

KARNATAKA BHOODAN YAGNA ACT, 1963

34 of 1963

[21st February, 1963]

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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 distribution of such lands. Whereas, it is expedient to facilitate the donation of lands in connection with the Bhoodan Yagna initiated by Shri Acharya Vinoba Bhave and to provide for the distribution of such lands and for matters ancillary thereto; Be it enacted by the Karnataka State Legislature in the Fourteenth Year of the Republic of India as follows :-

1. Short title, extent and commencement :-

- (1) This Act may be called the Karnataka Bhoodan Yagna Act, 1963.
- (2) It extends to the whole of the State of Karnataka.
- (3) It shall come into force on such date as the State Government, may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires.

(a) "Bhoodan Yagna" means the movement initiated by Shri Acharya Vinoba Bhave for acquisition of land through voluntary gifts with a view to.

(i) distributing it to landless persons or for community purpose; or

(ii) extinguishing individual ownership therein;

(b) "Boird" means the Bhoodan Yagna Board established under Section 3;

(c) "Community purpose" means any purpose of public utility including provision of sites for compost pits, public latrines and urinals, schools, health centres, recreation and grazing fields, fuel reserves and school farms;

(d) "Land" means land which is occupied or let for agricultural or horticultural purposes or for purposes subservient to - agriculture or horticulture and includes waste lands;

(e) "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

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

(f) "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;

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

(h) "Revenue Officer" means an officer appointed by the State Government for any local area to perform the duties and discharge the functions assigned to a Revenue Officer under this Act.

3. Establishment of Bhoodan Yagna Board :-

(1) The State Government shall by notification in the Official Gazette establish a Board to be called the Karnataka Bhoodan Yagna Board to administer lands vested in it for the purposes of Bhoodan Yagna in accordance with the provisions of this Act.

(2) The Board shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and may, by the said name, sue and be sued.

4. Constitution of the Board and term of office of the Chairman and members thereof :-

(1) The Board '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 Board shall be appointed by the State Government: ¹ [x x x x x]

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

(4) The term of office of the Chairman and members of the Board shall be four years from the date of the publication of their names in the Official Gazette:

Provided that the Chairman and members of the Board shall after the expiration of the said period of four years continue in office till the date of the publication in the Official Gazette of the names of the Chairman and members of the next succeeding Board.

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

1. Provisos to sub-section (2) omitted by Act No. 26 of 1978, w.e.f. 3-10-1978

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

(1) The Chairman or a member of the Board 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:[x x x x x]

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

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

(b) has been convicted of an offence involving moral turpitude; or

(c) 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. Proviso to sub-section (1) omitted by Act No. 26 of 1978, w.e.f. 3-10-1978

6. Filling of casual vacancies :-

If the Chairman 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 hold office 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 Board shall be deemed to be invalid only by reason of the existence of a vacancy in the Board or any defect or irregularity in the appointment of the Chairman or any member of the Board.

8. Appointment of officers and servants :-

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

9. Conditions of service of officers and servants :-

The remuneration and other conditions of service of the officers and servants of the Board shall be such as may be determined by regulations made by the Board.

10. Conduct of business of the Board :-

(1) The Board shall have an office at Bangalore and shall meet at such time and place and every meeting of the Board 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 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 not less than three-fourths of the members present and not less than two-thirds of the total strength of the members of the Board; and

(d) the minutes of the proceedings of each 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 Board at such time and place as he may deem expedient by a letter addressed to each member with a clear notice of fifteen days.

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

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

11. Funds of the Board :-

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

12. Application of funds :-

All property, fund and all other assets, vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

13. Dissolution of the Board :-

(1) If at any time the State Government ¹ [x x x] is satisfied that.

(a) the Board 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 Board 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 Board; it may, by notification in the Official Gazette, dissolve the Board for such period as may be specified in the notification and declare that the duties, powers and functions of the Board under this Act shall, during the period of dissolution, be performed, exercised and discharged by such person or authority as may be [appointed by the State Government], and subject to such restrictions, as may be specified in the notification:

Provided that the period of dissolution may, by notification in the Official Gazette, be extended from time to time.

(2) The State Government shall, before the expiration of the period or the extended period of dissolution, reconstitute the Board in accordance with the provisions of Section 4.

(3) The State Government may make such incidental and consequential provisions as may appear to it 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 called in question in any Court of law.

1. The words "on the recommendation of Shri Acharya Vinoba Bhave" omitted by Act No. 26 of 1978, w.e.f. 3-10-1978

14. Donation of land :-

(1) Any person being the owner of any land may by an application

in writing in that behalf (hereinafter referred to as the Bhoodan Yagna Danapatra) donate such land to the Board or to Shri Acharya Vinoba Bhave:

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

(a) lands which on the date of donation are recorded or by usage treated as common pasture lands, cremation or burial grounds, tanks, pathway or threshing floor;

(b) lands in which the interest of the owner is limited to his life-time; and

(c) such other land as the State Government may, by notification, specify.

(2) The Board shall as soon as may be forward the Bhoodan Yagna Danapatra submitted to it or to Shri Acharya Vinoba Bhave, to the Revenue Officer within whose jurisdiction the land is situate.

15. Publication of and investigation upon the Danapatra :-

(1) On receipt of the Bhoodan Yagna Danapatra, the Revenue Officer shall cause the same to be published in the prescribed manner inviting objections thereto and make a summary inquiry in the prescribed manner as to the right, title and interest of the donor in such land.

(2) Any person whose interests are affected by the Bhoodan Yagna Danapatra made under sub-section (1) of Section 14 may, within thirty days of the publication of such declaration, file a written objection to the Danapatra before the Revenue Officer.

(3) The Revenue Officer shall register all objections received and fix a date for hearing of which a notice shall be served on the declarant and the objector or objectors under registered post with acknowledgment due.

(4) On the date so fixed or on any adjourned date, the Revenue Officer shall inquire into and dispose of the objection and either confirm or supersede the Bhoodan Yagna Danapatra in whole or in part, after such inquiry:

Provided that the Revenue Officer may at any stage of the proceedings supersede the Bhoodan Yagna Danapatra 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 14;
- (iv) that there are arrears of revenue or rent due on the land; and
- (v) on such other grounds as may be prescribed.

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

16. Vesting of lands in the Bhoodan Yagna Board :-

(1) The right, title and interest of the donor in any land donated to Shri Acharya Vinoba Bhave or to the Board shall, on confirmation of the Bhoodan Yagna Danapatra in respect of that land, stand transferred to, and vest in the Board for the purposes of the Bhoodan Yagna.

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

(3) The order confirming the Bhoodan Yagna Danapatra shall be registered under the Indian Registration Act, 1908 (Central Act XVI of 1908), 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.

17. Disposal of land vesting in the Board :-

(1) Subject to such conditions as may be prescribed, the Board or other authority or person as the Board may specify either generally or in respect of any local area, may grant lands which have vested in the Board to landless persons or provide them for community purposes.

(2) All land vested in the Board shall be granted in the following manner, namely.

(i) the allotment shall be made in a public meeting of which at least seven days notice shall be given in the village by beat of drum. A similar prior notice shall be given in the village again on the date on which the allotment is to be made;

(ii) no allotment shall be valid unless either one-third of the total number of landless families in the village or double the number of persons to whom allotments can be made whichever is less, are present in the meeting;

(iii) ordinarily at least one-third of the allotments of lands shall be in favour of members of the Scheduled Castes;

(iv) the selection of persons to whom allotments are to be made shall be made unanimously by all the landless persons present at the meeting and if they cannot agree, by lots drawn from among persons unanimously nominated by them.

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

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

(a) the area and other particulars of the land;

(b) the name and address of the donor;

(c) the date of donation;

(d) the nature of the interest of the donor in the land;

(e) if the land has been granted to any person in pursuance of the Bhoodan Yagna, the name of the person to whom the land has been granted;

(f) the date of the grant under clause (e);

(g) such other particulars as may be prescribed.

(2) The list so prepared shall be forwarded to the Revenue Officer of the local area within which the land is situate. The Revenue Officer shall cause the list to be published in the Official Gazette, whereupon the provisions of sub-sections (2) to (5) of Section 15 shall apply mutatis mutandis as they apply in respect of donations of lands made after the commencement of this Act:

Provided that where such donation in respect of any land is not cancelled by a Revenue Officer, the right, title and interest of the donor in such land shall, with effect from the date on which the donation was made, be deemed to have been transferred to and vested in the Board as if a Bhoodan Yagna Danapatra had been

duly made and confirmed in respect of the land.

(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 17 subject to the restrictions and conditions imposed thereunder.

19. Settlement of donated land prior to distribution :-

(1) Where any land has vested in the Board under sub-section (1) of Section 16 or is deemed to have vested under sub-section (2) of Section 18, the Board may, for the period intervening between the date of its vesting and the date of its grant to a landless person, 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) The laws for the time being in force relating to tenancies of agricultural lands shall not apply to the settlement under sub-section (1) and no right of occupancy in such land shall accrue to the settlee who shall be liable to be evicted on the expiry of the prescribed period.

20. Appeal :-

(1) An appeal shall lie from an order of the Revenue Officer passed under Section 15 or 18 within thirty days from the date of receipt of the order.

(i) to the Divisional Commissioner, if such order was passed by the Deputy Commissioner;

(ii) to the Deputy Commissioner, if such order was passed by any other officer; and subject to the result of such appeal, the order of the Revenue Officer shall be final.

(2) Notwithstanding anything contained in sub-section (1), any party aggrieved by the order or any other person interested in the land who had no notice of the proceeding under Section 15 or 18 may, within six months from the date of such order, institute a suit in the Civil Court having jurisdiction, for setting aside the order.

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

(1) If any land, which has vested in the Board under the provisions of this Act, is a portion of a holding, the Revenue Officer shall, on the application of the Board or any person to whom such land has been granted divide the holding and distribute the rent payable in respect thereof in such manner as he deems fair and equitable and the decision of the Revenue Officer shall be final:

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

22. Bhoodan tenant :-

(1) Any person to whom land has been granted under Section 17 or is deemed to have been granted under sub-section (3) of Section 18 shall be recorded as a Bhoodan tenant in the village accounts or the record of rights.

(2) The Bhoodan tenant shall in respect of the land granted to him pay to the Board an annual rent equal to the land revenue assessment on that land.

(3) The Bhoodan tenant or his heirs shall not be competent to sublet or transfer the land or any portion thereof by sale, gift or otherwise.

23. Exemption from stamp duty and registration fee :-

Notwithstanding anything to the contrary contained in any law for the time being in force, the Bhoodan Yagna Danapatra or grant of land made or deemed to have been made under the provisions of this Act shall be exempt from payment of stamp duty and from registration or attestation fee and shall be deemed always to have been so exempt.

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

If any person to whom land has been granted under Section 17 or is deemed to have been granted under sub-section (3) of Section 18, contravenes any restriction or condition imposed under this Act, the Board 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 of the land to the Board after ejecting such person or any person in possession therefrom.

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

Any person who takes possession otherwise than in accordance with the provisions of this Act, of any land in respect of which the Bhoodan Yagna Danapatra is confirmed under Section 15 or is deemed to have been confirmed under sub-section (2) of Section 18, may on an application by the Board to the Revenue Officer, be ejected from such land:

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 sub-section (2) of Section 20 and has secured orders in the suit staying ejectment.

26. Power to remit land revenue :-

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

27. 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.

28. Protection of action taken under Act :-

No suit, prosecution or other legal proceeding shall lie against the Board or any other person for anything which is in good faith done or purported to be done under this Act.

29. Power to make rules :-

(1) The State Government may by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

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

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

(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 notices under this Act;

(e) the procedure relating to confirmation or supersession and

cancellation of Bhoodan Yagna Danapatra;

(f) the particulars to be shown in the list of lands prepared under Section 18;

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

(3) Every rules made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry 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 both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, 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.

30. Power to make regulations :-

Subject to the provisions of his Act and the rules made thereunder, the Board may, with the previous sanction of the State Government, and by notification in the Official Gazette, make regulations for the following matters, namely.

(a) the form of Bhoodan Yagna Danapatra;

(b) the preparation of its budget estimates;

(c) the appointment of its officers and servants;

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

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

(f) any other matter which may be prescribed.