

ANDHRA PRADESH BHOODAN AND GRAMDAN RULES, 1965

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ANDHRA PRADESH BHOODAN AND GRAMDAN RULES, 1965

In exercise of the powers conferred by sub section (1) Section 34 of the Andhra Pradesh Bhoodan and Gramdan Act, 1965 (Andhra Pradesh Act 13 of 1965) the Governor of Andhra Pradesh hereby makes the following :

1. . :-

(1) These rules may be called the Andhra Pradesh Bhoodan and Gramdan Rules, 1965.

(2) These rules shall extend to the relinquishment of lands by registered holders thereof or other persons (in Andhra Pradesh) having rights therein, in response to the appeals for Bhoodan made by Sri Acharya Vinoba Bhave and to the assignment of the same to landless poor.

2. . :-

In these rules :

(a) 'Act' means the Andhra Pradesh Bhoodan and Gramdan Act, 1965.

(b) 'Form' means a form appended to these rules.

(c) 'Section' means a section of the Act.

(d) A Landless poor person is one who does not own any land or who owns land not exceeding two and half acres of wet or five acres of dry, and who is an agricultural labourer and whose annual income does not exceed Rs. 1,800.

(e) Words and expressions used in these rules but not defined herein, shall have the same meaning as assigned to them in the Act.

3. . :-

A declaration to the Tahsildar, under sub section (1) of Section 12 of the Act shall be in Form I attested by any member of the Andhra Pradesh Bhoodan Yagna Board constituted under Section 3 or a member of the local committee constituted by the Board.}

4. . :-

The declaration to be published under sub section (1) of Section 13 shall be in Form II and shall besides being published in the Andhra Pradesh Gazette be also published in the following manner;}

(i) by affixture in the village chavadi or if there is no such chavadi in some conspicuous place of the village or town in which the land referred to in the notification is situate;

(ii) by beat of tom tom in the village or town

(iii) by affixture to the notice board of the office of the Tahsildar of

the taluk concerned ; and

(iv) in a case where the land specified in the notification is situate within a panchayat or municipality by affixture to the Notice Board of the Office of the Panchayat or Municipality.

5. . :-

A copy of the declaration filed under Rule 3 together with a copy of the notice referred to in rule 4 shall be served by delivering or tendering it to the person concerned or to his agent or to any adult member of his family, or where none of the above courses is practicable by affixing it to his last known place of residence or by registered post acknowledgment due.

6. . :-

The notice referred to in sub section (3) of Section 13 of the Act shall be in Form III and shall be served in the same manner specified under rule 5.

7. . :-

Before passing an order accepting relinquishment the Tahsildar shall ascertain whether any amounts are due to the Government either as arrears of land revenue or otherwise and if any amount is due, he shall collect the same before he accepts the relinquishment.

8. . :-

When relinquishment of a land is accepted by the Tahsildar and confirmed or deemed to have been confirmed by the Board, all the rights, title, and interest of the donor over such land shall stand transferred to and vest in the Board.

9. . :-

The grant of land by the Board under Section 14 (1) shall be subject to the following conditions :

(i) Land assigned shall be heritable but not alienable. The land granted may, however, be mortgaged to the Government, or to a co operative Society recognized by the Government including a Land Mortgage Bank or Panchayat Samithi for obtaining loans for the development of the land.

(ii) Land shall be brought under cultivation within three years.

{(ii)(a) Bhoodan lands shall also be distributed as house sites, whether they are fit for agriculture or not, if the Collector of the District, so desires, apart from other purposes mentioned in

condition (ii).}

(iii) No land tax shall be collected from the allottee for the first three years except to the extent, if any, which has already been brought under cultivation. Water rate shall, however, be charged if the land is irrigated with Government water.

(iv) Cultivation should be by the assignee or the member of his family and the land shall not be deemed to be cultivated personally unless the person himself or any member of his family puts in such minimum labour on the lands as may be specified by the Board.

(v) The allottee should pay land revenue, cesses and other charges on the land.

(vi) The allottee shall pay to the State Board the contribution in cash for the land as fixed by the Board from time to time.

(vii) The grant of the land shall be liable to cancellation if it be found that it was grossly inequitable or was made under a mistake of fact or owing to fraud or misrepresentation.

(viii) The grantee shall pay the value of the timber, if any, on the land to the Board before taking possession of the land.

Provided that the Board may direct that the value of the timber be recovered in 3 annual instalments or waive the collection of the value altogether.

(ix) The grant shall be subject to the condition that if a Co operative Farming Society is formed in the village, the grantee shall if so required by the Board become a member of the Co operative Farming Society and abide by its bye laws and regulations.

{(x) The assignment of the land shall be subject to the payment of contribution prescribed under condition (vi) above and to the collection of demarcation and sub division charges, if necessary, and also subject to levy of betterment charges, if any. The Board may, however, meet the cost of demarcation and sub division charges and waive the collection}.

(xi) The maximum extent of land to be assigned to each individual shall be limited to 212 acres of wet or 5 acres of dry land subject to the proviso that in computing the areas, lands owned elsewhere by the assignee shall be taken into account so that the land assigned to him together with what is already owned by him, does not

exceed the total extent of 2 \$E1 over 2 acres of wet or 5 acres of dry, provided that the share of each member of a joint family as also the enjoyment of the income of the joint family by an applicant, shall be taken into consideration for deciding whether he is eligible or not for assignment.

{(xii) In the event of the allottee dying without heirs the land shall revert to the Board.}

(xiii) The grant shall be entered in the village register of conditional assignment in a separate section. Indication of such assignment shall also be made by the village officers in village Account No. 2 when violations come to the notice of the Revenue Officers, the fact of such violations shall forthwith be reported to the Board by the Tahsildar.

10. . :-

A copy of the grant referred to in Rule 9 shall be communicated to the concerned Tahsildar by the Board for issuing a patta.

11. . :-

(i) The Tahsildar shall issue a patta to the grantee in Form IV. The person to whom a patta is issued shall forthwith be entitled to enter upon and take possession of the land.

(ii) A copy of the order of patta shall be communicated to the village officers of the village in which the land is situate. The village officers shall publish the said copy of the order in the village chavadi and make suitable entries in the village records.

12. . :-

After the patta of the land is made, the Tahsildar shall send the subdivision records, if any, to the District Land Records Officers concerned who shall intimate the final areas and assessments to the Tahsildar for incorporation in the village records and for the correction of the entries in the pattas, when necessary.

13. . :-

(i) The lands, the possession of which has been transferred to and vested in the Board under Section 13 (4) may be leased on a temporary basis by the Board to any person approved by the Board in this behalf.}

(ii) The rent on land leased under sub rule (i) shall not exceed the

maximum rent prescribed under the relevant tenancy laws in force in the area concerned.

14. . :-

(1) The draft list to be published under sub section (2) of section 15, besides being published in the Andhra Pradesh Gazette, also be published in the following manner.

(a) by affixture in the chavadi or if there is no such chavadi, in some conspicuous place of the village or town in the which the land referred to in the notification, is situate.

(b) by beat of tom tom in the said village or town,

(c) by affixture to the notice board of the office of the Tahsildar of the taluk, concerned, and

(d) in a case where the land specified in the notification is situate within a panchayat or municipality by affixture to the Notice Board of the office of the Panchayat or Municipality.

(2) The notice referred to in sub section (2) of Section 15 shall be in Form V and shall besides being published in the Andhra Pradesh Gazette, also be published as indicated in Rule 4.

15. . :-

(i) The Board shall cause to be prepared and published the list of names of members of the Gram Sabha in the Andhra Pradesh Gazette, the District Gazette, if one is published, and by affixture in the village chavadi or in some conspicuous place in the village if there is no village chavadi, and also by affixture to the Notice Board of the Office of the Tahsildar of the taluk concerned. The list shall also be published on the Notice Board of the Panchayat or the Municipality, if there is one.

(ii) Amendments to the list mentioned in sub rule (i) shall likewise be published.

15A. . :-

The declaration under Section 17 (I) (c) of the Act shall be in Form V A and attested by a member or the Secretary of the Bhoodan Yagna Board or a member of the Local Committee.}

16. . :-

The Board shall arrange for the election of the President and Vice

President for each Gram Sabha from among the members of the Gram Sabha by a regular election if necessary, at which every member in the list of members of the Gram Sabha, is entitled to vote. The following instructions should be borne in the conduct of election of the President and the Vice President.

(i) The Tahsildar of Taluk concerned shall be the Election Officer.

(ii) The nomination of every candidate shall be in Form VI.

(iii) Every nomination paper shall be signed by an elector as proposer and the candidate shall sign a declaration on it expressing his willingness to stand for the election. No elector shall sign as proposer for more than one candidate.

(iv) Every nomination paper shall be presented by the candidate in person or by his proper agent on the date, at the place and during the hours appointed, to the Election Officer or such other person as may be authorised by him in this behalf. The Election Officer or such other authorised person shall forthwith number the nomination papers serially in the order in which they are presented and enter on each nomination paper, the time at which it is presented. He shall give a receipt for the same.

(v) At or before the time of presentation of nomination paper, each candidate wishing to stand for election shall deposit or cause to be deposited with the Election Officer in cash a sum of ten rupees. In the case of the Scheduled Caste or Scheduled Tribes candidate, the deposit fee shall be rupees three only. No candidate shall be deemed to be duly nominated unless such deposit has been made. The deposit shall be returned to the person who made it if the nomination is rejected or if the candidate withdraws his nomination within the time prescribed for the withdrawal of nominations. The deposit shall be returned to the legal representative in case the depositor dies before the payment of the same.

(vi) If a candidate by whom or on whose behalf the deposit was paid, is not elected and the number of valid votes polled by him, does not exceed one eighth of the total number of valid polled, the deposit shall be forfeited to the Gram Sabha.

(vii) The number of valid votes polled for the purpose of clause (vi) above, shall be deemed to be the number of ballot papers other than spoilt ballot papers counted.

(viii) The deposit made in respect of a candidate shall be returned to the candidate or to the person who has made the deposit on his behalf as the case may be, within thirty days after the publication of the result of the election.

(ix) On the date appointed for the scrutiny of nominations, the candidates, the proposer of each candidate and one other person duly authorized in writing by each candidate shall attend and no other person, may attend at such time and place as may be specified.

(x) The last date for withdrawal of nominations shall be one week from the date of scrutiny of nominations.

(xi) against an order of rejection of the nomination, an appeal shall lie to the R.D.O., within three days from the date of rejection.

(xii) The orders of the R.D.O. in appeal, are final, and should be communicated within three days from the date of filing of the appeal.

(xiii) If a poll has to be taken, it should be at least ten days after the date of scrutiny of the nominations so that orders are also received sufficiently early before it actually takes place.

(xiv) The Election Officer should appoint the necessary staff, viz., polling officer, assistants, etc, to ensure a fair election.

(xv) Each polling station shall contain two compartments one for the election of the president and the other for the election of the vice president.

(xvi) The ballot papers of two different colours shall be used; one for the election of the president and the other for that of the Vice President.

(xvii) The ballot paper shall be in Form VII appended.

(xviii) The general rules for the conduct of elections in respect of identification of eligible voters, maintenance of law and order, and of scrutiny, the counting of votes, the sealing of ballot boxes and other things like tendered and challenged ballot papers should be followed. The deposit for each challenged vote should be Rs.2.

(xix) The counting of * {ballot papers polled} should be taken up on the next day after the * {election} and results announced.

(xx) An election petition, if any, against the declaration of an election, shall be made within thirty days from the date of its announcement to the Revenue Divisional Officer and against the orders of the Revenue Divisional Officer on the election petition, an appeal shall lie to the District Collector within a period of thirty days after the date of the orders of the Revenue Divisional Officer.

17. . :-

The declaration under Section 18 (i) of the Act shall be in the Form VIII and should be attested at least by two witnesses one of whom should be a member of the local committee.

18. . :-

Register of lands donated and granted :- The Board shall maintain a register in Form IX showing the lands donated and accepted, and the lands actually granted to the landless poor. The local committees shall also maintain such registers. Similar registers shall also be maintained in respect of lands donated and accepted, and allotted before the commencement of the Act.

19. Payment of allowances :-

For purpose of travelling and other allowances the Chairman and the members of the Andhra Pradesh Bhoodan Yagna Board shall be considered as Members of a first Class Committee appointed by the Government, and the President and Vice President of the Gram Sabha and members of the Local Committees, as members of a Second Class Committee appointed by the Government.

20. Funds of the Board :-

(1) The moneys remitted to the fund shall be received by the Chairman of the Andhra Pradesh Bhoodan Yagna Board or such other members of the Board, or the Secretary of the Board, as the Chairman may appoint in this behalf, and deposited in a scheduled bank as defined in the Reserve Bank of India Act, 1934 (Central Act II of 1934) or the Andhra Pradesh State Co operative Central Bank Limited or a Post Office Savings Bank.

(2) All such deposits shall be made in the name of the Board. The Chairman of the Board or any other person appointed by him in this behalf, shall have power to withdraw such deposits or any part thereof and operate on the bank accounts.

(3) No money shall be withdrawn from the bank unless it is required for immediate payment for the purpose of the Board.

(4) Any money which is not required for immediate expenditure may be invested in promissory notes, debentures, stocks or other securities of the Central Government or of a State Government and the like, the interest wherein shall have been guaranteed by the Central or any other State Government subject to the condition that the investments shall not be pledged, encashed or withdrawn without the prior sanction of the Government.

21. Funds of Gram Sabha :-

The funds of the Gram Sabha shall be administered by the President of the Gram Sabha in the manner mentioned in Rule 28.

22. . :-

Maintenance of registers, accounts and conduct of audit :- The following registers shall be maintained in the Board s Office in connection with the funds of the Board, namely:

(a) Minutes book.

(b) Cash book.

(c) A Demand, Collection and Balance register to watch the realization of monies from the grantees and also from the Gram Sabha.

(d) A deposit register.

(e) A register showing the receipts and disbursements during the previous years.

(f) A register showing the recoveries from the grantees and Gram Sabhas.

(g) A miscellaneous receipt register with receipt books and counterfoils.

(h) A posting register to compile monthly account.

(i) A stamp account.

(j) A contingent register.

(k) Stock books showing receipts issue and balance relating to;

(i) Stationery and printed forms;

(ii) Furniture;

(iii) Cycles, typewriters;

(iv) Tools, plants and other stores.

23. . :-

The Local Committees and the Gram Sabha shall maintain similar registers as mentioned in Rule 22 with the necessary changes.

24. Receipts :-

(1) All transactions shall be brought into account and monies received shall be paid in full * {within a period of one week} into a bank with which the Board has transactions, to be credited to the appropriate account of the Board.

(2) The appropriation of receipts to expenditure shall, as a rule be avoided.

(3) Any officer of the Board authorised by the Chairman in this behalf shall grant receipts for all moneys received by him for credit of the Board's fund. All counterfoil receipts bearing printed machine numbers shall be maintained for the purpose.

(4) Recoveries of over payments relating to current year shall be shown as statement of charges of the accounts concerned. If the over payment relates to a previous year, the accounts of which have been finally closed, the recoveries shall be taken as direct receipts to the accounts concerned.

25. Expenditure :-

(i) Payments from the Board's funds shall be made by cash or cheque. Cheques shall not be issued for sums less than Rs. 10.

(ii) Money indisputably payable shall never be left unpaid and money paid shall, under no circumstances, be kept out of the account a day longer than is absolutely necessary.

(iii) Any person having a claim against the Board shall present his vouchers duly verified and stamped. All vouchers shall be filled in and signed in ink. The amount shall be written in figures as well as in words. All corrections and alterations in the vouchers shall be attested by the dated initials of the person signing the receipts.

(iv) Receipts for all sums exceeding Rs. 20 either in cash or cheque shall be stamped. The correct head of classification according to the budget shall be recorded on each voucher by the drawing officer.

26. Stamps :-

Postage stamps shall be purchased and issued for use in the Board's Office after they are perforated by a perforator with the impression "A.P.B.Y.B." The charge for postage stamps be drawn on separate contingent bills.

27. Audit :-

(1) The audit of the accounts of the Board shall be conducted by the additional examiner of Local Fund Accounts.

(2) In auditing the accounts of the Board's funds, the auditor shall verify the cash balance and state in the report whether the cash was readily forthcoming for verification.

(3) The auditor, shall, in the course of audit verify the debenture, share certificates, etc., and the bank pass book and report whether they were found correct.

(4) The auditor shall report on the following among other points arising in audit:

(i) Whether the accounts and registers required to be maintained are kept properly:

(ii) Whether the contributions and other receipts due to Board, have been realised at the proper time and whether due steps have been taken to recover the same;

(iii) Whether all collections have been remitted or reduced and if so, under proper authority;

(iv) Whether any contribution has been remitted or reduced and if so, under proper authority:

(v) Whether the expenditure incurred is in accordance with the sanctioned budget and if there are deviations from such budget, what deviations are;

(vi) Whether, every item of expenditure has been sanctioned by the competent authority and is supported by a proper voucher;

(vii) Whether there is any item of expenditure which in the opinion of the auditor is Prima facie extravagant ; and

(viii) Whether the moneys not required for immediate expenditure, have all been deposited in banks and surplus funds have been invested.

(5) The auditor shall also report any material impropriety or irregularity which he may observe in the expenditure, in the collection of contributions due to the Board or in the account, and also all cases of loss or waste of money, together with names of persons directly or indirectly responsible for the loss or waste.

(6) The auditor shall append to his report;

(a) a statement of receipt and charge under the budget head;

(b) a statement of income and expenditure;

(c) a consolidated statement of assets and liabilities;

(d) a statement of debentures, share certificates; and

(e) a consolidated statement of demand, collection, and balance of all items of revenue including contributions * {decretal} amounts, etc., both arrears and current outstandings whether in cash or in kind.

(7) The auditor shall prepare an abstract of the audited accounts (receipts, charges and balance sheet) and submit to Government two copies thereof along with the audit report as also the cost of audit to be met by the Board which should be credited to the appropriate head of account to be specified by him.

28. Budget :-

The expenditure shall be classified under the following major and minor heads:-

(2) Reappropriation or transfer of funds from the allotment under one minor head of expenditure to another under the same major head, may be made by the Chairman. But no reappropriation from one major head to another shall be made without sanction of the Board.

29. Submission of the budget :-

The Board shall submit to Government not later than the 15th September of every year, a budget in proforma Forms X, XI and XII showing the probable receipts and expenditure. The budget shall contain provision adequate in the opinion of the Government for the due discharge of all liabilities in respect of loans contracted by the Board and for the maintenance of working balance.

30. . :-

The Board shall arrange to get similar budget statements and

returns and provide for inspection of the accounts of the Local Committees and Gram Sabhas.

31. Staff :-

(i) * {There shall be a Secretary to the Board who shall be appointed by it on terms to be fixed by it.}

(ii) The Secretary shall be assisted by the requisite staff appointed directly or on deputation from the Revenue Department at the Secretariat level or from the Board of Revenue.

(iii) The Board shall frame its own rules for the recruitment of the ministerial and other staff keeping in view the general orders issued from, time to time, by the Government.

32. Conduct of meetings etc :-

The meetings of the Board shall be held at Hyderabad and of the Local Committees and Gram Sabhas, at their respective headquarters. At least more than one half of the members of the Board of the local Committees or a Gram Sabha shall attend a meeting to constitute a quorum.