

The U.P. Bhoodan Yagna Act, 1952

UTTAR PRADESH

India

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Act 10 of 1953

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The U.P. Bhoodan Yagna Act, 1952(U.P. Act No. 10 of 1953)Objects of the Legislation. - The Act seeks to validate and regularise the gift of land to Acharya Vinoba Bhave's Bhoodan Yagna.Statement of Objects and Reasons - "In the last cold weather Acharya Vinoba Bhave started the Bhoodan Yagna movement with a view to obtain land so that it could be distributed among the landless persons of the State. The response of the people of the State was very encouraging. The zamindars as well as the tenants donated their land to Acharyaji. There were, however certain legal difficulties. The donations made by the zamindars were defective according to the provisions of section 28 of U.P. Zamindari Abolition and Land Reforms Act, 1950. The tenants did not possess any right to transfer their lands by gift. The Bill is intended to remove these and certain other legal difficulties and to ensure the achievements of the object of this movement. Both in regard to the donations of land to the Bhoodan Yagna and its distribution to the landless person." [Vide U.P. Gazette, Extraordinary, dated November 21, 1952.]An Act to facilitate donation and settlement of lands in connection with the Bhoodan Yagna initiated by Sri Acharya Vinoba BhaveWhereas it is expedient to facilitate the donation of lands in connection with the Bhoodan Yagna initiated by Sri Vinoba Bhave and to provide for the settling of such lands on the landless persons;It is hereby enacted as follows:

1. Short title, extent and commencement.

(1)This Act may be called the Uttar Pradesh Bhoodan Yagna Act, 1952.(2)It extends to the whole of the Uttar Pradesh.(3)[* * *] [Sub-section (3) omitted by U.P. Act 52 of 1976, vide Schedule, Serial No. 8 (w.e.f. 15th Oct, 1976).].

2. Definitions.

- In this Act unless there is anything repugnant in the subject or context-(a)"Bhoodan Yagna" means the movement initiated by Sri Acharya Vinoba Bhave for acquisition of land through voluntary gifts with a view to distribute it to landless persons;(b)"holding" shall have the meaning assigned to it in

the U.P. Tenancy Act, 1939.(c)"owner" means, as respects any land-(i)in areas where the rights of intermediaries have. vested in the State Government under section 4 of the U.P. Zamindari Abolition and Land Reforms Act, 1950, its [bhumidhar or Government lessee] [Substituted by U.P. Act 8 of 1977, vide Section 71, (w.e.f. 28-1-1977), for the words a 'bhumidhar or sirdar'.] as the case may be;(ii)in areas where the U.P. Tenancy Act, 1939, is in force for the time being, its landlord and also includes a rent-free grantee, a grantee at a favourable rate of rent, a grove-holder and a tenant mentioned in clauses (a) to (f) of section 21 of the said Act;(iii)in other areas, its proprietor and also includes a tenant having a heritable and transferable interest in land.(d)"prescribed" means prescribed by rules made under this Act;(e)"State Government" means the Government of Uttar Pradesh, and(f)words and expressions not defined in this Act shall have the meaning assigned to them-(i)in areas referred to in sub-clause (i) of clause (c) in the U.P. Zamindari Abolition and Land Reforms Act, 1950.(ii)in areas referred to in sub-clause (ii) of the said clause in the U.P. Tenancy Act, 1939;(iii)in other areas, in the law relating to land tenure applicable to the land.

3. Establishment and incorporation of the Bhoodan Yagna Committee.

- There shall be established a Bhoodan Yagna Committee for Uttar Pradesh (hereinafter called the Committee) having perpetual succession which shall be a body corporate vested with the capacity of suing and being sued in its corporate names acquiring, holding, administering and transferring property, both movable and immovable and entering into contracts.

4. Constitution of the Committee.

(1)The Committee shall consist of the following members, namely-(a)the Chairman to be nominated by [the State Government] [Substituted by U.P. Act 23 of 1979, vide Section 2 (a), for the words 'Sri Acharya Vinoba Bhave'.];(b)four or more but not exceeding nine members to be nominated by [the State Government] [Substituted by U.P. Act 23 of 1979, vide Section 2 (a), for the words 'Sri Acharya Vinoba Bhave'.];(2)[* * *] [Sub-section (2), omitted by U.P. Act 23 of 1979, vide Section 2 (b).].(3)The nomination [* * *] [Omitted by U.P. Act 23 of 1979, vide Section 2(c), for the words '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 committee shall hold office for four years from the date of the Notification under sub-section (3), and shall be eligible for a reappointment or re-nomination.

5. Dissolution of the Committee.

(1)If at any time the State Government is satisfied that-(a)the Committee has failed without reasonable cause or excuse to discharge duties or to perform function imposed or assigned by or under this Act,(b)circumstances have so arisen that the Committee 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 Committee. It may by notification in the official Gazette-(i)dissolve the Committee for the period to be specified;(ii)direct the reconstitution of the Committee in accordance with the provisions of section 4 of this Act; and(iii)declare that the duties, powers and functions of the Committee 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.

6. Casual vacancies and other matters about the Committee.

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

7. Duties of the Committee.

(1)It shall be the duty of the Committee to administer all lands vested in it for the benefit of the Bhoodan Yagna.(2)The Committee shall for the purpose of Bhoodan Yagna perform such other functions and possess such other powers as may be necessary in respect of such land.

8. Donation of land to Bhoodan Yagna.

(1)Notwithstanding anything contained in any law for the time being in force, any person, being the owner of land, may donate and grant such land to the "Bhoodan Yagna" 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 Tahsildar as soon as it is made.

9. Publication of and investigation upon the declaration.

- Upon receipt of the Bhoodan declaration the Tahsildar shall-(a)publish the same for objections;(aa)[give notice of the same to the concerned Gaon Sabha; and] [Inserted by U.P. Act 10 of 1975, vide Section 2.](b)make a summary inquiry as to the right, title, and interest of the donor in such land.

10. Donor competent to donate land.

- Notwithstanding anything contained in the UP. Zamindari Abolition and Land Reforms Act, 1950, U.P. Tenancy Act, 1939, or any other law relating to land tenure as may be applicable an owner shall be competent for purposes of this Act to donate the land held by him as such to the Bhoodan Yagna.

11. Filing, hearing and disposal of objections.

(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 Tahsildar.(2)The Tahsildar shall register every such objection and shall fix a date of hearing, of which notice shall be given to the declarant, the objector and [the concerned Gaon Sabha] [Substituted by U.P. Act 10 of 1975, vide Section 3 (i), for the words 'the Gaon Panchayat concerned'.](3)On the date of hearing or any other date to which it may be postponed the Tahsildar

shall proceed to investigate and dispose of the objection and shall subject to the provisions of Section 12-(a) either confirm the Bhoodan declaration, or (b) supersede the same. (4) If the Tahsildar confirms the Bhoodan declaration then notwithstanding anything contained in any law for the time being in force, all the rights, title and interest of the owner in such land shall stand transferred to and vest in the Bhoodan Committee for purposes of the Bhoodan Yagna: Provided that no land revenue shall be payable in respect of the land for a period of three years commencing from the first day of July next following the date of confirmation where such land was parti kadeem or banjar on the date of donation. (5) Where the Bhoodan declaration is superseded by the Tahsildar under sub-section; (3) 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. (6) [Any person aggrieved by an order of the Tahsildar under this section may within thirty days from the date of the order, prefer an appeal against into the Collector and the decision of the Collector on such appeal shall be final. (7) The power to confirm or supersede a Bhoodan declaration under this section shall include the power to confirm, or supersede the same wholly or in part.] [Inserted by U.P. Act 10 of 1975, Section 3 (ii).]

12. Lands which cannot be donated.

- Notwithstanding anything contained in any law 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; and (b) land 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 in the Gazette specify.

13. Lands donated prior to the commencement of this Act.

(1) Where any land has been donated to the Bhoodan Yagna prior to the commencement of this Act, the Collector 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 donor; (c) date of 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 under sub-clause (e); and (g) such other particulars as may be prescribed. The list so prepared shall be published in the manner prescribed. (3) Upon the publication of list under sub-sections (2) and notwithstanding anything in any law to the contrary-(a) the right, title and interest of the donor in such land shall with effect from the date of donation be deemed to stand transferred to and vest in the Bhoodan Yagna Committee as if a Bhoodan Yagna declaration had been duly made and confirmed in respect thereto under and in accordance with section 8 and subsection (3) of section 11; (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 14.

14. Grant of land to landless persons.

- [(1)] [Section 14 re-numbered as sub-section (1) thereof, by U.P. Act 10 of 1975, vide Section 4.] The Committee or such other authority or person as the Committee 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 agricultural labourers] [Substituted by U.P. Act 10 of 1975, vide Section 4 (a), for the words 'Pandles persons'.] and the grantee of the land shall-(i)where the land is situate in any state which has vested in the State Government under and in accordance with section 4 of the U.P. Zamindari Abolition and Land Reforms Act, 1950, acquire in such land the right and the liabilities of a [bhumidhar with non-transferable rights] [Substituted by U.P. Act 8 of 1977, vide Section 72 (a), for the word 'Sirdar', (w.e.f. 28.1.1977).] and the grantee of the land shall-(ii)where it is situate in any other area, acquire therein such rights and liabilities and subject to such conditions, restrictions and limitations as may be prescribed and shall have effect, any law to the contrary notwithstanding.(2)[Where the committee or other authority or person as aforesaid fails to grant any land in accordance with sub-section (1) within a period of three years from the date of vesting of such land in the committee or from the date of commencement of the Uttar Pradesh Bhoodan Yagna (Amendment) Act, 1975, whichever is later, the Collector may himself grant such land to the landless agricultural labourers in the manner prescribed, and thereupon the grantee shall acquire the rights and liabilities mentioned in sub-section (1) as if the grant were made by the committee itself.] [Inserted by U.P. Act 10 of 1975, vide Section 4 (b).](3)[* * *] [Sub-section (3), omitted by U.P. Act 8 of 1977, vide Section 72(b), (w.e.f. 28.1.1977).](4)In making grant of land under this section, the committee or other authority or person as aforesaid or the Collector, as the case may be, shall observe the following principles:(a)At least fifty per cent of the land available for grant shall be granted to persons belonging to the Scheduled Castes, Scheduled Tribes and persons belonging to the Kol, Pathari, Khairwar, Baiga, Dharikar, Panika and Gond Tribes and such other tribes as the State Government on the recommendation of the Committee may notify in this behalf;(b)The land situate in one village shall, as far as possible, be granted to persons residing in that very village.Explanation. - For the purposes of this section, the expression "landless agricultural labourer" means a person whose main source of livelihood is agricultural labour or cultivation and who at the relevant time either holds no land or holds lands not exceeding 0.40468564 hectares (one acre) in Uttar Pradesh as a bhumidhar, [* * *] [Omitted by U.P. Act 8 of 1977, vide Section 72(c), for the word 'Sirdar'.] asami or Government lessee.

15. Grants to be made in accordance with Bhoodan Yagna Scheme.

- All grants shall be made as far as may be in accordance with the scheme of Bhoodan Yagna.[15A. Cancellation of certain grants. - (1) The Collector may of his own motion and shall on the report of the committee or on the application of any person aggrieved by the grant of any land made under Section 14, whether before or after the commencement of the Uttar Pradesh Bhoodan Yagna (Amendment) Act, 1975, inquire into such grant, and if he is satisfied that the grant was irregular or was obtained by the grantee by misrepresentation or fraud, he may-(i)cancel the grant, and on such cancellation, notwithstanding anything contained in Section 14 or in any other law for the time being in force, the rights, title and interest of the grantee or any person claiming through him in such land shall cease, and the land shall revert to the committee; and(ii)direct delivery of possession

of such land to the committee after ejectment of every person holding or retaining possession thereof, and may for that purpose use or cause to be used such force as may be necessary.(2)Notice of every proceeding under sub-section (1) shall be given to the committee, and any representation made by the committee in relation thereto shall be taken into consideration by the Collector.(3)No order shall be passed under sub-section (1) except after giving an opportunity of being heard to the grantee or any person known to the Collector to be claiming under him.(4)The order of the Collector passed under sub-section (1) shall be final and conclusive.] [Inserted by U.P. Act 10 of 1975, vide Section 5.]

16. Exemption from stamp duty and registration.

- The Bhoodar declaration made or deemed to be made under section 6 or a grant of land made or deemed to be made under section 14 shall be and be deemed always to have been exempt from payment of stamp duty and from registration or attestation under law relating to registration and execution of documents, any law to the contrary notwithstanding.

17. Power to make rules.

(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 foregoing powers, such rules may provide for-(a)the matters relating to the establishment, constitution of the committee, [and nomination of Chairman and the members thereof] [Substituted by U.P. Act 23 of 1979, vide Section 3, for the word 'nomination and appointment of Chairman or the members thereto, as the case may be'.] 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)the nature, scope and manner of the enquiry under section 9;(f)the manner of filing the objections and their registration;(g)the fixation of date for hearing the objections;(h)manner and mode of service of notices under this Act;(i)procedure to be followed in hearing and disposal of objections under section 11;(j)the procedure relating to confirmation or supersession of declaration;(k)the matters relating to the land in pursuance of section 14; and(l)the matters which are to be and may be prescribed.