

## ORISSA ACT XXVI OF 1953

## THE ORISSA BHOODAN YAGNA ACT, 1953

[Received the assent of the President on the 26th July 1953, first published in an extraordinary issue of the Orissa Gazette, dated the 6th August 1953]

AN ACT TO FACILITATE DONATION AND SETTLEMENT OF  
LANDS IN CONNECTION WITH THE BHOODAN  
YAGNA INITIATED BY SHRI VINOBA BHAVE

**W**HEREAS it is expedient to facilitate the donation of lands in connection with the Bhoodan Yagna initiated by Shri Vinoba Bhave and to provide for the distribution of such lands to the landless persons and for matters ancillary thereto ;

It is hereby enacted as follows :—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Orissa Bhoodan Yagna Act, 1953.

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

(3) It shall come into force at once.

Definitions

2. In this Act unless there is anything repugnant in the subject or context—

(a) 'Bhoodan Yagna' means the movement initiated by Shri Vinoba Bhave for acquisition of land through voluntary gifts with a view to distribute it to landless persons ;

(b) 'Land' includes interest in land ;

(c) 'Landless person' means a person holding no land, or in relation to the extent of land, holding lands less than the area prescribed in this behalf;

(d) 'Owner' means any person owning land whether in trust or for his own benefit and includes a person by whatsoever designation known in whom the administration of a religious or charitable institution and endowment is vested;

(e) 'prescribed' means prescribed by rules made under this Act; and

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

Establishment and incorporation of the Bhoodan Yagna Samiti.

3. There shall be established a Bhoodan Yagna Samiti for Orissa (hereinafter called the Samiti), having perpetual succession and a common seal, which shall be a body corporate vested with the capacity of suing and being sued in its corporate name, of acquiring, holding, administering and transferring property, both movable and immovable and of entering into contracts.

Constitution of the Samiti.

4. (1) The Samiti shall consist of the following members, namely:—

(a) the Chairman to be nominated by Shri Vinoba Bhave; and

(b) four or more but not exceeding nine members to be nominated by Shri Vinoba Bhave.

(2) If the Chairman or the member is not nominated before the date or any extended date fixed in that behalf by the State Government, the State Government shall appoint the Chairman or the members, as the case may be, in the place or places so left vacant.

(3) The nomination or appointment of the Chairman and of the members shall be notified in the Gazette in the manner prescribed.

(4) The Chairman and members of the Samiti shall hold office for four years from the date of the notification under sub-section (3), and shall be eligible for re-appointment or re-nomination.

Dissolution  
of the  
Samiti.

5. (1) On the recommendation of Shri Vinoba Bhave that it is expedient so to do, or if at any time the State Government are satisfied that—

(a) the Samiti has failed without reasonable cause or excuse to discharge duties or to perform functions imposed or assigned by or under this Act;

(b) circumstances have so arisen that the Samiti is rendered unable or may be rendered unable to discharge duties or to perform functions imposed or assigned by or under this Act; or

(c) it is otherwise expedient or necessary to dissolve the Samiti;

they may by notification in the Gazette—

(i) dissolve the Samiti for the period to be specified,

(ii) direct the reconstitution of the Samiti in accordance with the provisions of section 4 of this Act, and

(iii) declare that the duties, powers and functions of the Samiti under this Act shall, for the period for which it has been dissolved, be discharged, exercised and performed by such person or authority and subject to such restrictions as may be specified therein.

(2) The State Government may make such incidental and consequential provisions as may appear to be necessary for this purpose.

Casual  
vacancies  
and other  
matters  
about the  
Samiti.

6. The method of filling up casual vacancies in the Samiti, procedure of its working and the conduct of its business shall be such as may be prescribed.

Funds of the  
Samiti and  
its powers  
and duties.

7. (1) The Samiti shall have its own fund, and may accept grants, donations, gifts or loans from the Central or the State Government or any Local authority or any individual or body, whether incorporated or not, for all or any of the purposes of the Samiti.

(2) The Samiti may, with a view to the consolidation of holdings accept any land in exchange for the lands donated in pursuance of Bhoodan Yagna.

(3) All property, fund and all other assets 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 shall in respect of all property, fund and other assets vested in it under this Act exercise such other powers and perform such other duties as may be prescribed in that behalf.

Donation of land to Bhoodan Yagna and competency of Donor.

8. (1) Notwithstanding anything contained in any law for the time being in force, any person, being the owner of land shall be competent to donate and grant such land or any part thereof to the "Bhoodan Yagna Samiti" by a declaration in writing in that behalf (hereinafter called the Bhoodan declaration) in the manner prescribed.

(2) The Bhoodan declaration shall be filed with the Revenue Officer appointed under this Act.

Publication of the declaration.

9. Upon receipt of the Bhoodan declaration the Revenue Officer shall publish the same calling for objections.

Filing, hearing and disposal of objections.

10. (1) Any person whose interests are affected by the Bhoodan declaration made under section 8 may, within thirty days of the publication of the declaration, file objections on the same before the Revenue Officer.

(2) If within the said period no objections are received the Revenue Officer shall make a summary enquiry as to the right, title and interest of the donor and may subject to the provisions of section 12 either confirm or supersede the declaration.

(3) The Revenue Officer shall register all objections, if any, received in pursuance of sub-section (1) and shall fix a date of hearing of which notice shall be given to the declarant and the objector.

(4) On the date of hearing or any other date to which it may be postponed, the Revenue Officer shall proceed to investigate and dispose of the objection and shall subject to the provisions of section 12—

(a) either confirm the Bhoodan declaration, by notification, or

(b) supersede the same.

(5) If the Revenue Officer confirms the Bhoodan declaration then, notwithstanding anything contained in any law for the time being in force but subject to the provisions of section 14, all the rights, title and interest of the owner in such land

shall stand transferred and vest in the Samiti from the date of the notification under sub-section (4)

(6) Where the Bhoodan declaration is superseded by the Revenue Officer the donation shall stand cancelled and the owner shall be deemed to continue to have all his rights, interests and title in such land as if no such donation was made.

Powers of  
the Revenue  
Officer.

11. The Revenue Officer in the hearing and disposal of objections under section 10 shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of any document ;
- (c) reception of evidence on affidavits ;
- (d) requisitioning any public record from any court or office ;
- (e) issuing commission for examination of witnesses ; and such proceedings before the Revenue Officer shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 and for the purposes of section 195 of the Indian Penal Code, 1860. XLV  
1860.

Lands which  
cannot be  
donated.

12. Notwithstanding anything contained in any law for the time being in force an owner shall not, for purposes of this Act, be entitled to donate the land falling in any of the following classes, namely :—

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

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

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

Lands dona-  
ted prior to  
the commo-  
ncement of  
this Act.

13. (1) Where any land has been donated to Shri Vinoba Bhave in pursuance of Bhoodan Yagna prior to the commencement of this Act, the Revenue Officer shall prepare a list of all such lands other

than lands to which the provisions of section 12 apply showing therein—

- (a) the area and other particulars of the land ;
  - (b) the name and address of the owner who is the donor ;
  - (c) date of donation ;
  - (d) the nature of the right, title or interest of the owner in the land making the donation ;
  - (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 under sub-clause (e) ;
- and
- (g) such other particulars as may be prescribed.

(2) The list so prepared shall be published in the manner prescribed.

(3) Upon the publication of list under sub-section (2) and notwithstanding anything contained in any law to the contrary but subject to the provisions of section 14—

(a) the right, title and interest of the owner in such land shall with effect from the date of donation be deemed to stand transferred to and vest in the Bhoodan Yagna Samiti as if a Bhoodan Yagna declaration had been duly made and confirmed in respect thereto under and in accordance with section 8 and sub-section (4) of section 10 ; and

(b) where such land has in pursuance of Bhoodan Yagna 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 15.

Order of the  
Revenue  
Officer  
subject to  
Civil Suit.

14. Any party aggrieved by the order of the Revenue Officer confirming the declaration under section 10 or by any of the particulars in the list published under section 13 may, within three months from the date of the order or of the publication of the list, as the case may be, institute a suit in the Civil Court having jurisdiction to have the said order set aside or the said particulars in the list cancelled and the decision of such Court shall be final and conclusive.

Grant of  
lands to the  
landless  
persons.

**15.** The Samiti or such other authority or person, as the Samiti may with the approval of the State Government specify either generally or in respect of any area, may, in the manner prescribed, grant lands which have vested in it to the landless person and the grantee of such land shall acquire therein such rights and liabilities and subject to such conditions, restrictions and limitations as are provided for by or under this Act and the same shall have effect any law to the contrary notwithstanding.

Donated  
lands not  
attachable  
nor  
alienable.

**16. (1)** The lands vesting in the Samiti under the provisions of this Act shall not, for such time as it remains so vested, be liable to attachment or sale in execution of any decree or order passed by a Civil Court against the Samiti.

(2) Notwithstanding anything contained in any law for the time being in force the grantee of land in pursuance of section 15 shall not for a period of ten years from the date of such grant transfer the land by way of sale, mortgage, lease, exchange, gift or otherwise, nor shall the said land be liable during the said period to attachment or sale in execution of a decree or order passed by a Civil Court.

Exemption  
from stamp  
duty and  
registration.

**17.** The Bhoodan declaration made or deemed to have been made under section 8 or a grant of land made or deemed to have been made under section 15 or any deed of exchange in pursuance of sub-section (2) of section 7 shall be and be deemed always to have been exempt from payment of stamp duty, registration and attestation under the law, relating to registration and execution of documents, any law to the contrary notwithstanding.

Power to  
make rules.

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

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for—

(a) the matters relating to the establishment, constitution of the Samiti, nomination and appointment of Chairman or the members thereto, as the case may be ;

(b) the form of Bhoodan declaration and the manner in which it shall be filed ;

(c) the documents to be filed with the Bhoodan declaration ;

(d) the manner of publication of the Bhoodan declaration ;

(e) powers and functions of the Samiti under section 7 ;

(f) the manner of filing the objections and their registration ;

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

(h) procedure to be followed in hearing and disposal of objections under section 10 ;

(i) the procedure relating to confirmation of supersession of declaration ;

(j) the matters relating to the manner and extent of the grant of land in pursuance of section 15 ; and

(k) the matters which are to be and may be prescribed.

Power to  
remove  
difficulties.

**19.** If any difficulty arises in giving effect to the provisions of this Act, the State Government, may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.