

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act XVIII of 1962

THE WEST BENGAL BHUDAN YAGNA ACT, 1962.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 17th December, 1962.]

[17th December, 1962.]

An Act to provide for dealing with lands donated by people in pursuance of Bhudan Yagna as initiated by Acharya Vinoba Bhave and matters ancillary thereto;

WHEREAS it is expedient to provide for dealing with lands donated by people in pursuance of *Bhudan Yagna* as initiated by Acharya Vinoba Bhave and matters ancillary thereto;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal *Bhudan Yagna* Act, 1962.

Short title,
extent and
application.

(2) It extends to the whole of West Bengal.

(3) It shall apply to such area or areas with effect from such date or dates as the State Government may, by notification in the *Official Gazette*, specify in this behalf and different dates may be specified in respect of different areas.

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

(1) “*Bhudan Yagna*” means the movement initiated by Acharya Vinoba Bhave for the encouragement of voluntary donation of land for distribution to landless persons;

(2) “Board” means the West Bengal *Bhudan Yagna* Board constituted under section 3;

(3) “land” means land used for purposes of agriculture or horticulture or purposes incidental thereto, and includes waste land;

(4) “landless persons” includes a person owning land not exceeding such limit as may be prescribed;

(5) “prescribed” means prescribed by rules made under this Act.

Price—Indian, 12 nP.; English, 3d.

(Sections 3—6.)

Establish-
ment and
incorpo-
ration of
Bhudan
Yagna
Board.

3. (1) The State Government shall, by notification in the *Official Gazette*, establish a Board to be called the "West Bengal Bhudan Yagna Board" consisting of such number of members as it may think fit for carrying out the purposes of this Act.

(2) A majority of the members of the Board shall be nominated by Acharya Vinoba Bhave.

(3) The Board shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to enter into contracts and to do all acts necessary and consistent with the purposes of this Act and shall sue and be sued by the name referred to in sub-section (1).

Staff and
fund of the
Board.

4. (1) The Board shall appoint a Secretary and such other staff as it may consider necessary for carrying out the purposes of this Act on such remuneration and on such terms and conditions as may be prescribed.

(2) The Board shall have a fund to be called the "West Bengal Bhudan Yagna Fund" and all monies received by the Board on any account whatsoever shall be credited to, and all expenditure incurred by the Board shall be paid out of, such fund.

(3) The accounts of the West Bengal Bhudan Yagna Fund shall be kept and audited in such manner as may be prescribed.

Particulars
of donated
land to be
furnished
to Board.

5. Any person who donated any land before the coming into operation of the West Bengal Bhudan Yagna Ordinance, 1962, or desires to donate any land in pursuance of *Bhudan Yagna* shall furnish to the Board all particulars in respect of such land specifically mentioning,—

- (a) the right, title and interest of such person in the land,
- (b) the nature and extent of encumbrances, if any, to which the land is subject, and
- (c) whether any rent, revenue, cess or tax in respect of the land is outstanding or not.

Vesting
order.

6. (1) On receipt of the particulars referred to in section 5, the Board shall refer the same to an Officer having jurisdiction over the area in which the land concerned is situated specially appointed by the State Government in this behalf and thereupon the Officer shall, if he is satisfied, after giving, in such manner as may be prescribed, public notice of his intention so to do, and after making such enquiry, if any, as he may think fit, that the donor has good title to the land and that the land

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Ord. VII
of 1962.

(Sections 7—9.)

is free from encumbrances, make a vesting order, and shall, after the expiry of the period of appeal or, if an appeal be filed, after the disposal thereof confirming the vesting order, send such vesting order to the Registering Officer having jurisdiction over the area in which the land is situated for registration thereof.

(2) The Registering Officer shall on receipt of a vesting order sent by the Officer under sub-section (1) register the same.

(3) On registration of any vesting order under sub-section (2), the right, title and interest of the person donating the land in respect of which the vesting order is made shall vest in the Board and the Board shall hold the land so vested on such terms, conditions and restrictions as may be prescribed:

Provided that if any rent, revenue, cess or tax in respect of such land be in arrears at the time when the same is donated, the person donating the land, and not the Board, shall remain liable to pay such arrears.

7. An appeal from a vesting order made under sub-section (1) of section 6, shall lie, if preferred within thirty days from the date of the vesting order, to the Munsif having jurisdiction over the area within which the land in respect of which the vesting order is made is situated and the Munsif shall dispose of such appeal by an order either confirming the vesting order or setting it aside:

Provided that no such order in appeal shall be passed without giving the party or parties prejudicially affected thereby an opportunity of being heard.

8. (1) The Board may settle on such terms, conditions and restrictions as may be prescribed, any land vested in it under sub-section (3) of section 6 with landless persons residing within the area within which such land is situated.

(2) When the possession of any land donated by any person in pursuance of *Bhudan Yagna* is made over to the Board by the donor before a vesting order in respect of the land is made under sub-section (1) of section 6, the Board shall be competent to make provisional settlement of the land on such terms and conditions as it may think fit with landless persons residing within the area within which the land is situated.

9. Notwithstanding anything to the contrary contained in any other law, no stamp duty or fees shall be chargeable in respect of any document executed or registered in pursuance of the provisions of this Act.

Appeal.

Settlement of donated land.

Documents to be free from stamp duty and fees.

[West Ben. Act XVIII of 1962.]*(Sections 10—12.)***Indemnity.**

10. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

Power to make rules.

11. The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act and such rules may provide for any matter which may be or is required to be prescribed.

Repeal and savings.

12. (1) The West Bengal *Bhudan Yagna* Ordinance, 1962 is hereby repealed.

(2) Anything done or any action taken under the West Bengal *Bhudan Yagna* Ordinance, 1962, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 18th day of September, 1962.

**West Ben.
Ord. VII
of 1962.**