as a proprietor or tenant and has a lawful title thereto and a transferable and heritable interest therein:

Provided that in the Santhal Parganas and the Chotanagpur Division, "owner" shall include a person holding any land as a raiyat, though he may not have a transferable interest therein]⁷;

6[(e1) "prescribed" means prescribed by rules or regulations made under this Act;

(e2) "person" includes a village community, Gram Panchayat or a Cooperative Society organised by the Committee; and]

(f) "Revenue Officer" means the Collector, Additional Collector, Sub-divisional Officer, Additional Sub-divisional Officer^{**8**}[or any officer not below the rank of Sub-Deputy Collector] appointed by the State Government to discharge all or any of the functions of the Revenue Officer under this Act.

1. Inserted by Act 15 of 1959.

2. Inserted by Act 14 of 1965.

3. Inserted by Act 8 of 1981.

4. Inserted by Act 15 of 1959. This shall be deemed always to have been inserted.

5. Substitute by Act 15 of 1959.

6. Inserted by *ibid*

7. The word "and" omitted by *ibid*.

8. Substitute by *ibid* for the words "Deputy Collector".

3. Establishment of the Jharkhand Bhoodan Yagna Committee :-

(1) There shall be established by the State Government a Committee to be called the Jharkhand Bhoodan Yagna Committee to administer all lands vested in it for the purposes of the Bhoodan Yagna in accordance with the provisions of this Act.

(2) The Committee shall be a body corporate and shall have perpetual succession and a common seal with power to acquire, hold and dispose of property; both movable and immovable, and shall by the said name, sue and be sued.

(3) The Committee may enter into and perform all such contracts and exercise such other powers and discharge such other functions as it may consider necessary or expedient for carrying out any of the purposes of this Act.

4. Constitution of the Committee and term of office :-

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

(2) The Chairman and members of the Committee shall be appointed by the State Government:

¹[X X X X X]

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

(4) The term of office of the Chairman and members of the Committee 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 the publication in the Official Gazette of the names of the Chairman and members of the next succeeding Committee.

(5) The Chairman and members of the Committee shall be eligible for reappointment.

1. Omitted by Act 8 of 1981.

5. Resignation by, and removal of, Chairman or a member :-

(1) The Chairman or a member of the Committee may, at any time, resign his office by submitting his resignation to the State Government but no such resignation shall take effect until it is accepted and notified in the Official Gazette:

1[X X X X X]

(2) The State Government may 1[X X X] by notification in the Official Gazette, remove from office the Chairman or any member of the Committee if the Chairman or such member-

(i) has applied for being adjudged an insolvent or is an undischarged insolvent; or

(ii) has been convicted of an offence involving moral turpitude; or
(iii) refuses to act or becomes incapable of acting or acts in a manner which the State Government, after hearing any explanation that he may offer, considers to be prejudicial to the objects of this Act.

1. Omitted. by Act 8 of 1981.

6. Filling of casual vacancies :-

If the Chairman or any member of the Committee 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 or the member, as the case may be, in whose place such person is appointed would otherwise have continued in office.

7. Validity of proceedings :-

No act or proceeding of the Committee shall be deemed to be

invalid only by reason of the existence of a vacancy in the Committee or any defect or irregularity in the appointment of the Chairman or any member of the Committee.

8. Conduct of business of the Committee :-

(1) The Committee shall have an office at Ranchi and shall meet at such time and place and every meeting of the Committee shall be summoned in such manner, as it thinks fit, subject to the following provisions, namely:-

(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 members present to preside at the meeting;

(c) all questions at any meeting shall be decided by a majority of the members present and voting and in case of an equality of votes, the person presiding shall have and exercise a second or casting vote; and

(d) the minutes of the proceedings of such meeting shall be recorded in a book to be provided for the purpose;

Provided that it shall be lawful for the Chairman to summon the first meeting of the Committee at such time and, place as he may deem expedient by a letter addressed to each member on a clear notice of fifteen days.

(2) No business shall be transacted at any meeting of the Committee unless at least three members including the Chairman of the meeting are present:

Provided that no quorum shall be necessary for an adjourned meeting.

9. Dissolution of the Committee :-

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

(a) the Committee has, without reasonable cause or excuse, made default in the performance of its duties or the discharge of its functions, imposed by or under this Act, or exceeded or abused its powers; or

(b) circumstances have so arisen that the Committee is rendered unable or may be rendered unable to discharge its functions under this Act; or

(c) it is otherwise expedient or necessary to dissolve the Committee; the State Government may, by notification in the Official Gazette, dissolve

the Committee for such period as may be specified in the notification and declare that the duties, powers and functions of the Committee under this Act shall, during the period of dissolution be performed, exercised and discharged by such person or authority subject to such restrictions as may be specified by the State Government in this behalf by notification in the official Gazette].

(a) The State Government shall, before the expiration of the period of dissolution, reconstitute the Committee in accordance with the provisions of Section 4.

(3) The State Government may make such incidental and consequential provisions as may appear to be necessary for giving effect to the purposes of this section.

(4) Any notification or order made by the State Government under this section shall not be questioned in any Court of Law.

1. Substituted by Act 8 of 1981.

10. Donation of land :-

(1) Any person being the owner of any land may donate such land to the Bhoodan Yagna Committee or to Shri Acharya Vinoba Bhave by a declaration in writing in that behalf (hereinafter called the Bhoodan Yagna Danpatra):

Provided that no person shall, for the purposes of this Act, be entitled to donate any land of the following classes, namely:-

(a) any cremation or burial ground, tank or pathway;

(b) lands recorded in the record of rights as gairmazrui am;

(c) lands held under service tenures;

(d) any forest land notified under any of the provisions of the Indian Forest Act, 1927 (XVI of 1927), or the Bihar Private Forest Act, 1947 (Bihar Act IX of 1948);

(e) lands containing mines and minerals, whether discovered or undiscovered or whether being worked or not; and

(f) any other land which the State Government may by notification in the Official Gazette, specify.

(2) The Bhoodan Yagna Danpatra shall be filed before the Revenue Officer appointed under this Act as soon as it is made.

11. Publication of, and investigation upon the, Yagna Danpatra :-

1[(1) On receipt of the Bhoodan Yagna Danpatra, the Revenue Officer shall cause the same to be published in the prescribed manner inviting written objections thereto within a period of thirty days from the date of publication.

(2) If no written objection is filed within the period mentioned in sub-section (1), the Revenue Officer shall make a summary inquiry in the prescribed manner as to the right, title and interest of the donor in such land and his competency to make a gift.

(3) If any written objection is filed within the period mentioned in sub-section (1), the Revenue Officer shall register such objection and fix a date for hearing of which a public notice shall be given in the prescribed manner and a copy of such notice shall be served on the donor and the objector by registered post with acknowledgment due and on the date so fixed the Revenue Officer shall hear the donor and the objector.

(4) After holding the summary enquiry under sub-section (1) or after hearing the donor and the objector under sub-section (3), as the case may be, the Revenue Officer may supersede the Bhoodan Yagna Danpatra in whole or in part 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 the donor is not a person entitled to donate the land under the provisions of Section 10 or Section 12.

(5) If the Bhoodan Yagna Danpatra is not superseded in whole or in part under sub-section (4) the Revenue Officer shall confirm it in whole and if it is superseded in part, he shall confirm it in respect

of the part which is not superseded].

2[(6) The donation of the land in respect of which the Bhoodan Yagna Danpatra is superseded shall be cancelled and the right, title and interest of any person in such land before the date of the Yagna Danpatra shall not be affected in any manner.

2[(7) The Revenue Officer shall, in the hearing and disposal of objections under this section, have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters, namely:-

(a) summoning and enforcing attendance of witnesses and examining them on oath;

(b) requiring the discovery and production of any document;

(c) reception of evidence on affidavits;

(d) requisitioning any public record from any Court or Office;

(e) issuing commission for examination of witnesses:

and such proceeding before the Revenue Officer shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 and for the purposes of Section 195 of the Indian Penal Code, 1860 (XLV of 1860).

3[(8) The Collector may at any time transfer a petition filed under sub-section (2) any other Revenue Officer, within his jurisdiction, for disposal.

1. Existing sub-sections (1) to (4) Substitute and (5) to (7)

renumbered as (6) to (8) by Act 14 of 1965.

2. Renumbered by ibid

3. Inserted by Act 15 of 1959 as sub-section (7) and renumbered as (8) by Act 14 of 1965.

12. Donation of land by a proprietor or tenure-holder after vesting of his estate or tenure in the State under Jharkhand* Act XXX of 1950 :-

1[(1) When a proprietor or tenure-holder whose estate or tenure has vested in the State under the Jharkhand* Land Reforms Act, 1950 (Bihar Act XXX of 1950), has made before the commencement of this Act a declaration in writing purporting to donate to Shri Acharya Vinoba Bhave any land comprised in such estate or tenure, such declaration shall be treated as Bhoodan Yagna Danpatra and the provisions of this Act shall apply mutatis mutandis in respect of land donated under such Bhoodan Yagna Danpatra as they apply in respect of donation of land made after the commencement of this Act:

Provided that in dealing with such Bhoodan Yagna Danpatra under section 11, the Revenue Officer shall deal with it as if the land covered by such Bhoodan Yagna Danpatra had not vested in the State under the Jharkhand* Land Reforms Act, 1950 (Bihar Act XXX of 1950).

(2) After and such Bhoodan Yagna Danpatra is confirmed in respect of any land comprised in any such estate or tenure then notwithstanding any thing contained in the Jharkhand* Land Reforms Act, 1950 (Bihar Act XXX of 1950), such land shall be excluded from such estate or tenure for purposes of assessment and payment of compensation under that Act and the provisions of Section 13 shall apply to such land.

1. Substitute by Act 14 of 1965.

*. Ed.-Substitute for "Bihar" in view of adaptation of "Bihar Land Reforms Act, 1950".

13. Vesting of lands in the Bhoodan Yagna Committee :-

(1) The right, title and interest of the donor in any land donated to Shri Acharya Vinoba Bhave or to the Bhoodan Yagna Committee shall, on confirmation of the Bhoodan Yagna Danpatra in respect of that land, stand transferred to, and vest in, the Committee for the purposes of the Bhoodan Yagna ¹[with effect from the date of the donation].

(2) The land vesting in the Committee shall not be liable to attachment or sale in execution of any decree or order passed by the Civil Court against the Bhoodan Yagna Committee.

²[X X X X X]

1. Inserted by Act 15 of 1959. This shall be deemed always to have been added.

2. Omitted by ibid. This shall be deemed always to have been omitted.

14. Grant of land to landless persons :-

(1) The Committee or such other authority or person, as the Committee may specify, either generally or in respect of any local area; in the prescribed manner may ¹[subject to sub-section (2) grant lands which have vested in the Committee to landless persons ²[or to a village community, Gram Panchayat, or a Co-operative Society organised by the Committee] and the grantee of the land shall acquire the same right, title and interest as the donor had in such land:

Provided that-

(i) in case the donors interest in such land was that of proprietor or tenure-holder as defined in the Jharkhand* Land Reforms Act, 1950 (Bihar Act XXX of 1950), the grantees right, title and interest shall

be that of an occupancy raiyat liable to pay rent to the State Government;

(ii) in case the estate or tenure, as the case may be, in which such land is situated has vested in the State under the said Act, the right, title and interest of the grantee shall also be subject to the provisions of that Act; and

(iii) in case such land has vested in the Committee under section 12, the right, title and interest of the grantee shall be that of an occupancy raiyat liable to pay rent to the State Government:

Provided further that-

(i) ³[grantee, his heirs assigns or successor-in-interest shall not be competent to sublet or transfer the land or any portion thereof by sale, gift or otherwise, but shall be competent to transfer the same by exchange with the previous permission of the Committee in writing; and

(ii) the rights of the grantee over such land shall be subject to such other restrictions and conditions as may be prescribed ¹[by the Committee].

⁴[Provided also that the grantee, his heirs, assignee, or successors-in-interest may enter into a simple mortgage for raising loan for agricultural purposes in respect of the land with a bank or society registered or deemed to be registered under the Jharkhand" Co-operative Societies Act, 1935 (Bihar and Orissa Act VI of 1935) or with the State Bank of India or a bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act V of 1970) or with a company or a corporation owned by or in which not less than fifty-one percent of the share capital is held by the State Government or the Central Government or partly by the State Government and partly by the Central Government and which has been set up for raising loan for agricultural purposes].

(2) All grants shall be made as far as may be in accordance with the scheme of Bhoodan Yagna as may be prescribed.

1[Provided that in making grants of waste lands in the district of Santhal Parganas which have vested in the Committee, the principle prescribed for settlement of waste lands under section 28 of the Santhal Parganas Tenancy (Supplementary Provision) Act, 1949 (Bihar Act XIV of 1949), shall be followed].

(3) For the purpose of grant of lands under this section, the Committee may, by regulations, fix after taking into consideration the quality of lands, the maximum and minimum areas to be granted to a landless person **2**[or to a village community, Gram Panchayat or a Co-operative Society organised by the Committee] and different areas may be fixed for different districts, subdivisions or thanes.

Explanation.-for the purposes of this section "occupancy raiyat", means a raiyat having a right of occupancy in the land held by him **2**[within the meaning of the tenancy law of the area in which it is situated].

1. Inserted by Act 14 of 1965.

2. Inserted by Act 15 of 1959.

3. Substitute by *ibid*, for the words "the grantee or his heir". This shall be deemed always to have been substituted.

4. Inserted by Act 8 of 1981.

*. Ed.-Substitute for "Bihar" in view of adaptation of "Bihar Land Reforms Act, 1950".

14A. Protection to the grantee of Bhoodan land from ejection :-

1[(1) If a grantee has been ejected by any person from the land granted to him under section 14 of the Act or any part thereof

otherwise than in accordance with law, then the grantee may apply to the Revenue Officer for restoration of his possession over the land or part thereof from which he has been so ejected.

(2) The Revenue Officer may on receipt of an application under sub-section (1) or on his own motion, after making such enquiry as he deems fit, order that the grantee shall be put in possession of the land or part thereof from which he has been so ejected.

(3) If a grantee is threatened with unlawful ejectment from the land granted to him under section 14 of the Act or any part thereof by any person, the Revenue Officer may, on his own motion or on application made in this behalf by the grantee initiate a proceeding for preventing such person from ejecting the grantee, and may, after hearing the parties for which due notice shall have been given to them, or even after ex parte hearing, in cases of emergency, by an order, giving reason thereof in writing restrain such person from ejecting the grantee:

Provided that where an ex parte order has been made, the Revenue Officer shall soon thereafter as may be possible hear the parties after giving due notice to them, and may, for reasons to be recorded in writing, confirm the order but, if after such hearing he finds that there are no reasonable grounds for such order he will set aside the same and reject the prayer.

(4) If the person against whom an order has been made under sub-section (2) fails to carry out the order of the Revenue Officer within such time, if any, as may be specified in the order, the Revenue Officer may eject him from such land and may for that purpose use such force as may be necessary, and put the grantee in possession of such land].

1. Inserted by Act 14 of 1965.

15. Donation and grant of land prior to the commencement of Act :-

1(1) Where any land has been donated in writing for purposes of the Bhoodan Yagna prior to the commencement of this Act, the Bhoodan Yagna Danpatra concerning such land shall be forwarded by the Bhoodan Yagna Committee to the Revenue Officer of the local area within which the land is situate and the provisions of this Act shall apply mutatis mutandis in respect of land donated under such Bhoodan Yagna Danpatra as they apply in respect of donation of land made after the commencement of this Act];

2[(2) * * * * *]

(3) If such land had before the commencement of this Act been granted to any person in pursuance of the Bhoodan Yagna, it shall, with effect from the date of grant, be deemed to have been granted to such person under section 14 subject to the restrictions and conditions imposed thereunder.

1. Substitute by ibid.

2. Omitted by ibid.

15A. Donation of waste land of village in the district of Santal parganas by the village headman or mulraiyyat or ghatwal to be deemed to have been made by the owner thereof :-

1[If before the commencement of this Act any waste land of a village in the district of Santal Parganas has been donated by the village headman or mulraiyyat or ghatwal for purposes of the Bhoodan Yagna or after the commencement of this Act and before the commencement of the Bihar Bhoodan Yagna (Amendment) Act, 1964, any such land has been donated by them to Shri Acharya Vinoba Bhave or to the Bhoodan Yagna Committee, then notwithstanding anything contained in the record of rights or any law for the time being in force, such donation shall be deemed to have been made by the owner thereof.]

1. Inserted by Act 14 of 1965.

16. Settlement of donated land prior to distribution :-

(1) When any land has vested in the Committee under sub-section (1) of Section 13 or is deemed to have vested under sub-section (2) of Section 15, the Committee may, for the period intervening between the date of its vesting and the date of its grant ¹[under section 14] settle it with any person who has the means to cultivate the land and is willing to do so, for purposes of cultivation for such period and on such terms and conditions as may be prescribed. Such settlement shall be made by a registered instrument:

²[Provided that, if the Committee has not settled such land with any person under this sub-section, and the donor has continued in possession and enjoyed the usufruct of the land, the donor shall be deemed to be the settlee thereof during the period intervening the date of its vesting and the date of its grant under section 14 and such donor shall be liable for that period to pay to the State Government the rent that he would have been liable to pay for that land to his landlord before the date of such vesting].

(2) No right of occupancy in such land shall accrue to the settlee and he shall be liable to be ejected on the expiry of the ³[period of settlement]:

²[Provided that, where the donor is deemed to be the settlee of the land under this section, he shall be liable to be ejected on the date of its grant under Section 14].

1. Substitute by Act 15 of 1959 for the words "to a landless person".

2. Inserted by *ibid*. This shall be deemed always to have been added.

3. Substitute by *ibid* for the words "prescribed period".

17. Appeals :-

¹[(1) An appeal shall lie within sixty days of the date of the order

of the Revenue Officer-

(a) if passed under sections 18, 21 or 22, to the prescribed authority; and

(b) if passed under section 11 or 15-

(i) to the Commissioner of the Division if such order was passed by the Collector; and

(ii) to the Collector, if such order was passed by any other officer:

Provided that any such appeal may be admitted after sixty days of the date of the order appealed against if the appellate authority is satisfied that the appellant was prevented by sufficient cause, from preferring the appeal within such period.

(2) Subject to the result of the appeal, the order of the Revenue Officer shall be final.

(3) Notwithstanding anything to the contrary contained in any other law for the time being in force, a memorandum of appeal filed by the Committee shall be exempted from payment of any court-fees.

(4) Notwithstanding anything contained in sub-section (2) any party aggrieved by the order or any other person interested in the land may, within six months from the date of such order, institute a suit in the Civil Court having jurisdiction for setting aside the order.]

1. Substitute by Act 14 of 1965.

17A. Power of the Board of Revenue and the Commissioner to call for records :-

¹[The Board of Revenue or the Commissioner may, at any time for the purposes of satisfying itself or himself as to the correctness, legality or propriety of any order made by any authority or officer under this Act or the rule made thereunder, call for and examine the record of any case pending before or disposed of by such authority or officer and may pass such order as it or he thinks fit:

Provided that no order modifying, altering, or setting aside any order made by such authority or officer shall be passed by the Board of Revenue or the Commissioner unless the parties concerned have been given a reasonable opportunity of being heard.

1. Inserted by Act 14 of 1965.

17B. General direction and control of the Collector, Commissioner and the Board :-

In the performance of the duties and the exercise of the powers under this Act, the Revenue Officer shall be subject to the general direction and control of the Collector of the district, the Commissioner and the Board of Revenue].

18. Division of holding and distribution and assessment of rent :-

(1) If any land, which has vested in the Committee under the provisions of this Act, is a portion of a holding, the Revenue Officer shall on the application of the Committee or any person to whom such land has been granted, ¹[or on his own motion] divide the holding and distribute the rent payable in respect thereof in such manner as he deems fair and equitable ²[* * * * *]:

Provided that before making any order under this sub-section, the Revenue Officer shall hear the parties and make such enquiry as may be necessary.

(2) If such land is a proprietors private land as defined in Section 120 of the Bihar Tenancy Act, 1885 (VIM of 1885), or a landlords privileged land as defined in Section 18 of the Chotanagpur Tenancy Act, 1908 (Ben. Act IV of 1908), or bakasht land or gairmazrua malik land or any other class of land for which rent has not been assessed, the Revenue Officer shall assess the rent thereof in the prescribed manner.

Explanation.-For the purposes of this section-

(a) "bakasht land" means any land, other than the proprietors private land or landlords privileged land, which is for the time being in the cultivating possession of a proprietor or tenure-holder;

(b) "holding" means a parcel or parcels of land held by a raiyat and forming the subject of a separate tenancy.

1. Inserted by Act 14 of 1965.

2. Omitted by ibid.

19. Bhoodan tenant :-

Any person ¹[or village community, Gram Panchayat, or a Co-operative Society organised by the Committee] to whom land has been granted under section 14 or is deemed to have been granted under sub-section (3) of Section 15 shall ¹[at the instance of the Committee] be recorded as a Bhoodan tenant in the rent-roll of the landlord and such rent-roll shall include the following particulars, namely:-

(i) the area and description of the land;

(ii) the name of the Bhoodan tenant;

(iii) the amount of rent of the land fixed by the Revenue Officer by

distribution of rent or otherwise;

(iv) the mode in which the rent has been fixed;

(v) the mode in which the Bhoodan tenant belongs;

(vi) the name of the landlord; and

(vii) any other particulars that may be prescribed.

Explanation.-For the purposes of this section "landlord" means a person immediately under whom a ²[Bhoodan tenant] holds and includes the State Government.

1. Inserted by Act 15 of 1959.

2. Substitute by Act 15 of 1959 for "Tenant".

20. Exemption from stamp duty and registration :-

Notwithstanding anything to the contrary contained in any other law for the time being in force, the Bhoodan Yagna Danpatra or grant of land made or deemed to have been made under any provision of this Act shall be exempted from payment of stamp duty and from registration or attestation ¹[*] and shall be deemed always to have been so exempt.

1. The word "fee" omitted by ibid. This shall be deemed always to have been omitted.

21. Determination of grant and ejectment of grantee from the land :-

If any person to whom land has been granted under section 15 or is deemed to have been granted under sub-section (3) of Section 15 contravenes any restriction or condition imposed under this Act,

the Committee may make an application to the Revenue Officer for determining the grant and the Revenue Officer may, after such inquiry as he deems fit, determine the grant and restore possession or the land to the Committee after ejecting such person or any person in possession there from.

22. Ejectment of persons in unlawful possession of lands :-

1[Any person who takes possession, otherwise than in accordance with law, of any land in respect of which Bhoodan Yagna Danpatra has been previously confirmed under Section 11, may be ejected from such land by the Revenue Officer, suo moto on his own information or an application by the Committee:

Provided that nothing in this section shall apply to a person who has instituted a civil suit to set aside the order of the Revenue Officer under Section 11 or Section 15 and has secured orders in the suit staying ejectment.]

1. Substitute by Act 16 of 1976.

22A. Procedure for ejectment :-

1[Where the Revenue Officer is of opinion that any person is liable to be ejected from any land under sub-section (2) of Section 16 or Section 21 or Section 22; he shall, by an order in writing served in the prescribed manner on the person in possession of the land require him to deliver possession thereof to the Committee, or show cause, if any, against the order within a time to be specified therein and if such person fails to deliver possession or show cause or if the Revenue Officer rejects any cause shown by such person after giving him a reasonable opportunity of being heard, the Revenue Officer shall, for reasons to be recorded, take or cause to be taken steps or use or cause to be used such force as, in his opinion, may be necessary for securing ejectment of such person from such land].

1. Inserted by Act 14 of 1965.

22B. Sums payable to the Committee or the State Government shall be recoverable as public demand :-

1[Any amount payable to the Committee or the State Government under this Act or under the rules or regulations made thereunder shall be recoverable as a public demand].

1. Inserted by Act 15 of 1959 and renumbered by Act 14 of 1965.

23. Provisions of Act to prevail over other laws :-

The provisions of this Act shall have effect, notwithstanding anything to the contrary contained in any other law for the time being in force.

23A. Penalty :-

1[If any person fails to comply with any lawful order made by a Revenue Officer under section 14A or Section 22A or contravenes any such order, or offers resistance or obstruction to the taking of possession of any land in accordance with any lawful order made under these sections, he shall be punished with imprisonment of either description which may extend to one year or with fine which may extend to two thousand rupees or with both:

Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the Collector of the District in writing.]

1. Inserted by Act 8 of 1981.

24. Power to make regulations :-

Subject to the provisions of this Act and the rules made there under, the Committee may make regulations for the following

matters, namely:-

(a) the form of Bhoodan Yagna Danpatra;

(b) the grant of land to landless persons ¹[or to a village community, Gram Panchayat, or a Co-operative Society organised by the Committee] and restrictions and conditions attached to such grants;

²[(b1) terms and conditions subject to which settlement under section 16 may be made];

(c) the preparation of its budget estimates;

(d) the appointment of its officers and servants;

(e) the appointment of subsidiary committees to assist it in the discharge of its functions;

(f) the maximum and minimum areas to be granted to landless persons;

³[*]

²[(f1) the scheme of Bhoodan Yagna; and]

(g) any other matter which may be prescribed.

1. Inserted by Act 15 of 1959. This shall be deemed always to have been inserted.

2. Inserted by *ibid*.

3. The word "and" omitted by *ibid*.

25. Power to make rules :-

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of foregoing powers, such rules may provide for-

(a) the documents to be filed with the Bhoodan Yagna Danpatra;

(b) the nature, scope and manner of the inquiries under this Act;

(c) the procedure for filing objections, their registration, hearing and disposal;

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

(e) the procedure relating to confirmation or supersession and cancellation of Bhoodan Yagna Danpatra;

(f) the particulars to be shown in the list of lands prepared by the Collector; and

(g) any other matter which is required to be or may be prescribed.