

HC empowers JHALSA to gift land to the poor

Panel in every district to discharge State-level Bhoodan Yagna team's role

PNS ■ RANCHI

The State Government's failure to constitute Jharkhand Bhoodan Yagna Committee during last 10 years has prompted the Jharkhand High Court to direct the Jharkhand State Legal Services Authority (JHALSA) to constitute a panel in every district in order to facilitate distribution of Bhoodan land among the landless people.

A Division Bench comprising Chief Justice Virender Singh and Justice PP Bhatt, in a recent order, said that the committee will consist of deputy commissioner, Principal District Judge, Secretary, District Legal Services Authority, and one of the officers nominated by the DC.

The Principal District Judge has been asked to play a role of Ombudsman and help the poor landless persons in getting the land under the Bhoodan Act.

Notably, under the Jharkhand Bhoodan Yagna Act, 1954, it is the State Government, which has been mandated to constitute a state-level committee "to administer all lands vested in it for the purposes of the Bhoodan Yagna."

The court has also directed the State Government to create two posts each of Deputy Secretary, Under Secretary, Section officer and assistants in order to enable the JHALSA to perform the new duties effectively.

The court has issued the directive, while responding to a PIL filed by Dalit landless widow Radha Devi from Kanchanpur village of

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— THE HIGH COURT SAID

Hazaribagh. She had moved the court, among other things, for issuing a directive for constituting Bhoodan Yagna Committee in terms of Section 3 of the Jharkhand Bhoodan Yagna Act, 1954.

The Act had been enacted by the erstwhile Bihar Government to facilitate the donation of land and to provide for the settlement of the same with the landless persons.

Maintaining that there is a feeling among landless poor persons, that the land which is available under the Act, has not been distributed to the poor landless persons, the court observed that Acharya Vinoba Bhave had started the Bhoodan movement with a very laudable object.

"The purpose for which the movement was started has been achieved to a large extent but there are certain instances of illegality and irregularity committed by politicians who have been nominated in the committee in connivance with the local administration," the court said.

The Jharkhand Government had adopted the Bihar Act and a committee was constituted in 2002 to discharge the function under the Act. The government, however, dismissed the Chairman after a huge bungling committed by him came to the fore. The government also directed that the land vested in Bhoodan Yagna Committee cannot be

distributed by other officials of the committee.

The land and revenue department in 2012 directed all the DCs to collect all data regarding distribution of the donated, distributed and balanced land fit for settlement and accordingly all the districts have submitted their report.

The court also rejected the State counsel's argument that it is the exclusive right of the State Government to take a decision as to whether to constitute a committee or not.

"The Act makes it mandatory for the State authority to constitute a committee. But at the same time, after looking into the conduct of the previous committee, we feel it necessary to evolve a mechanism that will look into the affairs for implementation of the provisions of the Act in its true perspective," the court observed.

Justifying the decision to trust JHALSA with the new duty, court said that the allotment of land under the Bhoodan Act is one of the beneficial schemes of the government and as such the State legal services authority, constituted under the Legal Services Authority Act, 1987 can play an important role in the fair distribution of Bhoodan land.

Meanwhile, Land Reforms and Revenue Secretary KK Soan said that he was studying the judgement and will take appropriate action for its compliance.