

THE ASSAM GRAMDAN ACT, 1961

(Assam Act I of 1962)

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THE ASSAM GRAMDAN ACT, 1961

(Assam Act of 1962)

*Received the assent of the President in the 1st January, 1962 and published in the Assam Gazette Extraordinary, dated the 13th January, 1962
And Act to provide for the establishment of Gramdan Villages and for matters connected therewith.*

Preamble Whereas it is expedient to provide for the establishment of Gramdan Villages in pursuance of the Bhoodan Yajna Movement initiated by Acharya Vinoba Bhava and for matters connected therewith, in the manner herein-after appearing,

It is hereby enacted in the Twelfth Year of the Republic of India as follows—

PRELIMINARY

**Short title,
extent and
commence-
ment**

1. — (1) This Act may be called the Assam Gramdan Act, 1961.
- (2) It extends to the whole of the State of Assam except the Autonomous Districts under the Sixth Schedule to the Constitution of India.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Defination

2. — In this Act, unless the context otherwise requires—
 - (a) “adult” means a person who has completed 21 years of age.
 - (b) ‘ common land” in a village means Government waste land and includes land used for reserves for use for the common purposes of the villages;
 - (c) “Government” means the Government of Assam;
 - (d) “Gramdan” means a donation of land situated in a village which is made voluntarily for the purposes of this Act;

1. The Act has come into force from 10th March, 1962) vide notification No. RRT 13/62/33 dated 10-3-1962 Assam Gramdan Extraordinary No. 31 dated 10-03-1962

(e) "Gramdan Village" means a village declared to be a Gramdan Village under Section 5;

(f) "Gram Sabha" means a Gram Sabha established under Section 9.

(g) "owner" means –

(i) in relation to land held by a tenant with permanent rights, the tenant;

(ii) in relation to land held under a grant, lease or assignment from Government, the holder, and

(iii) in relation to any other land, the person to whom the land belongs;

(h) "Panchyat" for the purposes of this Act means the Gaon Panchayat or the Anchalik Panchayat, as the case may be, established under the Assam panchayat Act, 1959 (Assam Act XXIV of 1959);

(i) "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 affecting such land;

(j) "Prescribed", except where the words "Prescribed by Regulation", are used, means prescribed by rules made under this Act;

(k) "Regulation" means a regulation made by a Gram Sabha under Section 34;

(l) "Resident" a person shall be deemed to be "resident" in a village, if he is ordinarily residing in such village, and "reside" shall be construed accordingly;

(m) "Village" means a revenue village registered as such in the revenue records and includes –

(i) a part of a revenue village, wheather called a hamlet, tola, para or otherwise, and

(ii) a compact area owned 20 or more families which the Government may, by notification in the official Gazette, declare to be a village for the purposes of this Act;

(n) [“Panchayati Adalat”]¹ means a ‘Panchayati Adalat established under Section 86 of the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959)

Act to have over-riding effect 3. . – The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

1. Substituted for the word “Panchayat Adalat” by the Assam Act No. XXVII of 1962 (with effect from 28-09-1962)

THE GRAMDAN VILLAGE

Donation of land by way of Gramdan 4. – (1) Any owner of land, not being a minor, may donate by way of gramdan all his lands in a village by filing a declaration in the prescribed form before the prescribed authority.

(2) A declaration under sub-section (1) shall be valid unless it is made—

(a)¹ in the case of land subject to a mortgage by the mortgagor and the mortgagee jointly;

(b) in the case of land held under a grant; lease or assignment from the Government without permanent rights, by the person holding it, with the previous approval of the Government.

(3) Every declaration under sub-section (1) shall be published in such a manner as may be prescribed, together with a notice requiring all persons interested in the land to submit their objections, if any, in writing to the prescribed authority within thirty-days of the publications, if any in writing to the prescribed authority within thirty-days of the publication of the declarations.

(4) on the expiry of the period specified in sub-section (3), the prescribed authority may, after considering the objections received if any, and after making such further enquiries as may be prescribed, by order, either confirm the declaration or refuse to confirm it.

(5) Any person aggrieved by an order of the prescribed authority under sub-section (4), may file an appeal to the authority prescribed in this behalf within forty five days of the date of the order and subject to the decision on such appeal, the order of the prescribed authority shall be final.

1. Clause (a) of sub-section (2) of section 4 deleted and clauses (b) and (c) re-numbered as (a) and (b) by the Assam Act No. XXVII of 1962, original clause (a) read as follows— [(a) in the case of land owned by two or more persons as co-owners, by all such persons jointly.]

(6) A declaration which the prescribed authority has by order, refused to confirm under sub-section (4), shall be of no effect.

“(7) No person who has filed a declaration under sub-section (1), shall thereafter be competent to transfer or create any encumbrance on any land, in respect of which the declaration has been filed, unless and until an order under sub-section (4), refusing to confirm the declaration, or an order under sub-section (3) of Section 5, declaring the village in which the land is situated as not qualified to be a Gramdan Village is made, any transfer made or encumbrance created in contravention of this provision shall be void and inoperative”

**Persons who
may join
Gramdan
Community
without
donating land**

[4A. Persons who may join Gramdan Community without donating land—(1) Any adult person residing in a village, who does own any land in that village may file a declaration in the prescribed form and manner before the prescribed authority, undertaking :—

- (i) to join Gramdan Community of that village, and
- (ii) to make a periodical contribution of one-fortieth of his net annual income or such other share as the Gram Sabha for that village may fix, to be computed in such manner and to be paid without such time as may be prescribed, for community purposes.

(2) The prescribed authority shall, as soon as may be, after the receipt of the declaration publish the same in prescribed manner together with a notice requiring all persons to submit their objections, if any, in writing to it within thirty days of such publication.

(3) Sub-section (4), (5) and (6) of Section 4 shall apply to a declaration filed under sub-section (1) of this Section in the same manner as they apply to a declaration filed under sub-section (1) of Section 4.

1. Substituted by the Assam Act. No. XXVII of 1962

(4) The declaration under sub-section (1) of this Section may be made by the persons referred to therein either individually or collectively.

(5) where a declaration is made under sub-section (3) of Section 5 that a village is not qualified to be a Gramdan Village then Notwithstanding anything contained in sub-Section (3) of this Section, all declaration made and confirmed under this Section shall cease to have effect with affect from the date on which the declaration under sub-section (3) of Section 5 is made”]’¹

**Declaration
of a village
as Gramdan
Village**

5. – (1) Where in a village –

(a) the extent of lands in respect of which declarations filed under Section 4 have been confirmed is not less than fifty one per cent of the total extent of lands under private ownership in that village,

(b) the number of persons whose declarations have been so confirmed is not less than seventy five per cent of the total number of persons owning lands and residing in the village, and

(c) not less than seventy-five per cent of the adults residing in the village have declared in the prescribed form and manner their desire to participate in the Gramdan Community, the prescribed authority may, after making such inquiry and in such manner as may be prescribed by notification in the official Gazette, declare that village to be a Gramdan Village with effect from the date specified in such notification.

(2) A copy of every notification under sub-section (1) shall be displayed in a prominent place in the village and another copy affixed on a conspicuous part in the office of the Deputy Commissioner of the District, or of the Subdivisional Officer of the Subdivision, as the case may be, and the substance of every such notification shall also be published in the prescribed manner.

1. Inserted by the Assam Act. No. XIX of 1966

["(3) Where the conditions mentioned in sub-section (1) are not satisfied within a reasonable time, the prescribed authority may declare in the manner prescribed that the village is not qualified to be a Gramdan Village and thereupon every declaration under Section 4 shall, notwithstanding that it had been confirmed under sub-section (4) of Section 4, cease to have effect."]¹

Registration of part of village as a separate revenue village –

6. (1) Where a part of a revenue village has been declared to be a Gramdan Village under this Act, the Gram Sabha of the Gramdan Village may file an application before the Deputy Commissioner of the district or the Subdivisional Officer of the Subdivision, as the case may be, for separating the part from the rest of the revenue and for registering the part as separate revenue village.

(2) On receipt of an application under sub-Section (1) the Deputy Commissioner or the Sub-divisional Officer, as the case may be, may subject to such rules as may be prescribed, register the part as a separate revenue village.

Provided that no part of a revenue village shall be registered as a separate revenue village unless the population of such part is not less than 100.

(3) Where a part of a revenue village has been registered as a separate revenue village under sub-section (2), the Deputy Commissioner or the Subdivisional Officer as the case may be shall also cause the common lands in the original village to be divided by meter and bounds and apportioned between the two revenue villages.

[7. Effect of declaration as Gramdan Village –

(1) Notwithstanding anything to the contrary contained in any other law for the time being in force but subject to Section 36 of this Act, with effect from the date from which a village is declared to be a Gramdan Village by notification under sub-section (1) of Section 5–

(a) all rights, title and interests of persons whose declaration have

1. Substituted by the Assam Act. No. XXVII of 1962

been confirmed under Section 4, in or over the lands covered by such declaration shall cease and shall stand transferred to and vest in the Gram Sabha established for that Gramdan Village;

(b) the Gram Sabha shall be responsible for the payment of land revenue or rent or other cesses and rates in respect of the lands vesting in the Gram Sabha falling due on or after the date of such vesting as well as such land revenue or rent and other cesses and rates due on the date of such vesting and shall also be responsible for all encumbrances whatsoever in respect of the lands vesting in the Gram Sabha as on the date of such vesting :

Provided, however, that for the payment of any land revenue or rent and other cesses, rates or encumbrances due on the date of such vesting of the land for which the Gram Sabha is responsible, it shall be competent for the Gram Sabha to recover the amount from the owner concerned who donated the land by way of gramdan as if the said amount is due to the Gram Sabha.

Allotment of Common land to the Gram Sabha (2) - The State Government may, from time to time, by notification in the Office Gazettee, transfer to the Gram Sabha for management, such common lands in the revenue village as may be specified in the notification on such terms and conditions as may be notified; and the State Government may, in the like manner, cancel any such notification whereupon all the rights of the Gram Sabha over such lands shall cease”¹

Donation of land in Gramdan Village 8. -(1) Any owner of land, not being a minor, holding land in a Gramdan Village for which a Gram Sabha has been established may, by declaration made to the prescribed authority in the prescribed manner, donate all or any of his lands in the Gramdan Village, and upon the declaration being confirmed in the manner referred to the subsection(2) notwithstanding anything to the contrary contained in any other law for the time being in force [but subject to Section 36 of this Act]² the donation

1. Substituted by the Assam Act. No. XXVII of 1962.

2. Inserted byn the Assam Act No. XXVII of 1962. (with effect from 28-09-1962)

shall be irrecoverable and all the rights, title and interest of the donor in the land donated shall be deemed to have been duly transferred to and shall vest in the Gram Sabha.

(2) The provision of sub-section (2), (3), (4), (5) and (6) of Section 4 shall apply to a declaration under this Section as they apply to a declaration under sub-section (1) of Section 4:

Provided that no declaration shall be confirmed by the prescribed authority without the approval of the Gram Sabha.

THE GRAM SABHA

Establishment and constitution of the Gram Sabha 9. - (1) The Government shall, by notification in the official Gazettee, establish with effect from the date specified in the notification under sub-section (1) of Section 5, a Gram Sabha for the Gramdan Village.

(2) The Gram Sabha shall consist of all adults who are either residents of the Gramdan Village or own land therein:

Provided that a person shall be disqualified for being a member of a Gram Sabha, if he—

(a) is not a citizen of India, or

(b) is of unsound mind and stands so declared by a competent court

(3) The Gram Sabha shall be a body corporates having perpetual succession and a common seal with power to enter into contracts and subject to provisions of this Act to acquire, hold, administer or disposed of property, both moveable and immoveable and shall by the said name *sue* and be *sued*.

Register of members 10. - On the establishment of a Gram Sabha, the prescribed authority shall cause to be prepared a register in the prescribed form of all members of the Gram Sabha and the register so prepared shall be revised and brought up-to date at such intervals and in such manner as may be prescribed.

President of the Gram Sabha 11.--(1) A Gram Sabha shall elect from among its members a President who shall exercise such powers and discharge such duties as may be

prescribed by regulation.

(2) the term of office of the President shall be three years.

Committee

12. – (1) A Gram Sabha may constitute –

(a) 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 enquiring 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 in such circumstances and in such manner as may be prescribed by regulations.

Officers and Servants of Gram Sabha –

13. – 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.

Removal of officers and servants

14. – A Gram Sabha may in such circumstances and in such manner as may be prescribed by regulations remove the President from office or the Secretary or other Officer or servant from service.

Conduct of business of Gram Sabha

15. – Subject to the provisions of the rules if any, made in this behalf, the business of a Gram Sabha and of 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 a majority.

["Powers and function of the Gram Sabha

16. – (1) The Gram Sabha shall manage the lands which are vested in it including such other lands as may come under its management and undertake activities for the welfare of the village community and of the members thereof and do all other things incidental thereto.

(2) In particular and without prejudice to the generality of the forego-

ing power, the Gram Sabha may,–

- a) take steps to inculcate and develop in village community the spirit of collective responsibility, mutual aid, and to promote the undertaking and participation in co-operative activities;
- b) take steps to promote multi-sided and integrated development of the village community;
- c) arrange for the maintenance of destitute children and old and infirm persons;
- d) prepare and implement schemes for the improvement of agriculture in the village and the best utilisation of lands in the village;
- e) set apart land for community purposes;
- f) prepare and implement schemes for the general development of the village including promotion of small scale industries therein and the proper utilisation of local resources and man-power;
- g) allot such lands as are available for the purpose to landless persons;
- h) prepare and implement schemes for regional self sufficiency in articles of food, clothing and other necessities of life and to that end secure the co-operation and the assistance of the Government and other institutions or agencies;
- i) promote consolidation of holdings;
- j) grant loans to any members of the Gram Sabha, whether an allottee of land or not, for any purpose whether agricultural or not;
- k) take measures for improvement of lands and reclamation of waste lands and introduce improved methods of cultivations;
- l) promote the industrial development of the village;
- m) facilitate the elimination on unemployment in the village;
- n) raise voluntary contributions from the village for community purposes;
- o) maintain the accounts of the Gram Nidhi,

p) prepare and maintain village records including register giving details of land holdings in the possession of person under the Gram Sabha;

q) raise a village Peace force or Shanti Dal for the maintenance of peace in the village by peaceful means; and

r) perform such other functions and duties and exercise such other powers as may, from time to time, be prescribed.]

Certain persons who have a right to allotment to land

17. : Every person who has donated land under Section 4 and also every landless person who has declared his desire to participate in the Gramdan community under clause (c) of sub-section (1) of Section 5 shall, subject to the regulations in this behalf be entitled to allotment of land for personal cultivation.

Power of the Gram sabha [Adalat]¹ to decide civil and criminal cases

18. : The State Government may establish a Gram Sabha Adalat for a Gramdan village consisting of such number of members of the Gram Sabha and in such manner as may be prescribed and such Gram Sabha Adalat shall have power to try and dispose of—

a) any dispute of a civil nature between residents of the Gramdan village which the parties have, by a written agreement, referred to the Gram Sabha Adalat for decision;

b) any criminal case other than a case involving an offence which is not compoundable only with the permission of the court, under the provisions of the code of Criminal Procedure, 1898 (Act V of 1898).

(2) In any case of conviction, a Gram Sabha Adalat may impose a sentence of fine not exceeding Rs. 250; but shall not impose a sentence of imprisonment substantially or in default of payment of fine.

(3) No member of a Gram Sabha Adalat shall take part in the trial or disposal of any civil or criminal case in or to which he is a party or is interested.

1. Inserted by the Assam Act No. XXVII of 1962

Certain cases not to be tried by a Gram Sabha Adalat¹ **19. :**(1) No Gram Sabha Adalat shall proceed with any civil case in which the matter directly and substantially in issue is pending for decision in a Panchayat Adalat or any other Court of component jurisdiction in a previously instituted suit between the same parties or finally decided in a suit between the parties under whom they or any of them claims.

(2) No Gram Sabha Adalat shall proceed with the trial of criminal case against any person where a criminal case is pending against him in any Panchayati Adalat or any other Court in respect of the same offence or on the same facts of any other offence which the accused might have been charged or convicted.

Transfer of cases by the Gram Sabha [Adalat]¹ **20. :** If any time it appears to a Gram Sabha Adalat that any case before it is one which should be tried by a Panchayati Adalat or an ordinary court of that the offence involved in any criminal case before it is one for which it cannot award adequate punishment, it shall submit the case to the District Judge or the District Magistrate concerned for transfer to a Panchayati adalat or any other Court of competent jurisdiction and shall give information thereof to the parties concerned.

Revision. **21. :** The District Judge or the District Magistrate according as it is a civil or criminal case may, either on his own motion or on the application of any party, call for the record or any case which has been decided by the Gram Sabha Adalat and if it appears to him that a failure of justice has occurred, he may make such order in the case as he thinks fit.

Procedure before Gram Sabha Adalat¹ **22. :** The procedure to be followed by a Gram Sabha Adalat in civil and criminal cases and in the enforcement of its decision., sentences, decrees and orders the powers of a civil or criminal court which it may exercise and the fees to be levied by it in civil and criminal cases, shall be prescribed by rules made under this Act.

“Allotment of land and conditions thereof. : **[23. (1)** A Gram Sabha shall allot 95 per cent of the land donated by a donor to him for the purposes of cultivation, such lands being specified by the donor at the time of donating his land. Other lands vested in or coming under the management of a Gram Sabha shall be allotted to such

other landless members of the Gram Sabha as the Gram Sabha thinks fit :

Provided that if any donor himself is a landless person, the remaining 5 per cent of the land donated by him shall also be allotted to him for cultivation.

(2) Every allotment of land made under sub-section (1) shall be subject to the following conditions, namely—

a) the allottee shall be liable to pay annually to the Gram Sabha an amount equal to the land revenue, rent, cesses, rates and other taxes payable in respect of the land allotted to him before such date or dates as may be prescribed;

b) the allottee shall contribute annually to the Gram Sabha one-fourth of his net agricultural income or such other share, quantity or proportion of his income as the Gram Sabha may determine;

c) the allottee shall not allow the land allotted to him to remain uncultivated for a period exceeding two years;

d) the allotment made to person shall be heritable;

e) the allottee may transfer his allotment for consideration either to the Gram Sabha or to any person joining the gramdan community of the village, or to the State Government or a co-operative Society to secure the payment of a loan contracted by him;

Provided that no allottee shall have any such power of transfer if the lands are not included in the lands donated by him, except with the previous permission of the Gram Sabha concerned;

f) the allottee must cultivate the land allotted to him personally if the land allotted to him is not included in the land donated by him, if any;

g) except as otherwise provided in this Act, the allottee shall not be disturbed from the possession of such land by the Gram Sabha without his consent.

(3) Nothing contained in this Section shall be deemed to confer on the allottee any rights which the Gram Sabha did not possess immediately

before making the allotment.

(4) The Gram Sabha may cancel an allotment made to any person for violating the conditions of allotment and may evict the person from the allotted land. The lands comprising the allotment so cancelled may thereafter be allotted by the Gram Sabha to other members of the Gram Sabha in accordance with the provisions of this Act.

Explanation – For the purpose of this Section, ‘landless person’ shall include a person who does not own or hold land in excess of such area as may be prescribed]

Disputes regarding allotment of land : 24. (1) A Gram Sabha on application made to it by an aggrieved person may refer any dispute regarding allotment of land for arbitration by an Arbitration Board.

(2) Every Arbitration Board under sub-section (1) shall consist of—

i) one member nominated by the applicant,

ii) one member nominated by the Gram Sabha, and

iii) one member nominated jointly by the members referred to in clauses (i) and (ii) or if they do not agree, by the prescribed authority.

(3) The decision of the Arbitration Board shall be binding on the parties.

Eviction of Allottee. — 25. A Gram Sabha may evict any allottee from the land allotted to him if he fails, without sufficient cause, to cultivate the land personally during a period of two consecutive years.

Power of the Gram sabha to recover dues. — 26. Any sum due to Gram Sabha shall, on a certificate issued to the collector by the Gram Sabha, be recoverable by the collector as an arrear of land revenue.

Act of Gram Sabha not to be invalidated. 27. No act or proceeding of a Gram Sabha or of any Committee thereof, shall be deemed to be invalid by reason only of a defect in its constitution or of any informality in its proceedings.

Bhoodan Board to function as Gramdan Board. –

¹["27 A. (1) The State Government may, at any time, by a notification published in the official *Gazette*, declare that the Bhoodan Board established and functioning under the Assam Bhoodan Act, 1965, (Assam Act XXIII of 1966), shall also function with effect from such date as may be specified in the notification as a Gramdan Board for exercising the powers and discharging the functions hereinafter specified in sub-section (3) of this Section.

(2) The State Government also may at any time, by a notification published in the official *Gazette*, declare that the Bhoodan Board functioning as a Gramdan Board under the preceding sub-section shall cease to function as such Gramdan Board with effect from such date as may be specified in the notification.

(3) The powers and functions of the Gramdan Board functioning under sub-section (1) above shall be the following namely–

i) to issue directions and guidance to the Gram Sabha in exercising powers and discharging functions.

ii) to do such other acts as may be necessary and expedient for the purpose and furtherance of the subjects of this Act.

(4) Notwithstanding anything contained in this Act the Gram Sabha shall, in exercising the powers and discharging the functions under this Act give due considerations to the directions and guidance issued from time to time by the Gramdan Board under this Act.

(5) The State Government may, by rules framed under this Act, provide for matters relating to the exercise and discharge of powers and functions of the Gramdan Board under this Act.”]

THE GRAM NIDHI

Gram Nidhi – 28. (1) Every Gram Sabha shall have its own fund to be called Gram Nidhi and may accept grants, donations, bequests, gifts or loans from the Central or the State Government or any local authority or any person for

all or any of the purposes of this Act.

(2) All sums and money received by the Gram Sabha including the profits of any cultivation or any enterprise undertaken by it and the rent, fee or other charges levied on persons to whom lands are allotted under this Act shall be credited into the Gram Nidhi.

**Application
of Gram
Nidhi –**

29. Subject to the provisions of this Act, the Gram Nidhi shall be applied by the Gram Sabha for the purposes of this Act which shall include the maintenance of destitute children and old disabled persons residing in the Gramdan Village.

**Borrowing
powers of
Gram sabha
–**

30. Subject to such rules as may be made in this behalf, the Gram Sabha shall have power to borrow money on the security of the Gram Nidhi or any property other than land belonging to it for any of the purposes for which the Gram Nidhi may be applied.

**Accounts
and Audit –**

31. The Gram sabha shall cause accounts to be kept of all moneys received and expended by it and such accounts shall be audited every year by auditors appointed by the Gram Sabha with the previous approval of the Government.

**Power to
exempt
from Stamp
duty, etc. –**

32. The Government, by notification in the Official *Gazette*, may remit –

a) the stamp duty with which under any law for the time being in force, any declaration of donation under Section 4 or Section 8 or any instrument executed by or on behalf of a Gram Sabha is chargeable;

b) any fee payable by a Gram Sabha or any owner who donates land under Section 4 or Section 8, under the law of registration for the time being in force.

**Application
of
Panchayat
law to the
Gram
Sabha.**

33. (1) The Government at the request of a Gram Sabha and after consultation with the Gram Panchayat within whose territorial jurisdiction the Gram Sabha functions may, 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 or exercise such of the powers and discharge such of the duties and functions of the Panchayat in

relation to the revenue village as may be specified in the notification.

(2) Upon the issue of a notification under sub-section (1)–

a) If all the powers and duties and functions of the Gaon Panchayat are to be exercised and discharged by the Gram Sabha–

i) the Gaon Panchayat which functioned immediately before the date of notification shall, in relation to the revenue village, cease to function therein;

ii) all the powers, duties and functions attaching to the Gaon Panchayat under the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959), shall, in relation to the revenue village, attach to the Gram Sabha and accordingly, the Gram Sabha shall exercise the powers and discharging the duties and functions aforesaid;

iii) the provisions of the Assam panchayat Act, 1959 (Assam Act XXIV of 1959) shall, subject to such restriction and modifications as the Government may specify in the notification, apply to the Gram Sabha as if it were a Panchayat constituted under the law for that revenue village;

iv) The Gram Sabha shall be entitled to all the assets and be subject to all liabilities of the Panchayat as on the date of the notification in so far as such assets and liabilities are relatable to the revenue village;

Provided that the minor *hat* situated within the area of a Gram Sabha shall continue to be managed by the Gaon panchayat within whose territorial jurisdiction such minor *hat* lies, and a proportion of the income thereof shall be given to the Gram Sabha according to the ratio the population of the Gram Sabha bears to the whole population of the Gaon Panchayat area;

b) in any other case –

i) the panchayat shall cease to exercise the Powers and perform the duties and functions specified in the notification in relation to the area within the jurisdiction of the Gram Sabha;

ii) the powers, duties and functions so specified which attached to the Panchayat shall in relation to the area aforesaid attach to the Gram

Sabha and accordingly, the Gram Sabha shall exercise these powers and discharge these duties and functions;

iii) the provisions of the Assam Panchayat Act, 1959 shall, subject to the restrictions and modifications specified in the notification, apply to the Gram Sabha as if it were a panchayat constituted under the Assam Panchayat Act, of 1959 (Assam Act. XXIV of 1959) for these purpose;

iv) the Gram Sabha shall be entitled to such of the assets and be subject to such of the liabilities of the Panchayat as on the date of notification as may be specified in that notification.

(3) Any notification issued under sub-section (1) may contain such supplemental, incidental and consequential provisions as the 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.

Power to make rules – 34. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for –

a) the form of declarations under this Act and the documents to be filed along with them.

b) the authorities before which declarations and objections under this Act may be filed;

c) the nature, scope and manner of enquiries, and the hearing and disposal of objections, under this act;

d) the manner of preferring appeals under this Act, the authorities to whom they may be preferred and the procedure for hearing and disposal of such appeals;

e) the manner in which and the intervals at which the register of mem-

bers may be revise and brought up-to-date,

f) the procedure to be followed by a Gram Sabha Adalat in the institution, trial and disposal of civil and criminal cases;

g) the issue, service and execution of summons and other processes and notices of a Gram Sabha and and Gram Sabha Adalat;

h) the procedure for the execution of decrees, orders and sentences of a Gram Sabha Adalat;

i) the fees to be levied by a Gram Sabha Adalat for institution of cases, for the issue of processes and for obtaining copies of documents and other matters;

j) the manner of borrowings money by a Gram Sabha and borrowing limits; and

k) any other matter that is to be or may be prescribed.

(3) All rules made under this Act shall be laid for not less than fourteen days before the Legislative Assembly as soon as may be after they are made, and shall be subject to such modifications as the Assembly may make during the session in which they are so laid or the session immediately following.

**Power to
make
regulations—**

35. (1) The Gram sabha may with the previous sanction of the Government, make regulation not inconsistent with this Act or the rules made thereunder to provide for all matters for which provision is necessary for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the meetings of the Gram Sabha, the conduct of business there at and the procedure for disposal of its business;

(b) the election of president

(c) the powers and duties of the President and the Secretary,

(d) the circumstances and the manner in which the President may be removed from office;

(e) the constitution of standing and *ad-hoc* committees, their

powers and duties, the terms of office of members and the conduct of their business and the circumstances and the manner in which a committee may be dissolved or reconstituted.

(f) the appointment, remuneration and conditions of service of the Secretary and other officers and servants of the Gram Sabha and the circumstances in which they may be removed from service and the manner of such removal;

(g) the maintenance of the accounts of the Gram Sabha;

(h) the principles to be followed in the allotment of land and the levy of rent, fees or other charges for such allotment;

[“(i) the principles to be followed in recovering any payments due to the Gram Sabha on account of any land revenue, rent cesses, rates or encumbrances due on the date of vesting on any land, from the owner concerned who donated the land by way of Gramdan;]¹

(j) the manner in which lands, if any, set apart for cultivation by the Gram Sabha itself shall be cultivated, and

¹(k) any other matter for which provision is necessary for the purpose of enabling the Gram Sabha to discharge its duties and functions under this Act.

**Supersession
of a Gram
Sabha—**

[36 (1) If, in the opinion of the State Government, a Gram Sabha—

(a) is not competent to perform, or persistently make default in performing the duties assigned to it by this act, or

(b) exceeds or abuses the powers assigned to it under this Act;

or

(c) is not functioning in a manner consistent with the provisions of this Act or the rules framed thereunder;

The State Government may, by notification in the Official Gazette,

1. Inserted as clause (i) and clauses (i) and (j) are renumbered as clauses (j) and (k) by Assam Act, No. XXVII of 1962.

stating the reasons for its order, declare the Gram Sabha to be incompetent, or default or to have exceeded or abused its powers or to have not been functioning in a manner consistent with provisions of this Act or the rules framed thereunder, as the case may be, and supersede it for such period not exceeding one year at a time:

Provided that before any such notification is issued, the Gram Sabha concerned shall be given a reasonable opportunity of showing cause why the proposed declaration should not be made.

(2) On the supersession of Gram Sabha under sub-section (1) –

(a) the President and Members of all committees constituted by the Gram Sabha shall from the date specified in the notification vacate their office;

(b) all the powers and duties of the Gram Sabha, shall during the period of supersession be exercised and performed by such person or persons as the State Government may from time to time appoint in this behalf;

(c) all properties vested in and Gram Sabha and any balance of the Gram Nidhi, shall be vested in and such of its liabilities as may have been incurred in the discharge of its legitimate functions or which have been incurred in the course of duties performed in the genuine interest of the Gram Sabha concerned, shall be transferred to the Deputy Commissioner of the district or to the Subdivisional Officer of the subdivision, as the case may be, who shall make such arrangements, as may be deemed necessary until the expiration of the period of supersession; and

(d) the Gram Sabha Adalat established for the Gramdan Village concerned shall cease to function and all the pending cases and suits shall stand transferred to the Courts of competent jurisdiction, which the proceedings were pending before the Gram Sabha Adalat on the date of transfer, as if the cases and suits were duly instituted in such Court of competent jurisdiction.

(3) On the expiration of the period of supersession specified in the notification, the State Government may, if in its opinion it is so necessary, extend the period of supersession for such further terms, as it may consider necessary, but not exceeding one year at a time, and on the expiration of the period of supersession either as originally specified or extended, the Gram Sabha shall resume its functions and elect its President and constitute the Committees, and the State Government shall establish the Gram Sabha Adalat, in the manner provided in this Act.

Provided that the State Government may at any time before the expiration of the period of supersession, withdraw any notification issued under sub-section (1).

(4) the income derived from the Gramdan Village during the period of supersession, shall first be utilised towards the cost of management during the period of supersession and liquidation of liabilities of the Gram Sabha and the balance shall be credited to the Gram Nidhi”]

I. inserted new section 36 by Assam Act. No. XXVII of 1962

NOTE

A. The Assam Panchayat Act 1959
(Assam Act XXIV of 1959)

B. The Assam Panchayat Raj Act, 1972
(Assam Act XI of 1973)

C. The Assam Panchayat Raj Act. 1986
(Assam Act No. XVII of 1986)

Repealed by the Assam Panchayat Raj Act
1972 (Assam Act XI of 1973)

Repealed by the Assam Panchayat Raj Act
1986, (Assam Act No. XVII of 1986)

Repealed by the Assam Panchayat Raj Act 1994
(Assam Act No. XVII of 1994) with effect
from 5th May 1994.

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