

RAJASTHAN BHOODAN YAGNA ACT. 1954

{ActNo.XVI of 1954} {Including
further amendments up to 2008}

1. SHORT TITLE EXTENT AND COMMENCEMENT:

1. This Act may be called the Rajasthan Bhoodan Yagna Act. 1954.
2. It extends to the whole of the State of Rajasthan including the Abu, Ajmer & Sunel areas.
3. It shall come into force at once.

2. INTERPRETATION:

1. In this Act, unless the context otherwise requires:-
 - {a} BHOODAN YAGNA : means the movement initiated by Shri Acharya Vinoba Bhave for acquisition of land through voluntary gifts with a view to distribute it to landless persons or to use it for community purposes;
 - {b} BHOODAN DECLARATION : means the declaration made or deemed to be made under section 11 of this Act;
 - {c} BOARD: means the Bhoodan Yagna Board established under section 3 of this Act;
 - {d} COMMUNITY PURPOSES ; means any purpose of public utility including sites for compost pits, for public latrines, for schools or school farms, for health centers, for recreation, for grazing and for other similar purposes:.
 - {e} GRANTEE: means the person to whom land is granted in pursuance of Bhoodan Yagna under this Act:
 - {f} LAND: means land which is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture:
 - {g} OWNER: means a person having a proprietary or occupancy tenant right in land and includes a state grantee.
 - {h} LANDLESS PERSON; means a person holding no land or landless than the area which may be prescribed in this behalf:
 - {i} "REVENUE OFFICER" In any of the provisions of this Act means Tehsildars or any other Revenue Officers, as may be appointed by the State Government, by notification in the Official Gazette for the purposes of this Act:
 - {j} "PRESCRIBED" means prescribed by rules made under this Act:

Explanation: Words and expressions not defined in this Act shall have the meaning assigned to them in the law relating to land tenures for the time being in force.

3. ESTABLISHMENT AND INCORPORATION OF THE BHOODAN YAGNA BOARD:

1. There shall be established a Board by the name of the Rajasthan Bhoodan Yagna

Board.

2. The Board shall be a body corporate having perpetual succession on and common seal with power to acquire hold, administer, transfer and dispose off property, both movable and immovable and shall, by the said name, sue and be sued.

4. CONSTITUTION OF THE BOARD:-

{1} The Board shall consist of the following, namely:-

{a} The Chairman and the Secretary to be nominated by the Government.

{b} Six or more but not exceeding ten, members to be nominated by the State Government.

{2} The nomination of the Chairman, the Secretary and the members shall be notified in the Rajasthan Gazette.

{3} The Chairman, the Secretary and members of the Board shall hold office for four years from the date of the notification under sub-section {2}, and shall be eligible for renomination:

Provided that the Chairman, the Secretary and members of the Board nominated under notification No.F.8{26}Rev/B-68, Dated 22nd June, 1976 of the Revenue {Group-IV} Department of the Government of Rajasthan, published in the Rajasthan Gazette {Extraordinary} Part IV C of the even date shall hold office for a period of sixty days from the commencement of the Rajasthan Bhoodan Yagna {Amendment and Validation} Act, 1984, or until a new Board is constituted, which-ever is earlier,

Provided further that the State Government may, remove from office any member of the Board who has been adjudged and insolvent or has been convicted of a offence involving moral turpitude and also any member who:-

{a} has become physically or mentally incapable of acting as such member. or

{b} has so abused his position as to render his continuance in office detertmental to the public interest, or

{c} has failed to perform his duties.

5. DISSOLUTION OF THE BOARD:

1. State Government may, at any time dissolve the Board and reconstitute the Board in accordance with the provisions of this Act,.

2. The order dissolving the Board shall be notified in the Rajasthan Gazette and shall take effect on the date on which it is notified.

6. CASUAL VACANCIES AND OTHER MATTERS ABOUT THE BOARD:

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

7. DUTIES OF THE BOARD.-

1. It shall be the duty of the Board to administer all lands vested in it for the purpose

of the Bhoodan Yagna.

2. The Board 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. VALIDITY OF PROCEEDINGS.-Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in the board or any defect or irregularity in the nomination of the Chairman, the Secretary or any member of the Board.

9. APPOINTMENT OF OFFICERS AND SERVANTS:- The Board may appoint such officers and servants as it may consider necessary for the efficient performance of its functions.

10. 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 rules.

11. 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 Board by a declaration in writing that behalf in the manner prescribed.

{2} The Bhoodan declaration shall be filed with the Tehsildar.

12. BOARD'S FUNDS.-The Board shall have its own funds, and may accept grants, gifts or loans from the Central or State Government or local authority or any individual or body, whether incorporated or not, for all or any of the purposes of the Board.

13. APPLICATION OF FUNDS.- All property, funds and all other assets vesting in the Board, shall be held and applied by it, subject to the provisions and for the purposes of this Act.

14. TEHSUIL COMMITTEES.- 1. The Board may, for any Tehsil where it considers necessary to do so, constitute Tehsil Committee consisting of not less than three and not more than seven members to be appointed by the Board.

2. The members of the Tehsil Committees shall be chosen by the Board ordinarily from amongst persons residing within the area of the Tehsil;

Provided that, if no Tehsil Committee has been formed for any Tehsil, the function of a Tehsil Committee under the Act shall be performed by the Board.

15. PUBLICATION OF LAND INVESTIGATION UPON THE DECLARATION.-

1. Upon receipt of the Bhoodan declaration, the Tehsildar shall make preliminary enquiry as to the right, title or interest of the donor in such land, and refer the result of such enquiries to the Board for advice.

2. If the right, title or interest of the donor appears to be defective, the Board may advise Tehsildar to reject the declaration and the declaration shall be rejected according.
3. If the Board advises the Tehsildar to take action for the confirmation of the declaration, it shall at the same time indicate the date when the board may be in a position to lease out the land in accordance with the Bhoodan Yagna Scheme.
4. The Tehsildar shall publish the declaration for inviting objections to be made on any date as may be appointed within 4 months preceding the day indicated by the Board in the preceding sub-section.

16. DONOR COMPETENT TO DONATE LAND:-

Notwithstanding anything contained in the Rajasthan Land Reforms and Resumption of Jagir Act, 1952 {No.VI of 1952}, 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 Board.

17. FILING, HEARING AND DISPOSAL OF OBJECTIONS:-

1. Any person whose interests are affected by the Bhoodan declaration made under section 11 may, within thirty days of the publication, file objections on the same before the Tehsildar.
- 2 The Tehsildar shall register every such objection and shall fix a date of hearing of which notice shall be given to the declarant and the objector without recovering any process fee or any other fee,.
3. on the date of hearing or any other date to which it may be postponed, the Tehsildar shall proceed to investigate and dispose of the objections and shall subject to the provisions of section 21,.
{a} either confirm the Bhoodan declaration,
or {b} supersede the same.
4. If the Tehsildar 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 Board for purposes of Bhoodan Yagna.
5. Where the Bhoodan declaration is superseded by the Tehsildar 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.

18. ORDER OF A REVENUE OFFICER, THE SUBJECT OF A CIVIL SUIT;-The order of a Revenue Officer, rejecting an objection, passed under this Act, shall not be subject to appeal or revision;

Provided that any party aggrieved by the order or any other person interested in the

land who had no notice of the proceedings may, within six months from the date of such order, institute a suit in the civil court having jurisdiction to have order set aside and the decision of such court shall be binding on the board, and subject to the result of such suit, if any, the order of the Revenue officer shall be conclusive.

- 19. GIFTS TO BE IRREVOCABLE :-** Every gift of land in respect of which an order has been passed under section 11 shall after the date of the order, be irrevocable.
- 20. LANDS VESTING IN BOARD NOT ATTACHABLE.-** The lands 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. 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 clauses, namely:-
- {a} Land which forms part of a family property and cannot be alienated without the partition of the whole of the family property:
 - {b} Lands which on the date of donation are recorded as common pasture lands, cremation or burial grounds, tanks, path-way or threshing floor or play grounds; and
 - {c} Such other Land as the Government may from to time by Notification in the Rajasthan Gazette, specify.

22 LANDS DONATED PRIOR TO THE COMMENCEMENT OF THIS ACT.-

1. Where any land has been donated to the Bhoodan Yagna before the coming into force of the Rajasthan Bhoodan
 - {a} the area and other particulars of the land ; Yagna Sansodhan Adhiniyam, 1955 {Adhiniyam Sankhtya 14, San 1955 } the Board shall prepare a list of all such lands other than lands to which the provisions of section 21 apply showing therein.
 - {b} the name of the donor;
 - {c} the nature of the interest of the donor in the land;
 - {d} if the land has already been granted to any person in pursuance of the Bhoodan Yagna, the name of the person to whom the land has been granted;
 - {e} the date of the grant under sub-clause {d} and
 - {f} such other particulars as may be prescribed
- 2 {a} The list so prepared shall be forwarded to the Tehsildar in whose jurisdiction the land is situated;
 - {b} The Tehsildar shall publish the list in the prescribed manner.
3. On receipt of such list, the Tehsildar shall cause action to be taken in accordance with section 15 in respect of the lands described in the list

4. The provisions of section 15 to 18 shall apply in respect of all donations of the said lands as they made after the commencement of this Act;

Provided that where an order is made by a Tehsildar under sub-section{4} 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.

5. Upon the publication of list under sub-section {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 Bhoodan Yagna Board, as if a Bhoodan Yagna declaration had been duly made and confirmed in respect thereof under and in accordance with section 11 and sub-section (3) of section 17;

(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 23.

23. GRANT OF LAND TO LANDLESS PERSONS.-The Board or the Tehsil Committee or such other authority or person, as the Board may specify, either generally or in respect of any areas, may in the manner prescribed, grant lands which have vested in it to the landless persons.

24. VESTING OF LAND AND TIGHTS OF GRANTEE.- Notwithstanding anything contained in this act or any other law for the time being in force but subject to the provisions of section 26 of this Act, the land granted under this Act shall stand vested in the State Government with effect from the date of commencement of the Rajasthan Bhoodan Yagna (Amendment) Act, 2008 (Act No. 20 of 2008) or from the date of grant whichever is later, and the grantee of such land shall become a khatedar tenant thereof with effect from the said date and shall be entitled to all the rights conferred and be subject to all the liabilities imposed, on a khatedar tenant under the provision of the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955)

25. XXXXXXXX.

26. GRANTS TO BE MADE IN ACCORDANCE WITH BHOODAN YAGNA SCHEME.-

{1} all grants shall be made, as far as may be, in accordance with the scheme of Bhoodan Yagna;

{2} Where question arises whether any grant or allotment of land has been made in contravention of the provisions of this Act of the scheme of Bhoodan Yagna, it may

be enquired into by the State Government or an officer specially authorised by it in' this behalf and on a finding being given after such enquiry that such contravention was made, the grant or allotment may be cancelled and the land may be transferred to the Board by the State Government;

Provided that no grant or allotment shall be cancelled without affording a reasonable opportunity of being heard to the grantee or allottee.

Provided that if the Board is unable to allot any land vesting in it or to use such land for any community purpose, it shall have the power to exchange such land with other suitable land, or to sell it in order to purchase another land for being distributed according to the provisions of this Act.

27. DISPOSAL OF UNDISTRIUTED LAND

1. If the Board cannot distribute any donated land in accordance with the scheme it shall transfer such land to the State Government.

2. If the Board has failed to distribute any donated land within a reasonable time, the state Government may on an enquiry as deemed proper, order the transfer or such land to the State Government.

Provided that no order shall be made without affording a reasonable opportunity of being heard to the Board.

28 EXEMPTION FROM STAMP DUTY REGISTRATION.-The Bhoodan declaration made or deemed to be made under section 11' or an order under section 17 confirming the Bhoodan declaration or a grant of land made or deemed to be made under section 23 shall be and deemed always to have been exempt from payment of stamp duty and from registration or attestation under the law relating to registration and execution of documents, any law to the contrary notwithstanding.

29, EJECTMENT OF PERSONS UNLAWFULLY 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 vesting in the Board, may on an application to a revenue officer by the Board or the lessee concerned be ejected.

30. PARTITION OF HOLDING:-If the land gifted to the Board forms part of a holding, the Board or the tenant concerned may apply to a competent revenue court or officer for possession and such court of officer may in accordance with the Tenancy law for the time being in force, partition the holding and demarcate the land and apportion the rent.

31.POWER TO REMIT LAND REVENUE :-The State Government, may, If it is satisfied that the Board has not been able to lease out the land in any year, remit the land revenue or rent due on the land for that year.

32. POWER TO MAKE RULES :-1. The Bhoodan Yagna Board may with the previous

sanction of the State Government or the State Government may in consultation with the Board make rules for the purpose of carrying into effect the provisions of this Act.

2. Without prejudice to the generality of the foregoing power such rules may provide for :-

- (a) The matters relating to the establishment and constitution of the Board and nomination of Chairman or the members there to, 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 filled with the Bhoodan declaration;
- (d) the manner of publication of Bhoodan declaration ;
- (e) the nature, scope and manner of the enquiry under section 15;
- (f) the manner of filing the objections and their registration;
- (g) the fixation of date for hearing and deciding the objection;
- (h) the manner and mode of service of notices under this act.;
- (l) the procedure to be followed in hearing and disposal of objections under section 17;
- (J) The procedure relating to the confirmation or supersession of Bhoodan declaration;
- (k) The matters relating to the grant of land in pursuance of. Section 23;
- (!) Regulating the procedure of the board and the disposal of its business;
- (m) The remuneration and conditions of service of its employees;
- (n) Regulating the procedure, disposal of business, the term of office, the filling of casual
- (o) Prescribing conditions for advancing loans to lessees,
- (p) x x x x x
- (q) Appointment of sub-committee, of committees and delegation of powers of such committees to individual members or office bearers of the Bhoodan Yagna Board, and
- (r) The matters which are to be and may be prescribed.

Amendment made by Raj. Govt.

Order No. F 2(15) Vidhhi /2/2008 dated 13.5.08

In Raj. Gazette (Extraordinary) dated 16.5.08