

The Tamil Nadu Bhoodan Yagna Act, 1958

TAMILNADU

India

The Tamil Nadu Bhoodan Yagna Act, 1958

Act 15 of 1958

- Published on 9 July 1958
- Commenced on 9 July 1958
- [This is the version of this document from 9 July 1958.]
- [Note: The original publication document is not available and this content could not be verified.]

The Tamil Nadu Bhoodan Yagna Act, 1958 Act No. 15 of 1958 Statement of Objects and Reasons - Tamil Nadu Bhoodan Yagna Act, 1958 (Tamil Nadu Act XV of 1958). - The object of the Bill is to facilitate the donation of lands to the Bhoodan Yagna movement initiated by Sri Acharya Viriobha Bhava and for that purpose to simplify the legal formalities necessary for transfer of lands. The Bill provides that any owner who is legally competent to donate the land may, on a declaration made in the prescribed manner, donate his land for the Bhoodan Yagna and that, on such declaration being confirmed by the appropriate authority after holding an enquiry and hearing objections, the land shall vest in the State Bhoodan Yagna Board. Provision has been made for any person, whose interests are affected by the donation of lands, to institute a suit in the Civil Court to set aside an order confirming a donation. The State Board will be a body corporate with power to enter into contracts and to acquire, hold, administer and transfer property. Power has been taken to constitute Local Committees which will exercise such powers, duties and functions as may be delegated to them by the State Board. The lands vested in the; Board may be granted by it to landless poor persons who are able and willing to cultivate them or to the Government or to a Local Authority for community purposes. Provision has been made that the procedure applicable in respect of lands donated after the commencement of the proposed legislation shall apply in respect of lands donated prior to such commencement. Every donation or grant of land under the Bill will be exempt from the payment of stamp duty of encumbrance certificate and of registration fee or of fee payable for attestation of power-of-attorney'. Published in Part IV-A, page 130 of the Fort St. George Gazette, Extraordinary, dated the 4th November 1957. 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. Statement of Objects and Reasons - Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act XXVI of 1964). - Experience gained by enforcement of the provisions of the Madras Bhoodan Yagna Act, 1958 (Madras Act XV of 1958), has revealed that the Act should be amended with a view to removing certain defects found and administrative difficulties felt. The Government, therefore, propose to amend the Act in respect of the following matters:-(1) The Madras State Bhoodan Yagna Board should also have power to grant lands vested in it to co-operative societies and to Sarvodaya Panchayats.(2) The definition of "Gramdan land" should be modified to include lands granted to Sarvodaya Panchayats.(3) The definition of "Gramdan village" should be modified to mean any

revenue village or villages or part or parts thereof in which not less than two-thirds of the number of persons owning lands donate all their lands for Gramdan or the total extent of lands so donated amounts to not less than one-half of the total extent of the lands therein.(4) Besides, the Tahsildar and the Deputy Tahsildar, certain other officers should be empowered as Inquiry Officers to hear objections in respect of declarations in specified areas.(5) The declarations made under sub-section (1) of section 16 should be filed with the State Board and the State Board should publish them in the manner laid down in sub-section (1) of section 17 and then forward the declarations to the Inquiry Officer concerned.(6) Where there is no objection, the Inquiry Officer should be enabled to either confirm the declaration or declare the declaration null and void without observing the procedure laid down in sub-sections (3) and (4) of section 17.(7) The Inquiry Officer on confirming a declaration should communicate his order to the State Board which should there upon publish the order in the Fort St. George Gazette.(8) An order declaring the declaration null and void should also be communicated to the State Board.(9) Pending completion of proceedings under section 17, the State Board should have the discretion to arrange for the cultivation of lands covered by the declaration made under sub-section (1) of section 16.(10) The State Board should also have the power to grant under sub-section (1) of section 19 any land vested in it to a co-operative society or Sarvodaya Panchayat.(11) Any land donated for the Bhoodan Yagna and situated in a Gramdan village on being granted by the State Board to the Sarvodaya Panchayat concerned should be dealt with as Gramdan land.(12) Every declaration and every grant of land made under the Act should also be exempted from registration.(13) Donations of lands under the Act which have not been previously made in accordance with the law relating to registration, etc., should be validated.

2. This opportunity has been availed of to amend section 28 of the Act to provide for the publication in the Fort St. George Gazette of all rules made under the Act and also for the placing on the table of both Houses of the Legislature of all rules, orders and notifications made or issued by the Government under the Act so as to conform to the recommendation made by the Committee on Subordinate Legislation.

3. The Bill is intended to give effect to the above proposals.

Published in Part IV - Section 3 of the Fort St. George Gazette Extraordinary, dated the 17th March 1964.

Statement of Objects and Reasons - Tamil Nadu Bhoodan Yagna Act, 2000 (Tamil Nadu Act 37 of 2002). - In view of the practical difficulties experienced in implementing the provisions of the Tamil Nadu Bhoodan Yagna Act, 1958 (Tamil Nadu Act XV of 1958), it has been decided to amend the said Act enabling:

1. The Government to enhance the annual income limit from three hundred rupees to an amount as may be prescribed by the Government, which shall not exceed twenty-five thousand for considering any person as landless poor person, for the purpose of the said Act.
2. The donor or his legal heir to exchanged the land already donated with an alternate land of equivalent value;
3. The State Board to grant any land vested in it to a houseless poor person as house-side; and
4. The Government to grant any land vested in the said Board to any person or institution for any public purpose after collecting double the market value of such land.

2. The Bill seeks to give effect to the above decision.

Published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th May, Received the assent of the President on the 9th July 1958 and published in the Fort St. George Gazette on the 16th July, 1958.

An Act to facilitate the donation of lands for the Bhoodan Yagna and the transfer and settlement of such lands in the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]. 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 Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]. Be it enacted in the Ninth Year of the republic of India as follows:-

1. Short title and extent.

(1) This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Bhoodan Yagna Act, 1958. (2) It extends to the whole of the [State of Tamil Nadu] [Substituted for the expression 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]. (3) It shall come into force on such date as the Government may by notification, appoint, and different dates may be appointed for different areas and for different provisions of this Act. This Act was extended to the added territories by section 3 of and the First Schedule to, the Tamil Nadu (Added Territories) Extension of Laws (No. 2) Act, 1961 (Tamil Nadu Act 39 of 1961) repealing the corresponding law in force in those territories.

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, co-operative societies or Sarvodaya Panchayats or for community purposes] [Substituted for the words 'landless poor persons or for community purposes' by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).]; (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 donated for Gramdan in a Gramdan village and includes any land in such village donated for the Bhoodan. Yagna and granted under sub-section (1) of section 19 to the Sarvodaya Panchayat constituted for that village; [Substituted for the original clauses (d) and (e) by section 2(ii) Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] (e) "Gramdan village" means any revenue village or villages or part or parts thereof in which - (i) not less than two-thirds of the number of persons residing and owning lands donated all their lands for Gramdan; or (ii) not less than one-half of the total extent of the lands owned by persons residing in such village or villages or part or parts is donated by persons residing and owning lands therein donating all their lands for Gramdan, and which the Government may, by notification, declare to be a Gramdan Village;] (ee) ["Inquiry Officer" means the Tahsildar or the Deputy Tahsildar in independent charge, having jurisdiction in the taluk or sub-taluk where lands donated for the Bhoodan Yagna are situate or such officer as the District Collector may, by notification, appoint for such village or villages where lands donated for the Bhoodan Yagna are situate, as may be specified in the notification.] [Inserted by section 2(iii) of the Tamil Nadu bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).]; (f) "landless poor person" means a person who either is not an owner of land or an owner of land which does not exceed the limits prescribed in this behalf and whose annual income does not

exceed [such sum not exceeding twenty-five thousand rupees as may be prescribed] [Substituted for the words 'three hundred rupees' by Tamil Nadu Bhoodan Yagna (Amendment) Act. 2000 (Tamil Nadu Act 37 of 2000).];(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 [Tamil Nadu State Bhoodan Yagna Board] [Substituted for the expression 'Madras State Bhoodan Yagna Board' by paragraph 3(1) of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.] 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 [Tamil Nadu State Bhoodan Yagna Board] [Substituted for the expression 'Madras State Bhoodan Yagna Board' by paragraph 3(1) of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970, which laws deemed to have come into force on the 14th January 1969.].(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 [* * *] [The expression 'in consultation zoith Shri Acharya Vinobha Bhawe or a person nominated by his in writing in this behalf' were omitted by the Tamil Nadu Act 25 of 1992, zoith effect from 15-6-1992.].(2)The appointment of the Chairman and the other members of the State Board shall be published in the [Fort St. George Gazette] [Now Tamil Nadu Government 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 (1) or of restoration under subsection (2) shall be published in [Fort St. George Gazette] [Now Tamil Nadu Government 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] [Now Tamil Nadu Government 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, [* * *] [The expression 'in consultation with Shri Acharya Vinobha Bhave' were omitted by the Tamil Nadu Bhoodim Yagna (Amendment)

Act, 1992 (Tamil Nadu Act 25 of 1992).] by notification, directed-(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 (1), 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 ensure:-(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 function 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 lands in the 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 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 authorise 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 prescribed 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 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of laws (Second Amendment) Order, 1969.] 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 State Board.] [Substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1961 (Tamil Nadu Act 36 of 1964).]

17. Hearing of objections.

- [(1) The State Board shall, as soon as may be after the filing of every declaration under sub-section (3) of section 16, publish the declaration in the [Fort St. George Gazette] [Sub-section (1) was substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1961 (Tamil Nadu Act 36 of 1964).] and in such other manner as may be prescribed and forward the declaration to the Inquiry Officer concerned.] (2) Any person whose interests are affected by any such declaration may, within two months of the publication of the declaration file objections to the same before the [Inquiry Officer] [Substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).]. (3) The [Inquiry Officer] [Substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] 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 [Inquiry Officer] [Substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] 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. [Where there is no objection the Inquiry Officer, after making such inquiry as he deems fit, shall, as soon as may be, by order, confirm the declaration or declare it null and void.] [This sentence was added by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1961).] (5) [(a) Where the Inquiry Officer passes an order under sub-section (4) confirming a declaration, he shall, as soon as may be, communicate the order along with the record of his proceedings to the State Board.] [Sub-sections (5), (6), (7) were substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] (b) As soon as may be after the receipt of the order referred to in clause (a) the State Board shall—(i) publish such order in the [Fort St. George Gazette] [Now Tamil Nadu Government

Gazette.]; and(ii)send a copy of such order duly authenticated by any officer authorised by the State Board in this behalf to the registering officer under the [Indian Registration Act, 1908] [Short title renamed as Registration Act, 1908.] (Central Act XVI of 1908), within the local limits of whose jurisdiction the land to which the order relates is situate and such registering officer shall register such order:Provided that no fee shall be payable for such registration and it shall not be necessary for any officer of the State Board to appear in person or by agent at the Registration office in any proceeding connected with such registration.(6)[Upon such registration, all the right, title and interest of the donor in such land shall, notwithstanding anything contained in any other law for the time being in force but subject to the provisions of section 23, stand transferred to, and vest in, the State Board for the purposes of the Bhoodan Yagna.] [Substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).](7)[Where the inquiry Officer passes an order under sub-section (4) declaring the declaration null and void, he shall, as soon as may be, communicate a copy of such order to the State Board. On the passing of such order, 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 he had not made any declaration under sub-section (1) of section 16.] [Substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).](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.(9)[Pending the completion of the proceedings under this section, the State Board may, subject to such terms and conditions as may be agreed upon between the donor and the State Board, arrange for the cultivation of the lands donated for the Bhoodan Yagna under sub-section (1) of section 16 as it thinks fit.] [Sub-section (9) was added by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).]

17A. [Permission to exchange the donated land. [Inserted by the Tamil Nadu Bhoodan Yagna (Amendment) Act, 2000 (Tamil Nadu Act 37 of 2000).]

- Notwithstanding anything contained in this Act, the Government may, if the circumstances so warrant, permit the exchange of the land already donated to, and vested in, the State Board, with an alternate land, by the donor or his legal heirs, as the case may be, in such manner as may be prescribed, subject to the following conditions, namely:-(a)the alternate land shall be of equivalent value;(b)there shall be no encumbrance on the alternate land;(c)the donor or his legal heirs shall be competent to transfer such alternate land;(d)there shall not be any arrear of land revenue or tax or any amount due to the Government or other authority;(e)the land already donated had not been assigned to any person or authority under this Act.]

18. Partition 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 Inquiry Officer for possession and the Inquiry Officer may] [Substituted by the Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu

Act 36 of 1964).], notwithstanding any provision in any other law to the contrary, partition the holding demarcate the land and effect its sub-division.

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 a houseless poor person as house site] [Inserted by the Tamil Nadu Bhoodan Yagna (Amendment) Act, 2000 (Tamil Nadu Act 37 of 2000).] or to the Government or a local authority for community purposes, [or to a co-operative society or Sarvodaya Panchayat] [Inserted by the Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] and the grantee of the land shall acquire therein such right and liabilities and subject to such conditions, restrictions and limitations as may be prescribed, and the same 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.[Explanation. [Explanation was added by the Tamil Nadu Bhoodan Yagna (Amendment) Act, 2000 (Tamil Nadu Act 37 of 2000).] - For the purpose of this sub-section, "houseless poor person" means a person who does not own any house or house-site and whose annual income does not exceed such sum not exceeding twenty-five thousand rupees, as may be prescribed.]](1-A) Where any land vested in the State Board and situated in a Gramdan Village is granted to the Sarvodaya Panchayat constituted for that Gramdan Village, such land shall be deemed, for all purposes of this Act, to be a Gramdan land vested in the Sarvodaya Panchayat and shall, thereupon, be dealt with accordingly; and in respect of any land so vested in the Sarvodaya Panchayat, the State Board shall not have any rights or be subject to any obligations under this Act.] [Inserted by the Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).](2)Tire 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)Tire Stale 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.] [Now Tamil Nadu Government 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 [Inquiry Officer] [Substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] under subsection (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 [Inquiry Officer] [Substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] 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 [Inquiry Officer] [Substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] under sub-section (4) of section 17, [* * *] [The words 'as the case may be' were omitted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] institute a suit in the Civil Court having jurisdiction to set aside the order of the [Inquiry Officer] [Substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] and the decision of such Court shall be binding on the State Board.

24. [Exemption from registration and stamp duty. [Section 24 was substituted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).]

- 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 registration and payment of stamp duty and encumbrance certificate fee.]

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 or 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 Land.

(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 waste lands;(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 manner 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 [* * *] [Words 'by notification' were omitted by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).] 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, [co-operative societies or Sarvodaya Panchayats] [Added by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).];(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 made under this Act shall be published in the [Fort St. George Gazette] [Sub-sections (3) and (4) were inserted for original sub-section (3) by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).], and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.](4)[Every rule, order or notification made or issued by the Government under this Act shall, as soon as possible after it is made or issued, be placed on the table [the Legislative Assembly] [Sub-sections (3) and (4) were inserted for original sub-section (3) by Tamil Nadu Bhoodan Yagna (Amendment) Act, 1964 (Tamil Nadu Act 36 of 1964).], and if, before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule, order or notification [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] that the rule, order or notification should not be made or issued, the rule, order or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, order or notification.]