

## **HIMACHAL PRADESH BHOODAN YAJNA RULES, 1980**

(Issued and published in Hindi in R.H.P. Extra dated 18-8-81, p. 717.)

**1. Short title and commencement.**- (1) These rules may be called the

Himachal Pradesh Bhoodan Yajna Rules, 1980.

(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 Yajna Act, 1977 (29 of 1978);
- (b) "Government" means Government of Himachal Pradesh;
- (c) "section" means a section of the Act;
- (d) "form" means a form appended to these rules; and
- (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.**- 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 arrangement 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;
- <sup>1</sup>[(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 minutes book to be provided for the purpose; and
- (e) copy of the minutes of the proceedings of each meeting shall be forwarded to the Government.

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1 Subs. vide not No. Rev.-2A(3) 3/79-11 dated 20-7-1985 Pub, in R. H. P. Extra dated 31-8-85, P. 1329-1332.

**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 <sup>1</sup>[complete], the Chairman or the person presiding, as the case may be, shall adjourn the meeting to such other day <sup>2</sup>[or time as he may deem fit and the business, which would have been brought before the meeting if there had been quorum <sup>3</sup>[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 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, original title deeds and all documents relating to encumbrances, if any, on the land proposed to be donated.

**8. Calculation of market price.**- The market price of the land for the purpose 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) during the preceding five years concerned or in the absence thereof in the adjoining revenue estate.

**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 Yajna.

**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.

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1. In rule 5(2) for the words "present" the word "complete" were subs vide ibid.
  2. In rule 5(2) the words "or time" added between the words "other day and" "as he may" vide ibid.
  3. In rule 5(2) for the words "present" the word "complete" were subs vide ibid.

**11. Form of affirmation order of gift.--** Orders affirming 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 retained 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 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 on to his heirs;
- (c) the grantee or his heirs shall not let or sublet the land under any circumstances, and any such action shall be void;
- (d) the grantee or his heirs shall not transfer any interest in the land;
- (e) the grantee shall not allow the land to lie fallow for a period of more than one year;
- (f) the grantee shall comply with all conditions which the Board may impose by regulations.

**13. Ejectment of lessee on breach of condition.-**(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 restore 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 11 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.

**<sup>1</sup>[15 Manner of publication of regulation.-** (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.

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1. Rule 15 Subs vide Not Rev-2A(3)3/79-dt 20-7-85 pub in R. H. P. Extra, Date

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(2) On receipt of the approved copy of the regulations the Board shall consider 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 regulation published in the Official Gazette as required under section 30 of the Act.]

<sup>1</sup>[15-A. **Appointment of Secretary and other servants of the Board.**- (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 effect the appointment of any person made before the commencement of this rule and every such appointment shall be deemed to have been made in accordance with this rule.

(2) The Chairman may, if it becomes necessary so to do, remove any person appointed under sub-rule (1) in the like-manner, from the service of the Board:

Provided that no person shall be removed by the Chairman from the service of the Board without giving him adequate opportunity of being heard.]

**16. Repeal and savings.**- (1) The Himachal Pradesh Bhoodan Yajna Rules, 1955 <sup>2</sup>[and the Punjab Bhoodan Yajna Rules, 1959, as applicable in the areas added to the Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (Act No. 31 of 1966)], are hereby repealed.

(2) Notwithstanding the repeal of the rules under sub-rule (1), anything done, or any action taken, in 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

(See rule 7)

#### **DECLARATION FOR MAKING A DONATION OF LAND TO THE BHOODAN YAJNA BOARD (IN THE BHOODAN YAJNA INITIATED BY ACHARYA VINOBA BHAVE)**

To

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30-8-85, P.1329-32, issued in Hindi and Published in R. H. P. Extra., dated 31-8-1985 vide Not No. ibid.

1. Section 15-A added vide Notification No 2A (3) 3/79, dt. 22-7-85 published in R. H. P. Extra dated 12-8-1985 p. 1245-47 issued in Hindi vide ibid.
2. Added vide Notification No. Rev-2A (3) 3/79-IIdated 20-7-1985 published in R. H. P. Extra, dated 30-8-85 p. 1329-1332 issued in Hindi vide ibid.

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The 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 declares/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 of 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 transferable interest in 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 land are given thereunder :-

- (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 area Tehsil and District in which the land is situated any	Khasra or Survey No. with Sub-Division	Recorded number, if
1	2	3

Share and area offered as gift whom (with specification of owner, boundaries of the area offered) tenant, and where it is in part and land comprised mortgagee or lessee.	Revenue or rent	Revenue or rent of the holding in	Right held which is	by i.e. land
Survey No.	4	5	6	7

Full particulars of encumbrances Remarks including maintenance and attachment by a Civil Court or a Revenue Officer, if any	Arrears Charge	of rent, if any	or
8	9	10	

Declarant. Signature of

### VERIFICATION

I/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

Declarant Signature of

### ENDORSEMENT BY THE BOARD

Forwarded to the....., Tehsil.....  
District.....

2. The Board considered the gift acceptable.

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 as to why the gift should not be accepted, is filed within a period of 60 days from the date of 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.

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**FORM-C**

(See rule 11)

**ORDER OF THE REVENUE OFFICER**

**ORDER**

Whereas a declaration is 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 Himachal Pradesh Bhoodan Yajna Act, 1977 alongwith 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 fully enquired into by the Board 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.

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(R. H. P. Extra., dated 18-8-1981, page 726-735)\_\_\_\_\_ [Issued and in  
Hindi published in R. H. P., dated 2-11-1985 p. 936-937].