

The Jammu and Kashmir Bhudan Yagna Act, 1960

JAMMU & KASHMIR

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Act 24 of 1960

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The Jammu and Kashmir Bhudan Yagna Act, 1960 Act No. 24 of 1960 [Received the assent of the Sadar-i-Riyasat on 4th May, 1960 and published in Government Gazette dated 10th May, 1960 (extraordinary).] An act to facilitate activities in connection with the Bhudan Yagna initiated by Shri Acharya Vinoba Bhave, to provide for the constitution of a Bhudan Yagna Board, the donation of lands to the said Board, the distribution of lands 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 Jammu and Kashmir State Legislature in the Eleventh Year of the Republic of India as follows :-

Chapter I Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Jammu and Kashmir Bhudan Yagna Act, 1960. (2) It extends to the whole of the Jammu and Kashmir State. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, - (a) "Bhudan 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 Shri Acharya Vinoba Bhave for the acquisition of land through voluntary gifts in favour of the Board ; (c) "Board" means the Bhudan Yagna Board established under section 3 ; (d) "community purpose" means any purpose which is for the good of the community of the village in general ; (e) "Government" means the Government of Jammu and Kashmir ; (f) "land" means land which is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture and includes areas covered by or

fields floating over water ;(g)"landless agricultural labourer" means a landless agricultural labourer who does not hold any land or holds land not exceeding such area as may be prescribed ;(h)"prescribed" means prescribed by rules made under this Act ;(i)"revenue officer" means such revenue officer appointed under the Jammu and Kashmir Land Revenue Act, Svt. 1996 as the Government may, ' by notification appoint to discharge the functions of a revenue officer under this Act.

Chapter II

Establishment and Constitution of the Board

3. Incorporation of Bhudan Yagna Board.

(1)There shall be established a board by the name of the Jammu and Kashmir 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.

4. Constitution of the Board.

(1)The Board shall consist of the following, namely :-(a)the Chairman to be nominated by [Sarva Seva Sangh] [Substituted by Act No. XVII of 1969 for 'Shri Acharya Vinoba Bhave'.] ; and(b)six or more, but not exceeding ten members to be nominated by [Sarva Seva Sangh] [Substituted by Act No. XVII of 1969 for 'Shri Acharya Vinoba Bhave'.] out of a panel of fifteen members recommended by the Legislature.(2)One of the members shall be appointed as the Secretary of the Board by the Chairman.(3)The Board may delegate any of its powers and functions under this Act, except the power to make regulations under section 35, 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)The Chairman, Secretary or a member nominated under section 4 shall hold office for a term of four years and shall be eligible for re-nomination.(2)the nomination of the Chairman, Secretary and the members shall be notified in the Government Gazette and the term of office shall commence from, such date as may be notified in this behalf :Provided that the Board may, after affording a member reasonable opportunity to explain his conduct in the manner prescribed, remove him from office, if it is satisfied that he 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 the Chairman in the case of a Member or the Secretary and to [Sarva Seva Sangh] [Substituted by Act No. XVII of 1969 for 'Shri Acharya Vinoba Bhave'.] in the case of the Chairman. 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 by the Secretary in a book to be provided for the purpose.

11. Quorum.

(1)The quorum for the meeting shall be one-third of the total strength of the Board.(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 funds.

- The Board shall have its own funds and may accept grants, donations, gifts or loans from the Central or the State Governments or any local authority or any individual or body of persons, whether incorporated or not, for all or any of the purposes of 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 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 Government 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 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 there in. (2) The Government may make such incidental and consequential provisions as may appear to be necessary for this purpose.

16. Tehsil Committees.

(1) The Board may for any tehsil where it considers necessary so to do constitute tehsil Committees consisting of not less than three and not more than seven members to be appointed by the Board. (2) The tehsil Committees may delegate any of its powers and functions under this Act to a Sub-Committee of three or more of its members.

Chapter III

Donation of Land

17. Procedure for making donation of land.

(1) Any person owning a transferable interest in land 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 tehsil 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 of board of his office and shall cause it to be published by beat of drum 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) No gift shall operate in a manner so as to entitle the donor to recover rent from his tenants in respect of his proprietary holding at a rate higher than that to which he was otherwise entitled under the provisions of Chapter (III) of the Jammu and Kashmir Tenancy Act, Samvat 1980. (10) The revenue Officer may, at any stage of the proceedings, 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 officer subject to appeal.

(1) Any party aggrieved by the order of the revenue officer rejecting an objection passed under subsection (7) of section 17 or any other person interested in the land who had no notice of the proceedings under section 17 may, within a period of sixty days from the date of such order, file an appeal before the Collector of the district in which the land is situate. (2) The order of the Collector made under sub-section (1) shall not be subject to any further appeal or revision but any party aggrieved by the order may, within a period of sixty days from the date of such order, institute a suit in a Civil Court having jurisdiction to have the order set aside and subject to the results of such suit, if any, the order of the Collector shall be final. (3) Except as provided in sub-section (1) and (2) no suit or other proceedings shall lie in any Civil or Revenue Court in respect of any order or decree concerning any matter which has been the subject of any proceedings taken under this Act.

19. Gift to be 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 order or 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 the 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)the intention of the donor expressed at the time of the donation to donate land in favour of a specified person and the name of such person for the purpose of the scrutiny of the eligibility of such person to the grant ;(e)the date of the grant under clause (d) ; and(f)such other particular 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 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 land was made and for this purpose, this Act shall be deemed to have been in force on such date.

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, path-way or thrashing floor ; and(b)such other land as the Government may, by notification in the Government 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 power to allot the land vesting into the landless agricultural labourers who are permanent residents of the State ; and(ii)the allottee shall not have and shall not be entitled to claim any rights except as provided for in this Act.

24. Tehsil Committee to distribute land.

- A Tehsil 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 agricultural labourers who are permanent residents of the State and are capable of cultivating the same personally.

25. Bhudan holders, conditions of allotment.

- The agricultural labourer to whom land is allotted under section 23 or 24 shall be recorder 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.

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 an enquiry, 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 order or 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 duty 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 payment of stamp duty and registration or attestation under the law relating to registration and execution of documents, any law to the contrary notwithstanding.

29. Ejectment of persons unlawful in 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 Jammu and Kashmir Land Revenue Act, Svt. 1996, 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 Jammu and Kashmir Land Revenue Act, Svt. 1996, and the procedure applicable to proceedings under the said Act shall be followed.

32. Board's power to act as a Tehsil Committee.

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

33.

[Omitted.] [Section 33 omitted by Act No. XVII of 1969.]

34. Power of Board to allot land for community purposes.

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

35. Regulations.

- The Board may, from time to time, with the previous sanction of the 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 Tehsil Committees, the term of office and the filling of 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 apply to evacuee property.

- Nothing in this Act shall apply to evacuee property as defined in the Evacuee's (Administration of Property) Act, Svt. 2006.

37. Over-riding effect of the Act.

- The provisions of this Act shall have effect, notwithstanding anything to the contrary contained in any law for the time being in force.

38. Power to make rules.

- The Government may make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for-(a)prescribing the area of land for purposes of clause (g) 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 clause (iv) of sub-section (10) of section 17 for rejecting the offer to make a gift ;(e)prescribing other particulars under clause (f) of sub-section (1) of section 21 ; and(f)any other matter which is to be or may be prescribed.