

The 20th August 1966

No.LJL.34/64/18.—The following Act of the Assam Legislative Assembly which received the assent of the President is hereby published for general information.

ASSAM ACT XXIII OF 1966

[Received the assent of the President on the 12th August 1966]

THE ASSAM BHOODAN ACT, 1965

(Published in the *Assam Gazette* Extraordinary, dated the 22nd August 1966)

An

Act

to facilitate donation and settlement of lands in connection with the Bhoodan Jajna movement initiated by Acharya Vinoba Bhave.

Preamble Whereas it is expedient to facilitate the donation of lands received as Bhoodan in response to Bhoodan Jajna movement initiated by Acharya Vinoba Bhave and to provide for regularisation, distribution and settlement of such lands to the landless persons and to provide for matters ancillary thereto ;

It is hereby enacted in the Sixteenth Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Bhoodan Act, 1965.

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

(3) It shall come into force at once.

Definitions :

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

(a) 'Bhoodan' means donation of a parcel of land which is made voluntarily for the purpose of this Act ;

(b) 'Bhoodan Board' means the Assam Bhoodan Board established under section 6 ;

(c) 'Declaration' means a Bhoodan declaration made under section 3 ;

(d) 'Government' means the Government of Assam ;

(e) 'Land' includes all town lands ;

(f) 'Landless Person' means a person—

(i) whose main source of livelihood is agriculture or agricultural labour ; and

(ii) who does not hold any land or holds an uneconomic holding of less than five bighas of land ;

(g) 'Owner' means—

(i) in relation to land held by a tenant with permanent rights, the tenant ;

(ii) in relation to land held under a grant, lease or assignment from Government, the holders, and

(iii) in relation to any other land, the person to whom the land belongs ;

(h) 'Person interested' in relation to any land means any person claiming any right, title or interest in the land and includes a person having a right of easement affecting such land ;

(i) 'Prescribed' except where the words "prescribed by Regulations" are used, means prescribed by rules made under this Act ;

(j) 'Revenue officer' means the Deputy Commissioner and includes the Additional Deputy Commissioner, Sub-divisional Officer or any Officer not below the rank of a Sub-Deputy Collector appointed by the State Government by name or by virtue of his office to discharge any of the functions of a Revenue Officer under this Act ;

(k) 'Sub-divisional Bhoodan Committee' means the Committee established under section 9 ;

(l) 'Village' means a revenue village registered as such in the revenue records ;

(m) 'Town land' means any land within an area declared or deemed to be a Municipality or notified area under the Assam Municipal Act, 1956 (Assam Act XV of 1957) and any other land which the State Government may declare, under the Assam Land and Revenue Regulation, 1886 or in accordance with the provision of section 3 of the Land Revenue Re-assessment Act (Assam Act VIII of 1936), to be town land.

Donation of land by way of Bhoodan 3. (1) Any owner of land not being a minor may donate by way of Bhoodan all or any of his lands by declaration in the prescribed form in writing in that behalf before the Revenue Officer.

(2) A declaration under sub-section (1) shall not be valid in respect of the following classes of lands—

(a) lands held by a person under a grant, lease or assignment from the Government without permanent rights, unless the previous approval of Government is received ;

(b) lands which are encumbered ;

(c) land in which the interest of the owner is limited to his lifetime ;

(d) land which is held by the owner for personal service or "bhog" ;

(e) lands under encroachment ;

(f) lands under litigation ;

(g) such other lands as the State Government may, by notification in the official Gazette, specify.

(3) Every declaration under sub-section (1) shall be published in such manner as may be prescribed, together with a notice requiring all persons interested in the land to submit their objections, if any, in writing to the prescribed authority within thirty days of the publication of the declaration.

(4) On the expiry of the period specified in sub-section (3), the prescribed authority may, after considering the objections received if any, and after making such further enquiries as may be necessary, by order, either confirm or refuse to confirm the declaration.

(5) Any person aggrieved by an order of the prescribed authority under sub-section (4), may file an appeal to the authority prescribed in this behalf within forty-five days of the date of the order and subject to the decision on such appeal, the order of the prescribed authority shall be final.

(6) A declaration which the prescribed authority has, by order, refused to confirm under sub-section (4) shall have no effect.

(7) The prescribed authority shall forthwith inform the Bhoodan Board of every case of confirmation.

(8) No person who has filed a declaration under sub-section (1) shall thereafter be competent to transfer or create any encumbrance on any land, in respect of which the declaration has been filed, unless and until an order under sub-section (4) refusing to confirm the declaration is made. Any transfer made or encumbrance created in contravention of this provision shall be void and in-operative.

Donation of land by way of Bhoodan prior to the commencement of the Act. 4. (1) Where any land has been donated by way of Bhoodan prior to the commencement of this Act, the Deputy Commissioner shall prepare a list of all such lands, other than lands to which the provisions of sub-section (2) of section 3 apply, showing therein—

(a) the area, (b) dag number, (c) location, (d) name and address of the donor, (e) date of donation, (f) the nature of the interest of the donor in the land, (g) land revenue, (h) local rate, (i) class of land, (j) if the land has been granted to any person

by any organisation authorised in this behalf in pursuance of the Bhoodan Jajna, the name and address of the person to whom the land has been granted, (k) the date of the grant under sub-clause (j), and (l) such other particulars as may be prescribed.

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

(3) Upon the publication of the list under subsection (2) and notwithstanding anything to the contrary in any law for the time being in force,

(a) the right, title and interest of the donor in such land shall with effect from the date of donation be deemed to have been extinguished and the land to have vested in the Bhoodan Board as if a Bhoodan declaration has been duly made and confirmed in respect thereto, under and in accordance with section 3;

(b) where such land has in pursuance of the Bhoodan Jajna has been granted to any person it shall with effect from the date of grant deemed further to have been granted to the grantee under and in accordance with the provisions of subsection (1) of section 7.

Effects of
declaration
of lands as
Bhoodan
lands.

5. Notwithstanding anything to the contrary contained in any other law for the time being in force, with effect from the date of confirmation of the declaration, all rights, title and interest of persons whose declarations have been confirmed under subsection (4) of section 3 in or over the lands covered by such declarations, shall cease and shall stand transferred to and vest in the Bhoodan Board.

Establish-
ment, incor-
poration
and constitu-
tion of the
State
Bhoodan
Board.

6. (1) As soon as may be after the commencement of this Act, there shall be established by the State Government, by notification in the official Gazette, a Board to be called the "Bhoodan Board" for purposes of carrying out the provisions of this Act.

(2) The Bhoodan Board shall be a body corporate with perpetual succession and a common seal and shall have power to accept, regularise and distribute lands received as Bhoodan.

(3) The Bhoodan Board shall consist of the following members, namely:—

(a) the Chairman to be nominated by the State Government in consultation with Acharva Vinoba Bhave or any person authorised by him in this behalf,

(b) a representative of the State Government in the Revenue Department,

(c) one representative from the Assam Sarbo-day Mandal,

(d) one representative from the Akhil Bharat Sarba Seva Sangha to be nominated by that body,

(e) one representative from the Assam Gram Swarajya Samittee,

(f) one representative from the Assam Gandhi Smarak Nidhi,

(g) one representative from the Assam Khadi and Village Industries Board, and

(h) one representative from the Kasturba Gandhi Rastriya Smarak Trust, Assam.

(4) The Chairman and Members of the Bhoodan Board shall hold office for a term of three years from the date of publication of their name in the official Gazette and shall be eligible for re-nomination.

(5) The Bhoodan Board shall hold its office at Gauhati but may hold its meetings at any place it considers expedient for conveniently carrying out its duties and functions.

(6) The Bhoodan Board shall appoint one of its Members as Secretary.

(7) The Bhoodan Board may delegate any of its powers and functions under this Act except the power to make regulations under section 19 to the Secretary or any Member or to a Sub-committee of three or more of its Members.

(8) The State Government may, by order in the official Gazette, remove from office, the Chairman or any Member of the Bhoodan Board who, in the opinion of the State Government has failed to perform or is unable to carry out his duties, or has abused his position as a Member of the Bhoodan Board.

(9) Any vacancy of a Chairman or a Member caused by death, resignation, removal or otherwise shall be filled up for the remaining period of the term in the manner laid down in sub-section (3) of section 6.

Duties and functions of the Board, 7. (1) It shall be the duty of the Bhoodan Board to distribute lands vested in it to the poor landless cultivators for the benefit and furtherance of the Bhoodan Jajna, in the manner prescribed :

Provided that any town land vested in it may also be set apart for the use of the Bhoodan Board or the Sub-divisional Bhoodan Committee.

(2) The Bhoodan Board shall for the purpose and furtherance of the Bhoodan Jajna perform such other functions as may be necessary in respect of such lands.

(3) Information of every case of distribution shall forthwith be sent by the Bhoodan Board to the local Revenue Officer.

Supersession or Dissolution of the Board, 8. (1) If at any time, in the opinion of the State Government, the Bhoodan Board—

- (a) is not competent to perform or persistently defaults in discharging the duties or performing the functions assigned to it by this Act without reasonable cause or excuse ; or

- (b) exceeds or abuses the powers assigned to it under this Act ; or
- (c) is not functioning in a manner consistent with the provisions of this Act or the rules framed thereunder ; or
- (d) circumstances have so arisen that the Bhoodan Board is rendered unable to discharge duties or to perform functions assigned to it under this Act ; or
- (e) it is otherwise expedient or necessary to dissolve the Bhoodan Board ;

the State Government may, by notification in the official Gazette stating the reasons for its order—

- (i) dissolve or supersede the Bhoodan Board for such period not exceeding one year at a time, provided that before any such notification is issued, the Bhoodan Board shall be given a reasonable opportunity of showing cause why the proposed notification should not be issued,
- (ii) direct the reconstitution of the Bhoodan Board in accordance with the provisions of section 6 of this Act, and
- (iii) declare that all the powers and duties of the Bhoodan Board shall during the period of dissolution or supersession and until the Bhoodan Board is reconstituted be exercised and performed by such person or persons or authority as the State Government may, from time to time, appoint in this behalf.

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

Sub-divisional Bhoodan Committee.

9. (1) The Bhoodan Board may for any Sub-division constitute Sub-divisional Bhoodan Committee consisting of not more than seven members who shall be appointed by the Bhoodan Board from among the Bhoodan workers who are resident in the area concerned. The appointment of these members shall be subject to the approval of the Government and shall be for a period of three years.

(2) The Bhoodan Board shall appoint one of the members of the Sub-divisional Committee to be its Chairman who shall also act as its Secretary.

(3) (a) The Bhoodan Board may authorise any Sub-divisional Committee constituted under subsection (1) to exercise in the area within the jurisdiction of such Sub-divisional Committee all or any of the powers, duties or functions vested in the Board by this Act as may be specified by general or special order and in like manner withdraw such authority ;

(b) The exercise of any powers, duties or functions delegated under sub-clause (a) shall be subject to control and revision of the Bhoodan Board :

Provided that the dissolution or supersession of the Sub-divisional Bhoodan Committees shall be subject to the approval of the State Government.

(4) The provisions of section 8 shall apply *mutatis mutandis* in matters of supersession or dissolution of the Sub-divisional Bhoodan Committees also.

Funds of the
Bhoodan
Board.

10. (1) The State Bhoodan Board shall have its own fund and may accept grants, donations or gifts from the Central and the State Government 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.

(2) The moneys remitted in the Fund shall be received by the Chairman of the Bhoodan Board or by the Secretary of the Bhoodan Board if he is authorised by the Chairman in this behalf and all such money shall be deposited by the recipient in :—

- (i) the Assam Co-operative Apex Bank Limited, or
- (ii) a Post Office Savings Bank.

(3) All such deposits shall be made in the name of the Bhoodan Board. The Chairman of the Bhoodan Board or the Secretary appointed by the Chairman in this behalf, shall have the power to withdraw such deposits or any part thereof and operate on the Bank accounts.

(4) No money shall be withdrawn from the Bank unless it is required for immediate payment for the purposes of the Bhoodan Board.

Audit of the
Board's
accounts.

11. The Bhoodan Board shall cause accounts to be kept of all moneys received and expended by it and such accounts shall be audited every year by auditors appointed by the State Board with the previous approval of the Government.

Exemption from attachment or sale and from the operation of the Ceiling Act, 12. (1) Land which is donated by a person making a Bhoodan declaration shall not, unless it is refused, be liable to attachment or sale in execution of any decree or order passed by a Civil Court against the donor of the Bhoodan Land.

(2) The provisions of the Assam Fixation of Ceiling on Land Holdings Act, 1956 shall not apply in respect of lands donated by way of Bhoodan. Assam Act I of 1957.

Status of the person to whom the land is granted and the condition on which the land is held. 13. (1) The person to whom any land is granted under sub-section (1) of section 7 shall have,—

- (a) Where the interest of the donor was that of a proprietor, land-holder or settlement-holder the status of a land-holder,
- (b) Where the interest of the donor was that of a tenant having permanent, heritable and transferable right, the status of an occupancy rayat.

(2) The grantee shall hold the land subject to the following conditions, namely:—

- (a) the grantee shall not be entitled to transfer or sublet the land or any part thereof;
- (b) the grantee shall not allow the land to lie fallow for two consecutive years without reasonable cause;
- (c) a grantee under clause (a) shall pay to the State Government land revenue and other dues, if any, on the land on due dates thereof;
- (d) any other condition which may be prescribed by the State Government in consultation with the Bhoodan Board.

(3) The name of the grantee shall in the prescribed manner be mutated immediately after the information of distribution being received from the Bhoodan Board under sub-section (3) of section 7 and recorded in the record-of-rights maintained by the Deputy Commissioner in the Jamabandi or the rent-roll, as the case may be, mentioning the fact that the land is Bhoodan land.

Consequences of the breach of conditions. 14. If the grantee commits a breach of any of the conditions mentioned in sub-section (2) of section 13, the Revenue Officer may, after giving him an opportunity of being heard and after such enquiry as he deems necessary, terminate the grant and restore the land to the Bhoodan Board.

Power to
remit land
revenue.

15. The State Government may, if it is satisfied that any land vesting in the Bhoodan Board could not be granted to any person in any year, remit the land revenue due thereon for that year.

Power to
exempt
from Stamp
duty, etc.

16. The State Government, by notification in the official Gazette, may remit—

- (a) the Stamp duty with which, under any law for the time being in force, any declaration of donation under section 3 or any instrument executed by or on behalf of the Bhoodan Board is chargeable ;
- (b) any fee payable by the Bhoodan Board or any owner who donates land under section 3 under the law for the time-being in force.

Partition of
holding.

17. If the land donated forms a part of a holding, the Bhoodan Board or the grantee concerned may apply to the Revenue Officer for partition and the Revenue Officer may, notwithstanding anything to the contrary in any law for the time-being in force and after such enquiry as he deems necessary, partition the holding and demarcate the land and apportion the revenue or the rent, as the case may be.

Power to
make rules.

18. (1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

- (a) the matters relating to the establishment and constitution of the State Bhoodan Board and the Sub-divisional Bhoodan Committees, nomination and appointment of Chairman or members thereto, as the case may be ;
- (b) incidental and consequential provisions to be followed on the dissolution or supersession of the Bhoodan Board or Sub-divisional Bhoodan Committee ;
- (c) the form of declaration of Bhoodan ;
- (d) the manner of publication of the Bhoodan declaration ;
- (e) the manner of realisation of the arrear revenue ;

- (f) the manner of recording the name of the grantee in the record-of-rights or the rent-rolls under sub-section (3) of the section 13 ;
- (g) the manner and mode of service of notices under this Act ; and
- (h) the matters which are to be and may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule 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.

Power to
make regula-
tions.

19. (1) The State Bhoodan Board may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules made thereunder to provide for all matters for which provision is necessary 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 meetings of the Bhoodan Board, the conduct of business there-at and the procedure for disposal of its business ;
- (b) principles to be followed in distribution of lands vesting in the Board ;
- (c) fixation of maximum limit for grant of land to any landless person ;
- (d) scheme of distribution of Bhoodan lands ;
- (e) maintenance of the accounts of the Bhoodan Board ; and
- (f) any other matter for which provision is necessary for the purpose of enabling the Bhoodan Board to discharge its duties and functions under this Act.

B. SARMA,
Secretary to the Government of Assam,
Law Department.