

## **Orissa Bhoodan And Gramdan Act, 1970**

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### **Orissa Bhoodan And Gramdan Act, 1970**

An Act to facilitate donation of land for bhoodan yagna and gramdan, the disposal of such lands and matter connected therewith Be it enacted by the Legislature of the State Of Orissa in the twenty-first year of the Republic of India as follows, Statement of Objects and Reasons.--For the purpose of regulating donation, distribution and management of lands donated to the Bhoodan Yagna Samiti, the Orissa Bhoodan Yagna Act, 1953 (Act 16 of 1953) was enacted. To provide for the establishment of Gramdan villages and matters ancillary thereto in pursuance of the Gramdan movement initiated by Acharya Vinobha Bhave, the Orissa Gramdan Bill, 1965 was introduced in the Assembly on the 27th August, 1965. 2. As the scheme contemplated under the Orissa Gramdan Bill, 1965 was found to be at variance with the scheme under the Orissa Bhoodan Yagna Act, 1953, it is considered inexpedient to have two different conflicting Legislations and instead, it is worthwhile to rationalise the provisions thereof in a composite Bill. 3. The present Bill seeks to achieve this objective. Published vide Orissa Gazette, Ext./12.4.1971.

#### CHAPTER 1 PRELIMINARY

#### **1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Orissa Bhoodan and Gramdan Act, 1970.

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

(3) It shall come into force on such date<sup>1</sup> as the State Government may, by notification, appoint in that behalf.

1. For Bill, See Orissa Gazette Ext. No. 226120. 2. 1970 and for Select Committee Report, see Orissa Gazette, Ext. 123. 9. 1970.

#### **2. Definitions :-**

In this Act, unless the context otherwise requires-

(a) "Bhoodan Yagna" means the movement initiated by Shri Acharya Vinobha Bhave for the acquisition of lands by way of donation, for distribution to the landless persons, or for a community purpose ;

(b) "community purpose" means any purpose which is for the general good of the community ;

(c) "gramdan" means a voluntary donation of land in a village made in pursuance of the provisions of this Act ;

(d) "Grama Parishad" means a Grama Parishad constituted under Section 16;

(e) "gramdan village" means a Gramdan village declared under Section 16;

1[(e-1) "homeless person" means a person who does not own any house];

(f) "land" includes interest in land, the benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth ;

(g) "land-holder" means a proprietor, sub-proprietor, maiguzar, thikadar, gountia, tenure-holder and under-tenure-holder and Includes an inamdar, jagirdar, zamindar, illaquadar, kharposhdar, praganadar, sarbarakar, muatidar of land other holders or owners of interest in land between the raiyat and the State;

(h) "landless person" means a person who does not own any land or who owns land which does not exceed such limit, as may be prescribed;

(i) "owner" means-

(i) in relation to land held by a raiyat with permanent and heritable rights in the land, the raiyat;

(ii) in relation to land hold under a grant, lease or assignment from the State Government or a land holder, the person who so-holds; and

(iii) in relation to any other land, the person to whom the land belongs;

(j) "prescribed" means prescribed by rules made under this Act

(k) "resident" in relation to the local area means a person who ordinarily resides in that local area;

(l) "Samiti" means the Samiti constituted under Section 3;

(m) "village" means an area defined, surveyed and recorded as a distinct and separate village in the revenue records of the district in which it is situate.

1. Inserted vide Orissa Act No 23 of 1979.

### **3. Constitution And Incorporation Of The Samiti :-**

The State Government shall, by notification, constitute a Samiti by the name of the Orissa Bhoodan Yagna Samiti which shall be a body corporate having perpetual succession and a common seal with power to enter into contracts and to acquire, hold, administer and dispose of property both movable and immovable and may, by the said name, sue or be sued.

### **4. Composition Of The Samiti :-**

1[(1) The Samiti shall consist of a Chairman, a Vice-Chairman and nine other members to be appointed by the State Government.]

(2) The appointment of the Chairman, Vice-Chairman and the other members of the Samiti shall be notified in the Gazette.

(3) The Chairman shall exercise such power and perform such functions as may be prescribed.

(4) The Vice-Chairman shall exercise such powers and perform such functions of the Chairman as the Chairman may, from time to time, delegate to him in writing in that behalf and he shall also exercise the powers and perform the functions of the Chairman during his absence.

1. Substituted vide Orissa Act No. 4 of 1977.

### **5. Term Of Officer :-**

Every member of the Samiti, including the Chairman and Vice-Chairman shall hold office for a term of four years from the date of notification of his appointment, and shall be eligible for re-appointment.

1[Provided that the State Government, whenever they deem it expedient so to do, may, by notification, extend from time to time, the aforesaid term of office, so, however, that the total extension does not in the aggregate exceed one year.]

1. Substituted vide Orissa Act No. 4 of 1977.

### **6. Resignation Of Chairman, Vice-Chairman And Other Members :-**

(1) The Chairman, Vice-Chairman or any other member of the Samiti may resign his office by giving notice in writing to the State

Government.

(2) If the resignation is accepted by the State Government, they shall publish a notification to that effect and thereupon the Chairman, Vice-Chairman or the members, as the case may be, shall cease to hold office with effect from the date of such publication.

**7. Removal Of Chairman, Vice-Chairman Or Other Members**  
:-

(1) The State Government may by order, remove the Chairman, Vice-Chairman or any other member of the Samiti after giving him an opportunity to make any representation which he may wish to make, if they are satisfied that he-(a) has become of unsound mind;

(b) has applied to be adjudicated or has been adjudicated an insolvent;

(c) has been sentenced by a Criminal Court for an offence involving moral turpitude, such sentence not having been reversed;

(d) has become physically and mentally infirm to act as Chairman, Vice-Chairman or member or has abused his position or powers vested in him as Chairman, Vice-Chairman or member ; or

(e) has failed, without excuse, sufficient in the opinion of the Samiti, to attend three consecutive meetings of the Samiti and the Samiti has recommended his removal.

(2) Every order of removal under Sub-section (1) shall, as soon as possible after it is made, be published in the Gazette and shall take effect from the date of such publication.

**8. Filling Of Casual Vacancies** :-

Any casual vacancy in the office of the Chairman, Vice-Chairman or any other member of the Samiti shall, as soon as may be, after the occurrence of such vacancy be filled up by appointment of another person in the manner provided in Section 4 and the Chairman, Vice-Chairman or other member so appointed shall enter upon office forthwith but shall hold office only for the residue of the term of his predecessor:

Provided that in the event of any vacancy in the office of both the Chairman and Vice-Chairman the State Government may appoint any member of the Samiti to perform the functions and exercise the powers of the Chairman until a person duly appointed as Chairman assumes office.

## **9. Dissolution And Reconstitution Of The Samiti :-**

1[(1) If the State Government are satisfied that-

(a) the Samiti has failed without reasonable cause or excuse to discharge the duties, or to perform the functions, imposed on, or assigned to it by or under this Act or has exceeded or abused its powers; or

(b) circumstances have risen in which the Samiti is, or may be, unable to discharge the duties, or to perform the functions, imposed on, or assigned to it by or under this Act ; or

(c) it is otherwise expedient or necessary to dissolve the Samiti; they may, by notification, dissolve the Samiti and direct reconstitution thereof either immediately or within such period, not exceeding six months, as shall be specified in the notification.]

(2) Before directing the dissolution of the Samiti under Sub-section (1), the State Government shall communicate to the Samiti the grounds on which they propose to do so, fix a reasonable period for the Samiti to show cause against the proposal and consider its explanation and objections, if any.

(3) Upon dissolution of the Samiti under Sub-section (1), all its members including the Chairman and Vice-Chairman shall be deemed to have vacated their offices.

(4) During the interval if any, between the dissolution and the reconstitution of the Samiti the State Government may, by order, appoint any officer or authority to exercise the powers and discharge the duties of the Samiti subject to such restrictions and limitations as may be specified in the order.

(5) Where the Samiti is dissolved under this section, the State Government, until the date of the reconstitution thereof, and the reconstituted Samiti thereafter, shall be entitled to all the assets and be subject to all the liabilities of the Samiti.

1. Substituted vide Act No. 13 of 1980.

## **10. Acts Of The Samiti, Etc., Not To Be Invalidated By Infirmary :-**

No act of the Samiti or of any person acting as the Chairman, Vice Chairman or a member thereof shall be deemed to be invalid only by reason of any defect or irregularity in the constitution of the Samiti or by reason of such act having been done during the period of any vacancy in the office of the Chairman, Vice-Chairman or any other member of the Samiti.

## **11. Local Committees :-**

(1) The Samiti may, for any district or part thereof, constitute a Local Committee consisting of a Chairman, Vice-Chairman and three other members to be appointed by it from amongst the residents of the area concerned.

(2) The appointments made under Sub-section (1) shall be notified in the Gazette and the persons so appointed shall hold office for a period of four years from the date of such notification.

(3) The Samiti may, with the approval of the State Government and subject to such restrictions and limitations as it may impose, authorize any Local Committee constituted under Sub-section (1) to perform or exercise the fee for such Local Committee is constituted, all or any of the duties, powers or functions vested in the Samiti by or under this Act and the Samiti may, in like manner, withdraw such authorisation.

(4) The provisions contained in Sections 6, 7, 8, 9 and 10 shall apply to a Local Committee as they apply to the Samiti subject to the modification that the powers exercisable by, and the duties imposed on, the State Government under the said sections shall, in relation to a Local Committee, be exercised and discharged by the Samiti and that it shall not be necessary to make any consultation as is required under Sections 8 and 9 :

Provided that the dissolution or reconstitution of a Local Committee shall be subject to the prior approval of the State Government:

Provided further that where the State Government are satisfied that the removal of the Chairman, Vice Chairman or a member of a Local Committee or the dissolution of a Local Committee is necessary and that the Samiti has failed to take action in that regard, they may, after consulting the Samiti remove such Chairman, Vice-Chairman or member or dissolve and reconstitute such Local Committee and the provisions of Sections 7 and 9 shall, as far as may be, apply therefor.

## **12. Donation Of Land :-**

(1) Any owner may, by declaration made in the prescribed manner, donate his land for Bhoodan Yagna or for Gramdan:

Provided that-

(a) where a land is owned jointly by two or more persons, the donation of such land shall not be valid unless the declaration is signed by all such joint owners ; and

(b) a declaration made by or on behalf of a person who has not completed the age of 21 years shall not be valid.

(2) Every declaration made under Sub-section (1) shall be filed before the Tahsildar within whose jurisdiction the land is situate :

Provided that if the land is situate within the jurisdiction of more than one Tahsildars the declaration may be filed before the Tahsildar within whose jurisdiction any portion of the land is situate.

(3) Without prejudice to the generality of the foregoing provisions no donation of land made in pursuance of this Act by a member of a Scheduled Tribe or Scheduled Caste for the purpose of Bhoodan Yanga or Gramdan, shall be declared invalid or inoperative or otherwise open to challenge, merely on the ground that any other law restricts or prohibits transfers by members of such Tribes or Castes without previous consent of any authority specified in any such law.

### **13. Declarations Filed Under Section 12 :-**

(1) Every declaration filed under Sub-section (2) of Section 12 shall, as soon as possible, be published in such manner as may be prescribed, together with a notice requiring all persons interested to submit their objections, if any, in writing to the Tahsildar within two months from the date of such publication.

(2) A copy of the declaration together with the notice referred to in Sub-section (1), shall also be served in the prescribed manner by the Tahsildar on each of the persons known or believed to be interested in the land specified in the declaration, so far as such service may be practicable.

(3) On the expiry of the period of two months specified in Sub-section (1) and after giving notice to the Samiti, the Local Committee concerned, the donor and the person, if any, who has filed objections, the Tahsildar shall proceed to investigate as to the right, title and interest of the land donated by him and consider all the objections filed under Sub-section (1), and thereafter he may by an order either accept the declaration or reject it for any of the reasons mentioned in Subsection (6).

(4) Where the Tahsildar accepts the declaration and if it is confirmed or deemed to have been confirmed by the Samiti under Sub-section (6), the donor shall deliver possession of the land to the Samiti; and thereupon, the donation of the land shall, subject to any order in an appeal under Section 27 or revision under



Section 28 or any decision in a suit under Section 2, or in a further proceeding in relation to such suit, be irrevocable and all the right, title and interest of the donor in such land shall stand transferred to, and vested in, the Samiti.

(5) Every order accepting a declaration under Sub-section (3) which is confirmed or deemed to have been confirmed by the Samiti under Subsection (6) shall be published in the Gazette.

(6) The Samiti may, at any time within two months from the date of the order passed by the Tahasildar under Sub-section (3), by order, confirm any declaration accepted by the Tahasildar, or reject it for any of the following reasons, namely :

(i) that there are encumbrances on the land;

(ii) that there are arrears of land revenue or rent due on the land

(iii) that the donor is not the owner of the land or is otherwise (sic) competent to make the donation ; or

(iv) that there is any other good or sufficient reason :

Provided that if no order is passed by the Samiti either confirming or rejecting declaration accepted by the Tahsildar within the said period of two months, it shall be deemed that the declaration has been confirmed by the Samiti.

(7) Where a declaration is rejected under this section or in an appeal under Section 27 or revision under Section 28 or in a suit under Section 29 or in a further proceeding in relation to such suit, the donation shall stand cancelled and the donor shall be deemed to continue to have the same right, title and interest as well as tile same liabilities in respect of such land as he had immediately prior to the tiling of the declaration.

#### **14. Grant Of Land By The Samiti :-**

1[(1) The Samiti may, after taking into consideration the wishes of the donor as far as possible, and subject to the limitations hereinafter provided, grant any land which has vested in it to a landless person who is able and willing to cultivate the land, or to the Government or a local authority.

(1-a) The maximum extent of land to be granted to a landless person shall be-

(a) if he does not own any land, two area, or

(b) if he owns land measuring less than two acres, an area by which the land owned by him falls short of two acres.

(1 -b) No land shall be granted to the Government or to a local authority in excess of five acres or for a purpose other than

community purpose.

(1-c) The person Government or local authority to whom any land is so granted shall acquire therein such, rights and remain subject to such liabilities, conditions, restrictions and limitations as may be prescribed.]

(2) No permanent grant of land shall be made under Sub-section (1) until three months have expired from the date of the order confirming the declaration by the Samiti or from the date when the Samiti shall be deemed to have confirmed the declaration or where an appeal is preferred under Section 27 or a revision is filed under section 28 or a suit is instituted under Section 29, until such appeal, revision or the suit or any further proceeding in relation thereto is finally disposed of upholding such declaration.

(3) The Samiti may take such steps for the temporary management of the lands vested in it as it thinks fit in accordance with the rules made in this behalf, until they are disposed of under this Act.

1. Substituted vide Act No. 15 of 1978.

### **15. Fund And Property Of The Samiti :-**

(1) The Samiti shall have its own Fund called the Orissa Bhoodan Yagna Samiti Fund; and all moneys which may, from time to time, be paid to it by any agency or any Government or any local authority or any person shall be credited to the Fund and all payments by the Samiti shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such Banks or invested in such manner as may, subject to the approval of the State Government, be decided by the Samiti.

(3) All property, Fund and other aspects vesting in the Samiti shall be held and applied by it subject to the provisions and for the purposes of this Act.

(4) The Samiti may accept any land in exchange for the land donated in pursuance of Bhoodan Yagna or Gramadan.

### **CHAPTER 3**

### **CONSTITUTION, POWERS AND FUNCTIONS OF THE GRAMS PARISHAD**

### **16. Declaration Of A Village As Gramdan Village And Constitution Of Grama Parishad :-**

(1) Where, in a village or in a part of a village-

(a) the extent of lands donated for Bhoodhan Yagna or Gramdan, in respect of which declarations filed under Section 12 have been confirmed or deemed to have been confirmed, is not less than fifty-

one per cent of the total extent of land held under private ownership by the residents of that village or part thereof;

(b) the number of persons whose declarations have been so confirmed is not less than seventy-five per cent of the total number of persons owning lands and residing in the village or part thereof; and

(c) not less than seventy-five per cent of the persons who have completed the age of twenty-one years and who are residing in the village or part thereof have declared in the prescribed form and manner their desire to participate in the Gramdan movement ;

the State Government or any officer not below the rank of a Collector specially authorised by them in that behalf may, on the recommendation of the Samiti declare, by notification, the village or such part thereof, as the case may be, to be a Gramdan village with effect from the date specified in such notification :

Provided that no such part of a village shall be so declared unless the lands donated form a compact block and unless the requisite extent of communal and reserved land is contiguous to that part.

(2) As soon as may be after the publication of the notification under Sub-section (1), there shall be constituted for the Gramdan village specified in the notification, a Grama Parishad and every person who has completed the age of twenty-one years who, either has donated any land for Bhoodan Yagna or Gramdan or who owns any land or house or whose name is included in the electoral roll of that village under the Orissa Grama Panchayat Act, 1964, (Orissa Act 1 of 1965) shall be a member of such Parishad :

Provided that a person shall be disqualified for being member of such Parishad if he is not a citizen of India or is of unsound mind and stands so declared by a competent Court.

(3) The Grama Parishad shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act and the rules made thereunder, to acquire hold and dispose of property and to contract and may, by the said name, sue or be sued.

(4) The Samiti shall cause to be prepared and published in the prescribed manner a list of the names of members of each Grama Parishad and the Grama Parishad may, from time to time, amend the list for the purpose of bringing it up to-date and a copy of every such amendment shall be forwarded to the Samiti which shall cause it to be published in the prescribed manner.

(5) Every such list and amendments thereto published under Subsection (4) shall be final and shall not be questioned in any

Court of law.

(6) With effect from the date on which the list of members of the Grama Parishad is first published all the lands. In the Gramdan village which have vested in the Samiti under this Act, shall stand transferred to and vest in the Grama Parishad.

(7) Any land in the Gramdan village which vests in the Samiti by way of donation after the aforesaid date shall also stand transferred to and vest in, the Grama Parishad with effect from the date on which it vested in the Samiti.

(8) There shall be a President and Vice-President for each Grama Parishad who shall be elected in the prescribed manner by the members of the Grama Parishad from among themselves.

(9) The President and the Vice-President shall hold office for a period of four years from the respective date of their election.

(10) The President may resign his office by giving notice in writing to the Grama Parishad and on the resignation being accepted by the Parishad he shall be deemed to have vacated his office.

(11) The Vice-President may resign his office by giving notice in writing to the President and he shall be deemed to have vacated his office with effect from the date on which the notice was received by the President.

(12) The President shall exercise such powers and perform such functions as may be prescribed.

(13) The Vice-President shall exercise such powers and perform such functions of the President as the President may, from time to time, delegate to him in writing.

(14) Any casual vacancy, in the office of the President or Vice-President shall, as soon as may be after the occurrence of such vacancy, be filled up by election held in accordance with the provisions of Sub-section (8) and the President or the Vice-President so elected shall enter upon office forthwith but shall hold office only for the residue of the term of his predecessor.

## **17. Power Of Grantee Of Land To Donate Land To Grama Parishad :-**

(1) Any person who is granted land by the Samiti under Section 14 or is deemed under Section 35 to have been granted land may, by a declaration made in the prescribed manner and filed with the Samiti, donate such land in favour of the Grama Parishad established for the village in which such land is situate.

(2) Where a declaration made under Sub-section (1) is confirmed

by the Samiti, the donation of the land shall, notwithstanding anything to the contrary in Section 14, be irrevocable and all the rights, title and interest of the donor in such land shall stand transferred to and vest in, the Grama Parishad.

### **18. Power Of Grama Parishad To Transfer And Alienate Land :-**

(1) No Grama Parishad shall, without the previous sanction of the State Government alienate or transfer any land vested in it or any right or interest therein :

Provided that the Grama Parishad may, with the previous sanction of the Collector exchange lands for the purpose of securing consolidation of holding or hypothecate the lands vested in it in favour of the State Government or a Co-operative Society or Land Development Bank or any scheduled bank within the meaning of the Reserve Bank of India Act, 1934 (2 of 1934) for the purpose of securing a loan.

(2) Any transaction made in contravention of Sub-section (1) shall be null and void.

### **19. Management Of The Lands Vested In Grama Parishad :-**

The Grama Parishad may-

1[(a) allot all the lands vested in it to landless or homeless persons residing in the Gramdan village either for cultivation or for construction of house, as the case may be, on such terms and conditions as it thinks fit.]

Provided that where a person has donated all his lands under this Act the Grama Parishad shall, if such person .is willing to accept the allotment, allot ninety-five per centum of the lands so donated to that person, so however that the total extent of the lands allotted shall in no event exceed the ceiling limit applicable to such person under the Orissa Land Reforms Act, 1960 (Orissa Act 16 of 1960);

(b) set apart lands for the general good of the community as may be specified in the rules;

(c) make advances either in kind or in cash to persons to whom lands are allotted and recover the advances so made;

1[(c-1) make advances in cash for the purpose of construction, improvement or maintenance of houses, to persons to whom lands are allotted for construction of houses and recover the advances so made.]

(d) carry out measures for the improvement of lands and for the

improvement of the methods of cultivation, the reclamation at waste lands and for such other purposes as may be specified in the rules;

(e) consolidate lands in the Gramdan village by exchange of lands or otherwise ;

(f) undertake any agricultural or non-agricultural enterprise in the interests of residents of the Gramdan village ; and

(g) perform such other functions as the State Government may, by notification, authorise.

1. Substituted vide Act No. 23 of 1979.

## **20. Section 20 :-**

Acts of Grama Parishad or its committee not to be Invalidated by infirmity, etc.-No act of Grama Parishad or any committee thereof shall be deemed to be invalid by reason only of any defect in the constitution of the Grama Parishad or the committee, as the case may be.

## **21. Section 21 :-**

1[ Allotment of land in a Gramdan village shall be subject to the following conditions, namely :

(a) if the allotment is for cultivation, the allottee shall, unless specifically exempted by the Grama Parishad, cultivate the land personally:

(b) if the allotment is for construction of house, the allottee shall construct the house within a reasonable period and shall, unless specifically exempted by the Gram Parishad reside in the house;

(c) the allottee shall not transfer his interest in the land or in the house, but such interest shall be heritable.

Explanation-For the purposes of this section and Section 23, land shall not be deemed to be cultivated personally unless the person himself or any member of his family puts in such minimum labour on the land as may be laid down by the Regulations made by the Grama Parishad.]

1. Substituted vide Act No. 23 of 1979.

## **22. Disputes Regarding Allotment Of Land :-**

(1) Any person aggrieved by an order of allotment of land made by Grama Parishad may make an application to the Grama Parishad within sixty days from the date of such order for arbitration by an

Arbitration Board and on receipt of such notification the Parishad shall refer the dispute for arbitration.

(2) An Arbitration Board under Sub-section (1) shall consist of-(i) one member nominated by the applicant ;

(ii) one member nominated by the Grama Parishad ; and

(iii) one member nominated jointly by the members referred to in Clauses (i) and (ii) but if there is no agreement in that regard one member to be nominated by the Samiti.

(3) The decision of the Arbitration Board shall be final and binding on the parties.

### **23. Eviction Of Allottee :-**

(1) Whenever it comes to the notice of the Grama Parishad that any person to whom land has been allotted under Section 19 has without sufficient cause failed to cultivate such land personally for two consecutive agricultural years 1[or to construct the house within two years from the date of allotment and reside therein, as the case may be], it may make an application to the Tahsildar having jurisdiction for eviction of the allottee from the land.

(2) Upon receipt of an application under Sub-section (1) the Tahsildar may, after giving the person concerned a reasonable opportunity of being heard and after holding such enquiry as he deems fit, evict such person from the land.

1. Inserted vide Act No. 23 of 1979.

### **24. Funds Of Grama Parishad :-**

(1) Every Grama Parishad shall have a fund into which shall be credited all sums and moneys received by it.

(2) The fund shall be administered by the Grama Parishad in accordance with the provisions of this Act and the rules and the regulations made thereunder.

### **25. Attachment And Sale Of Land Vesting In Grama Parishad :-**

No land vested in a Grama Parishad shall be liable to attachment or sale in execution of any decree or order passed by a Civil or Revenue Court in respect of an unsecured debt.

#### CHAPTER 4

#### MISCELLANEOUS

### **26. Supersession Of A Grama Parishad :-**

(1) If at any time, the State Government are of opinion that a Grama Parishad-

(a) is not competent to perform, or persistently makes default in performing the duties assigned to it by or under this Act ; or

(b) exceeds or abuses the power assigned to it by or under this Act;

or

(c) is not functioning in a manner consistent with the provisions of this Act or the rules framed thereunder;

they may, by notification, and stating the reasons therefor, supersede the Grama Parishad for such period not exceeding one year as may be specified herein :

Provided that before issuing any such notification, the State Government shall give an opportunity to the Grama Parishad to show cause why it should not be superseded and shall consider the explanations and objections, if any, filed by the Parishad within one month from the date of receipt of the show cause notice and shall also consult the Samiti.

(2) Upon publication of a notification under Sub-section (1) superseding the Grama Parishad-

(a) the President and Vice-President of the Grama Parishad and the Presidents and the members of all committees constituted by it shall, with effect from the date of notification, vacate their offices as such;

(b) all the powers and duties of the Grama Parishad shall, during the period of supersession, be exercised and performed by such person or persons, as the State Government may, from time to time, appoint in this behalf; and

(c) all properties vested in the Grama Parishad shall vest in the, - State Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under Sub-section (1) the State Government may extend the period of supersession for such further period, not exceeding one year at a time, as they may consider necessary and on the expiration of the period of supersession either as originally specified or as extended, the Grama Parishad shall resume its functions and elect its President and Vice-President and constitute the Committee in the manner provided in this Act:

Provided that the State Government may, at any time before the expiration of the period of supersession, by notification, reduce the said period.



(4) The income derived from the Gramdan village during the period of supersession, shall first be utilised towards the cost of management during the period of supersession and liquidation of liabilities of the Grama Parishad and the balance, if any, shall be credited to the fund of the Grama Parishad.

### **26A. Cancellation Of Grant Of Allotment :-**

1[(1) Whenever it comes to the notice of-

(a) the Samiti, that any person to whom land has been granted under Section 14; or

(b) the Grama Parishad, that any person to whom land has been allotted under Clause (a) of Section 19, was not a landless person when such grant or allotment was made, the Samiti or the Grama Parishad, as the case may be, may, after giving the person concerned a reasonable opportunity of being heard and after making such enquiry as it deems fit, make an order cancelling the grant or the allotment, as the case may be :

Provided that no proceedings under this Sub-section shall be initiated after the expiry of a period of thirty years from the date of the grant or allotment.

(2) Upon an order of cancellation being made under Sub-section (1) the rights and interests of all persons holding the land to which the order relates shall stand extinguished and the land shall revert to the Samiti or the Gram Parishad, as the case may be, free from all encumbrances ; and it shall be the duty of the person in possession of the land to deliver possession thereof to the Samiti or the Grama Parishad, as the case may be, within thirty days from the date of the order.

(3) If possession is not delivered in accordance with the provisions of Sub section (1), the Samiti or the Gram Parishad, as the case may be, may make an application to the Tahsildar having jurisdiction for eviction of the person in possession of the land whereupon the Tahsildar shall evict such person in the manner provided in Sub-section (2) of Section 23 and restore possession of the land to the Samiti or the Gram Parishad, as the case may be.]

1. Inserted vide Act No. 22 of 1976.

### **26B. Eviction Of Unauthorised Occupants :-**

1[(1) If any person is found to be in unauthorised occupation of any land. The right, title and interest wherein has vested in the Samiti, the Tahsildar having jurisdiction may, on an application by the Samiti or the person, if any, to whom the land has been granted by the Samiti, made in that behalf within thirty years from the date when such occupation comes to the knowledge of the applicant, and after making such enquiry as he deems necessary pass an order requiring the person in such occupation to vacate the land and deliver possessions thereof to the applicant within such date, not being earlier than thirty days from the date of the order as may be specified in the order:

Provided that no such order shall be passed without giving the person concerned a reasonable opportunity of being heard.

Explanation-"Unauthorised occupation" means the occupation of land otherwise than in accordance with the provisions of this Act.

(2) If the person in unauthorised occupation of the land fails to comply with the order passed under Sub-section (1), the Tahsildar shall evict him from the land and restore possession thereof of the applicant.]

1. Substituted vide Act No. 22 of 1976.

### **27. Any Person Aggrieved By An Order Passed Or Made By :-**

1[(a) the Tahsildar under Sub-section (3) of Section 13 or under Subsection (1) of Section 26-B; or  
(b) the Samiti or Grama Parishad, as the case may be, under Subsection 26A;  
may, within thirty days from the date of the order, prefer an appeal before the Sub-divisional Officer within whose jurisdiction the land is situated.]

1. Substituted vide Act No. 22 of 1976.

### **28. Revision :-**

The Collector of the district in which the land is situate may, on application made by any person aggrieved by an order passed in an appeal under Section 27 within sixty days from the date of the order, call for the record of the appeal and if it appears to him that there has been a failure of justice, he may make such order as he deems fit.

### **29. Filing Of Suit :-**

(1) Any person aggrieved by an order passed by the Tahsildar under Sub- section (4) of Section 13 may, if he has not preferred an appeal under Section 27, institute a suit after the expiry of the period mentioned in Section 27, but before completion of a period of three months from the date of such expiry, in a Civil Court having jurisdiction to have the order set aside.

(2) Any person aggrieved by an order under Section 27 of under Section 28 may, within three months from the date of the order, institute a suit in a Civil Court having jurisdiction to have the order set aside :

Provided that no such suit against an order under Section 27 shall lie so long as application, if any, made by such person under Section 28 remains pending.

### **30. Grantee Or Allottes Of Land Not To Be A Tenant :-**

No person to whom any land is granted by the Samiti or is allotted by a Grama Parishad under this Act shall be deemed to be a tenant in respect of such land for the purpose of any law relating to tenancy for the time being in force.

### **31. Exemption Of Stamp Duty And Registration Fee, Etc :-**

Every declaration and any grant or allotment of land made or

deemed to have been made under this Act shall be, and shall be deemed always to have been exempt from the payment of fee for encumbrance certificate, stamp duty, registration fee and fee for the attestation of power-of attorney under Sub-section (2) of Section 33 of the Indian Registration Act, 1908 (16 of 1908).

### **32. Act To Override Other Laws :-**

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

### **33. Power To Make Regulations :-**

(1) The Samiti may, with the previous sanction of the State Government make regulations not inconsistent with this Act and the rules made thereunder, to provide for the conduct of its business and all other matters for which provision is necessary and expedient for the purpose of enabling it to discharge its functions under this Act.

(2) Subject to the provisions of this Act and the rules, if any, made thereunder a Grama Parishad may, with the previous sanction of the Samiti, make regulations to carry out the purposes of this Act and in-particular for the conduct of business, election of office bearers, appointment of Committees, maintenance of accounts and the audit thereof, appointment of employees and the remuneration payable to them, the principles to be followed in the allotment of land and for the levy of sums for such allotment, the grounds on which the allottees may be evicted from the lands, the manner of eviction of the allottees and any other matter for which provision is necessary and expedient for the purposes of enabling it to discharge its functions under this Act.

### **34. Power To Make Rules :-**

(1) The State Government may make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without any prejudice to the generality of the foregoing power such rules may be provided for-

(a) the matters to be taken into account by the Samiti in granting lands to landless persons ;

(b) the forms of declaration and the manner in which it shall be filed and the documents to be filed along with the declaration;

- (c) the manner of inquiry, and hearing and disposal of objection; under Section 13;
  - (d) the service of notice under this Act;
  - (e) the payment of travelling and other allowances to the Chairman, Vice-Chairman and members of the Samiti and Local Committees;
  - (f) the procedure to be followed by the Samiti and Local Committee in respect of financial matters generally including the manner in which and the restrictions, limitations and conditions subject to which expenditure may be incurred by the Samiti and the Local Committees;
  - (g) the form in which the accounts of the Samiti and Local Committees shall be kept, the audit and publication of such accounts and the charges, if any, to be made for such audit;
  - (h) the preparation of Annual Budget and the reports and returns to be furnished by the Samiti to the State Government and by the Local Committees to the Samiti;
  - (i) the appointment of a Secretary and staff for the Samiti and the Local Committees and the remuneration payable to them and the delegation of the powers of the Samiti and Local Committees to the respective Chairman, Vice-Chairman and Secretary;
  - (j) the summoning and holding of meetings of the Samiti and the Local Committees and the time and place at which such meeting shall be held, the conduct of business thereof and the number of members necessary to constitute a quorum;
  - (k) the subdivision of lands where any portion of land is granted or donated under this Act;
  - (l) the settlement of disputes in regard to the allotment of lands by a Grama Parishad, the levy of sums for such allotment and the eviction of allottees from the lands allotted;
  - (m) the enforcement of the decision of a Grama Parishad;
  - (n) inspection and verification of the accounts and records of the Samiti and Grama Parishads by officers of the State Government; and
  - (o) any other matter which has to be, or may be prescribed.
- (3) All rules made under this Act shall, as soon as may be, after they are made, be laid before the State Legislature for a total period of fourteen-days which may be comprised in one or more sessions and if during the said period the State Legislature makes modifications, if any, therein the rules shall thereafter have effect only in such modified form, so however, that such modification shall be without prejudice to the validity of anything previously done

under the rules.

### **35. Repeal And Saving :-**

The Orissa Bhoodan Yagna Act, 1953 Orissa Act 16 of 1953) (hereinafter referred to as the said Act is hereby repealed.

Provided that -

(a) the Bhoodan Yagna Samiti constituted under the said Act shall be deemed to have been constituted under this Act and the Chairman and members thereof shall continue to hold office until the Samiti is reconstituted in accordance with the provisions of this Act;

(b) all rules and orders made, notifications and notices issued, contracts entered into, suits and proceedings instituted and all actions taken and things done under the said Act shall be deemed to have been respectively made, issued, entered into, instituted, taken or done under this Act and shall continue in force until new provisions are made under the appropriate provisions of this Act;

(c) all donations of land made under the said Act and all distributions of such land made thereunder shall respectively be deemed to be donations and grants made under this Act.

1[(d) notwithstanding anything to the contrary contained in any other provision of this Act, all Gramdan villages declared as such under the rules made under the said Act shall, for all purposes, be deemed to be Gramdan village declared under this Act and all actions taken in furtherance of the declaration earlier mentioned shall be deemed to have been taken under this Act, and the provisions of this Act shall, so far as may be, apply to the said Gramdan villages.]

1. Inserted vide Act No. 15 of 1978.