

The Bihar Bhoodan Yagna Act, 1954

[Bihar Act 22 of 1954]¹

[1st Sept., 1954]

*An Act to facilitate the donation of lands in connection with the Bhoodan Yagna initiated by Shri Acharya Vinoba Bhave and to provide for the settlement of such lands with landless persons or with a village community, Gram Panchayat, or with a Co-operative Society organised by the Bhoodan Yagna Committee*².

Whereas it is expedient to facilitate the donation of lands in connection with Bhoodan Yagna initiated by Shri Acharya Vinoba Bhave and to provide for the settlement of such lands with landless persons ²[or with a village community, Gram Panchayat or with a Co-operative Society organised by the Bhoodan Yagna Committee];

AND Whereas it is the desire of Shri Acharya Vinoba Bhave that the lands donated to him in connection with the Bhoodan Yagna prior to the commencement of this Act shall be transferred to, and vest in the Bhoodan Yagna Committee;

It is hereby enacted as follows;

1. Short title, extent and commencement.—(1) This Act may be called the Bihar Bhoodan Yagna Act, 1954.

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

(3) It shall come into force at once.

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

(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 ³[or to a village community, Gram Panchayat or a Co-operative Society organised by the Committee];

⁴[(a1) **“Collector”** includes an Additional Collector;]

⁵[(a2) **“Bank”** means—

- (i) a banking company as defined in the Banking Regulation Act, 1949 (10 of 1949);
- (ii) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);
- (iii) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970);
- (iv) a Regional Rural Bank established under the Regional Rural Banks Act, 1976 (21 of 1976);

1. For Statement of Objects and Reasons, see the Bihar Gazette dated the 23rd September, 1953, Pt. V. p. 38; for Report of the Select Committee, see the Bihar Gazette, Extraordinary of the 26th March, 1954, pp. 2-19.

2. Ins. by Act 15 of 1959.

3. Ins. by Bihar Act 15 of 1959 vide Section 4(i).

4. Ins. by Bihar Act 14 of 1965.

5. Ins. by Act 8 of 1981.

- (v) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 (10 of 1963); and
- (vi) the Agricultural Finance Corporation Ltd. , a Company incorporated under the Companies Act, 1956 (1 of 1956)];
- (b) “**Committee**” means a Committee established under Section 3;
- (c) “**Land**” means land which is occupied or let for agricultural or horticultural purposes or for purposes subservient to agriculture or horticulture and includes waste-land ¹[and things attached to the earth, such as trees, bamboo clumps, structures];
- (d) “**landless person**” means a person—
 - (i) Whose main source of livelihood is agriculture or agricultural labour or who undertakes in writing to employ himself on lands granted to him under this Act; and
 - ²[(ii) **For the purpose of Bihar Bhoodan Yagna Act ‘landless person’ means a person who fulfills following criterion to be the landless person determined by the State Government:—A person who holds up to one acre or less land.]**
- (e) “**owner**” means any person who holds any land as a proprietor or tenant and has a lawful title thereto and a transferable and heritable interest therein;

Provided that in the Santhal Parganas and the Chota Nagpur Division, “owner” shall include a person holding any land as a *raiyat* though he may not have a transferable interest therein ³[x x x];
- ⁴[(e-1) “**prescribed**” means prescribed by rules or regulations made under this Act;
- (e-2) “**person**” includes a village community, Gram Panchayat or a Co-operative Society organised by the Committee; and]
- (f) “**Revenue Officer**” means the Collector, Additional Collector, Sub-divisional Officer, Additional Sub-divisional Officer ⁵[or any officer not below the rank of Sub-Deputy Collector] appointed by the State Government to discharge all or any of the functions of the Revenue Officer under this Act.

1. Ins. by Bihar Act 15 of 1959.

2. Subs. by Amdt. **Act 19 of 2016, prior to substitution it reads as follow:**

[2(d)(ii) who does not hold any land or holds such areas of land not exceeding five acres as may be prescribed by the Committee];

and includes a person who has donated in writing his entire lands other than those enumerated in the proviso to sub-section (1) of Section 10, to Shri Acharya Vinoba Bhave or the Committee.

Explanation.—The Committee may prescribe in this behalf different areas for different parts of the State within the limits prescribed in sub-clause (ii)].

3. Omitted. by Act 15 of 1959.

4. Ins. by *ibid*.

5. Subs. by *ibid* for the words “Deputy Collector”.

3. Establishment of the Bihar Bhoodan Yagna Committee.—(1) There shall be established by the State Government a Committee to be called the Bihar Bhoodan Yagna Committee to administer all lands in it for the purpose of the Bhoodan Yagna in accordance with the provisions of this Act.

(2) The Committee shall be a body corporate and shall have perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

(3) The Committee may enter into and perform all such contracts and exercise such other powers and discharge such other functions as it may consider necessary or expedient for carrying out any of the purposes of this Act.

4. Constitution of the Committee and term of office.—(1) The Committee shall consist of a Chairman and such number of members, which shall not be less than four and more than nine, as the State Government may determine.

(2) The Chairman and members of the Committee shall be appointed by the State Government;

[Proviso Omitted by Act 8 of 1981].

(3) The names of the Chairman and members shall be published in the Official Gazette.

(4) The term of office of the Chairman and members of the Committee shall be four years from the date of the publication of their names in the Official Gazette and shall include any further period which may elapse between the expiration of the said period of four years and date of the publication in the Official Gazette of the names of the Chairman and members of the next succeeding Committee.

(5) The Chairman and members of the Committee be eligible for reappointment.

5. Resignation by, and removal of, the Chairman or a member.—(1) The Chairman or a member of the Committee may, at any time, resign his office by submitting his resignation to the State Government, but not such resignation shall take effect until it is accepted and notified in the Official Gazette;

[Proviso Omitted by Act 8 of 1981].

(2) The State Government may, ¹[x x x x] by notification in the Official Gazette, remove from office the Chairman or any member of the Committee if the Chairman or such member—

- (i) has applied for being adjudged and insolvent or is an undischarged insolvent; or
- (ii) has been convicted of an offence involving moral turpitude; or
- (iii) refuses to act or becomes incapable of acting as Chairman or as a member or acts in a manner which the State Government, after hearing any explanation that he may offer, considers to be prejudicial to the objects of this Act.

6. Filling of casual vacancies.—If the Chairman or any member of the Committee is unable by reason of his death, resignation, removal or otherwise, to complete his full term of office, the vacancy so caused shall be filled by the

1. Omitted by Act 8 of 1981.

appointment of another person in the manner laid down in Section 4 and such person shall fill such vacancy for the remaining portion of the term for which the Chairman or the member, as the case may be, in whose place such person is appointed would otherwise have continued in office.

7. Validity of proceedings.—No act or proceeding of the Committee shall be deemed to be invalid only by reason of the existence of a vacancy in the Committee or any defect or irregularity in the appointment of the Chairman or any member of the Committee.

8. Conduct of business of the Committee.—(1) The Committee shall have an Office at Patna and shall meet at such time and place and every meeting of the Committee shall be summoned in such manner, 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 members present to preside at the meeting;
- (c) all questions at any meeting shall be decided by a majority of the members present and voting and, in case of an equality of votes; the person presiding shall have and exercise a second or casting vote, and
- (d) the minutes of the proceedings of such meeting shall be recorded in a book to be provided for the purpose;

Provided that it shall be lawful for the Chairman to summon the first meeting of the Committee at such time and place as he may deem expedient by a letter addressed to each member on a clear notice of fifteen days.

(2) No business shall be transacted at any meeting of the Committee unless at least three members including the Chairman of the meeting are present;

Provided that no quorum shall be necessary for an adjourned meeting.

9. Dissolution of the Committee.—¹[(1) If at any time the State Government is satisfied that—

- (a) the Committee has, without reasonable cause of excuse, made default in the performance of its duties or the discharge of its functions, imposed by or under this Act, or exceeded or abused its powers; or
- (b) circumstances have so arisen that the Committee is rendered unable or may be rendered unable to discharge its functions under this Act; or
- (c) it is otherwise expedient or necessary to dissolve the Committee;

the State Government may, by notification in the Official Gazette, dissolve the Committee for such period as may be specified in the notification and declare that the duties, powers and functions of the Committee under this Act shall, during the period of dissolution be performed, exercised and discharged by such person or authority subject to such restrictions, as may be specified by the State Government in this behalf by notification in the official Gazette.]

(2) The State Government shall, before the expiration of the period of dissolution, reconstitute the Committee in accordance with the provisions of Section 4.

1. Subs. by Act 8 of 1981.

(3) The State Government may make such incidental and consequential provisions as may appear to be necessary for giving effect to the purposes of this section.

(4) Any notification or order made by the State Government under this section shall not be questioned in any Court of law.

Comments & Case Law

● Donation of land. Orders passed in land restoration case shall not affect power of Revenue officer to confirm *Danpatras* under Section 11 (5). Right, title and interest in lands in question stood transferred and vested in Bhoodan Yagna Committee since 1954 before any step had been taken for restoration of lands under provisions of Land Restoration Act. Any order passed under land restoration proceedings shall not affect right, title and interest of committee in the lands. *Ramjee Mahto vs. State of Bihar*, 1984 (1) PLJR 959.

10. Donation of land.—(1) Any person being the owner of any land may donate such land to the Bhoodan Yagna Committee or to Shri Acharya Vinoba Bhave by a declaration in writing in that behalf (hereinafter called the Bhoodan Yagna *Danpatra*);

Provided that no person shall, for the purposes of this Act, be entitled to donate any land of the following classes, namely;—

- (a) any cremation or burial ground, tank or pathway;
- (b) lands recorded in the recorded rights as *gair mazrua-aam*;
- (c) lands held under service tenures;
- (d) any forest land notified under any of the provisions of the Indian Forest Act, 1927 (xvi, 1927), or the Bihar Private Forests Act, 1947 (Bihar Act ix, 1948);
- (e) lands containing mines and minerals, whether discovered or undiscovered or whether being worked or not; and
- (f) any other land which the State Government may, by notification in the Official Gazette, specify;

(2) Bhoodan Yagna *Danpatra* shall be filed before the Revenue Officer appointed under this Act as soon as it is made.

Comments & Case Laws

● Donation of land. There has to be statutory enquiry in respect of land after inviting objections and then *Danpatra* is to be confirmed. Without any enquiry collector straightaway directed that *parchas* be issued to private respondents. Both for confirmation of *Danpatra* and for eviction of trespassers, law lays down procedure. *Parchas* issued to private respondents cancelled. State or Bhoodan Yagna Committee restrained from disturbing settled possession of petitioners. *Shri Ram Janki vs. State of Bihar*, 2015(3) BLJ 240 PHC : 2016 (1) PLJR 15.

● Distribution of land to landless persons. Petitioner never gifted his lands or donated them under Section 10. No publication was made under Section 11 inviting objections. Applying principle of non-traverse information furnished to petitioner by Anchal Adhikari set aside. Respondents restrained from interfering with enjoyment and possession by petitioner of his lands except in accordance with law. *Lakhi Prasad Saraf vs. State of Bihar*, 2014 (1) BLJ 161 (PHC).

● Challenge to donation of land. Petitioner has to move civil court to seek declaration to avoid such donation. This matter cannot be decided either under Bhoodan Yagna Act or under Bihar Tenants Holdings (Maintenance of Records) Act, 1973. If by setting aside order, wrong order would revive, court would not interfere in such matter because substantial justice has to be done not justice in technical sense. *Radha Krishna Jha vs. State of Bihar*, 2008 (1) PLJR 477.

11. Publication of, and investigation upon the, Yagna Danpatra.—¹[(1) On receipt of the Bhoodan Yagna Danpatra the Revenue Officer shall cause the same to be published in the prescribed manner inviting written objections thereto within a period of thirty days from the date of publication.

(2) If no written objection is filed within the period mentioned in sub-section (1), the Revenue Officer shall make a summary inquiry in the prescribed manner as to the right, title and interest of the donor in such land and his competency to make a gift.

(3) If any written objection is filed within the period mentioned in sub-section (1), the Revenue Officer shall register such objection and fix a date for hearing of which a public notice shall be given in the prescribed manner and a copy of such notice shall be served on the donor and the objector by registered post with acknowledgment due and on the date so fixed, the Revenue Officer shall hear the donor and the objector.

(4) After holding the summary enquiry under sub-section (1) or after hearing the donor and the objector under sub-section (3), as the case may be, the Revenue Officer may supersede the Bhoodan Yagna *Danpatra* in whole or in part on any of the following grounds, namely:—

- (i) that the donor is incompetent to make a gift;
- (ii) that the title of the donor is defective;
- (iii) that the donor is not a person entitled to donate the land under the provisions of Section 10 or Section 12.

Comments & Case laws

● Donation of land. There has to be statutory enquiry in respect of land after inviting objections and then Danpatra is to be confirmed. Without any enquiry collector straightaway directed that parchas be issued to private

1. Existing sub-sections (1) to (4) substituted and (5) to (7) renumbered as (6) to (8) by Act 14 of 1965.

respondents. Both for confirmation of Danpatra and for eviction of trespassers, law lays down procedure. Parchas issued to private respondents cancelled. State or Bhoodan Yagna Committee restrained from disturbing settled possession of petitioners. *Shri Ram Janki vs. State of Bihar*, 2015(3) BLJ 240 PHC : 2016 (1) PLJR 15.

- When the land never vested in the Bhoodan Yagna Committee, it was available to the State for settlement in accordance with its policy. Disputed plot of land as claimed by the petitioners, clearly mentioned among the plots which were not confirmed under the Act. If it is found that there is no actual confirmation of gift concerning the disputed land a certificate could not have been issued by the Committee in favour of petitioners when the disputed plot was not included among the lands confirmed under section 11(4). Petitioners are at liberty to apply for settlement if found to be qualified as per general policy of State Government. *Mohammad Hasan Khan vs. State of Bihar*, 2003 (2) PLJR 333.

- Challenge to donation of land. There was no valid service of notice as required under Rule 3. All consequent actions leading to confirmation of *Danpatra* etc. are without jurisdiction. Question of limitation could arise only when there was a valid proceeding under Rules 3 and 4 read with Section 11. Limitations prescribed under Special Statutes are applied only when actions are valid and legal. Any thing done in excess of jurisdiction or without jurisdiction affects a legal right. *Bihar Bhoodan Yagna Committee vs. Tarkeshwer Prasad Mandal*, 1986 (1) PLJR 165 : 1985 BLJR 699 : 1986 AIR (Pat.) 216.

- Validity of gift of land made by Munda widow in favour of Bhoodan Yagna Committee. Widow of a Munda gets life interest in properties left by her husband and has no power to alienate the same by way of sale or gift. *Sinta Munda vs. Junathen Munda*, 1968 (1) PLJR 215.

(5) If the Bhoodan Yagna *Danpatra* is not superseded in whole or in part under sub-section (4), the Revenue Officer shall confirm it in whole and if it is superseded in part, he shall confirm it in respect of the part which is not superseded.]

¹[(6) The donation of the land in respect of which the Bhoodan Yagna *Danpatra* is superseded shall be cancelled and the right, title and interest of any person in such land before the date of the Yagna *Danpatra* shall not be affected in any manner.]

²(7) The Revenue Officer shall, in the hearing and disposal of objections under this section, have the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing attendance of witnesses and examining them on oath;
- (b) requiring the discovery and production of any document;

1. Renumbered by Bihar Act No. 14 of 1965.

2. Ins. by Bihar Act 15 of 1959.

- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any Court or office;
- (e) issuing commission for examination of witnesses;

and such proceeding before the Revenue Officer shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 and for the purposes of Section 195 of the Indian Penal Code, 1860 (XLV of 1860).

¹[(8) The Collector may at any time transfer a petition filed under sub-section (2) to any other Revenue Officer, within his jurisdiction, for disposal.]

Comments & Case laws

● **Scope.**—On the ground that the settlement made by the Bhoodan Committee in favour of the plaintiff was invalid having passed without following the procedure laid down under Section 11 of the Bhoodan Yagna Act. Held, revision against impugned judgment and order by defendant-petitioner, passed in favour of plaintiff, O.P. on ground of personal necessity, liable to be dismissed. *Gaur Chandra Sen vs. Yamuna Prasad*, (1998) 2 BLJ 349 at 350-352 (Pat) (DB).

● If donation of land is confirmed under section 11 then the land would vest in Bhoodan Yagna Committee under the provision of Section 13 of the Act and thereafter the State Government has no power to settle the same. Disputed land said to have confirmed in the year 1973 under section 11 of the Act but by mistake a different plot number was mentioned. Direction issued to the Collector to go into the factual aspect and in case it is found that the disputed land was confirmed under section 11 the land which was vested under section 13 was not available to the State for settlement, hence settlement made by the State Government is to be declared illegal. Where no confirmation is there and there was no vesting of land under section 13, then the settlement made by the State cannot be faulted with. *Mohammad Hasan Khan vs. State of Bihar*, 2003(2) PLJR 333.

²**[12. Donation of land by a proprietor or tenure-holder after vesting of his estate or tenure in the State under Bihar Act XXX of 1950.**—(1) When a proprietor or tenure-holder whose estate or tenure has vested in the State under the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), has made before the commencement of this Act a declaration in writing purporting to donate to Shri Acharya Vinoba Bhave any land comprised in such estate or tenure, such declaration shall be treated as Bhoodan Yagna *Danpatra* and the provisions of this Act shall apply *mutatis mutandis* in respect of land donated under such Bhoodan Yagna *Danpatra* as they apply in respect of donation of land made after the commencement of this Act:

Provided that in dealing with such Bhoodan Yagna *Danpatra* under Section 11,

1. Added by Act 15 of 1959 as sub-section (7) and renumbered as (8) by Act 14 of 1965.

2. Subs. by Bihar Act No. 14 of 1965.

the Revenue Officer shall deal with it as if the land covered by such Bhoodan Yagna *Danpatra* had not vested in the State under the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950).

(2) After and such Bhoodan Yagna *Danpatra* is confirmed in respect of any land comprised in any such estate or tenure then notwithstanding anything contained in the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), such land shall be excluded from such estate or tenure for purposes of assessment and payment or compensation under that Act and the provisions of Section 13 shall apply to such land].

13. Vesting of lands in the Bhoodan Yagna Committee.—(1) The right, title and interest of the donor in any land donated to Shri Acharya Vinoba Bhave or to the Bhoodan Yagna Committee shall, on confirmation of the Bhoodan Yagna *Danpatra* in respect of that land, stand transferred to, and vest in the Committee for the purposes of the Bhoodan Yagna, ¹[with effect from the date of the donation].

(2) The land vesting in the Committee shall not be liable to attachment or sale in execution of any decree or order passed by the Civil Court against the Bhoodan Yagna Committee.

(3) [Sub-section (3) omitted by 15 of 1959].

Comments & Case laws

- If donation of land is confirmed under section 11 then the land would vest in Bhoodan Yagna Committee under the provision of Section 13 of the Act and thereafter the State Government has no power to settle the same. Disputed land said to have confirmed in the year 1973 under section 11 of the Act but by mistake a different plot number was mentioned. Direction issued to the Collector to go into the factual aspect and in case it is found that the disputed land was confirmed under section 11 the land which was vested under section 13 was not available to the State for settlement, hence settlement made by the State Government is to be declared illegal. Where no confirmation is there and there was no vesting of land under section 13, then the settlement made by the State cannot be faulted with. *Mohammad Hasan Khan vs. State of Bihar*, 2003(2) PLJR 333.

- Settlement of plot of land when the land never vested in the Bhoodan Yagna Committee, it was available to the State for settlement in accordance with its policy. Disputed plot of land as claimed by the petitioners, clearly mentioned among the plots which were not confirmed under the Act. There being no actual confirmation of gift concerning the disputed land a certificate could not have been issued by the Committee in favour of petitioners on 15.5.96 when the disputed plot was not included among the lands confirmed under section 11(4). However, petitioners are at liberty to apply for settlement if found to be qualified as per general policy of State Government. *ibid*

1. Added. by Bihar Act No. 15 of 1959.

● No religious site can be created if the land is not forthcoming as a gift. If on a plot which is subject to this Act, a religious site has been built then the purpose of the Act has been violated. Religious sites may exist in peace and not in belligerence with Act, like encroachments or perhaps even adverse possession. Such plots have to be rendered in the shape by the district administration as were given under the Act and it does not matter what is the character of the encroachment. *Dighi Gram Vikash Samiti vs. State of Bihar*, 2001(1) PLJR 663.

● Donation of land. Orders passed in land restoration case shall not affect power of Revenue officer to confirm *Danpatras* under Section 11 (5). Right, title and interest in lands in question stood transferred and vested in Bhoodan Yagna Committee since 1954 before any step had been taken for restoration of lands under provisions of Land Restoration Act. Any order passed under land restoration proceedings shall not affect right, title and interest of committee in the lands. *Ramjee Mahto vs. State of Bihar*, 1984 (1) PLJR 959.

14. Grant of land to landless persons.—(1) The Committee or such other authority or person, as the Committee may specify, either generally or in respect of any local area, in the prescribed manner, may, ¹[subject to sub-section (2)] grant lands which have vested in the Committee to landless persons ²[or to a village Community, Gram Panchayat, or a Co-operative Society] organised by the Committee] and the grantee of the land shall acquire the same right, title and interest as the donor had in such land:

Provided that—

- (i) in case the donor's interest in such land was that of a proprietor or tenure-holder as defined in the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950), the grantee's right, title and interest shall be that of an occupancy *raiya*t liable to pay rent to the State Government;
- (ii) in case the estate or tenure, as the case may be in which such land is situated has vested in the State under the said Act, the right, title and interest of the grantee shall also be subject to the provisions of that Act; and
- (iii) in case such land has vested in the Committee under Section 12, the right, title and interest of the grantee shall be that of an occupancy *raiya*t liable to pay rent to the State Government;

Provided further that—

- (i) ³[grantee, his heirs, assigns or successor-in-interest shall not be competent to sublet or transfer the land or any portion thereof by sale, gift or otherwise, but shall be competent to transfer the same by exchange with the previous permission of the Committee in writing ; and

1. Ins. by Act 14 of 1965.

2. Ins. by Bihar Act No. 15 of 1959.

3. Subs. by *ibid*.

- (ii) the rights of the grantee over such land shall be subject to such other restrictions and conditions as may be prescribed ¹[by the Committee].

²[Provided also that the grantee, his heirs, assignee, or successors-in-interest may enter into a simple mortgage for raising loan for agricultural purposes in respect of land with a bank or society registered or deemed to be registered under the Bihar Co-operative Societies Act, 1935 (Bihar and Orissa Act VI of 1935) or with the State Bank of India or a bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act V of 1970) or with a company or a corporation owned by or in which not less than fifty-one percent of the share capital is held by the State Government or the Central Government or partly by the State Government and partly by the Central Government and which has been set up for raising loan for agricultural purposes].

(2) All grants shall be made as far as may be in accordance with the scheme of Bhoodan Yagna as may be prescribed;

³[Provided that in making grants of waste lands in the districts of Santhal Parganas which have vested in the Committee the principle prescribed for settlement of waste lands under Section 28 of the Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act XIV of 1949), shall be followed.]

(3) For the purpose of grant of lands under this section, the Committee may, by regulations, fix after taking into consideration the quality of lands, the maximum and minimum areas to be granted to a landless person ¹[or to a village community, Gram Panchayat or a co-operative society organised by the Committee] and different areas may be fixed for different districts, sub-divisions or thanas.

Explanation.—For the purposes of this section, “occupancy *raiya*” means a *raiya* having a right of occupancy in the land held by him ¹[within the meaning of the tenancy law of the area in which it is situated].

Comments & Case Laws

● Bhoodan Yagna Act applies only in relation to lands dealt with under the Act. Any order passed in terms of powers granted by said Act should remain confined only to those lands dealt with under said Act. Collector's order challenged in writ petition remains confined only to area of land obtained by private respondent from Bhoodan Yagna Committee. *Siya Ram Das vs. State of Bihar*, 2007 (2) BLJ 221 (PHC).

● No religious site can be created if the land is not forthcoming as a gift. If on a plot which is subject to this Act, a religious site has been built then the purpose of the Act has been violated. Religious sites may exist in peace and not in belligerence with Act, like encroachments or perhaps even adverse

1. Ins. by Act 15 of 1959.

2. Added by Act 8 of 1981.

3. Ins. by Bihar Act 14 of 1965.

possession. Such plots have to be rendered in the shape by the district administration as were given under the Act and it does not matter what is the character of the encroachment. *Dighi Gram Vikash Samiti vs. State of Bihar*, 2001(1) PLJR 663.

● Once grant of land is made all rights, title and interest in land vests in grantee and committee ceases to have any rights, title or interest in land settled with grantee. In case of encroachment over settled land committee is not powerless. There are sufficient provisions in the Act for getting encroachment removed in favour of lawful settlee of land. Section 22 empowers revenue officer to act *suo motu* for getting encroachment removed from land settled in favour of a settlee. *Most. Imamani vs. State of Bihar*, 2000 (4) PLJR 563.

● Cancellation of certificate and recommendation for ejectment. No opportunity was extended to petitioner before issuance of order of cancellation. It would be essential for Revenue Officer to hold enquiry after extending proper opportunity to persons concerned. Order of cancellation of certificate quashed. *Umashanker Singh vs. State of Bihar*, 1999 (3) PLJR 201.

¹**[14A. Protection to the grantee of Bhoodan land from ejectment.—**(1) If a grantee has been ejected by any person from the land granted to him under section 14 of the Act or any part thereof otherwise than in accordance with law, then the grantee may apply to the Revenue Officer for restoration of his possession over the land or part thereof from which he has been so ejected.

(2) The Revenue Officer may on receipt of an application under sub-section (1) or on his own motion, after making such enquiry as he deems fit, order that the grantee shall be put in possession of the land or part thereof from which he has been so ejected.

(3) If a grantee is threatened with unlawful ejectment from the land granted to him under section 14 of the Act or any part thereof by any person, the Revenue Officer may, on his own motion or on application made in this behalf by the grantee initiate a proceeding for preventing such person from ejecting the grantee and may, after hearing the parties for which due notice shall have been given to them, or even after *ex parte* hearing, in cases of emergency, by an order giving reason thereof in writing restrain such person from ejecting the grantee:

Provided that where an *ex parte* order has been made, the Revenue Officer shall soon thereafter as may be possible hear the parties after giving due notice to them, and may, for reasons to be recorded in writing, confirm the order but, if after such hearing he finds that there are no reasonable grounds for such order he will set aside the same and reject the prayer.

(4) If the person against whom an order has been made under sub-section (2) fails to carry out the order of the Revenue Officer within such time, if any, as may be specified in the order, the Revenue Officer may eject him from such land and may

1. Ins. by Bihar Act 14 of 1965.

for that purpose use such force as may be necessary, and put the grantee in possession of such land].

15. Donation and grant of land prior to the commencement of Act.—¹[(1)

Where any land has been donated in writing for purposes of the Bhoodan Yagna prior to commencement of this Act, the Bhoodan Yagna Danpatra concerning such land shall be forwarded by the Bhoodan Yagna Committee to the Revenue Officer of the local area within which the land is situate and the provisions of this Act shall apply *mutatis mutandis* in respect of land donated under such Bhoodan Yagna *Danpatra* as they apply in respect of donation of land made after the commencement of this Act.]

²[x x x]

(3) If such land has before the commencement of this Act been granted to any person in pursuance of the Bhoodan Yagna, it shall, with effect from the date of grant, be deemed to have been granted to such person under Section 14 subject to the restrictions and conditions imposed thereunder.

³**[15-A. Donation of waste land of village in the District of Santhal Parganas by the village headman or mulraiayat or ghatwal to be deemed to have been made by the owner thereof.**—If before the commencement of this Act any waste land of village in the district of Santhal Parganas has been donated by the village headman or *mulraiayat* or *ghatwal* for purposes of the Bhoodan Yagna or after the commencement of this Act and before the commencement of the Bihar Bhoodan Yagna (Amendment) Act, 1964, any such land has been donated by them to Shri Acharya Vinoba Bhave or to the Bhoodan Yagna Committee, then notwithstanding anything contained in the record-of-rights or any law for the time being in force, such donation shall be deemed to have been made by the owner thereof.]

16. Settlement of donated land prior to distribution.—(1) When any land has been vested in the Committee under sub-section (1) of Section 13 or is deemed to have vested under sub-section (2) of Section 15, the Committee may, for the period intervening between the date of its vesting and the date of its grant ⁴[under Section 14] settle it with any person, who has the means to cultivate the land and is willing to do so, for purposes of cultivation for such period and on such terms and conditions as may be prescribed. Such settlement shall be made by a registered instrument.

⁵[Provided that, if the Committee has not settled such land with any person under this sub-section, and the donor has continued in possession and enjoyed the usufruct of the land, the donor shall be deemed to be the settlee thereof during the period intervening the date of its vesting and the date of its grant under Section 14 and such donor shall be liable for that period to pay to the State Government the rent that he would have been liable to pay for that land to his landlord before the date of such vesting.]

1. Subs. by Bihar Act 14 of 1965.

2. Deleted by *ibid*.

3. Added by *ibid*.

4. Subs. by Bihar Act No. 15 of 1959, Section 9 for the words “to a landless person”.

5. Ins. by *ibid*.

(2) No right of occupancy in such land shall accrue to the settlee and shall be liable to be ejected on the expiry of the ¹[period of settlement.]

²[Provided that, where the donor is deemed to be the settlee of the land under this section, he shall be liable to be ejected on the date of its grant under Section 14.]

Comments & Case Law

● **Donation of land.** There has to be statutory enquiry in respect of land after inviting objections and then Danpatra is to be confirmed. Without any enquiry collector straightaway directed that parchas be issued to private respondents. Both for confirmation of Danpatra and for eviction of trespassers, law lays down procedure. Parchas issued to private respondents cancelled. State or Bhoodan Yagna Committee restrained from disturbing settled possession of petitioners. *Shri Ram Janki vs. State of Bihar*, 2015(3) BLJ 240 PHC : 2016 (1) PLJR 15.

³**[17. Appeals.]**—(1) An appeal shall lie within sixty days of the date of the order of the Revenue Officer—

- (a) if passed under Sections 18, 21 or 22, to the prescribed authority; and
- (b) if passed under Sections 11 or 15—
 - (i) to the Commissioner of the Division, if such order was passed by the Collector; and
 - (ii) to the Collector, if such order was passed by any other Officer:

Provided that any such appeal may be admitted after sixty days of the date of the order appealed against if the appellate authority is satisfied that the appellants was prevented by sufficient cause from preferring the appeal within such period.

(2) Subject to the result of the appeal, the order of the Revenue Officer shall be final.

(3) Notwithstanding anything to the contrary contained in any other law for the time being in force, a memorandum of appeal filed by the Committee shall be exempted from payment of any Court-fees.

(4) Notwithstanding anything contained in sub-section (2), any party aggrieved by the order or any other person interested in the land may, within six months, from the date of such order, institute a suit in the Civil Court having jurisdiction for setting aside the order.]

Comments & Case laws

● **Scope.**—From Section 17(4) of the Act, it would appear that not only a party aggrieved by the order can institute a suit in the Civil Court having jurisdiction for setting aside the order, but any other person also (who was not a party to the proceeding under the Act) interested in the land may also file a suit in the Civil Court having jurisdiction for setting aside the order. The only

1. Subs. by Bihar Act No. 15 of 1959.

2. Ins. by *ibid*.

3. Subs. by Bihar Act 14 of 1965.

rider put under the statute was not such a suit must be filed within six months from the date of such order. *Pandit Brahma Nand Chaubey vs. Member of Bhoodan Committee*, 1986 BLJ 289 : 1986 BBCJ 332 : 1986 PLJR 414.

● **Suit for declaration.**—A suit under Section 17(4) of the Act was filed by plaintiff-respondent for declaration of title stating that the proceeding before D.C.L.R. was vitiated by fraud and as such his order was nullity. The suit was dismissed by the trial Court without framing any issue and holding that suit was barred both under Section 5 of Regulation and Section 17(4) of the Act of 1954. The A.D.J. remanded the case in appeal for deciding it afresh according to law. Held, it may be decided on its own merit and in accordance with law treating impugned trial Courts decision to have been given under Order VII, R. 11 and not under Order XIV, Rule 2 C.P.C. *Yamuna Sah @ Jamuna Pd. Sah vs. Shashi Mahto*, 1999(1) BLJ 550 : 1999 (1) BLJR 110]

¹**[17-A. Power of the Board of Revenue and the Commissioner to call for records.**—The Board of revenue or the Commissioner may, at any time for the purposes of satisfying itself or himself as to the correctness, legality or propriety of any order made by any authority or officer under this Act or the rules made thereunder, call for and examine the record of any case pending before or disposed of by such authority or officer and may pass such order as it or he thinks fit :

Provided that no order modifying, altering or setting aside any order made by such authority or officer shall be passed by the Board of Revenue or the Commissioner unless the parties concerned have been given a reasonable opportunity of being heard.

17-B. General direction and control of the Collector, Commissioner and the Board.—In the performance of the duties and the exercise of the powers under this Act, the Revenue Officer shall be subject to the general direction and control of the Collector of the district, the Commissioner and the Board of Revenue.]

18. Division of holding and distribution and assessment of rent.—(1) If any land, which has vested in the Committee under the provisions of this Act, is a portion of a holding, the Revenue Officer shall, on the application of the Committee or any person to whom such land has been granted, ¹[or on his own motion] divide the holding and distribute the rent payable in respect thereof in such manner as he deems fair and equitable ²[x x x]:

Provided that before making any order under this sub-section, the Revenue Officer shall hear the parties and make such inquiry as may be necessary.

(2) If such land is a proprietor's private land as defined in Section 120 of the Bihar Tenancy Act, 1885 (VIII, 1885), or a landlord's privileged land as defined in Section 18 or the Chota Nagpur Tenancy Act, 1908 (Ben. Act IV of 1908), or *bakasht* land or *gairmazura malik* land or any other class of land for which rent has not been assessed, the Revenue Officer shall assess the rent thereof in the prescribed manner.

1. Ins. by Bihar Act No. 14 of 1965.

2. Omitted by *ibid*.

Explanation.—For the purposes of this section—

- (a) “*bakasht land*” means any land, other than the proprietor’s private land or landlord’s privileged land, which is for the time being in the cultivating possession of a proprietor or tenure-holder;
- (b) “*holding*” means a parcel or parcels of land held by a *raiyat* and forming the subject of a separate tenancy.

Comments & Case law

● **Scope.**—Where it is evident that the petitioners’ application for fixation of rent was maintainable under Section 18 of the Act, the finding of the respondent No. 3 to the effect that the revision application was not maintainable does not appear to be correct, moreso when respondent No. 4 has not shown any reason whatsoever in support of the order of dismissing the appeal. The impugned orders are liable to be set aside and the matter is remanded to respondent No. 4 for a fresh decision in accordance with law. *Balbhadra Dixit vs. State of Bihar*, 1992(2) BLJ 707 : 1992(1) BLJR 656.

19. Bhoodan tenant.—Any person ¹[or village community, Gram Panchayat, or a Co-operative Society organised by the Committee] to whom land has been granted under Section 14 or is deemed to have been granted under sub-section (3) of Section 15 shall ¹[at the instance of the Committee] be recorded as a Bhoodan tenant in the rent-roll of the landlord and such rent-roll shall include the following particulars, namely:—

- (i) the area and description of the land;
- (ii) the name of the Bhoodan tenant;
- (iii) the amount of rent of the land fixed by the Revenue Officer by distribution of rent or otherwise;
- (iv) the mode in which the rent has been fixed;
- (v) the mode in which the Bhoodan tenant belongs;
- (vi) the name of the landlord; and
- (vii) any other particulars that may be prescribed;

Explanation.—For the purposes of this section, “landlord” means a person immediately under whom a ²[Bhoodan tenant] holds and includes the State Government.

20. Exemption from stamp duty and registration.—Notwithstanding anything to the contrary contained in any other law for the time being in force, the Bhoodan Yagna *Danpatra* or grant of land made or deemed to have been made under any provision of this Act shall be exempted from payment of stamp duty and from registration or attestation ³[*] and shall be deemed always to have been so exempt.

21. Determination of grant and ejectment of grantee from the land.—If any person to whom land has been granted under Section 14 or is deemed to have been granted under sub-section (3) of Section 15 contravenes any restriction or

1. Ins. by Bihar Act 15 of 1959.

2. Subs. by *ibid*.

3. The word “fee” omitted by *ibid*.

condition imposed under this Act, the Committee may make an application to the Revenue Officer for determining the grant and the Revenue Officer may, after such inquiry as he deems fit, determine the grant and restore possession of the land to the Committee after ejecting such persons or any person in possession therefrom.

¹[22. Ejectment of persons in unlawful possession of lands.—Any person who takes possession, otherwise than in accordance with law, of any land in respect of which Bhoodan Yagna *Danpatra* has been previously confirmed under Section 11, may be ejected from such land by the Revenue Officer, *suo motu* on his own information or an application by the Committee:

Provided that nothing in this section shall apply to a person who has instituted a civil suit to set aside the order of the Revenue Officer under Section 11 or Section 15 and has secured orders in the suit staying ejectment.]

Comments & Case laws

● **Scope.**—Encroachments brought on certain specified plots created religious site. Religious sites may exist in peace and not in belligerence with the Act, like encroachments. Adverse possession can also not defeat the very intention of the Act. Once the land is gifted, it must be distributed amongst the landless prescribed in the Scheme. The District Administration is directed to bring the plots exactly in the original shape by removing encroachments. *Dighi Gram Vikas Samiti vs. State of Bihar*, 2001(1) BLJ 604 (DB).

● Once grant of land is made all rights, title and interest in land vests in grantee and committee ceases to have any rights, title or interest in land settled with grantee. In case of encroachment over settled land committee is not powerless. There are sufficient provisions in the Act for getting encroachment removed in favour of lawful settlee of land. Section 22 empowers revenue officer to act *suo motu* for getting encroachment removed from land settled in favour of a settlee. *Most. Imamani vs. State of Bihar*, 2000 (4) PLJR 563.

● Cancellation of certificate and recommendation for ejectment. No opportunity was extended to petitioner before issuance of order of cancellation. It would be essential for Revenue Officer to hold enquiry after extending proper opportunity to persons concerned. Order of cancellation of certificate quashed. *Umashanker Singh vs. State of Bihar*, 1999 (3) PLJR 201.

²[22A. Procedure for ejectment.—Where the Revenue Officer is of opinion that any person is liable to be ejected from any land under sub-section (2) of Section 16 or Section 21 or Section 22, he shall, by an order in writing serve in the prescribed manner on the person in possession of the land require him to deliver possession thereof to the Committee, or show cause, if any, against the order within a time to be specified therein and if such person fails to deliver possession or show cause or if the Revenue Officer rejects any cause shown by such person after giving him a reasonable opportunity of being heard, the Revenue Officer shall, for reasons to be recorded, take or cause to be taken such steps or use or cause to be used such force as, in his opinion may be necessary for securing ejectment of such person from such land.]

1. Subs. by Bihar Act 16 of 1976.

2. Added by Bihar Act No. 14 of 1965.

Comments & Case laws

● **Donation of land.** There has to be statutory enquiry in respect of land after inviting objections and then Danpatra is to be confirmed. Without any enquiry collector straightaway directed that parchas be issued to private respondents. Both for confirmation of Danpatra and for eviction of trespassers, law lays down procedure. Parchas issued to private respondents cancelled. State or Bhoodan Yagna Committee restrained from disturbing settled possession of petitioners. *Shri Ram Janki vs. State of Bihar*, 2015(3) BLJ 240 PHC : 2016 (1) PLJR 15.

● **Scope.**—The dispute as to title and possession contested by both the parties having claims and counter claims before the Revenue Authorities with no positive findings cannot be decided under the writ jurisdiction. The case is remitted back to the Collector with a direction to pass orders after patient hearing to the parties in accordance with law keeping in view the provision of the Act. *Bechchu Mukhiya vs. State of Bihar*, 2001(2) BLJ 511.

¹**[22-B. Sums payable to the Committee or the State Government shall be recoverable as public demand.**—Any amount payable to the Committee or the State Government under this Act or under the rules or regulations made thereunder shall be recoverable as a public demand.]

23. Provisions of Act to prevail over other laws.—The provisions of this Act shall effect, notwithstanding anything to the contrary in any law for the time being in force.

Comments & Case laws

● **Scope.**—Section 23 of the Act makes it still more clear when it says that the provisions of Bihar Bhoodan Yagna Act shall have effect notwithstanding anything to the contrary in any law for the time being in force. *Pandit Brahma Nand Chaubey vs. Members of Bhoodan Committee*, 1986 BLJ 289 : 1986 BBCJ 332 : 1986 PLJR 414.

● Section 23 of the Act provides that “the provisions of this Act shall have effect, notwithstanding anything to the contrary in any other law for the time being in force.” Therefore, for this reason the provisions of the Act (Bhoodan Yagna) shall prevail upon the Santhal Parganas Tenancy Act, 1949. *Prayag Narain Singh vs. State of Bihar*, 1979 BBCJ 376 : 1979 BLJR 130 (131) (DB) ; 1979 BLJ 212 ; see also *Ramjee Mahto vs. State of Bihar*, 1985 BLJ 179.

● **Applicability.**—A reading of the relevant provisions of the Bihar Bhoodan Yagna Act was a complete and self-contained Act and Section 23 of the Act makes the provisions of the Act applicable, notwithstanding anything to the contrary in any law for the time being in force. *Pandit Brahma Nand Chaubey vs. Members of Bhoodan Committee*, 1986 BLJ 289 : 1986 BBCJ 332 : 1986 PLJR 414.

²**[23A. Penalty.**—If any person fails to comply with any lawful order made by a Revenue Officer under Section 14A or Section 22A or contravenes any such order,

1. Ins. by Bihar Act 15 of 1959, and renumbered by Bihar Act 14 of 1965.
2. Added by Act 8 of 1981.

or offers resistance or obstruction to the taking of possession of any land in accordance with any lawful order made under these sections, he shall be punished with imprisonment of either description which may extend to one year or with fine which may extend to two thousand rupees or with both:

Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the Collector of the district in writing.]

Comments & Case Law

● Ouster of jurisdiction of civil court. Suit is basic remedy of a citizen for adjudication of civil disputes. Court shall always be reluctant to displace jurisdiction of civil court unless a clear case has been made out. Question whether suit was hit by provisions of Section 23 is a mixed question of law and facts and cannot be raised for first time in second appellate jurisdiction. *Sheo Chand Chaudhary vs. Adalat Hussain*, 2003 (3) PLJR 100 : 2014 (1) BLJ 31 (PHC).

24. Power to make regulations.—Subject to the provisions of this Act and the rules made thereunder, the Committee may make regulations for the following matters, namely:—

- (a) the form of Bhoodan Yagna *Danpatra*;
- (b) the grant of lands to landless persons ¹[or to a village community, Gram Panchayat, or a Co-operative Society organised by the Committee] and restrictions and conditions attached to such grant;
- ¹[(b1) terms and conditions subject to which settlement under Section 16 may be made;]
- (c) the preparation of its budget estimates;
- (d) the appointment of its officers and servants;
- (e) the appointment of subsidiary committees to assist it in the discharge of its functions;
- (f) the maximum and minimum areas to be granted to landless persons ²[x x x];
- ¹(f1) the scheme of Bhoodan Yagna; and]
- (g) any other matter which may be prescribed.

Comments & Case law

● Payment of salary and allowance to employees of Bihar Bhoodan Yagna Committee. State Government is not liable to pay salary or any grant to committee—No mandamus can be issued to State Government in absence of any statutory or constitutional provision—It is for State Government to consider payment of grant-in-aid and to facilitate granting financial assistance to committee. *Bihar Bhoodan Yagna Committee Karykarta Sangh vs. State of Bihar*, 2017 (3) BLJ 192 (PHC).

[State is under no obligation to pay the salary as well as retiral dues of the employees of the Bihar Bhoodan Yagna Committee. The State is also not liable to pay grants-in-aid for the said purpose. Direction passed by writ court to make available the funds for payment of retiral dues, set aside. *State of Bihar vs. Badri Narayan Singh*, 2003(2) PLJR 433 : 2003 (1) BBCJ 421.

1. Ins. by Bihar Act 15 of 1959.

2. Word “And” omitted by Section 13 of Bihar Act 15 of 1959.

25. Power to make rules.—(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

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

- (a) the documents to be filed with the Bhoodan Yagna *Danpatra*;
- (b) the nature, scope and manner of the inquiries under this Act;
- (c) the procedure for filing objections, their registration, hearing and disposal;
- (d) the manner and mode of service of notices under this Act;
- (e) the procedure relating to confirmation or supersession and cancellation of Bhoodan Yagna *Danpatra*;
- (f) the particulars to be shown in the list of lands prepared by the Collector; and
- (g) any other matter which is required to be or may be prescribed.

¹[(3) Every Rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both House 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 or anything previously done under the rule.]



Amending Acts

The Bihar Bhoodan Yagna (Amendment) Act, 1965

[Bihar Act No. 14 of 1965]

An Act to amend the Bihar Bhoodan Yagna Act, 1954

Be enacted by the Legislature of the State of Bihar in the Sixteenth year of the Republic of India as follows:

1. Short title.—This Act may be called the Bihar Bhoodan Yagna (Amendment) Act, 1965.

2-11—[Incorporated in the Body of Principal Act]

12. Validation of order of confirmation in respect of donation of land made in writing for purposes of the Bhoodan Yagna prior to the commencement of Bihar Act XXII of 1954.—Notwithstanding anything to the contrary contained in sub-section (1) of sub-section (2) of Section 15 of the said Act, as they stood before the commencement of this Act or in any other law for the time being in force, no order of confirmation passed by a Revenue Officer in respect of any donation of land made in writing for purposes of the Bhoodan Yagna prior to the commencement of the said Act shall be deemed to be invalid solely on the ground of failure to comply with the provisions of the said sub-sections and where any such order of confirmation has been set aside by any Court in any suit or appeal solely on that ground, such Court shall, on an application made to it by the Bhoodan Yagna Committee within one year from the commencement of this Act, make an order setting aside its decree or order and shall proceed with the suit or appeal as the case may be.

1. Ins. by Bihar Delegated Legislation Provisions Act, 2013 (1 of 2014), vide S. 26, published in Bihar Gazette No. 37, dated 3.1.2014.

The Bihar Bhoodan Yagna (Amendment) Act, 1975 (Bihar Act 16 of 1976)

An Act to amend the Bhoodan Yagna Act, 1954

Be it enacted by the Legislature of the State of Bihar in the twenty-sixth year of the Republic of India as follows:—

1. Short title and commencement.—This Act may be called the Bihar Bhoodan Yagna (Amendment) Act, 1975.

(2) It shall come into force at once.

2. Substitution of new section for Section 22 of Bihar Act XXII of 1954.—*Incorporated in the body of Principal Act.*

3. Repeal and saving.—(1) The Bihar Bhoodan Yagna (Second Amendment) Ordinance, 1976 (Bihar Ordinance no. 137 of 1976) is hereby *repealed*.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing or action was done or taken.

The Bihar Bhoodan Yagna (Amendment) Act, 1981 (Bihar Act 8 of 1981)

An Act to amend the Bhoodan Yagna Act, 1954

Be it enacted by the Legislature of the State of Bihar in the thirty-first year of the Republic of India as follows :—

1. Short title.—This Act may be called the Bihar Bhoodan Yagna (Amendment) Act, 1981.

2. to 8. *Incorporated in the text of the Act.*

3. Repeal and saving.—(1) The Bihar Bhoodan Yagna (Second Amendment) Ordinance, 1981 (Bihar Ordinance no. 116 of 1981) is hereby *repealed*.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing or action was done or taken.

Bihar Bhoodan Yagna (Amendment) Act, 2016

[Bihar Act 19, 2016]¹

An Act to amend the Bihar Bhoodan Yagna Act, 1954

Be it enacted by the legislature of state of Bihar in the sixty seventh years of the Republic of India, as flows:—

1. Short title, extent and commencement.—(1) This Act may be called the Bihar Bhoodan Yagna (Amendment) Act, 2016.

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force at once.

2. Amendment in the Section 2 of Bihar Act, 22 1954.—Sub-section (d) (ii) of Section, 2 of the said Act, 1954 would be *replaced* by the following:—(ii) For the purpose of this Act "landless person" means a person who fulfills the following criterion determined by the Bihar State Government for qualifying as landless person:—

For the purpose of Bihar Bhoodan Yagna Act 'landless person' means a person who fulfills following criterion to be the landless person determined by the State Government:—A person who holds up to one acre or less land."

1. Published in Bihar Gazette (Ex. ord.) No. 709, dated 2nd September, 2016.

The Bihar Bhoodan Yagna Rules, 1955]¹

1. Short title and commencement.—(a) These rules may be called the Bihar Bhoodan Yagna Rules, 1955.

(b) They shall come into force at once.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context,—

(a) “**the Act**” means the Bihar Bhoodan Yagna Act, 1954;

(b) “**danpatra**” means the Bhoodan Yagna Danpatra referred to in sub-section (1) of Section 10;

(c) “**donor**” or “**declarant**” means the owner of any land who has donated such land by a danpatra in pursuance of the Bhoodan Yagna before or after the commencement of the Act;

(d) “**form**” means a form set out in the Schedule;

(e) “**Gram Panchayat**” means a *Gram Panchayat* established under Section 3 of the Bihar Panchayat Raj Act, 1947.

(f) “**grantee**” means any person to whom land has been granted under sub-section (1) of Section 14 and is deemed to have been granted under sub-section (3) of Section 15; [and includes his heirs, assigns or successor in interest]²

²[(g) “**schedule**”, means a schedule appended to these rules; and

³[(h) “**section**” means a section of the Act;

⁴[(i) “**village community**” means and includes all sections of the community represented by all the adult members of all such sections residing in a village or part thereof, declared as village community by the Bhoodan Yagna Committee.]

3. Filing and publication of the danpatra.—A *danpatra* shall be filed under sub-section (2) of Section 10 either by the donor himself or by his authorised agent, or by an agent appointed by the committee in that behalf.

(2) Every *danpatra* filed before the Revenue Officer shall be entered in the register in Form I.

(3) After a *danpatra* has been entered in the register, the Revenue Officer shall publish it in the following manner inviting objection, namely:—

(a) a notice in Form II together with a copy of the *danpatra* shall be affixed at a conspicuous place in the village as well as in the office of the *Gram Panchayat*, if any, within whose local limits the donated land is situated:

1. **Vide Notification No. 6-90-E/VII-2010-55/LR, dated 21.10.1955.**—The Bhoodan Yagna Rules, 1955 have been framed under section 25 of the Bihar Bhoodan Yagna Act, 1954 (Bihar Act, XXII of 1954) see notification no. 55-L. R., dated the 21st October, 1955.

2. Ins. by notification no. 604 L.R., dated the 20th/21st January, 1960.

3. Renumbered by *ibid.*

4. Ins. by *ibid.*

(b) copies of such notice shall also be served on the donor and on the committee.

(4) Any objection filed in pursuance of such notice shall be in writing and in duplicate.

Comments & Case Laws

● Challenge to donation of land. There was no valid service of notice as required under Rule 3. All consequent actions leading to confirmation of *Danpatra* etc. are without jurisdiction. Question of limitation could arise only when there was a valid proceeding under Rules 3 and 4 read with Section 11. Limitations prescribed under Special Statutes are applied only when actions are valid and legal. Any thing done in excess of jurisdiction or without jurisdiction affects a legal right. *Bihar Bhoodan Yagna Committee vs. Tarkeshwer Prasad Mandal*, 1986 (1) PLJR 165 : 1985 BLJR 699 : 1986 AIR (Pat.) 216.

4. Mode of service of public notice and disposal of objection.—(1) The Revenue Officer shall enter every objection filed under Rule 3 in the register in Form III and fix a date for its hearing of which a public notice in Form IV shall be given calling upon persons interested to attend the inquiry and produce such evidence oral or documentary as they may choose to adduce in support of their claims or objections.

(2) A copy of the notice referred to in sub-rule (1) shall be affixed in the office of the Revenue Officer and copies of the notice shall be served on the declarant and the objector under registered post with acknowledgment due. A copy of the notice with a copy of the objection filed under Rule 3 (3) shall also be served on the committee or its authorised agent.

5. Service report.—The serving officer shall endorse or annex or cause to be endorsed or annexed, on or to the original notice referred to in Rule 3 or 4, a return stating the date on which and the manner in which, the notice was served and, shall, if possible, get the report attested by two persons witnessing the service;

Provided that this rule shall not apply to a notice served under registered post.

6. Manner of inquiry by the Revenue Officer.—On the date fixed for hearing or on any adjourned date the Revenue Officer shall, after hearing the declarant, the objector and the authorised agent of the committee and after taking into consideration such other evidence as may be produced on their behalf and after making such further enquiry as he deems necessary, either confirm or supersede the *danpatra*, in whole or in part.

¹[6A. Written undertaking to the State Government under Section 12 foregoing compensation [including *ad-interim* payment] payable in respect of vested lands.—An undertaking to the State Government in writing under section 12 by a proprietor or a tenure-holder foregoing compensation (including *ad-interim* payment) payable in respect of the lands vested in the State under the Bihar Land Reforms Act, 1950 be in Form VI.

1. Ins. by Notification No. 8916 L.R. dated the 9th November, 1956.

7. Order confirming the *danpatra* and registration of such order.—(1) Any order confirming a *danpatra* in whole or in part, under sub-section (4) of Section 11 shall clearly specify the land in respect of which the *danpatra* has been confirmed and in respect of which it has been superseded.

¹[x x x x]

8. Conditions of grant.—The grantee of any land shall hold the land granted to him subject to restrictions and conditions imposed by Section 14 or by regulation made under Section 24.

9. Scheme of Bhoodan Yagna.—The Committee may, by regulations made under Section 24, formulate the scheme of Bhoodan Yagna.

10. Conditions of settlement of donated lands prior to distribution.—The settlement under sub-section (1) of Section 16 shall be made for such period and on such terms and conditions as may be prescribed by regulations made under Section 24:

Provided that such settlement shall be made on money rent only.

11. Assessment of rent on proprietor's private or landlord's privileged lands, etc.—(a) In determining the fair rent for the descriptions mentioned, in sub-section (2) of Section 18, the Revenue Officer shall have regard to the average rate of rent payable by occupancy *raiyats* for lands of similar class and with similar advantages in the vicinity.

Explanation.—The expression “average rate of rent” shall mean the average of money rents paid during the previous agricultural year by occupancy *raiyats* for lands of similar class with advantages in the vicinity.

(b) The fair rent determined under this Rule together with the requisite participants shall be entered in the rent roll in Form V under the signature and seal of the Revenue Officer. Such rent roll shall form part of the records of proceedings to which it relates:

Provided that a *gairmazrua parti* land shall be exempt from payment of rent for a period of at least three years from the first crop is harvested thereon.

THE SCHEDULE

FORM I

Register of Bhoodan Yagya Danpatra filed before the Revenue Officer

[See Rule 3 (2)]

Serial No.	Date of presentation	By whom presented	Date of the <i>danpatra</i>	Name and address of the donor
1	2	3	4	5

1. Omitted by notification no. 604 L.R., dated the 20th/21st January, 1960.

Village with name of thana and than a No. in which the lands donated are situate	Where objection filed under Section 11(2)	Substance of order with the date of order confirming or superseding the danpatra under Section 11(4)	Remarks
6	7	8	9

FORM II**Notice of publication of Bhoodan Yagna Danpatra**

[See Rule 3 (3)]

Whereas Sri/Shrimati.....son/daughter/wife of.....resident of village.....police station.....district..... has donated the lands described in *danpatra* (copy attached hereto) to the Bhoodan Yagna Committee of Sri Acharya Vinoba Bhave.

It is hereby notified that any person whose interests are affected by the said *danpatra* may, within thirty days of the publication of this notice, file a written objection in duplicate to the undersigned.

Given under my hand and seal of the Court this the.....day of20.

Seal of the Court

Revenue Officer

FORM III**Register of Objections filed before the Revenue Officer**

[See Rule 4(1)]

Serial No.	Date of filing the objection	Serial No. and date of the <i>danpatra</i> to which the objection relates	Name and address of the objector	Substance of objection
1	2	3	4	5

Date of issue of public notice under Section 11 (3)	Date of service of the public notice	Substance of order with date on the objection	Remarks
6	7	8	9

FORM IV**Public Notice of Objection**

[See Rule 4(1)]

Beforeat.....For publication at village.....police station.....thana.....thana No.

To whom soever it may concern

Whereas Sri/Srimati.....son/daughter/wife of.....resident of village.....police station.....district..... has donated the land described below in pursuance of Bhoodan Yagna initiated by Sri Acharya Vinoba Bhave.

And whereas Sri/Srimati.....son/daughter wife of.....resident of village.....police station.....district.....has filed objection against the aforesaid donation which will be heard on.....at.....

It is, therefore, notified for general information that any person interested may attend the hearing on the said date, time and place with such evidence as he may like to produce in support of his claim or objection as the case may be.

Take notice that in default of appearance on the day aforesaid the objection will be heard and disposed of *ex parte*.

Description of lands

Name of village, Halka, Circle/Anchal etc. in which the donated lands are situate	Class of lands	Plot Nos. with Khata Nos. or boundaries thereof	Area of lands donated
1	2	3	4

Tauzi/Khewat No.	Rent of lands donated	Remarks
5	6	7

Given under my hand and the seal of the Court this the day of.....20.....
Seal of the Court. Revenue Officer

FORM V**Rent-roll showing fair rent determined in respect of the donated lands of the description mentioned in Section 18 (2) of the Bihar Bhoodan Yagna Act, 1954**

[See Rule 11(b)]

District.....Sub-division.....Circle/Anchal.....Halka No.

Serial No. (Rent assessment case)	Date of institution	No. and date of the <i>danpatra</i>	Name of village (in which lands donated lie) with thana and thana No.	Name of estate with tauzi	Khewat
1	2	3	4	5	6

Particulars of donated lands				Average rate of rent fixed	Fair rent fixed	Remarks (Signature of the Revenue Officer with date)
Class	Khatian	Plot No.	Area			
7	8	9	10	11	12	13

Seal of.....

Signed by..... By Order of the Governor of Bihar

Revenue Officer

Deputy Secretary to Government

FORM VI**Undertaking to the State Government under Section 12 foregoing compensation (including *ad-interim* payment) in respect of vested lands.**

[See Rule 6-A]

This indenture made thisday of20.....(in word) betweenson of Shri.....resident of village..... P.O., P.S.....in the district ofof the one part and the Governor of Bihar of the other part.

Whereas the estate of the saidbearing tauzi no.

.....in the district of.....has vested in the State of Bihar under the Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950);

And whereas before the commencement of the Bihar Bhoodan Yagna Act, 1954 (Bihar Act XXII of 1954) the saidmade a declaration in writing purporting to donate.....acres of lands particulars whereof are given in the schedule hereunder to Shri Acharya Vinoba Bhave which are comprised in the said estate;

And whereas the said lands cannot be transferred by the State Government to and vest in the Bhoodan Yagna Committee unless an undertaking in writing is given by the saidto the State Government to the effect that the said.....would forego the compensation (including *ad-interim* payment) payable in respect of the said lands under the 'Bihar Land Reforms Act, 1950;

And whereas the said.....has been called upon by the Governor of Bihar to give the said undertaking in writing;

And whereas the said.....has voluntarily agreed to forego the compensation (including *ad-interim* payment) payable to the said, his heirs, legal representatives and assigns in respect of the said lands;

Now this indenture witnesseth that in pursuance of the said agreement the said.....both hereby release the said Governor of Bihar, his successor in office and assigns from all claims and demands whatsoever on account of compensation (including *ad-interim* payment) payable to the said.....his heirs, legal representatives and assigns in respect of the said lands and the Bihar State Government shall be competent to transfer the said lands to the Bhoodan Yagna Committee for purposes of the Bhoodan Yagna.

In witness whereof the abovementioned.....has hereunto set his hand the day and year first above written.

Signed

In the presence of—

(1)

(2)

