

Assam Gramdan Rules, 1962

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1. Short title and commencement.

- (i) These rules may be called the Assam Gramdan Rules, 1962.(ii)These rules shall come into force on the date on which the Act is brought into force.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context-(a)"Act" means the Assam Gramdan Act, 1961 (Assam Act 1 of 1962);(b)"Deputy Commissioner" means the Deputy Commissioner of the District and in the case of a sub-division includes the Sub-divisional Officers;(c)"Form" means a form appended to these rules ;(d)"Section" means a section of the Act;(e)"Sub-Deputy Collector" means the Sub-Deputy Collector in charge of Circle within which the land donated is situated ;(f)All words and expressions used in these rules and not defined herein but defined in the Act shall respectively have the same meaning as assigned to them in the Act.

3. Form of declaration under Section 4.

(1)The declaration under sub-Section (1) of Section 4 of the Act shall be in Form I and shall be filed before the sub-Deputy Collector.(2)The declaration shall be presented by the person making the declaration or by any person authorised by him writing in this behalf. If the declaration is made by more than one persons,it may be presented by any one of them also. A declaration may also be sent by registered post.(3)Every declaration shall be signed by the person or persons making it in the presence of a Gazetted officer or the President of the Gaon Panchayat within whose jurisdiction the land donated is situated and shall be attested by him.(4)An owner of the land which is situated in different villages shall file separate declaration in respect of land of each village. Separate declarations shall also be filed in respect of land held under different pattas.

4. Documents to be filed with the declaration under Section 4.

(1) Every declaration in Form I shall be accompanied by the original patta of the land proposed to be donated or a copy thereof attested by a Gazetted officer or the President of the Gaon Panchayat within whose jurisdiction the person making the declaration resides. If there are more than one person jointly making the declaration it shall be sufficient for the purposes of this sub-rule if the copy is attested by a Gazetted officer or the President of the Gaon Panchayat within whose jurisdiction any one of such persons resides. (2) If the declaration is filed by a person referred to in Clause (c) of sub-Section (2) of Section 4, the declaration shall also be accompanied by the written approval of the State Government as required by the said clause of the said section.

5. Publication of declaration.

- Every declaration under sub-Section (1) of Section of shall be entered in a register to be maintained by the Sub-Deputy Collector and shall be given publication by affixing a copy thereof in the notice board in the office of the Sub-Deputy Collector together with a notice in Form II requiring all persons interested in the land to submit their objections, if any, in writing before the Sub-Deputy Collector within 30 days of the publication of the declaration. A copy of the notice together with a copy of the declaration shall be served on all persons recorded as landholders in respect of such lands and shall also be posted in the notice board in the following places : (a) office of the Deputy Commissioner ; (b) office of the mouzadar or Tahsildar, as the case may be, Anchalik Panchayat and the Gaon Panchayat within whose jurisdiction the land covered by the declaration is situated.

6. Procedure for enquiry and disposal of objections.

(1) As soon as possible after the expiry of thirty days from the date of publication, the Sub-Deputy Collector shall make the following further enquiries on the declaration before he passes any order under sub-Section (4) of Section : (i) whether the person making the declaration has a prima facies right, title or interest in the land specified in the declaration ; (ii) whether such person is legally competent to make the declaration ; (iii) whether the particulars contained in the declaration are correct; and (iv) whether the land is in arrear in respect of land revenue, local rate and other dues. (2) In making an enquiry under sub-Rule (1), the Sub-Deputy Collector may call for such papers or documents from the declarant as he may deem fit for the purpose. (3) All enquiries under this rule shall be made by the Sub-Deputy Collector locally where the land donated is situated. (4) The order of the Sub-Deputy Collector under sub-Section (4) of Section 4, confirming or refusing to confirm the declaration shall be published in the notice board in office of the Sub-Deputy Collector as well as the office of the Gaon Panchayat within whose jurisdiction the land covered by the declaration is situated.

7. Appeal.

(1) Appeal against the order of the Sub-Deputy Collector under Rule 6, shall lie to the Deputy Commissioner. (2) Every appeal shall be accompanied by a certified copy of the order appealed

against.

8. Procedure for declaration of donation of gramdan before the commencement of the Act.

- Every statement filed under sub- Section (7) of Section 4, shall also be in Form I and shall be filed before the Sub-Deputy Collector in same manner as the declarations are filed under Rule 3.

9. Form and manner of declaration of gramdan village in the matter of enquiry in this respect.

(1)The declaration under Clause (c) of sub-Section (1) of Section 5, shall be in Form III and shall be filed before the President of the Gaon Panchayat within whose jurisdiction the village is situated.(2)When not less than 75 per cent of the adults residing in the village have so filed the declaration, it shall be the duty of the President of the Gaon Panchayat to intimate that fact to the Deputy Commissioner and forward all the declarations in original to the Deputy Commissioner.

10. Declaration of a village as gramdan village.

(1)For the purpose of Sub-Section (1) of Section 5, the Deputy Commissioner shall be the prescribed authority for declaring a village to be a gramdan village by notification in the official Gazette.(2)Before making such declaration, the Deputy Commissioner shall satisfy himself by enquiry through an Officer not lower in rank than that of a Sub-Deputy Collector that the conditions stated in Clauses (a), (b) and (c) of sub-Section (1) of Section 5, have been satisfied.(3)For the purpose of sub-Section (3) of Section 5, the Deputy Commissioner shall be the prescribed authority.

11. Separation of gramdan village from revenue village.

(1)On receipt of an application under sub-Section (1) of Section 6, the Deputy Commissioner shall take the opinion of the Anchalik Panchayat and the Gaon Panchayat within whose jurisdiction the gramdan village is situated and forward the application for separating the gramdan village from the rest of the revenue village to the State Government with his recommendations, through the Director of Land Records and the Commissioner of Plains Division.(2)The State Government shall then either accord its sanction to the proposal or disapproval of the same and the Deputy Commissioner shall register the part as a revenue village, if the proposal has been sanctioned by the State Government, and thereafter the land records, revenue records and other administrative records shall be corrected accordingly.

12. Manner of donation of land in gramdan village.

(1)A declaration under Section 8, shall be in Form IV and shall be filed before the Sub-Deputy Collector.(2)The declaration shall be presented by the person making the declaration or by any person authorised by him in writing in this behalf. If the declaration is made by more than one

person, it may be presented by any one of them also. A declaration may also be sent by registered post.(3)For the purpose of the proviso to sub-Section (2) of Section 8, the Sub-Deputy Collector shall be the prescribed authority.

13. Register of Members of Gram Sabha.

(1)Immediately on the issue of a notification under Section 9, the Sub-Deputy Collector shall cause to be prepared a register in Form V of all members of the Gram Sabha.(2)The register shall contain the name, father's/husband's name, sex and age of each member of the Gram Sabha. It shall be signed by the President and the Sub-Deputy Collector and shall be in duplicate, one copy being deposited in the office of the Gram Sabha and the other in the office of the Sub-Deputy Collector.(3)In preparing the register, the Sub-Deputy Collector may make such enquiry as may be necessary in regard to eligibility of persons by registration as members of the Gram Sabha.(4)The Register of Members prepared by sub-Rule (1) shall be revised up-to-date every three years.

14. Establishment of Gram Sabha Adalat.

(1)The Gram Sabha Adalat for a gramdan village shall consist of 5 members of the Gram Sabha.(2)The Gram Sabha shall elect from amongst its members, persons for appointment as members of the Gram Sabha Adalat. If the Gram Sabha is unanimous in choosing members for such appointment, the State Government shall appoint these 5 members to the Gram Sabha Adalat accordingly. If the Gram Sabha is not unanimous in choosing 5 members it may submit to the State Government a Panel of names not exceeding 10 in number and the State Government shall thereupon appoint 5 persons from such panel as members of the Gram Sabha Adalat.(3)The term of office of a member of a Gram Sabha Adalat shall ordinarily be three years ; provided that no person shall be appointed for more than two consecutive terms.(4)The members of Gram Sabha Adalat elected under sub-Rule (1) shall elect from among themselves a person who is able to record proceedings as Chairman of the Adalat.(5)Every member of a Gram Sabha Adalat shall take an oath of office in the following manner : "I.....having been appointed a member of the Gram Sabha Adalat of.....gramdan village, swear in the name of God/solemnly affirm, that I will duly and faithfully and to the best of my ability, knowledge and judgement, perform the duties of my office without fear or favour, affection or ill-will."The oath shall be administered by the District Magistrate or a Magistrate authorised by them in this behalf.

15. Resignation of the Chairman or member of a Gram Sabha Adalat.

(1)(a)A member of a Gram Sabha Adalat may resign by submitting his resignation in writing to the Chairman who may accept the resignation. The Chairman may resign by submitting his resignation to the State Government which may accept such resignation.(b)(i)If in the opinion of the State Government a member of a Gram Sabha Adalat has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or neglects or refuses to perform, or has become incapable of performing any of the duties as a member of the Gram Sabha Adalat, the State Government may remove such member after giving him an opportunity of being heard and after such enquiry as is deemed necessary.(ii)If any enquiry is held under Clause (i), the State Government may suspend

such member from being on the Gram Sabha Adalat for such period as they think fit.(iii)On removal of a member from Gram Sabha Adalat under Clause (i) his office shall become vacant and shall be disqualified for being elected as a member of Adalat for a period of three years from the date of his removal or for such lesser period as the State Government may allow for any particulars case.(2)Filling up of casual vacancy of a Gram Sablia Adalat.-If any member of a Gram Sabha Adalat fails to complete his term of office either by death, removal or resignation, the vacancy shall be filled up by election of another person in the manner prescribed in sub-Rule (2) of Rule 14 and thereupon the member so elected shall fill such vacancy for the term for which such member would otherwise have continued in office.

16. Procedure to be followed by a Gram Sabha Adalat.

(a)In respect of institution, trial and disposal of criminal cases-(1)Lodging of complaints.-A case before a Gram Sabha Adalat may be instituted by a complaint made orally or in writing to the Chairman or in his absence to any member of a Gram Sabha Adalat authorised by him on payment of a fee as prescribed in Rule 17. If the complaint is made orally, the Chairman or the member so authorised shall record the same and the name and address of the complainant and of the accused person or persons and shall direct the complainant to appear before it on a day fixed.(2)Dismissal of frivolous, vexatious or false cases.-If on consideration of the complaint, or an examination of the complainant, a Gram Sabha Adalat is of opinion that the allegations are frivolous or vexatious or false, it shall dismiss the case by an order in writing.(3)Dismissal of a case for default.-If a complainant without showing sufficient cause fails to appear before a Gram Sabha Adalat on the day fixed, or if its opinion he shows negligence in prosecution of his case, it may dismiss the case for default and discharge the accused person(s) by an order in writing.(4)Appearance of accused.-(i) If the complaint be not dismissed, a Gram Sabha Adalat shall, by summoning or otherwise, require an accused to appear and answer the petition.(ii)If the accused fails to appear or cannot be found, a Gram Sabha Adalat shall request the nearest Magistrate who may issue a warrant for the arrest of the accused and when arrested may forward him for trial to it or release him on bail to appear before it.(iii)Gram Sabha Adalat shall release an accused brought before it under sub-Rule (4) (ii) on his executing a bond for a sum not exceeding one hundred rupees to appear before it whenever called for the pending case.(iv)A Gram Sabha Adalat may not compel a woman to appear in person against her will as witness, but she may be examined on commission.(5)Trial and finding of the Gram Sabha Adalat.-(i) The Gram Sabha Adalat after hearing both the parties and their witnesses, if any, shall give its findings in writing.(ii)The Gram Sabha Adalat is not required to follow the provisions of the Code of Criminal Procedure (Act 5 of 1898) or the Indian Evidence Act, 1872 but the deposition of the parties or of their witnesses, if any, shall be recorded and filed with the case records.(iii)If the Chairman of the Gram Sabha Adalat is not sitting, the presiding member shall be chosen by lot.(iv)No decision in any case shall be arrived at by a Gram Sabha Adalat if at least 3 of its members are not present at all sittings.(v)If the members of a Gram Sabha Adalat are not unanimous, the majority decision shall prevail. In the event of equality of votes, the record shall be forwarded to the District Magistrate or Sub-divisional Magistrate, as the case may be, or decision.(6)Compensation to the complainant.-The Gram Sabha Adalat may award any compensation to the complainant out of the fine imposed on the accused.(7)Compensation to the accused.-If any Gram Sabha Adalat, after enquiry, is satisfied that a criminal case brought before it, is false or frivolous or vexations, such

Adalat may order the complainant to pay to the accused such compensation not exceeding rupees twenty-five as it deems fit.(b)In respect of institution, trial and disposal of civil cases, the procedure to be followed by a Gram Sabha Adalat shall be as follows :(1)Every civil suit shall be filed before the Gram Sabha Adalat in the form of a plaint and accompanied by an agreement signed by the plaintiff and the defendants agreeing to refer the dispute to the Adalat for decision.(2)On the plaint having been duly filed, the Gram Sabha Adalat shall serve a notice on the defendant to file written statement, on the receipt of which issues shall be framed in the presence of both the parties. The parties shall thereafter be required to file documents and adduce evidence in support of their respective claims which shall be recorded by the Adalat. Thereafter the Adalat shall pronounce judgement in the open Court after giving the parties a reasonable opportunity of being heard.(3)The Gram Sabha Adalat shall ascertain the merits of every suit or proceeding by every lawful means in its power and thereafter shall, by written order, pass such decree as may deem just, equitable and according to good conscience, stating in the decree the amount payable as fees and costs and the person by whom such amounts are payable.(4)The Gram Sabha Adalat may direct in writing in the decree that the payment of a sum of money or the deliver of any moveable property may be made by instalments.(5)Issue, service and execution of summons and other processes and notices.-(i) Every summons, notice or any other process issued by a Gram Sabha Adalat under the Act shall be in writing in duplicate signed and sealed by the Chairman of the Adalat;(ii)such process shall be served by an employee of the Gram Sabha Adalat on the person if practicable personally by delivering or tendering him one of the duplicates of the process;(iii)every person on whom process is so served be required by the serving officer to sign a receipt on the back of the other duplicate;(iv)when the person against whom the process has been issued cannot, by the exercise of due diligence, be found, it may be served by leaving one of the duplicates with some adult male member of his family ;(v)if the service in any of the ways above cannot be effected by exercise of due diligence, the serving officer shall affix one of the duplicates of the process to some conspicuous part of the house or homestead in which the persons concerned ordinarily resides and thereafter the process shall be deemed to have been duly served.

17. Fees to be levied by a Gram Sabha Adalat.

- For institution of cases, for the issue of process and for obtaining copies of documents and other matters, fees shall be realised by a Gram Sabha Adalat at such rates as provided under the Court Fees, Act, 1970. A Court Fees Register shall also be maintained.

18. Procedure for execution of sentences of a Gram Sabha Adalat.

(1)(a)The amount of any fine imposed or compensation awarded by Gram Sabha Adalat under this Act shall be paid to be Adalat within fifteen days of the order imposing or awarding it.(b)If after the expiry of the said fifteen days, the amount remains unpaid, the Gram Sabha Adalat shall proceed to recover it under the provisions of Section 386 of the Code of Criminal Procedure (Act 5 of 1898) and may, if it finds any difficulty in its recovery, certify the fact to the District Magistrate or the Sub-divisional Magistrate within whose jurisdiction the Adalat lies, and such Magistrate shall recover it as if the sentence of fine or the award of compensation had been passed by him, and remit the amount to the Adalat.(2)Decrees and orders.-(a) Decree in civil suits shall be drawn up in

accordance with the procedure prescribed in the Code of Civil Procedure (Act 5 of 1908), and a time shall be specified in the decree for satisfaction thereof by the judgement debtor.(b)If on the application of the decree-holder or the judgement-debtor, the Gram Sabha Adalat which passed the decree or the order finds after enquiry that the decree has been satisfied wholly or partly the Adalat shall enter the fact in the register maintained for the purpose.(c)If the decree is not satisfied within the specified time, the decree-holder may apply to the Gram Sabha Adalat which passed the decree in a written application in a tabular form, as provided under Order 21, Rule 11 of the Code of Civil Procedure (Act 5 of 1908), as far as may be applicable. Thereafter the Adalat shall proceed to execute the decree in the accordance with the provisions laid down in Order 21 of the said Code so far as may be applicable.

19. Disputes regarding allotment of land.

- For the purpose of Clause (iii) of sub-Section (2) of Section 24, the Deputy Commissioner shall be the prescribed authority.

20. Manner of borrowing moneys and their limits.

- Until otherwise prescribed in this behalf the rules relating to borrowing powers of the Anchalik Panchayat constituted under the Assam Panchayat Act, 1956 (Assam Act 24 of 1956) shall mutatis mutandis to the borrowing powers of the Gram Sabha. Form I[See Rule 3]Declaration Under Section 4 of the Assam Gramdan Act, 1961 (Assam Act 1 of 1962)I/We.....s/o.....aged.....years respectively, resident(s) of village Circle District/Sub-Division do hereby make the following declaration :(1)that I/we have understood the provisions of the Assam Gramdan Act, 1961 (Assam Act 1 of 1962);(2)that I/we.....am/are not minor(s),(3)that I/we.....am/are owner(s) of the land particulars of which are given below, being patta holder (s) in respect of the aforesaid land ;(4)that the aforesaid land-(a)is not owned by two or more persons as co- owners/that the land is owned jointly by.....are jointly making this declaration ;(b)is not subject to mortgage or any encumbrances whatsoever/subject to mortgage and this declaration is made jointly be the mortgagor.....(name and address) and the mortgagee.....(name and address);(c)is not hypothecated as security for any Government loans or any other Government dues directly or indirectly ;(d)is not/is held under a grant, lease or assignment from the State Government without permanent rights and the previous approval of the State Government is attached herewith ;(e)is not in arrears in respect of land revenue, local rates other dues to the Government ;(5)that the original copy of the patta and revenue receipt for the current years in respect of the land are attached thereto.(6)that I/we hereby voluntarily donate by way of gramdan, all my/our lands in village.....specified below :Particulars of the land(s)

1. Circle.....

2. Mouza.....

3. Village.....

4. Patta No...

5. Area.....

6. Dag Nos.....

7. Revenue/Rent.....

8. Name, parentage, address and residence of the patta/estate holder....

9. Name, parentage of tenant, if any.....

(7)that I/we do not own any other lands in this village.Witness.....Date of declaration.....Place at which made.....Signature(s)VerificationI/We solemnly affirm that the particulars given above are correct to the best of my/our knowledge and belief.(Signature(s)Form II[See Rule 5]Notice Under Section 4 (3) of the Assam Gramdan Act, 1961 (Assam Act 1 of 1962)In the Court of Shri.....Sub-Deputy Collector of.....Circle, District/Sub-division.....Whereas the persons whose names are given below, who claim to be the sole owners of the lands specified against their names, have filed declaration in Form 1 of the Assam Gramdan Rules, 1962 made under the Assam Gramdan Act, 1961 (Assam Act 1 of 1962) donating by way of the Gramdan, all their lands 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.....20.Action will be taken by the undersigned in regard to the declaration as required by sub-Section (4) of the Assam Gramdan Act, 1961 (Assam) Act I of 1962) after considering all objections filed on or before the said date and no notice will be taken if any objection filed after that date.

Serial No. Name(s) of person(s) Particulars of lands

Given under my hand and seal of the Court, this.....day of 20.....(Seal)Sub-Deputy CollectorNote. - In filing in the last date for filing objections sufficient margins should be given so that the people will get at least 30 days' clear notice from the last date of publication of the notice in the places specified in Rule 5.Form III[See Rule 9]Declaration Under Section 5 (1) (C) of the Assam Gramdan Act, 1961 (Assam Act 1 of 1962)I/We.....s/o.....aged.....years, resident(s) of village.....Mouza.....Thana.....District/Sub-division....., do hereby make the following declaration :(1)that I/we have understood the provisions of the Assam Gramdan Act, 1961 (Assam Act, 1 of 1962);(2)that I/we am/are adult(s).(3)that I/we.....am/are resident(s) in the aforesaid village ;(4)that I/we desire to participate in the Gramdan Community.I/We therefore pray that the aforesaid.....village be declared as a Gramdan village.Witness :Signature(s)Date.....Place.....VerificationI/We solemnly affirm that the particulars given above are correct to the best of my/our knowledge and belief.Signature(s)Form IV[See Rule 12]Declaration

Under Section 8 Of The Assam Gramdan Act, 1961 (Assam Act 1 of 1962) I/We.....s/o.....aged years respectively, resident(s) of village do hereby make the following declaration : (1) that I/we have understood the provisions of the Assam Gramdan Act, 1961 (Assam Act 1 of 1962); (2) that I/we.....am/are not minor(s); (3) that I/we am/are owner(s) of the land particulars of which are given below, patta-holder(s) in respect of the aforesaid land ; (4) that the aforesaid land - (a) is not owned by two or more persons as co-owners/that the land is owned jointly by.....who are jointly making this declaration ; (b) is not subject to mortgage or any other encumbrances whatsoever/is subject to mortgage and this declaration is made jointly by the mortgagor.....(name and address) and the mortgagee.....(name and address) ; (c) is not hypothecated as security for any Government loan or any other Government dues directly or indirectly ; (d) is not/is held under a grant, lease or assignment from the State Government without permanent rights/and the previous approval of the State Government is attached herewith ; (e) is not in arrears in respect of land revenue, local rates or other dues to the Government. (5) that the original copy of the Patta and revenue receipt for the current year in respect of the land are attached thereto. (6) that I/we hereby voluntarily donate by way of gramdan, the lands specified below : Particulars of the land(s)

1. Circle.....

2. Mouza.....

3. Village

4. Patta No.....

5. Area.....

6. Dag Nos.....

7. Revenue/Rent.....

8. Name, parentage, address the residence of the patta/estate-holder.....

9. Name, parentage of tenant, if any.....

Signature(s) Witness..... Date of declaration..... Place of which made..... Verification I/We solemnly affirm that the particulars given above are correct to the best of my/our knowledge and belief. Signature(s) Form V [See Rule 10] Declaration Under Section 5 (3) of the Assam Gramdan Act, 1961 (Assam Act 1 of 1962) Whereas I..... Deputy Commissioner..... District/Sub-division being the prescribed authority after making the prescribed enquiries are not satisfied that the conditions under sub-Section (1) of Section 5, of the Assam Gramdan Act, 1961 (Assam Act 1 of 1962) are satisfied, I, therefore, hereby declare that village... is not a gramdan village. Issued under my hand

and seal of the Court, this day of 20.....SignatureSeal of the CourtDeputy Commissioner