

The Punjab Bhudan Yagna Act, 1955

PUNJAB

India

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The Punjab Bhudan Yagna Act, 1955 Published vide Punjab Government Gazette (Extraordinary), 31st October, 1956 Statements of Objects and Reasons - Bhudan, started by Acharya Vinoba Bhave, has caught the imagination of the people and in its essential particulars is now being implemented in some of the States in the Indian Union by legislation. The object of the movement is to settle the landless workers on the land through voluntary donations. The movement aims at laudable results and though the circumstances in the different States in the Indian Union for the propagation of the movement are not similar, in this State also there is ample justification to legislate in the matter. The legislative measure is, therefore, being undertaken to launch and implement the Bhudan movement as popularly understood. Published vide Punjab Government Gazette Extraordinary dated the 30th September, 1955. An Act to facilitate activities in connection with Bhudan Yagna initiated by Acharya Vinoba Bhave, to provide for the constitution of a Bhudan Yagna Board, the donation of lands to the said Board, the distribution of land received in donation to landless persons as also their utilisation for community purposes; and for purposes connected with the matters aforesaid. Be it enacted by the Legislature of the State of Punjab in the Seventh Year of the Republic of India as follows :-

Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Bhudan Yagna Act, 1955. (2) [It extends to the territories, which immediately before the 1st day of November, 1966 were comprised in the State of Punjab, excluding the Union Territory of Chandigarh formed under section 4 of the Punjab Reorganisation Act, 1966 (31 of 1966)] [Substituted by Government of India S.O. 1303, dated 31st March, 1969.]. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context-(a)"Budan holder" means a person recorded in village papers or record of rights as a Bhudan holder under section 25;(b)"Bhudan Yagna" means the movement initiated by Acharya Vinoba Bhave for the acquisition of lands through voluntary gifts in favour of the Board;(c)["Board" means the Punjab Bhudan Yagna Board or the Haryana Bhudan Yagna Board or the Himachal Pradesh Bhoodan Yargna Board established or deemed to be established for the State of Punjab or the State of Haryana or the transferred territory as the case may be;] [Clause (c) inserted by Punjab Bhudan Yagna (Reorganisation) Order, 1969, S.O. No. 1303, dated 31st March, 1969.](d)"community purpose" means any purpose which is for the good of the community of the village in general;(e)"land" means land which is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture;(f)"landless person" means a person holding no land or land less than the area which may be prescribed in this behalf;(g)"Revenue Officer" means such Revenue Officer appointed under the Punjab Land Revenue Act, 1887 [or any] [Inserted by *ibid.*] other corresponding law for the time being in force, as the State Government may, by notification, appoint to discharge the functions of a Revenue Officer under that Act [or law;] [Inserted by *ibid.*](h)"prescribed" means prescribed by rules made under this Act;(i)["transferred territory" means the territory transferred to the Union territory of Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966)] [Clause (i) added by Punjab Bhudan Yagna (Reorganisation) Order, 1969 S.O. No. 1303, dated 31st March, 1969.].[2A. Construction of certain references in the Act. - In the application of the provisions of this Act] [Section 2-A inserted by *ibid.*] -(1)to the State of Haryana, any reference therein to any expression mentioned in column (1) of the Table below shall be construed as a reference to the corresponding expression mentioned in column (2) of the said table.

1	2
State Government	The Government of the State of Haryana
Punjab Bhudan Yagna Board	Haryana Bhudan Yagna Board
Gazette	Official Gazette of the Government of Haryana
(2)to the transferred territory, any reference therein to any expression mentioned in column (1) of the Table below shall be construed as a reference to the corresponding expression mentioned in column (2) of the said Table.	

1	2
State Government	The Government of the State of Haryana
Punjab Bhudan Yagna Board	Haryana Bhudan Yagna Board
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Chapter II

Establishment of the Board

3. Incorporation of Bhudan Yagna Board.

(1) There shall be established a Board by the name of Punjab Bhudan Yagna Board. (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 lands vested in it for the benefit of the Bhudan Yagna in accordance with the provisions of this Act and the rules made thereunder. [3A. Powers of the Board in respect of the transferred territory. - Notwithstanding anything contained in this Act, the Himachal Pradesh Bhoodan Yagna Board established under the Himachal Pradesh Bhoodan Yagna Act, 1954 (Himachal Pradesh Act 2 of 1955) shall, until the establishment of a Board under section 3, be deemed to be the Board established under this Act and accordingly shall perform the functions, discharge the duties and exercise the powers of such Board.] [Section 3-A inserted by Punjab Bhudan Yagna (Reorganisation) Order, 1969, S.O. 1303, dated 31st March, 1969.]

4. Constitution of Board.

- [(1) The Board shall consist of a Chairman and not less than six but more than ten members. (2) The Chairman and the members shall be nominated by the State Government and one of the members shall be appointed by the State Government as the Secretary of the Board.] [Substituted by Punjab Act 21 of 1978.] (3) 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.

(1) A Chairman, Secretary or members nominated under section 4 shall hold office for a term of four years and shall be eligible for re-nomination. (2) The nomination of Chairman, Secretary and the members shall be notified in the Gazette and the term of office shall commence from such date as may be notified in this behalf : 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 such detrimental to the interest of the Public or the Bhudan Yagna.

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 [State Government] [Substituted by Punjab Act 21 of 1978.]. 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 the existence 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 officers and servants.

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

9. Conditions of service of officers and servants.

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

10. Conduct of business.

- 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 thinks 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 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.(2)If at any meeting of the Board a quorum is not present, the Chairman shall adjourn the meeting to such other date 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 thereat or not.

12. Board's fund.

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

13. Application of funds.

- All property, fund and other assets vesting in the Board shall be held and applied by it in accordance with the provisions of this Act and the Rules made thereunder.

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 this Act.

15. Dissolution of the Board.

(1) If at any time the State Government is satisfied that—(a) the Board 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 Board 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 Board, it may by notification in the Official Gazette—(i) dissolve the Board for the period to be specified; (ii) direct the reconstitution of the Board in accordance with the provisions of section 4 of this Act; and (iii) declare that the duties, powers and functions of the Board 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.

16. Tahsil Committees.

(1) The Board may, for any Tahsil 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. (2) The Tahsil Committee may delegate any of its powers and functions under the Act to any member or to sub-committee of three or more of its members.

Chapter III

Donation of Land

17. Procedure for making donation of land.

(1) Any person owing a transferable interest in land and desiring to make a gift thereof to the Board may submit 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 where the land is situate. (3) On receipt of the declaration mentioned in sub-section (1), the Revenue Officer shall, if satisfied after such enquiry 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

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 drums in the village where the land is situate.(5)Any person interested in the property may before the date specified in the notice, file an objection, before the Revenue Officer showing cause why the gift should not be accepted.(6)All such objections shall be enquired into and decided by the Revenue Officer.(7)If no objection is filed before the specified date, or if all 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 Revenue Officer may at any stage of the proceeding reject the 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)such other grounds as may be prescribed.

18. Order of Revenue Officers subject of civil suit.

- 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 or 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. Gifts vesting 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. Land vesting in Board not attachable.

- Except for any decree passed under section 18, the land 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 prior to the commencement of this Act 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 sections 17 to 20 and 21(b) shall apply in respect of all the donations of the said lands as they apply in respect of all donations of lands made after the commencement of this Act :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 lands 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 grant made by the Board in general shall be subject.(B)Notwithstanding the provision of any law to the contrary, a tenant 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.

22. Lands which cannot be donated.

(1)Notwithstanding anything contained in any law an owner shall not, for purposes of this Act, be competent to donate -(a)land recorded or by usage treated as pasture, cremation or burial ground, tank, pathway, or thrashing floor; and(b)such other land as the State Government may by notification in the Gazette specify.(2)The holder of a life-estate shall be competent to donate only his life interest therein.

Chapter IV

Distribution of Land

23. Power of Board to allot land.

- 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.

24. Tahsil Committees to distribute land.

- 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.

25. Bhudan holders, conditions of allotment.

- The person to whom land is allotted under section 23 or 24 shall be recorded in village papers or record of rights as a Bhudan holder and shall hold the land subject to the following terms and conditions, namely -(a)he shall be deemed to hold the land directly from the Board and shall be

liable to pay the land revenue that may have been or may be assessed on such land;(b)his rights shall, on his death, pass to his heirs,(c)he shall not transfer any interest in the land;(d)he shall not allow the land to lie fallow for a period in excess of two years;(e)he shall pay the land revenue on the due date.(f)[If a co-operative society is formed in the village, he shall, if so required by the Revenue Officer become a member of the co-operative farming society and abide by its bye-laws and regulations.] [Inserted by Punjab Act No. 23 of 1957.]

26. Ejectment of Bhudan holder on breach of conditions.

- If any Bhudan holder commits a breach of any of the conditions in section 25, 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 Board without affecting his liability to pay the arrears of land revenue recoverable from him.

27. Land held by Bhudan holder not liable to attachment.

- Subject to any decree passed under section 18, 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.

Chapter V

Miscellaneous

28. Exemption from stamp and registration.

- 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 (a) payment of stamp duty, and (b) registration or attestation under the law relating to registration and execution of documents, any law to the contrary notwithstanding.

29. Ejectment of persons in unlawful possession.

- 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 the land received in donation for purposes of the Bhudan Yagna may, on application to a Revenue Officer by the Board or the Bhudan holder concerned, be ejected.

30. Partition of holdings.

(1)If the land gifted to the Board forms a part, of a holding, the Board or the 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 holding and demarcate the land and apportion the rent or the land revenue, as the case may be.(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 thereupon the Board and the Bhudan holder shall be liable to pay the portion of the arrears so determined and notwithstanding anything contained in the Punjab Land Revenue Act, 1887 [or any other corresponding law for the time being in force] [Inserted by Punjab Bhudan Yagna Board (Reorganisation) Order, 1969, No. S.O. 1303, dated 31st March, 1969.] the Board or the Bhudan holder shall not be liable for the arrears in respect of the remaining part of the holding.

31. Procedure.

- The proceedings under this Act shall be deemed for all purposes to be proceedings under the Punjab Land Revenue Act, 1887 [or any other corresponding law for the time being in force] [Inserted by Punjab Bhudan Yagna Board (Reorganisation) Order, 1969, No. S.O. 1303, dated 31st March, 1969.] and the procedure applicable to proceedings under the said Act or corresponding law shall be followed.

32. Board's power to act as Tahsil Committee.

- If no Tahsil Committee has been formed for any Tahsil the functions of a Tahsil Committee under this Act shall be performed by the Board.

33.

Omitted by Punjab Act 21 of 1978.

34. Powers of Board to allot land for Community purposes.

- The Board may allot any land vesting in it for a community purpose or exchange any such land with other land.

35. Regulations.

- The Board may, from time to time, with the previous sanction of the State Government make regulations consistent with this Act and any rules made thereunder -(a)for regulating its procedure and the disposal of its business;(b)for the remuneration and conditions of service of its employees;(c)for regulating the procedure, disposal of business, constitution and supersession of Tahsil Committees, the term of office and the filling and 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, qualifications of persons to whom lands may be given and the maximum area to be allotted to one family;(e)for the appointment of the sub-committees and for the delegation of powers to sub-committees and office-bearers and individual members thereof;(f)for any other matter arising out of Board's function under this Act for which it is necessary or expedient to make regulations.

36. Act not to apply to evacuee property.

- Nothing in this Act shall apply to evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

37. Power to make rules.

(1)The State Government may, by notification and subject to the conditions of previous publication, make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, the State Government may make rules -(a)prescribing the area of land for purposes of clause (f) of section 2;(b)prescribing the form of 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)stating other grounds under item (iv) of sub-section (9) of section 17 for rejecting the offer to make a gift; and(e)prescribing other particulars under clause (f) of sub-section (1) of section 21.