

The Himachal Pradesh Bhoodan Yagna Rules, 1982

HIMACHAL PRADESH

India

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Rule

THE-HIMACHAL-PRADESH-BHOODAN-YAGNA-RULES-1982 of 1982

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The Himachal Pradesh Bhoodan Yagna Rules, 1982

1. Short title & Commencement.

(1)These rules may be called the Himachal Pradesh Bhoodan Yagna Rules, 1982.(2)They shall come into force at once.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context:-(a)"Act" means the Himachal Pradesh Bhoodan Yagna Act, 1977 (29 of 1978).(b)"Government" means the Government of Himachal Pradesh.(c)"Section" means a section of the Act, and(d)"form" means a form appended to these rules.(e)All other words and expressions used but not defined herein, shall have the meanings respectively assigned to them in the Act.

3. [Filling up of vacancy in the Board. [Substituted vide Rule 3 of the Amended Rules notified vide Revenue Department notification no. Revenue 2A(3)-3/79 II dated 21 July, 1985.]

- As soon as may be, after a vacancy occurs in the Board as constituted under section 4, it shall be filled in by nomination by the State Government.]

4. Conduct of business of the Board.

- The Board shall meet and shall from time to time make such arrangements with respect to the day, time, notice, management and adjournment of its meetings 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 or in his absence, by any member chosen by the meeting for the purpose.(c)all questions at any meeting shall be decided by a majority of members present and, in case of voting, the person presiding shall not take part. However, he will have the right to exercise a casting vote in case of equality of votes.(d)the minutes of the proceedings of each meeting shall be recorded in a minute book to be provided for the purpose; and(e)a copy of the minutes of the proceedings of each meeting shall be forwarded to the Government.

5. Quorum.

(1)The quorum necessary for the transaction of business at a meeting of the Board shall be one half of the members of the board but shall not be less than three.(2)If at any meeting of the Board, a quorum is not complete, the Chairman or the person presiding, as the case may be, shall adjourn the meeting to such other day or time as he may deem fit and the business, which would have been brought before the meeting if there had been quorum complete, shall be brought before and transacted at the adjourned meeting, irrespective of the quorum fixed under sub-rule (1).

6. Furnishing of information to Government

- The Board shall furnish such information, returns and reports about the affairs of the Board or of the institutions subordinate or associate to it, as may be required by the Government from time to time.

7. Form of Bhoodan declaration and documents to be filled with it.

- The Bhoodan Declaration mentioned in sub-section (1) of Section 13 shall be made in form 'A' and shall be accompanied by a certified copy or copies of the entries in the revenue records in respect of the land proposed to be donated.

8. Calculation of market price.

- The market price of the land for the purposes of proviso to sub-section (2) of Section 13, shall be calculated on the basis of average price of land obtaining in the revenue estate(s) concerned or in the absence thereof in the adjoining revenue estate during the proceeding five years.

9. Manner of publication of Bhoodan Declaration and Objections to the same.

(1)On receipt of the Bhoodan Declaration, the Revenue Officer shall, if satisfied after such summary enquiry as he considers necessary to find out that the donor is competent to make the gift and has

valid title in the land, issue a proclamation in Form 'B' publishing therewith the Bhoodan Declaration and inviting objections to the declaration.(2)The Revenue Officer may, in addition to the grounds enumerated under sub-section (10) of section 13, reject the offer on the ground that the land is not culturable or otherwise useful for the purpose of the Bhoodan Yagna.

10. Additional particulars to be furnished in the list to be prepared under section 15.

- While preparing a list of land under section 15, the Board shall also indicate the area allotted to each person under clause (d) of sub-section (2) thereof, together with full particulars of the land, in each case.

11. Form of affirmation order of gift.

- Orders confirming the Bhoodan Declaration shall be drawn up in triplicate in form 'C'. One copy of the order shall be sent to the Board, the other to the donor and the third obtained on record of the case.

12. Area of land and manner in which it will be granted.

(1)No landless person shall be granted land area of which exceeds:-(a)One acre, or(b)an area which would make his holding of one acre as the case may be.(2)The name of the landless person to whom land is granted under this rule shall be recorded in the village papers of record-of-rights as a Bhoodan grantee and he shall hold the land subject to the following terms and conditions, namely:-(a)the grantee shall be entitled to hold the land, so long as it continues to vest in the Board;(b)the lease-hold rights shall, on the death of the holder, pass to his heirs;(c)the grantee or his heirs shall not transfer any interest in the land;(d)the grantee or his heirs shall not let or sub-let the land under any circumstances and any such action shall be void;(e)the grantee shall not allow the land to lie fallow for a period of more than one years; and(f)the grantee shall comply with all conditions which the Board may impose by regulations.

13. Ejectment of lessee on breach of conditions.

(1)If any grantee commits a breach of any of the conditions (a) to (f) prescribed under sub-rule (2) of rule 12, the Board may apply to a Revenue Officer for determining the grant.(2)The Revenue Officer may, after such enquiry as he deems fit, determine the grant and rescind possession of the land to the Board.

14. Rights of Bhoodan Lessee.

- Any person who has held land as a Bhoodan grantee for ten years continuously in accordance with the conditions prescribed under rule 12 shall on expiry of ten years, have the same rights in the land in which it is held by the Board and the title and interest of the Board thereon shall cease.

15. [Manner of publication of regulations. [Substituted by Rule 4, 5 of Amended : Rules notified vide Revenue 2A(3)-3/79-II dated 21-7-1985.]

(1)The Board shall make the draft of the regulations and submit it to the government for approval as contemplated under section 30 of the Act.](2)On receipt of the approved copy of the regulations the Board shall consider the changes if any, suggested by the Government and if it does not agree with the same it shall return the copy with its views to the Government.(3)On the receipt of final approval of the Government the Board shall get the regulations published in the official gazette as required under section 30 of the Act.

15A. [Appointment of Secretary and other Servants of the Board. [Added vide Amended Rules notified vide notification no. Revenue 2A(3)-3/79-II dated 22-7-1985.]

(1)The Chairman may appoint a Secretary and/or other servants of the Board after the Board is satisfied that it is necessary so to do in the interest of efficient working of the Board and has in its meeting to be specially called for the purpose, resolved to make such appointment(s).]Provided that nothing in this sub-rule shall affect the appointment of any person made before the commencement of this rules and every such appointment shall be deemed to have been made in accordance with this rule.

16. Repeal and savings.

(1)The Himachal Pradesh Bhoodan Yagna Rules, 1955, and the Punjab Bhoodan Yagna Rules, 1959, as applicable with areas added to Himachal Pradesh under Section 5 of the Punjab Re-organisation Act 1966 (Act No. 31 of 1966).(2)Notwithstanding the repeal of the rules under sub-rule (1), any thing done, on any action taken in the exercise of the powers conferred by or under the rules so repealed, shall be deemed to have been done or taken in exercise of the powers conferred by or under these rules, as if these rules were in force on the day on which such thing was done or action was taken.

Form 'A'Declaration for Making a Donation of Land to the Bhoodan Yojna Board in the Bhoodan Yajna Initiated By Acharya Vinoba Bhave(See Rule 7)ToThe Chairman,The Bhoodan Yajna Board,Himachal Pradesh.The applicant(s) hereby offers/offer to transfer by way of gift of the land(s) specified in paragraph (4) below to the Himachal Pradesh Bhoodan Yajna Board and declared/declare that he/she/they has/have a lawful title to the aforesaid land(s) free from all encumbrances, including those mentioned in column (8) below and that no arrears of revenue or rent are due in respect thereof save as specified in column (9) The applicant(s) further declares/declare that he/she/they/possesses/possess a transferrable interest in the aforesaid land(s) and that he/she/they is/are competent to make a gift thereof under the law which he/she/they is/are subject to my/our detailed particulars and those of the land are given hereunder:-

(1)Name(s) in full of declarant.....(2)Full address and occupation.....(3)Place of residence.....Village.....Tehsil..... District.....(4)Particulars of lands offered as a gift:

Name of Village with name of Tehsil and Distt. in which the land is situated	Khasra or survey No. with Sub-Division Number if any	Recorded Area	Share and Area offered as gift (with specification of boundaries of the area offered, where it is apractional share and is not recorded as a separate KhasraNo./Survey Number	Revenue or Rent
(1)	(2)	(3)	(4)	(5)
Revenue or Rent of the holding in which the land is comprised	Right in which held i.e. owner tenant mortgagee or lessee	Full particulars of encumbrances including maintenance charge and attachments by a Civil Court or a Revenue Officer, if any	Arrears of Revenue or Rent, if any	Remarks
(6)	(7)	(8)	(9)	(10)

Signature of Declarant/We.....do hereby solemnly affirm that the contents furnished above are true to the best of my/our knowledge and belief. Verified and signed on.....19.....Signature of Declarant. Endorsement by the Board Forwarded to the.....Tehsil.....District.....Chairman Bhoodan Yajna Board Himachal Pradesh Seal: Place: Date: Form 'B' (See Rule 9) Before the.....(Revenue Officer).....Revenue Case No.....Whereas Shri/Shrimati.....son/daughter/wife/widow of.....resident of village.....Tehsil.....District had made the attached declaration for donation of land to the Himachal Pradesh Bhoodan Yajna Board. And whereas the said Board has considered the gift acceptable and accordingly forwarded the Declaration to me for further action. And whereas upon making a summary enquiry as required by sub-section (4) of section 13 of the Himachal Pradesh Bhoodan Yajna Act, 1977, I am satisfied that the donor(s) has/have a valid title to the said land and is/are competent to make the gift. Now therefore, the said Declaration is hereby published and notice is given to all persons claiming to have any interest in the said land to appear before me on.....day of.....19.....at....., in person or by duly authorised Pleader or Agent to show cause why the gift should not be accepted. Notice is also hereby given that if no objection showing cause why the gift should not be accepted, is filed within a period of 60 days from the date of the notice, I shall proceed to accept the gift on behalf of the Board. Given under my hand and the seal of the Court, this.....day of.....19.....Seal Signature and Designation of the Revenue Officer Form 'C' Order of the Revenue Officer (See Rule 11) Order Whereas a Declaration made on.....by Shri/Shrimati.....to the Himachal Pradesh Bhoodan Yajna Board offering a gift of land(s) specified in the Schedule and upon the Board considering the gift acceptable the Declaration was published as required under sub-section (5) of Section 13 of the H.P. Bhoodan Yajna Act, 1977 along with a notice calling upon all persons having interest in the land offered as gift, to file objections as required under sub-section (4) of section 13, after making an enquiry. And whereas no objection was filed/whereas all objections filed to the acceptance of the said gift, under sub-section (6) of section 13 of the said Act, have been duly enquired into, heard and rejected. Now therefore, it is ordered and declared that the gift of land/lands described in the schedule is hereby

accepted on behalf of the Board, and affirmed by me. Given under my hand and seal of the Court,
this day of.....19.....Signature and Designation of the Revenue Officer

Schedule