

# The Rajasthan Gram Dan Act, 1971

RAJASTHAN

India

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### Act 12 of 1971

- Published on 1 January 1971
- Commenced on 1 January 1971
- [This is the version of this document from 1 January 1971.]
- [Note: The original publication document is not available and this content could not be verified.]

The Rajasthan Gram Dan Act, 1971 Act No. 12 of 1971 [Received the assent of the President on the 3rd day of August 1971] An Act to amend and re-enact the law relating to the establishment of Gramdan Villages in pursuance of the Gramdan movement initiated by Acharya Vinoba Bhave, the constitution of Gram Sabha therefor and matters connected therewith. Be it enacted by the Rajasthan State Legislature in the Twenty-second year of the Republic of India as follows:-

## Chapter I Preliminary

### 1. Short-title, extent and commencement.

(1) This Act may be called the Rajasthan Gramdan Act, 1971. (2) It extends to the whole of the State of Rajasthan. (3) It shall come into force at once.

### 2. Definitions.

(1) In this Act, unless the context otherwise requires- (a) "adult person" means a person who has completed twenty-one years of age; (b) "Bhoodan" means a donation of land to the Bhoodan Board; (c) "Bhoodan Board" means the Rajasthan Bhoodan Yagna Board established under section 3 of the Rajasthan Bhoodan Yagna Act, 1954 (Rajasthan Act 16 of 1954); (d) "Chairman" means the Chairman of the Bhoodan Board appointed under section 4 of the Rajasthan Bhoodan Yagna Act, 1954 (Rajasthan Act 16 of 1954) and includes any person authorised by the State Government to perform all or any of the functions of the Chairman under this Act; (e) "common land" means land used or reserved for use for the common purpose of a village or villages; (f) "Gramdan" means a voluntary donation of land for the purposes of this Act and in accordance with the provisions thereof; (g) "Gramdan Kisan" means a person who holds land as Gramdan Kisan under this Act and includes his heirs and successors-in-interest; (h) "Gramdan village" means a village notified as a

Gramdan village under section 11;(i)"Gram Sabha" means a Gram Sabha constituted under section 13;(j)"head of family" means the adult person incharge of a family which is a collective body of persons living in one house under one head or management and includes "Karta" of a joint Hindu family;(k)"holder" in relation to any land means a Khatedar or Ghair Khatedar tenant and where the land is under a sub-lease or a mortgage, the tenant-in chief and sub-tenants, and mortgagor and mortgagee, jointly, as the case may be;(l)"Panchayat" means a Panchayat established under the provisions of the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953);(m)"person interested" in relation to any land means any person claiming any right, title or interest in the land and includes a person having a right of easement over such land;(n)"prescribed" except where the words "prescribed by regulations" are used, means prescribed by rules made under this Act;(o)"regulation" means a regulation made by a Gram Sabha under section 50;(p)"resident" means a person who ordinarily resides in a village and includes a person who has got a residential house in that village in which he resides occasionally owing to his being employed or otherwise engaged elsewhere and "seside" shall be construed accordingly; and(q)"village" means a village entered as such in the revenue records, and includes any compact part of such village in which there is a cluster of habitations, whether called a hamlet, thok, patti, dhani, pura, fala, wada, bas, nagla or by a similar other expression.(2)Words and expressions used in this Act but not defined shall have the meanings respectively assigned to them in the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) as the context may require.

### **3. Repeal and Savings.**

(1)On and from the date of coming into force of this Act, the Rajasthan Gramdan Act, 1960 (Rajasthan Act 3 of 1960) shall stand repealed.(2)Notwithstanding the expiry of the Rajasthan Gramdan Ordinance, 1971 (Rajasthan Order 4 of 1971), anything done or deemed to have been done or any action taken or deemed to have been taken by or under the said Ordinance, shall be deemed to have been done or taken by or under this Act.(3)The provisions of sub-section (2) shall be without prejudice to the provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955), which shall respectively apply to the repeal and expiry of the laws mentioned in sub-sections (1) and (2).

### **4. Act to have over-riding effect.**

- The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force;Provided that nothing in this Act shall affect the operation of Chapter III-B of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

## **Chapter II**

### **Gramdan Board**

## **5. Gramdan Board.**

- For the purposes of this Act, the Bhoodan Board shall be the Rajasthan Gramdan Board, hereinafter referred to as the Gramdan Board.

## **6. Duties of the Gramdan Board.**

(1) It shall be the duty of the Gramdan Board to promote the Gramdan Movement in Rajasthan and for that purpose:- (a) to train workers for implementing the aims and objects of this Act and assign them to Gramdan village; (b) to guide the Gram Sabhas in the proper discharge of their duties; (c) to study and evaluate general experience in the development of Gramdan villages; and (d) to expedite legal and other formalities in connection with Gramdan villages. (2) The Gramdan Board shall also perform such duties as may be assigned to it under the provisions of this Act.

## **7. Meetings.**

- The time, place of meeting, conduct of business and the procedure to be followed at a meeting shall be at the discretion of the Gramdan Board, and the Gramdan Board may make regulations therefor.

# **Chapter III**

## **Gramdan Village**

## **8. Declaration of voluntary transfer of lands by way of Gramdan.**

(1) Any holder of land, not being a minor, may file a declaration in the prescribed form before the Chairman that he donates, that is to say, voluntarily and without consideration agrees to transfer to the Gram Sabhas to be constituted as hereinafter provided, all his lands in the village specified in the declaration by way of Gramdan: Provided that, where any holder has transferred any of his lands in the village by way of Bhoodan, this sub-section shall have effect as if the lands so transferred were included in the total extent of his lands: Provided further that the donor may specify land of his choice, not exceeding 19/20th of his total lands so donated, for allotment under sub-section (1) of section 26 for his personal cultivation as a Gramdan Kisan and shall contribute the remaining lands, not less than 1/20th of his total lands, to the land pool of the village for the benefit of landless persons: And provided also that in specifying the lands to be held by him as Gramdan Kisan, the donor shall specify such lands as are subject to any encumbrances. (2) Every declaration filed under sub-section (1), shall also contain an undertaking that the holder shall-(i) join the Gramdan Community of the Gramdan village: and (ii) contribute annually to the Gram Nidhi 1/40th of the produce of the land held by him as Gramdan Kisan or such other portion of the produce as the Gram Sabha may fix, or the cash value thereof. (3) A declaration under sub-section (1) shall not be valid unless it is made:- (a) in the case of land held by two or more persons as co-tenant by all such persons jointly; (b) in the case of land held by a Ghair Khatedar tenant, with the previous permission of the Collector of the district in which the land is situate; and (c) in the case of land under mortgage, by the

mortgagor and the mortgagee jointly.(4)A declaration under sub-section (1) may be made either individually or jointly.

## **9. Declaration by head of family not holding any land to join Gramdan Community.**

(1)Any head of family residing in a village who does not hold any land therein, may file a declaration in the prescribed form before the Chairnan undertaking to-(i)join the Gramdan Community of such village; and(ii)make a periodical contribution to the Gram Nidhi equal to 1/40th of his net income or such other portion as the Gram Sabha may fix.(2)A declaration under sub-section (1) may be made either individually or collectively.

## **10. Publication and investigation of declarations.**

(1)The Chairman shall, as soon as may be after the receipt of the declaration under section 8 or section 9, publish the same in the prescribed manner, make necessary enquiry to verify it in the prescribed manner and shall either confirm or refuse to confirm it.(2)Any person aggrieved by an order of the Chairman made under sub-section (1), may file an appeal to such appellate authority as may be prescribed, within thirty days of the date of order and subject to the decision of the appellate authority; such order shall be final.(3)No order refusing to confirm a declaration shall be made under this section unless the person making the declaration is given a reasonable opportunity to show cause against such refusal to confirm the declaration.(4)A declaration which the Chairman has by order refused to confirm under sub-section (1) shall, unless such declaration is confirmed in appeal under sub-section (2), be of no effect.

## **11. Declaration of the village as Gramdan village.**

(1)Where in a village,-(a)the extent of lands in respect of which the declarations filed under sub-section (1) of section 8 have been confirmed, is not less than fifty-one percent of the total extent of lands held by persons residing in that village,(b)the number of persons whose declarations have been so confirmed is not less than seventy-five percent of the total number of persons holding land and residing in that village,(c)the number of persons in respect of whom the declarations made under sections 8 and 9 have been confirmed is not less than seventy-five percent of the holders of land and heads of families who do not hold land, residing in that village,the Chairman shall forward all the declarations with the connected papers and his opinion whether the village is to be declared a Gramdan village or not, to the Collector of the district in which the village is situate, and the Collector may after making such enquiry as he deems, fit, by notification in the prescribed manner declare that village to be a Gramdan village with effect from the date specified in such notification.(2)If the Collector refuses to declare the village to be a Gramdan village, the Chairnan may make a representation to the State Government for declaration of such village to be a Gramdan village, and the State Government may, after satisfying itself that the conditions laid down in sub-section (1) have been substantially fulfilled, direct the Collector to declare such village to be a Gramdan village, and in case the State Government is not satisfied as aforesaid, it may issue an

order refusing to declare the village as Gramdan village and the provisions contained in sub-section (4) shall become operative only on issue of a specific order of the Collector or the State Government refusing to declare a village as Gramdan village.(3)A copy of every notification under sub-section (1) shall be displayed in a prominent place in the village and shall also be affixed on the notice board in the office of the Tehsildar, Sub- Divisional Officer and the Collector within whose jurisdiction the village is situate and the substance of every such notification shall also be published in the prescribed manner.(4)Where a village is not declared a Gramdan village, every declaration under section 8 or section 9, shall, notwithstanding that it had been confirmed, cease to have effect.

## **12. Prohibition against transfer of lands.**

(1)No person shall transfer any land in respect of which a declaration has been filed, until an order refusing to confirm the declaration under section 10 has become final or an order under section 11 declaring the village in which the land is situate as not qualified to be a Gramdan village is made, whichever is earlier.(2)Any transfer of land made in contravention of the provisions of sub-section (1) shall be void.

## **Chapter IV**

## **Constitution and working of Gram Sabha**

### **13. Constitution of Gram Sabha.**

(1)With effect from the date specified in the notification issued under sub-section (1) of section 11 declaring a village to be a Gramdan Village, all persons whose names are included in the register referred to in section 14 shall be deemed to constitute a Gram Sabha for the Gramdan village and the Gram Sabha shall have all such powers and discharge all such functions as are vested in, or conferred on it by or under this Act or otherwise.(2)Every Gram Sabha so established shall be body corporate by the name of "Gram Sabha of" having perpetual succession and a common seal, with power to enter into contracts and subject to the provisions of this Act, to acquire, hold, administer or dispose of property, both movable and immovable whether within or without the limits of the Gramdan village over which it has authority, and may in its corporate name sue and be sued.

### **14. Register of members.**

(1)The electoral roll of the Rajasthan Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950, for such part of the constituency of the Assembly as is included in the Gramdan village shall be deemed to be the register of members of the Gram Sabha for such Gramdan village, till a register is prepared in accordance with sub-section(2). The register shall also include names of the persons who have donated their lands by way of Gramdan but who are not residing in the Gramdan village.(2)Within three months of the formation of the Executive Committee under section 15, the register mentioned in sub-section (1) shall be revised by the Executive Committee and brought up- to-date and thereafter it shall be revised in every subsequent year in the prescribed manner;Provided that if for any reason the register is not so revised, the

validity or continued operation of the register shall not thereby be affected.(3)The Executive Committee, on application made to it for the correction of an existing entry in the register, shall, if it is satisfied after such enquiry as it thinks fit, that the entry relates to the applicant and is erroneous or defective in any particular, amend the entry accordingly.(4)Any person whose name is not included in the aforesaid register may apply to the Executive Committee for the inclusion of his name in the register, and the Executive Committee shall, if satisfied that the applicant is entitled to be registered, include his name therein.(5)Every person whose name is in the register of members shall be qualified to vote at a meeting of the Gram Sabha, provided he is not deemed to be of unsound mind by the Gram Sabha.(6)The register of members shall be conclusive evidence for determining under this section whether any person is qualified or is not qualified to vote at any meeting of the Gram Sabha.

## **15. Executive Committee and President of Gram Sabha.**

(1)Every Gram Sabha shall constitute an Executive Committee of its own, consisting of such number of members, not being less than five as the Gram Sabha may determine.(2)The members of the Executive Committee shall be elected by the members of the Gram Sabha from amongst themselves in the prescribed manner.(3)The Executive Committee shall elect from amongst its members, a President to be known as the President of the Gram Sabha, who shall exercise such powers and discharge such duties as may be prescribed.(4)The Executive Committee shall perform such functions, discharge such duties and exercise such powers as may be prescribed.

## **16. Other Committees.**

(1)Subject to such control and restrictions as may be prescribed by regulations, a Gram Sabha may constitute-(a)other standing committees for exercising such of the powers and discharging such of the duties and functions of the Gram Sabha as may be prescribed by regulations;(b)ad-hoc committees for inquiring into or reporting and advising on any matter which the Gram Sabha may refer to them.(2)The Committees referred to in sub section (1) shall be constituted in the manner prescribed by regulations and may be dissolved or reconstituted for such reasons and in such manner as may be prescribed by regulations.

## **17. Officers and servants of Gram Sabha.**

- A Gram Sabha may appoint-(a)a Secretary who shall exercise such powers and perform such duties as may be prescribed by regulations or as may be delegated to him by the President;(b)such other officers and servants as may be necessary for the efficient performance of its functions.

## **18. Removal of President, Officers and servants.**

(1)The President of a Gram Sabha shall be removable from office for such reasons, in such circumstances and in such manner, as may be prescribed.(2)The Secretary or any other officer or servant of a Gram Sabha may be removed from service by the Gram Sabha for such reasons, in such

circumstances and in such manner, as may be prescribed by regulations.

## **19. Conduct of business of Gram Sabha.**

- Subject to the provisions of the rules, if any, made in this behalf, the business of a Gram Sabha and its committees shall be conducted in such manner as may be prescribed by regulations and such regulations may specify the cases in which the decisions of the Gram Sabha shall be on the basis of unanimity or near unanimity, that is, a majority of not less than ninety per cent of the members present at the meeting.

## **Chapter V**

## **Powers and functions of Gram Sabha.**

## **20. Vesting of donated funds in Gram Sabha.**

- Notwithstanding anything to the contrary contained in any other law for the time being in force, with effect from the date on which a Gram Sabha is constituted for a Gramdan village-(a)all rights, title and interest of persons, whose declarations have been confirmed under section 10, in or over the lands covered by such declarations, shall, save as otherwise provided in this Act, cease and shall stand transferred to, and vest in, the Gram Sabha, but subject to any rights, encumbrances or equities lawfully subsisting in favour of any other persons;(b)the Gram Sabha shall be entitled to receive the contributions referred to in sections 8 and 9;(c)the Gram Sabha shall be liable for-(i)the payment of land revenue, rent, cesses, rates and taxes in respect of the lands vested in the Gram Sabha which would have been payable by the donors, but for the donation, irrespective of whether the liability arose before or after the date of the vesting; and(ii)the discharge of all encumbrances created in respect of any land vested in the Gram Sabha, prior to the date of filing of the declaration in respect thereof under section 8;Provided that, for the payment of any land revenue, rent, cesses, rates or taxes, due on or the discharge of any encumbrance created before, the date of such vesting of the land, for which the Gram Sabha is so liable, it shall be competent for the Gram Sabha to recover the amount, either before or after such payment or discharge, from the holder who donated the land by way of Gramdan as if it were an amount due to the Gram Sabha:Provided further that, where in any case it appears to the Gram Sabha that the encumbrances and other liabilities in respect of land donated by way of Gramdan are excessive or for any other reason, it is of opinion that it is not desirable to undertake the discharge of such liabilities, the Gram Sabha may, after giving the person to whom the land would belong but for the Gramdan, an opportunity of being heard, rescind, by order, the donation by way of Gramdan, and thereupon all rights, title and interest in or over those lands shall revert to such person and all liabilities of the Gram Sabha in respect of those lands, except the liabilities, if any, that arose during the period of property remained vested in the Gram Sabha, shall cease, and the declaration filed under section 8 in respect of the Gramdan aforesaid shall not continue in force:(d)the land revenue, cesses, rates and taxes due in respect of the lands situated in a Gramdan village and in respect of which a donation by way of Gramdan has been made under section 8, or section 22 or has not been made, shall be payable to the Gram Sabha by the person liable for the same:Provided that, all amounts so realized shall, after deduction of such

collection charges as may be prescribed, be remitted to the State Government within such time and in such manner as may be prescribed.

## **21. Vesting in Gram Sabha of lands vested in Bhoodan Board.**

- Any land in the Gramdan village which vested in the Bhoodan Board by way of donation before the constitution of the Gram Sabha for such Gramdan village shall stand transferred to, and vest in the Gram Sabha with effect from the date of the constitution of the Gram Sabha. Any land in the Gramdan village which vests in the Bhoodan Board by way of donation after the date aforesaid shall also stand transferred to, and vest in, the Gram Sabha with effect from the date on which it vested in the Bhoodan Board.

## **22. Donations made after the declaration of Gramdan village.**

(1) Any adult person, holding land in a Gramdan village, may donate all his lands by way of Gramdan in the same manner and subject to the same conditions as are provided for in the case of a donation under section 8, and thereupon, subject to the provisions of sub-section (2), the provisions of this Act shall, as far as may be, apply as if such donation were made under that section: Provided that no declaration made under this section shall be confirmed by the Chairman without the approval of the Gram Sabha. (2) With effect from the date on which the declaration referred to in sub-section (1) is confirmed, all rights, title and interest of any person whose declaration is so confirmed in or over lands covered by such declaration, shall, save as otherwise provided by this Act, cease and shall stand transferred to, and vest in, the Gram Sabha constituted for that Gramdan village; and thereupon the provisions of this Act, shall, as far as may be, apply, as if such declaration were confirmed under section 10. (3) Any adult person residing in a Gramdan village who has not made a donation by way of Gramdan under section 8 or sub-section (1) of this section, may join the Gramdan community in such manner as may be determined by the Gramdan Board and subject to the same conditions as are provided in sub-section (1) of section 9, and thereupon the provisions of this Act, as far as may be, apply as if such declaration were made under sub-section (1) of section 9.

## **23. Power of grantee of land to donate land to Gram Sabha.**

(1) Notwithstanding anything contained in the Rajasthan Bhoodan Yagna Act, 1954 (Rajasthan Act 16 of 1954), any person who is or who has been granted land by the Bhoodan Board may, if such land is situated in a Gramdan village donate it by way of Gramdan in the same manner and subject to the same conditions as are provided in the case of donation under section 8, and thereupon, subject to the provisions of sub-section (2), the provisions of this Act, shall as far as may be, apply as if such donations were made under that section. (2) With effect from the date on which the declaration referred to in sub-section (1) is continued, all rights, title and interest of such person in or over such land shall, save as otherwise provided by this Act, cease, and shall stand transferred to, and vest in, the Gram Sabha.



## **24. Power to purchase land.**

- The Gram Sabha shall have the power to purchase land for the benefit of the village community.

## **25. Land pool.**

- All lands vesting in the Gram Sabha under sections 20, 23 and purchased by it under section 24 shall constitute a land pool.

## **26. Allotment of land.**

(1) Out of the land in the land pool, the Gram Sabha shall allot 19/20th portion of the lands donated to the donors thereof, as specified in the declarations made under section 8, unless such donors have signified their consent to accept a lesser portion of the land for their personal cultivation. (2) The Gram Sabha may, allot more than 19/20th portion of the lands donated with or without payment of the price thereof, if the Gram Sabha considers it fit so to do. (3) The Gram Sabha may, in accordance with the regulations made in that behalf, allot any land forming part of the land pool, to any landless person or group of landless persons preferably to a co-operative farming society of such landless persons registered or deemed to be registered under the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965), for personal cultivation. (4) [ x x x ] [Omitted by Rajasthan Act No. 19 of 1984] (4) [Renumbered by Rajasthan Act No. 19 of 1984.] Any person aggrieved by any allotment under this section may make an application to the Gram Sabha to that effect: and the Gram Sabha shall on receipt of such application, refer the matter for decision to the Gramdan Board. (5) [Renumbered by Rajasthan Act No. 19 of 1984.] The decision of the Gramdan Board shall be final and binding on the parties.

## **27. Rights of Gramdan Kisan.**

- A person who has been granted land under section 26 shall hold it as Gramdan Kisan on the following terms and conditions, namely:-(a) the interest of the Gramdan Kisan in such land shall be heritable in accordance with the provisions of section 40 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955); (b) the Gramdan Kisan shall not transfer his interest in the land, without the previous approval in writing of the Gram Sabha and except-(i) to a person who has joined the Gramdan Community in respect of the village in which the land is situate on the terms and conditions agreed upon between them: Provided that a Gramdan Kisan belonging to scheduled caste, or scheduled tribe shall not transfer his interest in land to any other person who joined the Gramdan Community except the one who is also a member of the scheduled caste or scheduled tribe; (ii) to the Gram Sabha; or (iii) to a co-operative society or any institution approved by the State Government in this behalf or to the Government, by way of simple mortgage for securing payment of any money borrowed from such society, institution or Government; (c) the Gramdan Kisan shall pay to the Gram Sabha an amount equal to the land revenue, rent, cesses, rates and other taxes payable, if any, in respect of the land, before such date or dates as may be prescribed by regulations; (d) the Gramdan Kisan shall annually contribute to the Gram Nidhi one-fortieth of his annual agricultural produce or

such other share as the Gram Sabha may determine in this behalf;(dd)[ land allotted by the Gram Sabha shall be cultivated personally by the Gramdan Kisan or by a member of his family.] [Inserted by Rajasthan Act No. 19 of 1984.](e)the Gramdan Kisan shall not allow the land to remain uncultivated for a period exceeding two years.(f)subject to the provisions of section 28, the Gramdan Kisan shall be entitled to remain in possession of such land, and the Gram Sabha shall not disturb his possession, of the land, except with his consent;(g)in the case of land subject to any lease subsisting immediately before it was donated, the Gramdan Kisan shall have the right to recover possession thereof in accordance with the provisions of any law for the time being in force relating to land tenures as if he continued to be the lessor thereof, and pending termination of the lease, he shall also have the right to recover the rent payable by the lessee in respect of such land;(h)in the case of land and subject to a mortgage with possession immediately before it was donated, the Gramdan Kisan shall have the right to obtain possession thereof after the redemption of the mortgage by the Gram Sabha if he pays to the Gram Sabha the amount paid for the purpose of redeeming the mortgage together with all expenses connected therewith.

## **28. Power of Gram Sabha to cancel allotment.**

(1)Where any Gramdan Kisan-(a)transfers his interest in the land in contravention of the provisions of clause (b) of section 27, or(b)fails to pay to the Gram Sabha any dues in respect of the land allotted to him, or(bb)[ contravenes the provisions of clause (dd) of section 27, or] [Inserted by Rajasthan Act No. 19 of 1984.](c)fails to cultivate the land for two consecutive years,the Gram Sabha may, after giving the Gramdan Kisan an opportunity of being heard, take over the management of his land for such period and on such terms and conditions as it thinks fit, and in case the Gramdan Kisan does not comply with the order the Gram Sabha for handing over management to it, the Gram Sabha may cancel the allotment and pass an order for his eviction.(2)If, in compliance with the order of eviction, the Gramdan Kisan does not hand over possession of the land to the Gram Sabha, the Gram Sabha may send a copy of the order to the Tehsildar for execution, and the Tehsildar shall execute the same in the manner provided in section 185 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

## **29. Power of Gram Sabha to grant lease.**

- Notwithstanding any thing to the contrary' contained in any law for the time being in force but subject to the provisions of this Act, the Gram Sabha shall have the power to lease any land forming part of the land pool, if the same has not been allotted to any person as herein before provided, on such terms and conditions as it thinks fit, and the lessee shall not have, and shall not be entitled to claim any rights in relation to such land except as are provided under the terms of the lease.

## **30. Vesting of Common lands in Gram Sabha.**

(1)Where the whole of a village entered as such in the revenue records has been declared as a Gramdan village, all common lands in such village shall, with effect from the date of the constitution of the Gram Sabha therefor, vest in such Gram Sabha, subject to the rights therein, if any, of the residents of the other neighbouring villages.(2)Where a part of a village entered as such in the

revenue records is declared as a Gramdan village, the State Government may from time to time, by notification in the Official Gazette vest in the Gram Sabha such common lands in such villages as may be specified in the notification.

### **31. Vesting of management of other unoccupied lands of the State Government in Gram Sabha.**

(1) Subject to any general or special order of the State Government where the whole of a village entered as such in the revenue records has been declared as a Gramdan village, the management of the unoccupied land of the State Government in the said village shall vest in the Gram Sabha and the Gram Sabha shall have the power to improve such land without obtaining any permission from any authority, and shall further have the power to get the same cultivated or otherwise utilised for agricultural purposes in any manner it thinks fit either by itself or by granting lease of the whole or any part thereof to any person on such terms and conditions as it thinks fit. (2) Nothing contained in sub-section (1) shall be construed as conferring any power on the Gram Sabha to transfer by way of sale, gift, mortgage or exchange any such land or to lease it for a longer period than prescribed or to utilise it without the previous permission of the Collector for non-agricultural purposes or in any way to cause damage to it so as to diminish permanently its value. (3) The Gram Sabha shall be liable to pay the rent, cesses or any other taxes to the State Government on any land of the State Government cultivated or utilised as aforesaid or fixed in accordance with the provisions of any law.

### **32. Divesting Gram Sabha of management of lands vested under section 31.**

- Notwithstanding anything contained in sub-section (1) of section 31, the State Government may at any time, if it considers necessary, divest the Gram Sabha of the management of the whole or any part of the lands mentioned in the said sub-section, by notification in the Official Gazette, and thereafter all rights of the Gram Sabha in such lands shall cease.

### **33. Other powers and functions of Gram Sabha.**

(1) Subject to the provisions of this Act, the Gram Sabha shall undertake all activities for the welfare of the village community and the members thereof and do all other things incidental thereto. (2) In particular, and without prejudice to the generality of the foregoing power, the Gram Sabha may, - (a) set apart lands for community purposes; (b) carry out improvements to land; (c) carry out measures for the improvement of the methods of cultivation and the reclamation of waste lands; (d) consolidate the lands in the Gramdan village by exchange of land or otherwise; (e) prepare and maintain village records, including a register giving detail of the lands in the possession of persons under the Gram Sabha; (f) undertake any agricultural or non-agricultural enterprise in the interest of the residents of the Gramdan village; (g) grant loans to the members of the Gram Sabha for any purpose, whether agricultural or otherwise; (h) extend such help as it considers feasible to person suffering from old age, disability, or infirmity or to orphans of the village; (i) raise a peace force or "shanti dal" for the maintenance of peace in the village or in the contiguous locality; (j) prepare and implement schemes for self sufficiency in food and other necessities of life in

the village or in the contiguous locality and to secure for that purpose the co-operation and assistance of the Government or other agencies;(k)prepare and implement schemes for the overall development of the village industries, including Khadi. Cattle Breeding, etc.(l)take steps for the removal of unemployment in the village;(m)raise voluntary contributions from the village for community purposes;(n)maintain the accounts of the Gram Nidhi;(o)prepare and implement schemes for housing, education and medical relief for the village community under its charge;(p)encourage conciliation in respect of private debts of its members; and(q)perform such other functions as it may be authorised by the State Government by notification in the Official Gazette to perform.[Chapter VI [Inserted by Rajasthan Act 19 of 1984 [12-7-1984].] Gram Nidhi

### **34. Gram Nidhi.**

(1)There shall be in each Gramdan Village a fund, which shall be called the Gram Nidhi.(2)The following shall be paid into, and form part, of the Gram Nidhi namely:-(a)all sums and moneys received by the Gram Sabha including the profits of any cultivation or any enterprise undertaken by it: and the rent, fee or other charges charged or imposed on persons to whom lands are leased under this Act;(b)all sums received by way of loans from any person, institution or Government;(c)all sums received by way of grants, donations, gifts, bequests or contributions.

### **35. Power to borrow.**

(1)Subject to rules made in this behalf, a Gram Sabha may raise money for carrying out the purposes for which it is established on the security of the Gram Nidhi or any property vested in, or belonging to it.(2)A Gram Sabha may, for any of such purposes, also obtain a loan from any person, institution or Government.

### **36. Application of Gram Nidhi.**

- Subject to the provisions of this Act, Gram Nidhi shall be applied by the Gram Sabha only for the purposes of this Act. The Gram Nidhi shall be kept in such custody as may be prescribed.

### **37. Accounts and audit.**

- The manner in which payment from the Gram Nidhi shall be made, and the accounts shall be kept, audited or re-audited, shall be regulated in accordance with regulations made in this behalf.

## **Chapter VI**

### **A Opting out of Gramdan Community**

### **37A. Declaration to opt out of Gramdan Community.**

(1) Any Gramdan Kisan, not being a minor, including those filing declarations under section 8 or 9 or those donating land under section 22 or 23 or those joining the Gramdan community under sub-section (3) of section 22 (hereinafter in this chapter all referred to as the eligible persons) may, on or after the expiry of a period of three years from the date of the notification under sub-section (1) of section 11, file a declaration in the prescribed form before the Collector of the District in which his Gramdan village is situate that he has decided to opt out of the Gramdan Community and request that his Gramdan village may be excluded from the purview of the provisions of this Act. (2) A declaration under sub-section (1) shall not be valid unless it is made—(a) in the case of land held by two or more persons as co-Gram-dan Kisans, by all such persons jointly; and (b) in the case of land under mortgage, by the mortgagor and the mortgagee jointly. (3) A declaration under sub-section (1) may be made either individually or jointly. (4) Where in a Gramdan village, more than 50% of eligible persons file declarations under sub-section (1), the Collector shall forward the declarations to the Sub-Divisional Officer having jurisdiction over the village for verification, inquiry and report. (5) The Sub-Divisional Officer shall, on receipt of the declarations from the Collector, convene a meeting of all eligible persons, at the Gramdan village itself, by causing individual notices to be served on each of them as have filed declarations under sub-section (1) and also by getting a public notice proclaimed by beat of drum in the village and by affixing a copy of public notice at some conspicuous part of the village about the date, venue and time of the meeting. The Sub-Divisional Officer or, where the Chainnan of the Gramdan Board, after due intimation of the inquiry to him by the said officer, intends to be associated with the process of inquiry, the Sub-Divisional Officer duly associated by the nominee of such Chainnan shall verily and ascertain by making such enquiry as he deems fit whether more than 50% of the eligible persons of the Gramdan village affirm having made declarations under the said sub-section. The Sub-Divisional Officer shall after inquiry, forward the copy of the minutes of the meeting together with his report and recommendations to the Collector. (6) Where on receipt of the report of the Sub-Divisional Officer, the Collector is satisfied from the report and recommendations of the Sub-Divisional Officer that more than 50% of eligible persons of a Gramdan village have decided to opt out of the Gramdan Community and have requested for being excluded from the purview of the provisions of this Act, he may after consulting the Chainnan of the Gramdan Board, by notification in the Official Gazette, make a declaration that the Gramdan village in respect of which the declarations under sub-section (1) have been made, shall cease to be Gramdan village and the Gramdan Kisans of that village shall cease to be governed by the provisions of this Act. (7) The Collector shall also simultaneously send copies of the declaration to the State Government, Chainnan of the Gramdan Board, President of the concerned Gram Sabha, Sub-Divisional Officer and the Tehsildar concerned. (8) The Collector shall further send his recommendations to the State Government indicating the name of the Gram Panchayat in which the area of Gramdan village in respect of which declaration has been made by him under sub-section (6) should be included and the State Government shall act in this matter in accordance with the provisions contained in the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953).

### **37B. Consequences of declaration.**

- With effect from the publication of the declaration under sub-section (6) of section 37-A by the Collector in the Official Gazette, the following consequences shall ensue, namely:-(a)the Gramdan village in respect of which the declaration has been made shall cease to be such village;(b)the Gram Sabha of such Gramdan village, its executive committee and other committees shall stand dissolved;(c)the land held by a Gramdan Kisan as a result of allotment made to him or to his predecessor-in-title by the Gram Sabha under section 26 shall thereafter continue to be held by the donors thereof or their legal representatives, as the case may be, and they shall hold the land under the same rights and interest as they or their predecessor-in-interest had in it when the land had been donated by way of Gramdan under section 8:(d)if out of any land donated as contribution by a holder of land under second proviso to section 8 and which formed part of land pool under section 25 any portion of land was subsequently allotted by the Gram Sabha to any landless person or group of landless persons under sub-section (3) of section 26, the same shall continue to remain with the allottees or their legal representatives, as the case may be, and they shall be deemed to be gair-khatedar tenants of these lands from the date the same were allotted to them and they will be entitled to become khatedar tenants in accordance with the provisions of any law or rules for the time being in force:(e)so much of such contributed land as aforesaid which remained with the Gram Sabha in its land pool and was not allotted by it under sub-section (3) of section 26 immediately before the commencement of the Rajasthan Gramdan (Amendment) Act, 1984 shall vest in the State Government and the State Government shall utilise such land for such purpose and in such manner as may be prescribed:(f)the Tehsildar having jurisdiction shall cause the relevant revenue records to be amended in the prescribed manner.

### **37C. Assets and Liabilities.**

(1)Upon the publication of the declaration under sub-section (6) of section 37A by the Collector all the assets and liabilities of the Gram Sabha shall vest in the State Government and all dues payable or receivable by the Gram Sabha will be deemed to be payable to or receivable by the State Government.(2)All dues payable to the Gram Sabha before such declaration will be recoverable by the State Government as arrears of land revenue.(3)For purposes of ensuring that all the assets and liabilities, as well as dues payable to or receivable by the Gram Sabha are properly accounted for and all the assets and relevant documents are fully transferred to the State Government by the Gram Sabha, the Sub-Divisional Officer having jurisdiction over the village shall act as liquidator.(4)The President of Gram Sabha and members of executive committee and other committees shall forthwith hand over charge in the prescribed manner of his or their office including all papers, documents and properties pertaining to the Gram Sabha in his or their actual possession or occupation to the liquidator.(5)If any person fails or refuses to hand over charge of office including the papers, documents and properties as required under sub-section (4), the liquidator shall, by order in writing, direct the person so failing or refusing to hand over such charge to the liquidator or to the person authorised by him.(6)If the person to whom a direction has been issued under subsection (5) fails to comply with the directions, he shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one thousand rupees or with both.(7)The liquidator may, without prejudice to any action that has been or may be taken

under sub-section (5) or sub-section (6), for that purpose, invoke in the prescribed manner the assistance of the police or the nearest Magistrate having jurisdiction.(8)The liabilities of the defunct Gram Sabha shall first be discharged by the liquidator by the sale of land which had remained in the land pool of Gram Sabha and which was not allotted by it.(9)If all land of Gram Sabha pool has been allotted by the defunct Gram Sabha or if such land is not sufficient to discharge the liabilities, the pay and allowances of staff of such Gram Sabha shall be paid by charging ratable contribution from the Gramdan Kisan who have opted out from the Gramdan Community under the provisions of this Chapter.(10)Liabilities incurred by individual Gramdan Kisans or other individual residents of the village prior to the issue of declaration by the Collector under sub-section (6) of section 37A shall continue to be their liability and shall be charged on the land held by them.

### **37D. Appeal and Revision.**

(1)Any person aggrieved by an order of the liquidator may file an appeal within thirty days of the communication of the order to him to the Collector of the district having jurisdiction and the order of the liquidator shall, subject to the result of such appeal, be final.(2)Any person who had filed a declaration under sub-section (1) of section 37A may file a revision to the State Government against refusal by the Collector to make a declaration under sub-section (6) of section 37-A within thirty days of such refusal and the State Government may, after calling for the record and making inquiry, if necessary, pass such orders as it thinks fit and the order of the Collector shall be subject to the orders of the State Government in revision.(3)The Gram Sabha or any other aggrieved person may file a revision to the State Government against the issue of declaration by the Collector under sub-section (6) of section 37-A within thirty days of such declaration and the State Government may either confirm the order of the Collector or may pass such orders as it may think fit and the order of the Collector making the declaration shall be subject to the orders of the State Government in revision.

### **37E. Transfer of area to Panchayats.**

(1)When an area of a Gramdan village which has ceased to be such village under this Chapter is transferred by the State Government to any Panchayat. the State Government shall place at the disposal of the Panchayat to whose jurisdiction such area has been transferred, such portion of the property and funds as it may deem fit.(2)The President and executive members of the defunct Gram Sabha shall on inclusion of defunct Gramdan village be deemed to be additional Panchas of the Panchayat in which that village is included representing the area included until fresh elections are held.(3)When the State Government transfers any land or building which was in the land pool of defunct Gram Sabha to a Gram Panchayat, the Gram Panchayat shall take it subject to all rights and liabilities pertaining to such lands and buildings.]

## **Chapter VII**

### **Miscellaneous**

### **38. Registration of part of village as a separate village.**

(1)Where a part of a village entered as such in the revenue records is declared to be a Gramdan village under section 11, the Gram Sabha of such Gramdan village may file an application before the Collector of the district in which the village is situate, for separating that part from the rest of the village and for registering the same as a separate village.(2)On receipt of an application under sub-section (1), the Collector may, subject to such rules as may be prescribed, register that part as a separate village:Provided that no part of a village shall be registered as a separate village unless the population of such part is not less than one thousand.

### **39. Gram Sabha to recover dues as arrears of land revenue.**

- Any arrear of land revenue, cesses, rates, or taxes or any other sum due to the Gram Sabha by way of contribution or otherwise, shall, on a certificate issued by the Gram Sabha, be recovered as an arrear of land revenue and paid to the Gram Sabha.

### **40. Restriction on sale of lands held by Gram Sabha or Gramdan Kisan.**

- Where the interest of a Gramdan Kisan in any land donated to the Gram Sabha, or where the interest of the Gram Sabha in any land is sold on account of any default in the payment of any amounts due from the Gramdan Kisan or the Gram Sabha, as the case may be, such interest shall not be sold to any person other than the Gram Sabha or a person who has joined the Gramdan community of the village in which the land is situate.

### **41. Registration of Gram Sabha as co-operative society.**

- Any Gram Sabha may register itself as a co-operative society under the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965).

### **42. Power to exempt from stamp duty etc.**

- The State Government may, by notification in the Official Gazette, remit-(a)the stamp duty with which under any law relating to stamp duty for the time being in force, any declaration made under this Act, or any instrument executed by or on behalf of Gram Sabha is chargeable:(b)any fee payable by any person in respect of any instrument transferring his land by way of Gramdan, or by or on behalf of a Gram Sabha under any law relating to the registration of documents for the time being in force.

### **43. Gram Sabha to be empowered to function as Panchayat.**

(1)The State Government shall, on the constitution of a Gram Sabha for a Gramdan village in which a Panchayat is functioning, by notification in the Official Gazette, declare that the Gram Sabha shall exercise all the powers and discharge all the duties and functions of the Panchayat in relation to the



Gramdan village.(2)Upon the issue of a notification under sub-section (1)-(a)the Panchayat which functioned immediately before the date of the notification shall, in relation to the Gramdan village, cease to function therein:(b)all the powers, duties and functions attaching to the Panchayat under the Rajasthan Panchayat Act, 1953, or under any law for the time being in force in the State, shall in relation to the Gramdan village, attach to the Gram Sabha and accordingly, the Gram Sabha shall exercise the powers and discharge the duties and functions aforesaid: and the officers and servants of the Panchayat shall, subject to the provisions of the Rajasthan Panchayat Act, 1953, become the officers and servants of, or as the case may be, work under the Gram Sabha:(c)the person elected by the Panchayat for the purpose of constituting a Nyaya Panchayat under the Rajasthan Panchayat Act, 1953, shall be deemed to be the person elected by the Gram Sabha out of its members for the constitution of that Nyaya Panchayat until the Gram Sabha elects any other person as provided in that Act:(d)the provisions of the Rajasthan Panchayat Act, 1953, shall, subject to such restrictions and modifications as the State Government may specify in the notification, apply to the Gram Sabha as if it were a Panchayat constituted under that Act for the Gramdan village:(e)the Gram Sabha shall be entitled to all the assets, and be subject to all the liabilities, of the Panchayat (including all rights and liabilities under any contract made by it) as on the date of the notification.(f)where immediately before the date of the notification aforesaid, a Panchayat was a party to any legal proceeding in any court or tribunal in the State, the Gram Sabha shall stand substituted for that Panchayat as a party to that proceeding, or added as party thereto, as the case may be, and the proceedings, continued accordingly.(3)Any notification issued under sub-section (1) may contain such supplemental, incidental and consequential provisions as the State Government may deem necessary and in particular, may direct-(i)that any tax, fee or other sum due to the Panchayat shall be payable to the Gram Sabha;(ii)that appeals, petitions or other applications with reference to any such tax, fee or sum which are pending on the date of such notification shall be disposed of by the Gram Sabha.

#### **44. President etc. of Gram Sabha to be public servants.**

- The President of the Gram Sabha and the members of the Executive Committee constituted under this Act, and the officers and servants of the Gram Sabha shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

#### **45. Power to delegate.**

- Subject to the general or special orders of the State Government, the Collector may delegate to an officer not below the rank of a Tehsildar powers exercisable by a Collector under this Act.

#### **46. Bar of jurisdiction.**

(1)Save as otherwise provided in this Act, no civil or revenue court shall have jurisdiction in respect of any matter which is required to be settled, decided or dealt with by any officer or authority under this Act.(2)No order made by any such officer or authority under this Act shall be called in question in any court.

## **47. Dissolution of the Executive Committee.**

(1) If the Gramdan Board at any time is satisfied that the Executive Committee of a Gram Sabha has failed, without reasonable cause, to discharge the duties or perform the functions imposed on or assigned to it by or under this Act or has exceeded or abused its powers under this Act, or that it is otherwise expedient so to do, it may request the State Government to direct that the Executive committee be dissolved with effect from the date to be specified in the notification. The State Government may also itself initiate such action, but no decision for dissolution of the Executive Committee shall be taken by the State Government without consulting the Gramdan Board. (2) Before publishing a notification under sub-section (1), the State Government shall—(i) communicate to the Executive Committee the grounds on which it proposes to take action, fix a reasonable period for the Committee to show cause against the proposal and consider its explanations and objections, if any; and (ii) consult the Gramdan Board and take into consideration its opinion if received within thirty days from the date of despatch of the communication for such consultation. (3) On the date fixed for the dissolution of the Executive Committee of a Gram Sabha in a notification under sub-section (1)—(i) the Executive Committee shall stand dissolved; and (ii) all its members including the President of the Gram Sabha shall be deemed to have vacated their offices. (4) When the Executive Committee of a Gram Sabha is dissolved, the Gram Sabha shall take necessary steps for the early constitution and election of another Executive Committee in accordance with section 15: Provided that the State Government may direct the postponement of the holding of the elections for a period not exceeding twelve months. (5) On the dissolution of the Executive Committee of a Gram Sabha and pending the constitution of another Executive Committee under sub-section (4), the State Government may, by order appoint any person or authority to exercise the powers and discharge the duties and functions of the Executive Committee under this Act, subject to such restrictions as may be specified in the order.

## **48. Delegation of powers by Chairman.**

- The Chairman may delegate all or any of his powers and functions under this Act, in the prescribed manner to the President of a Gram Sabha to be exercised within the local area of the Gram Sabha.

## **49. Rules.**

(1) The State Government may by notification in the Official Gazette, make rules to carry out the purposes of this Act. (2) All rules made under this Act, shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modifications in any of such rules, or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form, or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

## **50. Regulations.**

- The Gram Sabha may make regulations, not inconsistent with this Act, or rules made thereunder generally for carrying out the purposes of this Act.