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PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Constitution of India.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Ordinance No. VII of 1962

THE WEST BENCAL $BHUDAN\ YAGNA$ ORDINANCE, 1962.

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;

AND WHEREAS both Houses of the Legislature of West Bengal are not in session and the Governor is satisfied that circumstances exist which render it necessary for her to take immediate action;

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, to make and promulgate the following Ordinance, namely:—

Short title, extent and application.

- 1. (1) This Ordinance may be called the West Bengal Bhudan Yagna Ordinance, 1962.
 - (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.

Definitions.

- 2. In this Ordinance unless there is anything repugnant in 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 person" includes a person owning land not exceeding such limit as may be prescribed;
 - (5) "prescribed" means prescribed by rules made under this Ordinance.

The West Benyal Bhudan Yagna Ordinance, 1962.

(Sections 3-6.)

Establish ment and incorporation of BhudanYaana 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 Ordinance.
- (2) 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 Ordinance 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 Ordinance 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.

furnished to Board.

- Particulars 5. Any person donating any land in pursuance of of donated 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.

order.

- (1) Un 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 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 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

Provided that, notwithstanding anything to the contrary contained in any other law, no fee shall be necessary for registration of the vesting order.

(3) On registration of any resting 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.

The West Bengal Bhudan Yagna Ordinance, 1962.

(Sections 7-10.)

Appeal.

7. An appeal from a vesting order made by the Officer 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.

Settlement of land vested in the Board.

- 8. The Board may settle on such terms, conditions and restrictions as may be prescribed, any land vested in it with landless persons residing within the area within which such land is situated.
- Indemnity. 9. 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 Ordinance or any rule or order made thereunder.

Power to make rules. 10. The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance and such rules may provide for any matter which may be or is required to be prescribed.

PADMAJA NAIDU, Governor of West Bengal.

The 18th September, 1962.

K. K. HAJARA, Secy. to the Govt. of West Bengal.