

Madras Bhoodan Yagna Act, 1958

15 of 1958

[16 July 1958]

CONTENTS

1. Short title and extent
2. Definitions
3. Establishment and incorporation of State Board
4. Constitution of State Board
5. Term of office
6. Disqualifications for membership
7. Resignation of Chairman or member
8. Removal of Chairman or member
9. Filling up of casual vacancies
10. Dissolution of State Board
11. Vesting of land in State Board
12. Secretary
13. Meetings of State Board
14. Acts of State Board, etc., not to be invalidated by informality, etc
15. Local Committees
16. Donation of land
17. Hearing of objections
18. Portion of holding
19. Grant of land by State Board
20. Donation of land made prior to commencement of Act
21. Funds of State Board
22. Application of funds
23. Filing of suits
24. Exemption from stamp duty and registration
25. Vesting of Gramdan lands in Sarvodaya Panchayat
26. Management of Gramdan lands
27. Power to make regulations
28. Power to make rules

Madras Bhoodan Yagna Act, 1958

15 of 1958

[16 July 1958]

PREAMBLE

An Act to facilitate the donation of lands for the Bhoodan Yagna

and the transfer and settlement of such lands in the State of Madras.

Whereas it is necessary and expedient to facilitate the donation of lands for the Bhoodan Yagna initiated by Shri Acharya Vinobha Bhave and the transfer and settlement of such lands for the benefit of landless poor persons or for community purposes and to provide in Gramdan villages for the vesting of lands in, and the management of those lands by, the Sarvodaya Panchayat in the State of Madras;

Be it enacted in the Ninth Year of the Republic of India as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 4th November 1957, Part IV-A, page 130.

For the report of the Joint Select Committee, see Fort St. George Gazette, Extraordinary, dated the 12th February 1958, Part IV-A, page 5-20.

1. Short title and extent :-

(1) This Act may be called the Madras Bhoodan Yagna Act, 1958.

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

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 through voluntary gifts for distribution to landless poor persons or for community purposes;

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

(c) Government means the State Government;

(d) Gramdan land means land in a Gramdan village;

(e) Gramdan village means any revenue village or part thereof in which not less than two-thirds of the number of persons owning lands donate all their lands for Gramdan and the total extent of lands so donated amount in the aggregate to not less than one-half of the total extent of the lands in that village and declared by the Government to be a Gramdan village by notification;

(f) landless poor person means a person who either is not a owner of land or a owner of land which does not exceed the limits prescribed in this behalf and whose annual in come does not exceed three hundred rupees;

(g) owner includes any tenant having heritable and alienable interest in land;

(h) Sarvodaya Panchayat means the Sarvodaya Panchayat constituted for a Gramdan village; and

(i) State Board means the Madras State Bhoodan Yagna Board established under section 3.

3. Establishment and incorporation of State Board :-

(1) The duty of carrying out the provisions of this Act, shall, subject to the restrictions, conditions and limitations therein contained, be vested in a Board to be called The Madras State Bhoodan Yagna Board.

(2) The State Board shall be a body corporate having perpetual succession and a common seal with power to enter into contracts and to acquire, hold, administer and transfer property, movable or immovable, and shall, by the said name, sue and be sued.

4. Constitution of State Board :-

(1) The State Board shall consist of a Chairman and ten or more but not exceeding fourteen other members who shall be appointed by the Government in consultation with Shri Acharya Vinobha Bhave or a person nominated by him in writing in this behalf.

(2) The appointment of the Chairman and the other members of the State Board shall be published in the Fort St. George Gazette.

5. Term of office :-

Every member of the State Board including the Chairman, shall hold office for a term of four years from the date of appointment, and shall be eligible for reappointment.

6. Disqualifications for membership :-

(1) A person shall be disqualified for appointment to the State Board if on the date of appointment such person --

(a) is less than twenty-one years of age; or

(b) is of unsound mind; or

(c) has applied to be or has been, or is, adjudicated an insolvent; or

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

(e) has on any previous occasion been removed, from the office of members of the State Board or of a Local Committee or has been removed by order of a competent Court from any position of trust either for mismanagement or corruption.

(2) A member of the State Board shall cease to hold, his office if

he--

(a) is sentenced by a Criminal Court for an offence involving moral delinquency, such sentence not having been reversed; or

(b) becomes of unsound mind; or

(c) has applied, to be, or has been, or is adjudicated an insolvent.

7. Resignation of Chairman or member :-

The Chairman or any other member of the State Board may at any time resign his office by tendering his resignation in writing to the Government. No such resignation shall take effect unless it is accepted and the acceptance is communicated to him.

8. Removal of Chairman or member :-

(1) The Government may, after making such enquiry as may be prescribed, by order, remove the Chairman, or any other member of the State Board, if they are satisfied that the Chairman or member-

(a) has become disqualified for appointment to the State Board for any of the reasons mentioned in section 6; or

(b) has become incapable of acting as Chairman or other member or has so abused his position as Chairman or member as to render his continuance as such detrimental to the public interest; or

(c) has failed, without excuse sufficient in the opinion of the State Board, to attend three consecutive meetings of the State Board.

(2) Where a person who has ceased to be a member by reason of his failure to attend three consecutive meetings of the State Board

applies to the Government within one month from the date of the order of removal for restoration to office, the Government may, on the recommendation of the State Board, restore him to his office of member:

Provided that a member shall not be so restored more than twice during his term of office.

(3) Every order of removal under sub-section (3) or of restoration under sub-section (2) shall be published in the Fort St. George Gazette.

9. Filling up of casual vacancies :-

(1) Any casual vacancy in the office of the Chairman or any other member of the State Board shall be filled within two months by a fresh appointment, in the manner prescribed.

(2) The Chairman or member appointed to fill a vacancy under sub-section (1) shall enter upon office forthwith but shall hold office only so long as the member in whose place he is appointed would have been entitled to hold office if the vacancy had not occurred.

(3) Every appointment under sub-section (1) shall be published in the Fort St. George Gazette.

10. Dissolution of State Board :-

(1) If at any time the Government are satisfied that--

(a) the State Board 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

(b) circumstances have arisen in which the State Board is or may be rendered 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 so to do, they may, in consultation with Shri Acharya Vinobha Bhave, by notification direct--

(i) in cases falling under clause (a), that the State Board be dissolved and reconstituted on such date as the Government may fix in that behalf, and.

(ii) in cases falling under clause (b) or (c), that the State Board be superseded for a specified period.

(2) Before publishing a notification under sub-section (1), the Government shall communicate to the State Board the grounds on which they propose to do so, fix a reasonable period for the State Board to show cause against the proposal and consider its explanations or objections, if any.

(3) On the date fixed for the dissolution of the State Board under sub-section (X), all its members as well as its Chairman shall be deemed to have vacated their offices and fresh appointments shall be made in accordance with the provisions of this Act and the Chairman and the members newly appointed shall enter upon their offices on the date fixed for the reconstitution of the State Board.

(4) Supersession shall take effect from noon on the date specified in the notification or if no date is specified, on the date of publication of the notification, and thereupon the following consequences shall ensue:--

(a) All members of the State Board as well as its Chairman shall be deemed to have vacated their offices.

(b) All or any of the powers and functions of the State Board and of its Chairman shall, during the period of supersession, be exercised and performed, as far as may be, and to such extent as the Government may determine, by such persons or by such authority as the Government may appoint in that behalf.

(5) The Government may by notification,--

(a) from time to time extend the period of supersession of the State Board; and

(b) make such other incidental or consequential provisions as may appear to them to be necessary.

(6) The Government shall reconstitute the State Board before the expiry of the period specified in the notification under sub-section (1) or of the extended period notified under sub-section (5).

(7) When the State Board is dissolved or superseded under this section, the Government until the date of the reconstitution thereof and the reconstituted State Board thereafter shall be entitled to all the assets and be subject to all the liabilities of the State Board as on the date of the dissolution or supersession and on the date of the reconstitution respectively.

11. Vesting of land in State Board :-

All lands donated for purposes of the Bhoodan Yagna whether before or after the commencement of this Act shall subject to the provisions of sections 16, 17 and 20 vest in the State Board.

12. Secretary :-

(1) The State Board may appoint one of its members to act as its Secretary and such other officers and servants as it may deem necessary for the purposes of this Act.

(2) The State Board may delegate to the Secretary any of its powers, duties or functions under this Act except such powers, duties or functions as the Government may by general or special order specify.

13. Meetings of State Board :-

The State Board shall meet, and shall from time to time make such arrangements with reference to the place, day, hour, notice, management and adjournment of its meetings, as it may think fit, subject to the following provisions, namely:--

(a) the Chairman may, whenever he thinks fit and shall, when so required by the Government, call a meeting of the State Board;

(b) the Chairman shall attend every meeting of the State Board unless he is prevented by sickness or other reasonable cause;

(c) no business shall be transacted at any meeting unless there be present a majority of the number of members then in office;

(d) every meeting shall be presided over by the Chairman and in his absence by a member chosen by the meeting to preside for the occasion;

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

(f) if a poll be demanded, the names of the members voting and the nature of their votes shall be recorded by the person presiding; and

(g) minutes of the proceedings at each meeting (together with the names of the members present) shall be recorded in a book to be provided for the purpose, and such minutes shall be read at the

next ensuing meeting and signed by the person presiding at such meeting. The minutes book shall be open to inspection by any member during office hours.

14. Acts of State Board, etc., not to be invalidated by informality, etc :-

No act of the State Board or of any person acting as Chairman thereof shall be deemed to be invalid by reason only of a defect in the establishment of the Board or of such act having been done during the period of any vacancy in the office of Chairman or member of the State Board, or on the ground that the Chairman or any member of the Board was not entitled to hold or to continue in such office.

15. Local Committees :-

(1) The State Board may, for any district or portion of a district, constitute a Local Committee consisting of not more than five members who shall be appointed by the State Board from among the residents of the area concerned. The appointment of such members shall be subject to the approval of the Government and shall be for such period as may be prescribed.

(2) The State Board shall appoint one of the members of the Local Committee to be its Chairman who shall also act as its Secretary.

(3) (a) The State Board may authorize any Local Committee constituted under sub-section (1) to exercise in the area within the jurisdiction of such Local Committee all or any of the powers, duties or functions vested in the State Board by this Act except such powers, duties or functions as may be specified by the Government by general or special order, and may in like manner withdraw such authority.

(b) The exercise of any powers, duties or functions delegated under clause (a) shall be subject to such restrictions and conditions as may be prescribed and also to control and revision by the

Government or by such persons as may be empowered by them in this behalf. The Government shall also have power to control and revise the acts or proceedings of any person so empowered.

(4) The provisions of sections 6 to 10, 13 and 14 shall apply to a Local Committee subject to the modification that the powers exercisable by and the duties imposed on the Government under the said sections shall, in relation to a Local Committee, be exercised by the State Board:

Provided that the dissolution, reconstitution or supersession of a Local Committee shall be subject to the approval of the Government.

16. Donation of land :-

(1) Notwithstanding anything to the contrary contained in any other law for the time being in force.

(a) any owner may, by declaration made in the prescribed manner, donate his land for the Bhoodan Yagna:

Provided that where any land is owned jointly by two or more persons, no donation of land shall be valid unless the declaration is signed by all such joint owners:

Provided further that a declaration made by a minor shall not be valid;

(b) any person to whom the Government have assigned any land on the ground of his having been a political sufferer may, by declaration made in the presented manner, donate such land for the Bhoodan Yagna provided the following conditions are satisfied, namely:--

(i) in case the land was not under cultivation before assignment, the assignee should have brought it under cultivation within three years from the date of assignment;

(ii) the assignee should have paid in full all the public charges due to the Government in respect of the land and repaid in full the loan or loans obtained from the Government, together with the interest thereon, before making the donation for the Bhoodan Yagna.

(2) Where the owner donating his land for the Bhoodan Yagna under sub-section (1) is a janmi or any other landlord in an area where the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), is in force, no donation of his land for the Bhoodan Yagna shall be valid unless the tenant of such janmi or landlord transfers all his right, title and interest in such land to the State Board for the purposes of the Bhoodan Yagna by declaration made in the prescribed manner.

(3) Every declaration made under sub-section (1) shall be filed with the Tahsildar or the Deputy Tahsildar in independent charge having jurisdiction in the taluk or sub-taluk where the land is situate.

17. Hearing of objections :-

(1) Every declaration filed under subsection (3) of section 16 shall, as soon as may be, be published in the Fort St. George Gazette and in such other manner as may be prescribed.

(2) Any person whose interests are affected by any such declaration may, within two months of the publication of the declaration, file objections on the same before the Tahsildar or the Deputy Tahsildar in independent charge, having jurisdiction in the taluk or sub-taluk where the land is situate.

(3) The Tahsildar or the Deputy Tahsildar, as the case may be, shall register every such objection, fix a date for its hearing and shall give notice of such date to the donor, the objector, the State

Board and the Local Committee concerned.

(4) On the date of hearing or any other date to which it may be postponed, the Tahsildar or the Deputy Tahsildar, as the case may be, shall proceed to investigate and dispose of the objection and by order within such time as may be prescribed either confirm the declaration or declare it null and void.

(5) If the Tahsildar or the Deputy Tahsildar confirms the declaration, then, notwithstanding anything contained in any other law for the time being in force, all the right, title and interest of the donor in such land shall stand transferred to and vest in the State Board for the purposes of the Bhoodan Yagna.

(6) Every order under sub-section (5) confirming a declaration shall be published in the Fort St. George Gazette and on such publication, the donation of land shall, subject to the provisions of section 23, be irrevocable.

(7) Where the declaration is declared null and void by the Tahsildar or the Deputy Tahsildar under sub-section (4) the donation shall stand cancelled and the donor shall be deemed to continue to have all his right, title and interest in such land as if no such declaration was made.

(8) The State Board may at any stage of the proceedings reject the declaration of a donor on any of the following grounds, namely :--

(i) that the donor is incompetent to make the donation;

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

(iii) that there are encumbrances on the land;

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

(v) that the land donated is common pasture land, cremation or burial-ground, tank, pathway or thrashing floor; or

(vi) any other prescribed grounds.

18. Portion of holding :-

If any land donated for the Bhoodan Yagna forms part of a holding, the State Board or the Local Committee, as the case may be, may apply to the Tahsildar or the Deputy Tahsildar, in independent charge, as the case may be, having jurisdiction, for possession and the Tahsildar or the Deputy Tahsildar may, notwithstanding any provision in any other law to the contrary, partition the holding, demarcate the land and effect its subdivision.

19. Grant of land by State Board :-

(1) The State Board may, in the manner prescribed, and as far as possible taking into consideration the wishes of the donor, grant any land which has vested in it to a landless poor person who is able and willing to cultivate the land or to the Government or a local authority for community purposes, and the grantee of the land shall acquire therein such rights and liabilities and subject to such conditions, restrictions and limitations as may be prescribed, and the same shall have effect, any other law to the contrary notwithstanding:

Provided that any political sufferer who has donated land under clause (b) of sub-section (1) of section 16 shall not be eligible for the grant of any land under this section.

(2) The State Board may take such steps for the management of the lands vested in it as it thinks fit until they are disposed of under this Act.

20. Donation of land made prior to commencement of Act :-

(1) The State Board shall prepare a list of all lands donated for purposes of the Bhoodan Yagna, prior to the commencement of this Act, showing therein--

(a) the area, description and other particulars of the land,

(b) the name and address of the donor,

(c) the date of the donation,

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

(e) if the land has already been granted to any person in pursuance of the Bhoodan Yagna, the name and address of the person to whom the land has been granted (hereinafter called the grantee),

(f) the date of the grant referred to in clause (e), and

(g) such other particulars as may be prescribed.

(2) Every list prepared under sub-section (1) shall be published in the Fort St. George Gazette.

(3) Upon such publication, the provisions of sub-sections (2) to (8) of section 17 shall apply in respect of land described in the list published under sub-section (2) as if such publication were a declaration in respect of that land filed under sub-section (3) of section 16:

Provided that where an order is made by the Tahsildar or the Deputy Tahsildar under sub-section (4) of section 17 confirming the donation, such donation shall be deemed to have been accepted

with effect from the date on which the donation was made and for this purpose, this Act shall be deemed to have been in force on such date.

(4) Where such land has been granted to any person it shall, with effect from the date of grant, be deemed further to have been granted to the grantee under and in accordance with the provisions of section 19.

21. Funds of State Board :-

The State Board shall have its own fund and may accept grants, donations, gifts or loans from the Central Government or the State Government or any local authority or person for all or any of the purposes of the State Board.

22. Application of funds :-

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

23. Filing of suits :-

Every order of the Tahsildar or the Deputy Tahsildar passed under sub-section (4) of section 17 shall be final and not be subject to appeal or revision :

Provided that any person whose interests are affected as a result of the donation of any land for purposes of the Bhoodan Yagna, whether before or after the commencement of this Act, may, within three months from the date of the order of the Tahsildar or the Deputy Tahsildar under subsection (4) of section 17, as the case may be, institute a suit in the civil court having jurisdiction to set aside the order of the Tahsildar or the Deputy Tahsildar and the decision of such court shall be binding on the State Board.

24. Exemption from stamp duty and registration :-

Notwithstanding anything contained in any other law, every declaration and every grant of land made or deemed to have been made under this Act shall be and be deemed always to have been exempt from the payment of stamp duty and of encumbrance

certificate fee, registration fee or of the fee payable for the attestation of a power-of-attorney under section 33, sub-section (2), of the Indian Registration Act 1908 (Central Act XVI of 1908).

25. Vesting of Gramdan lands in Sarvodaya Panchayat :-

(1) The provisions of sections 16, 17 and 20 shall as far as may be apply to lands donated for Gramdan as they apply to lands donated for Bhoodan Yagna.

(2) In any Gramdan village all Gramdan lands shall vest in the Sarvodaya Panchayat.

(3) No act done by a Sarvodaya Panchayat shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of the Panchayat.

26. Management of Gramdan lands :-

(1) The Sarvodaya Panchayat shall have possession of and manage all the Gramdan lands vested in it.

(2) The Sarvodaya Panchayat shall have power--

(a) to arrange for the cultivation, of all lands vested in it either by itself or by distributing them among the residents of the Gramdan village concerned whether jointly or severally;

(b) to distribute the produce of the lands among the villagers in any manner it deems fit;

(c) to set apart lands for growing trees, raising fruits and vegetables or for any other purpose which is for the general good of the community specified in this behalf by the State Board, from time to time;

(d) to make advances in kind or cash to the families of the Gramdan village to whom lands are distributed for cultivation and recover those advances;

(e) to carry out land improvements;

(f) to buy and install any machinery for improving cultivation;

(g) to provide, maintain and augment irrigation sources and facilities;

(h) to undertake reclamation of wastelands;

(i) to carry out soil conservation measures; and

(j) generally to undertake and carry out all measures to increase agricultural production.

(3) The Sarvodaya Panchayat shall have power to incur expenditure for all or any of the purposes mentioned in this section.

27. Power to make regulations :-

(1) The State Board may, after consultation with the Government make regulations not inconsistent with this Act and the rules made thereunder, to provide for all matters for which provision is expedient for the purpose of giving effect to the provisions of this Act.

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

(a) the procedure and the disposal of the "business of the State Board and Local Committees;

(b) the remuneration and conditions of service of employees of the State Board, the Local Committees and the Sarvodaya Panchayat;

(c) the manner of constitution of the Sarvodaya Panchayat, the terms of office of the members including the Chairman of the Sarvodaya Panchayat, the powers, functions and duties of the Sarvodaya Panchayat, the holding of meetings of the Sarvodaya Panchayat and the conduct of business thereat;

(d) the payment of travelling and other allowances to the chairman, and members of the Sarvodaya Panchayat;

(e) the procedure to be followed by the Sarvodaya Panchayat in respect of financial matters generally, including the manner in which and the restrictions and conditions subject to which, expenditure should be incurred by it;

(f) the form in which the accounts of the Sarvodaya Panchayat shall be kept, the audit and publication of such accounts and the charges, if any, to be made for such audit;

(g) the preparation of an annual budget and the reports and returns to be furnished by it to the State Board and the Government;

(h) the delegation of powers and functions of the Sarvodaya Panchayat to the chairman or any member thereof;

(i) the conduct and defence of legal proceedings and the manner of signing pleadings;

(j) the form and 211 inner in which contracts may be executed by

the State Board and the Sarvodaya Panchayat;

(k) generally the conduct of the business of the Sarvodaya Panchayat.

28. Power to make rules :-

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

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

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the matters to be taken into account in granting lands to landless poor persons;

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

(d) the nature, scope and manner of enquiry, hearing and disposal of objections and confirmation or supersession of the declaration under section 17;

(e) the service of notices under this Act;

(f) the payment of travelling and other allowances to the Chairman and members of the State Board and Local Committees;

(g) the procedure to be followed by the State Board in respect of financial matters generally, including the manner in which, and the

restrictions and conditions subject to which, expenditure should be incurred by it;

(h) the form in which the accounts of the State Board shall be kept, the audit and publication of such accounts and the charges, if any, to be made for such audit;

(i) the preparation of an annual budget and the reports and returns to be furnished by it to the Government.

(3) All rules, notifications and orders made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which it actually sits either in the same session or in more than one session.