

MADHYA PRADESH BHUDAN YAGNA ACT, 1953

15 of 1953

[29th June, 1953]

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An Act to facilitate the activity in connection with the Bhudan Yagna initiated by Shri Acharya Vinoba Bhave and 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 person and for community purposes) and to provide for matters ancillary thereto. Preamble WHEREAS it is expedient to facilitate the activity in connection with the Bhudan Yagna initiated by Shri Acharya Vinoba Bhave and to provide for the constitution of a Bhudan Yagna Board, the donation of lands of the said Board, the distribution of lands received in donation to [landless person and for community purposes] and to provide for matters ancillary thereto. It is hereby enacted as follows

CHAPTER 1

Preliminary

1. Short title and extent :-

(1) This Act may be cited as the Madhya Pradesh Bhudan Yagna Act, 1953.

(2) It extends to the whole of ¹ [Vidarbha region of the State of Maharashtra].

1. Subs, by Born. (Vidarbha Region) A. O.. 1956.

2. Definitions :-

If this Act, unless there is anything repugnant in the subject or

context,

(a) "Bhudan holder" means a persons recorded in village papers or record-of-rights as a Bhudan holder under section 24 ;

(a1)¹"Bhudan Yagna" means the movement initiated by Shri Acharya Vinoba Bhave for the acquisition of lands through voluntary gifts in favour of the Board ;

(b) "Board" means the Bhudan Yagna Board established under section 3 :

(b1)²"community purpose" means any perpose which is for the good of the community of the village in general;]

(c) "land" means land which is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture ;

(d) "landless person" means a person holding no land or land less than the area which may be prescribed in this behalf;

(e) "Revenue Officer" in any provision of this Act means such Revenue Officer appointed under ³ [the Central Provinces Land Revenue Act, 1917, or the Berar Land Revenue Code, 1928], as the case may be, as the State Government may, by notification, direct to discharge the functions of a Revenue Officer under that provision ;

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

1. Clause (a) renumbered as clauses (a-1) and clause (a) was inserted by Madhya Pradesh Act XXI of 1954.

2. Clause (b-1) was inserted by Madhya Pradesh Act XXI of 1954.

3. See now Madhya Pradesh Land Revenue Code, 1954 (II of 1955).

CHAPTER 2

Establishment of the Board

3. Incorporation of Bhudan Yagna Board :-

Madhya Pradesh Bhudan yagna Board.

(1) There shall be established a Board by the name of the Madhya Pradesh Bhudan Yagna Board.

Board-a body Corporate. (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 land vested in it for the benefit of the Bhudan Yagna in accordance with the provisions of this Act.

4. Constitution of Board :-

The Board shall consist of the following, namely :-

Chairman and members of the Board. (a) the Chairman to be nominated by Shri Acharya Vinoba Bhave ; and

(b) six or more, but not exceeding ten members to be nominated by Shri Acharya Vinoba Bhave.

4A. Appointment of Secretary :-

(1) One of the members shall be appointed as the Secretary of the Board by Shri Acharya Vinoba Bhave.

delegation of powers. (2) The Board may delegate any of its powers and functions under the Act except the power to make regulations under section 34 to the Secretary or any member or to a sub-committee of three or more of its members].

5. Term of office of members or Chairman :-

a tenure of four years.

(1) A[Chairman, Secretary] or member nominated under section 4 shall hold office for a term of four years from the date of his nomination and shall be eligible for renomination.

removal from the office. (2) The nomination of the [Chairman, Secretary] and of the members shall be notified in the Gazette ;

[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 a member detrimental to the interest of the public.]

6. Filling of vacancy :-

(1) The [Chairman, Secretary] or any member of the Board may, at any time, resign his office by submitting his resignation to [Shri Acharya Vinoba Bhave]. No such resignation shall take effect until it is accepted.

(2) Any vacancy of a [Chairman, Secretary] or a member shall be filled as early as practicable.

7. Validity of proceedings :-

Anything done or any proceedings taken under this Act shall not be questioned on account 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. Appointment of officer and servant :-

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.

10. Conduct of business :-

business administration and procedure. 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 think 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 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. Quorum :-

(1) The quorum for the meeting shall be of five members.

adjournment of meetings (2) If at any meeting of the Board a quorum is not present the Chairman shall adjourn the meeting to such other day 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 there at or

not.

12. Boards funds :-

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

13. Application of funds :-

All property, fund 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.

14. Power to make contract :-

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

15. Dissolution of Board :-

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(1) Shri Acharya Vinoba Bhave may at any time, without assigning any reason, by a written order dissolve the Board and reconstitute the Board in accordance with the provisions of this Act.

(2) The order dissolving the Board shall be notified in the Gazette and shall take effect on the date on which it is so notified].

1. Subs by Madhya Pradesh Act XXI of 1954. section 8.

16. Tahsil Committees :-

Tahsil Committees.

(1) The Board may, for any tahsil or taluk where 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 ¹[....].

delegation of powers. ² (2) The Tahsil Committee may delegate any of its powers and functions under the Act to any members or to a sub-committee of three or more of its members].

1. The words "in consultation with Shri Acharya Vinoba Bhave" were omitted by Madhya Pradesh Act XXI of 1954 section 9 (a).

2. Subs, by Madhya Pradesh Act XXI of 1954. section 9 (b).

17. Procedure for making donation of land :-

Procedure for making a donation of land as gift.

(1) Any person owning a transferable interest in land and desiring to make a gift thereof to the Board may submit I4[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 or taluq where the land is situate.

(3) On receipt of the ¹[declaration] mentioned in sub-section (1). the Revenue Officer shall, if satisfied, after such summary inquiry as he thinks necessary, that the donor is competent to make the gift and has valid title in the land, 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

(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 situate.

(5) Any person interested in the property may, before the dare specified in the notice file an objection before the Officer showing cause why the gift should not be accepted.

(6) All such objections shall be inquired into and decided by the Revenue Officer.

(7) If no objection is field before the specified date, or if an 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 order made under sub-section (7) shall be got registered under the Indian Registration Act, 1908, by the Revenue Officer 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) the Revenue Officer may at any stage of the proceedings reject the ²[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)³ ;

(v) such other grounds as may be prescribed.

1. Subs, for the word "application" by Madhya Pradesh Act XXI of 1954, section 10 (ii)

2. Subs, for the word "application" by Madhya Pradesh Act XXI of 1954. section 10 (iii)(a)

3. Item (iv) omitted by Madhya Pradesh Act XXI of 1954, section 10 (iii) (b)

18. Order of Revenue Officer subject of civil suit :-

Order of the R.O. not appealable Civil sent allowed The order of the Revenue Officer, rejecting an objection passed under sub-section (7) of section 17, shall not be subject to appeal or revision but any party aggrieved by the order of 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. Gift to be irrevocable :-

Every gift of land in respect of which an order has been passed under section 17 shall, after the date of the order, be irrevocable.

20. Lands vesting in Board not attachable :-

The lands 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.

21. Donation of land prior to commencement of Act :-

(1)Where any land has been donated for purposes of the Bhudan Yagna ¹[before the coining into force of the Madhya Pradesh

Bhudan Yagna (Amendment) Act, 1954], the Board shall prepare a list of all such lands showing therein -

- (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 situate.

(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 ² [sections 17 to 20 and 21-A] shall apply in respect of all the donations of lands made after the commencement of this Act:

retrospective effect of the gill.

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.

(5) If any land of which the donation 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 grants made by the Board in general shall be subject.

1. Subs for the words "prior to the commentement of this Act by Madhya Pradesh Act XXI of 1054, section 1 1 (a).

2. Subs for the words and figures "sections 17 to 20" by Madhya

Pradesh Act XXI of 1954. sec. 11 (b).

21A. Persons owning transferable interest :-

¹ Notwithstanding the provision of any law to the contrary, a tenant or a raiyat 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.]

1. Inserted by Madhya Pradesh Act XXI of 1954, sec. 12

CHAPTER 4

Distribution of land

22. Power of Board to leases :-

Notwithstanding anything provided in any law 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.

23. Tahsil Committee to distribute land :-

distribution of land to landless persons capable of cultivating the same personally The Tahsil Committee shall, in accordance with 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.

24. Conditions of lease :-

Lease subject to conditions. The person to whom land is allotted under section 23 shall be recorded in village papers of record-of-rights as a Bhudan ¹[holder] and shall hold the land subject to the following terms and conditions, namely :-

- ²(a) the holder shall be deemed to hold the land directly from the State Government and shall be liable to pay the land revenue that may have been or may be assessed on such land ;
- (b) the rights of the holder shall, on his death pass to his heirs] ;
- (c) the [holder] shall not transfer any interest in the land ;
- (d) the [holder] shall not sublet the land ³[. . .] ;
- (e) the [holder] shall not allow the land to lie fallow for a period in excess of two years ;

⁴(f) the holder shall pay the land revenue on the due date] :

⁵ [(g)].

1. Subs, for "lease" by Madhya Pradesh Act XXI of 1954, sec. 14 (i), (iii) and (v).
2. Subs, by Madhya Pradesh Act XXI of 1954, section 14 (ii)
3. The word "holder" substituted for the word "lease" and the words under any circumstances" were omitted by Madhya Pradesh Act XXI of 1954, section 14 (iv).
4. Subs by Madhya Pradesh Act XXI of 1954, section 14 (iv).
5. Omitted by Madhya Pradesh Act XXI of 1954, section 14 (vii).

25. Ejectment of Bhudan holder on breach of conditions :-

¹ When the land shall vest in the State Government. \If any Bhudan holder commits a breach of any of the conditions (a) to (f) in section 24. the Revenue Officer may, after such enquiry as he deems fit, determine the right of the holder and the land shall thereupon vest in the State Government.

1. Subs by Madhya Pradesh Act XXI of 1954, section 15.

26. Land held by Bhudan holder not liable to attachment :-

Land exempted from attachment or sale in execution of any decree or order of the Civil Court. The land held by a person as a Bhudan holder shall not be liable to attachment or sale in execution of any decree or order passed by a Civil Court.

27. . :-

¹

1. Omitted by Madhya Pradesh Act XXI of 1954, section 16.

CHAPTER 5

Miscellaneous

28. Exemption from stamp duty and registration :-

Stamp duty etc. exempted The acceptance of a gift under section 17 or a 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 payment of stamp duty and from registration or attestation under the law relating to registration and execution of documents, any law to the contrary notwithstanding.

29. Ejectment of persons unlawfully in possession :-

ejection of unauthorised occupant of land Any person in possession of the land on the date of the order passed under section 17 and any person who takes possession, otherwise than in accordance

with law, of ¹[the land received in donation for purposes of the Bhudan Yagna] may, on an application to a revenue Officer by the Board or the ² [Bhudan holder] concerned be ejected.

1. Subs for the words "the land vesting in the Board" by Madhya Pradesh Act XXI of 1954, section 17(i).

2. Subs for the word "lessee" by Madhya Pradesh Act XXI of 1954, section 17 (ii)

30. Partition of holding :-

¹demarcation of land and apportionment of rent etc.

[(1)] If the land gifted to the Board forms a part of a holding, the board or the ²[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 ³[or the land revenue, as the case may be]

determination of the portion of arrear on the holding partitioned.

⁴(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 arrears due on the part of the holding gifted to the Board and there upon the Board and the Bhudan holder shall be liable to pay the portion of the arrears so determined and notwithstanding anything contained in ⁵ [the Central Provisions Land Revenue Act, 1917. or the Bear Land Revenue Code, 1928], as the case may be, the Board or the Bhudan holder shall not be liable for the arrears in respect of the remaining part of the holding.

1. Sect30 renumbered as sub-section (1) by Madhya Pradesh Act XXI of 1954, section 18 (i).

2. Subs, for the word "lessee" by Madhya Pradesh Act XXI of 1954 section 18 (1) (i).

3. These words were added by Madhya Pradesh Act XXI of 1934, section 18 (1) (ii).

4. This sub-section was inserted by Madhya Pradesh Act XXI of 1954, section 18 (2)

5. See now Madhya Pradesh Land Revenue Code, 1954 (li of 1955),

31. Power to remit land revenue :-

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

(2) The State Government may, by notification, direct that the powers conferred on it under sub-section (1) shall subject to such conditions as may be specified, be exercisable by any Officer not below the rank of a Deputy Commissioner.

1. Subs, for the words "lease out" by Madhya Pradesh Act XXI of 1954, section 19.

32. Procedure :-

The proceedings under this act shall be deemed for all purposes to be proceedings under [the Central Provinces Land Revenue Act, 1917, or the Berar Land Revenue Code, 1928], As the case may be, and the procedure applicable to proceedings under the said Act or the Code shall be followed.

33. Boards power to act as Tahsil Committee :-

Board in some cases function as tahsil committee. If no Tahsil Committee has been formed for any tahsil or taluq, the functions of a Tahsil Committee under this Act shall be performed by the Board.

33A. Construction of references :-

¹ Shri Vinoba Bhaves successor. ABSSS. After the lifetime of Shri Acharya Vinoba Bhave or at any time he is unable to perform the functions entrusted to him under sections 4, 4A, 6 and 15 owing to infirmity or any other cause the functions under the said sections shall be performed by the Akhil Bharat Sarva Sewa Sangh, Wardha, and all references to Shri Vinoba Acharya Vinoba Bhave in those sections shall be constructed as references to the said Sangh.

1. Inserted by Madhya Pradesh Act XXI of 1954, section 20.

33B. Power of Board to allot land for community purpose :-

(1)The Board may allot any land vesting in it for a community purpose or exchange any such land with other land or surrender it to the State Government.

(2) the land allotted for a community purpose shall vest in the State Government from the date of such allotment].

34. Regulations :-

Board may make 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 there under,

(a) for regulating its procedure and the disposal of its business;

(b) for the remuneration and conditions of service its of employees:

¹(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, qualification of persons to whom lands may be given and the maximum area to be ²[allotted] to one family [....]

³ (e) for the appointment of the sub-committees and for the delegation of powers to sub-committees and offices bearers and individual members thereof:

(f) for any other matter arising out of Boards function under this Act for which it is necessary or expedient to make regulations.

1. Subs by Madhya Pradesh Act XXI of 1954, section 21 (a).

2. The word "allotted" was substituted for the word "leased" and the words "and the leased money" were omitted by Madhya Pradesh Act XXI of 1954, section 21 (b).

3. Subs by Madhya Pradesh Act XXI of 1954, section 21 (c).

35. Power to make rules :-

(1) the State Government by notification and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

Provision tor the Government to make rules.

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

(a) prescribing the area of land for purposes of clause (d) of section 2;

(b) prescribing the form of ¹[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 cause why a gift of land should not be accepted ;

(d) prescribing the manner of registering an order accepting a gift under sub-section (9) of section 17.

(e) stating other grounds under item (v) of sub-section (11) of

section 17 for rejecting ² [the offer] to make a gift; and

(f) prescribing other particulars under clause (f) of sub-section (1) of section 21.

1. Subs for the words "application" and "an application" respectively by Madhya Pradesh Act XXI of 1954, section 22 (i).

2. Subs for the words "the application" by Madhya Pradesh Act XXI of 1954, section 22 (ii).