

The Maharashtra Gramdan Rules, 1966

MAHARASHTRA

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Rule THE-MAHARASHTRA-GRAMDAN-RULES-1966 of 1966

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The Maharashtra Gramdan Rules, 1966 Published vide Notification G. N., R. & F. D., No. BDY. 1065/35241-B, dated 21st September, 1966 (M. G., Part 4-B, page 1735) In exercise of the powers conferred by clauses (a), (b), (c), (d), (e), (g), (h) and (i) of sub-section (2) of section 43 of the Maharashtra Gramdan Act, 1964 (Maharashtra XXIII of 1965), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 43, namely:-

1. Short title.

- These rules may be called the Maharashtra Gramdan Rules, 1966.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Maharashtra Gramdan Act, 1964;(b)"Form" means a form appended to these rules;(c)"Section" means a section of the Act.

3. Procedure of enquiry before declaration of village as Gramdan village.

(1) Before declaring any village to be a Gramdan village an officer not below the rank of Naib Tahsildar or Mahalkari, deputed by the Collector in this behalf, shall ascertain having regard to the revenue records of the village, the total extent of lands owned by persons residing in the village and the number of persons owning these lands and also ascertain the number of persons whose declarations have been confirmed and the number of persons who attended the meeting held under section 6 and the number of persons who expressed their willingness to constitute the village a Gramdan village at such meeting and make a full report to the Collector of the particulars so ascertained and state whether the requirements of clauses (a), (b), (c) and (d) of sub-section (1) of section 4, have been fulfilled.(2) On receipt of the report under sub-rule (1), the Collector shall, after satisfying himself that the requirements of clauses (a), (b), (c) and (d) of sub-section (1) of section 4

have been complied with (and after making such further inquiry, if considered necessary, as respects any particulars specified in the report), declare the village to be a Gramdan village.

4. Publication of substance of declaration of village as Gramdan village.

- As soon as a notification declaring a village as Gramdan village under sub-section (1) of section 4 is published in the Maharashtra Government Gazette, the substance (including the relevant particulars as respects the declaration of the village as Gramdan village), thereof, shall be published by the Collector in a local newspaper circulating in the district by issuing a press note in that behalf, and by affixing a copy of such substance on the notice-board in the village panchayat and Taluka or Tahsil Offices, within the jurisdiction of which the village is situated or by proclaiming the same by the beating of drum in the village.

5. [Fixation of date for purposes of section 4(3). [Substituted by G. N. of 7.11.1970.]

- The date of expiry of a period of six months from the day on which a meeting called under sub-section (1) of section 6 is held, shall be the date for the purposes of sub-section (3) of section 4.]

6. Publication of order under section 4(3).

- An order made by a Collector, under sub-section (3) of section 4, shall be published by affixing copies thereof, on the notice-boards in the offices of the Collector, Tahsildar, or as the case may be, Mamlatdar and the village panchayat concerned.

7. Filing of declaration under section 5.

(1)A declaration under sub-section (1) and sub-section (3) of section 5, shall be filed in Form I and II, respectively.(2)Every declaration shall be signed by the declarant in the presence of any revenue officer not below the rank of a Circle Inspector or a Sarpanch of the village and a person residing in the village.(3)An owner of lands, situated in different villages, shall file separate declarations in respect of lands in each village; and in respect of lands held in different rights.(4)The declarations may be filed before the Collector, either by delivering them by any one personally or by sending them by registered post.

8. Publication of declaration under section 5(4).

(1)Every declaration received under sub-section (4) of section 5 by the Collector, shall be entered in a register which shall be maintained by an officer designated by the Collector in this behalf.(2)Such declaration shall be published by affixing a copy thereof, on the notice-board in the offices of the Tahsildar or Mamlatdar and the village panchayat within the jurisdiction of which the land is situated, together with a notice referred to in that sub-section in Form III.(3)A copy of the notice together with a copy of the declaration, shall be served on all persons whose names are mentioned in

the Record of Rights as persons having right, title or interests in the land.

9. Procedure for inquiry into objections under section 5(4).

(1)After expiry of a period of forty-five days, from the date of publication of a declaration under rule 8 the Collector shall inquire and ascertain :-(a)whether the person, making the declaration -(i)has a prima-facie right, title or interest in the declaration;(ii)is legally competent to make the declaration;(b)whether the persons, who raised objections, have a right, title or interest in the land;(c)whether there are encumbrances on the land; including arrears of land revenue or any other Government dues.(2)For the purpose of an inquiry under sub-rule (1), the Collector may call all or any of such persons, or require them to produce before him any documents which he may consider to be necessary for ascertaining any averments made in the declaration or in the objections submitted to him.(3)Every order made under sub-section (5) of section 5, shall be published by affixing it on the notice-boards in the offices of the Collector, Tahsildar or Mamlatdar and the village panchayat in whose jurisdiction the land mentioned in the declaration is situated.

10. Meeting under section 6.

(1)In the meeting convened under section 6 of the Act, the Collector shall inform the villagers of the scheme of constituting Gramdan villages and explain to them the relevant and important provisions of the Act including provisions for the basis of unanimity or near unanimity as respects the decisions of the Gram Mandal, provision for regulation as respects matters to be decided by unanimity or near unanimity, provision as respects powers and functions of Gram Mandal and the main purpose of the Act that is to say, the decision by villagers to govern themselves and to look upon the village as an extended family and the full implications resulting from donating (that is to say, from transfer of ownership of) their lands. He shall also inform them of the approximate number of declarations received by him under section 5 and of the possibility of constituting their village a Gramdan village.(2)Any person entitled to attend the meeting may, after the Collector has informed the villagers in terms of sub-rule (1), ask the Collector any questions relating to the constitution of the Gramdan village or apprise him of any matters relating thereto.(3)The Collector shall after taking the sense of the meeting, ascertain the number of persons who are for and against the constitution of their village as a Gramdan village. The proceedings of the meeting shall be recorded and signed by the Collector, and copies thereof, made and kept on record in the offices of the Collector and the Tahsildar or Mamlatdar concerned.

11. Maintenance of Register of members of Gram Mandal.

(1)The officer designated by the Collector under sub-section (2) of section 10 shall maintain the register of members of the Gram Mandal in accordance with the provisions of that section. Such officer shall sign every page of the register so maintained and shall seal it with the Common Seal of the Gram Mandal.(2)The officer aforesaid shall from time to time carry out in the register all corrections which may be made in the electoral roll of the Maharashtra Legislative Assembly. Such officer shall also enter in the register the name of every person donating land under sub-section (1) of section 29 and who is not residing in the village as soon as his declaration about the donation of

land is confirmed by the Collector. He shall initial below each correction or entry so made.

12. Payment of land revenue etc., by lessees.

- The seventh day immediately before the dates fixed for payment of taxes referred to in clause (c) of sub-section (1) of section 27 by owners of land to the State Government (in villages in the same taluka or tahsil which are not declared as Gramdan villages), under the law relating to land revenue for the time being in force shall be the date for the purposes of clause (c) of sub-section (1) of the said section 27.

13. Payment of surplus income derived from land taken under management of Gram Mandal.

- The Gram Mandal shall pay in cash annually to the lessee the surplus income under sub-section (4) of section 30 in respect of land, the management of which is assumed under sub-section (3) of that section.

14. Manner of borrowing money.

(1)The Gram Mandal shall not obtain or raise any loan under section 31 without the approval in writing of the State Government.(2)The Gram Mandal shall not raise any loan for carrying out any work or scheme beneficial to the inhabitants of the village, unless it is to be carried out within the local limits of the Gramdan village.(3)Where a Gram Mandal desires to obtain a loan, it shall submit an application to the State Government through the Collector, containing the following particulars, namely :-(a)the purpose for which the loan is required, with details of the scheme or work proposed to be undertaken, the estimate of the cost involved, the period within which it will be completed, and the agency through which the work will be executed;(b)the amount of loan proposed to be raised with the rate of interest;(c)the security proposed to be offered;(d)the date within which the money is to be borrowed and when it is proposed to raise a loan in instalments, the date within which the first instalment is to be taken or raised; and the years in which it is intended to take or raise the other instalments;(e)the term of years for which the money is to be borrowed;(f)the method and arrangement (if any), for the repayment; and(g)a statement of liabilities previously incurred and loans raised, if any.(4)On receipt of an application under sub-rule (3), the Collector shall make such inquiry into the proposal and call for such additional details as he may deem necessary and send the application to the Government with his remarks, expeditiously.(5)The State Government shall, after such scrutiny, as it may deem necessary into the feasibility and utility of the scheme or work, for which the loan is proposed to be raised, either permit or refuse to permit the Gram Mandal to raise the loan with such conditions as it may deem fit.(6)Save in special cases, the repayment period of loan shall not ordinarily exceed fifteen years.(7)The Gram Mandal shall, annually, furnish to the State Government, through the Collector, the progress of scheme or work undertaken by raising the loan and amount spent for the purpose.(8)The Gram Mandal shall not, without the approval of the State Government, vary and term or condition of the loan, the scheme or work for which the loan is sanctioned.

15. Custody of Gram Nidhi.

(1)The Gram Nidhi shall be kept in the custody of the President of the Gram Mandal.(2)The President shall give to the Gram Mandal, a security bond with two sureties for rupees five hundred each before keeping the Gram Nidhi in his custody.(3)The President may keep in his possession an amount not exceeding Rs. 500, as may be determined by the Gram Mandal, the remaining amount being always deposited in the name of the Gram Mandal in the District Central Co-operative Bank or a Scheduled Bank or Post Office Savings Bank.

Form I[(See rule 7)]Declaration of GramdanI,..... the owner of land in village,Tahsil,.....Taluka,..... District carrying on the business having fully understood the idea of the Gramdan movement initiated by Acharya Vinobaji Bhawe, I declare that I do hereby donate, that is to say, voluntarily and without consideration, agree to transfer to the Gram Mandal all my land in the said village by way of Gramdan, subject to the provisions of the Maharashtra Gramdan Act, 1964 and the rules made thereunder.I would like to hold the land specified in column 1 of the Table hereto as Gramdan Kisan and the land specified in column 2 of the Table maybe distributed to landless persons under the Act.

Lands to be held as Gramdan Kisan	Lands which may be distributed to landless persons		
(1)	(2)		
Survey No.	Area A.g.	Survey No.	Area. A.g.

Out of the lands to be held by me as Gramdan Kisan, the following lands are subject to encumbrances, as indicated below :-(Here specify lands and the nature of encumbrances, lease, mortgage, etc., against them.)

2. It is hereby declared that I also undertake -

(a)to join the Gramdan Community of the aforesaid village, and(b)to make a periodical contribution to the Gram Mandal in accordance with the provisions of clause (d) of sub-section (1) of section 27 of the aforesaid Act, for community purposes.

Date :SignatureForm II(See rule 7)Form of Declaration to be filed by persons residing in a village (not being minors) who do not own land in Gramdan village for joining the Gramdan Community*I the audit,*We the undersigned residents of the village in the Taluka of the District, who do not own any land in the said village, having fully understood the idea of the Gramdan movement initiated*Iby Acharya Vinobaji Bhawe, do declare that ----- undertake, subject to the* We provision of the Maharashtra Gramdan Act, 1964, and rules made thereunder, to join Gramdan community of the said village and agree to pay a*my periodic contribution equal to one-fortieth-----net annual income to the*our Mandal, for community purposes.

Date :Signature or Signatures.* To be struck off if not applicable.

Form III(See rule 8)Notice under sub-section (4) of section 5 of the Maharashtra Gramdan Act, 1964Whereas, the persons mentioned in column 1 of the Schedule hereto, who claim to be the sold owners of the lands

specified against their names in column 2 of that Schedule, have filed declarations in Form I of the Maharashtra Gramdan Rules, 1965, donating by way of Gramdan, ail their land in village. Now, therefore, notice is hereby given, requiring all persons interested in the land, to file objections, if any, in writing to the undersigned, on or before the 19 Any objections in relation to the declarations aforesaid received by the undersigned before the said date will be duly considered and no notice will be taken of any objections filed after that date.

Schedule

Sr. No. Name(s) person(s) Particulars of land

Survey No. Area

A.g.

Collector.