

**THE
ASSAM GRAMDAN RULES, 1962**

ARRANGEMENT OF RULES

Rules

1. Short title and commencement
2. Definitions
3. Form of declaration under Section 4
4. Documents to be filed with the declaration under Section 4
5. Publication of declaration
6. Procedure for enquiry and disposal of objections
7. Appeal
8. Procedure for declaration of donation of Gramdan before the commencement of the Act.
9. Form and manner of declaration of Gramdan village and the manner of enquiry in this respect.
10. Declaration of a Village as Gramdan Village
11. Separation of Gramdan from Revenue Village
12. Manner of donation of land in Gramdan Village

13. Register of members of Gram Sabha
14. Establishment of Gram Sabha Adalat
15. Resignation of the Chairman or member of a Gram Sabha Adalat
(2) filling up of casual vacancy of a Gram Sabha Adalat
16. Procedure to be followed by a Gram Sabha Adalat
17. Fees to be levied by a Gram Sabha Adalat
18. Procedure for execution of sentences of a Gram Sabha Adalat
19. Disputes regarding allotment of land
20. Manner of borrowing moneys and their limits

FORMS

- Form I - Declaration under Section 4 of Assam Gramdan Act, 1961
- Form II - Notice under Section 4(3) of the Assam Gramdan Act, 1961
- Form III - Declaration under section 5(I) (c) of Assam Gramdan Act,
1961
- Form IV - Declaration under Section 8 of the Assam Gramdan Act, 1961
- Form V - Declaration under Section 5(3) of the Assam Gramdan Act,
1961

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NOTIFICATION

The 5th March, 1962

No. RRT 13/62- In exercise of the powers conferred by Section 31 of the Assam Gramdan Act, 1961 (Assam Act I of 1962), the Governor of Assam is pleased to make the following rules to carry out the purposes of the Act, namely

THE ASSAM GRAMDAN RULES 1962

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 I of 1962);
- (b) “Deputy Commissioner” means the Deputy Commissioner of the District and in the case of a Sub-division includes the Sub-divisional Officer;
- (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 the Circle within which the land donated is situated or any other officer specially empowered by the State Government in this behalf for any special area.
- (f) All words and expression 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 in writing in this behalf. If the declaration is made by more than one person, it may be presented by anyone of them also. A declaration may also be sent 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 village shall file separate declarations 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 Sections 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 resides. If there are more than one person jointly making the declaration it shall be sufficient for the purpose 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 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 4 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 with a copy of the declaration shall be served on all persons recorded as land-holders in respect of such lands and shall also be pasted 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 after the expiry of thirty days from the date of publications, the Sub-deputy Collector shall make the following further enquiries on the declaration before he passes any order under sub-section (4) of Section 4:-

- (i) Whether the person making the declaration has a prima facie 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-rules (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 concerned 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 the 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 donations 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 the same manner as the declarations are filed under rule 3.

9. Form and manner of declaration of Gramdan Village and the manner 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 declaration 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 disapprove 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 anyone 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 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 for registration as members of the Gram Sabha.

(4) The register of members prepared under sub-rule (1) shall be revised up-to-date every three years.

14. Establishment of Gram Sabha Adalats – (1) The Gram Sabha Adalat for a Gramdan Village shall consist of 5 members the Gram Sabha.

(2) The Gram Sabha shall elect from amongst its members, 5 persons for appointment as members of the Gram Sabha Adalat. If the Gram Sabha is unanimous in choosing 5 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 a Gram Sabha Adalat elected under (1) shall elect from among themselves a person who is able to record proceedings as Chairman of the Adalat.

(5) Every member of Gram Sabha Adalat shall take an Oath of Office in the following manner :-

“I..... have 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 him 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 person as they think fit;

(iii) On removal of a member from Gram Sabha Adalat under clause (i) his office shall become vacant and he shall be disqualified for being elected as a member of the 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 particular case.

(2) **Filling up of casual vacancy of a Gram Sabha 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 members 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 :-

(a) **Lodging of complaints** – A case before a Gram Sabha Adalat may be instituted by a complainant 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 on 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 in its opinion he shows negligence in prosecution of his case, it may dismiss the case for default and discharge the accused persons 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 fail 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 a 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 witness, 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 V of 1898) or the Indian Evidence Act, 1872 but the deposition of the parties or of their witness, 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 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, for 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 vexatious, such Adalat may order the complainant to pay to the accused such compensations 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 :-

(I) 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