

ASSAM ACT No.XXVII OF 1962

THE ASSAM GRAMDAN (AMENDMENT) ACT, 1962

(As passed by the Assembly)

Received the assent of the President on the 25th September 1962

[Published in the *Assam Gazette*, Extraordinary, dated the 28th
September 1962

*An
Act*

to amend the Assam Gramdan Act, 1961

Preamble.

WHEREAS it is expedient to amend the Assam Gramdan Act, 1961, hereinafter called the principal Act in the manner hereinafter appearing ;

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

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Gramdan (Amendment) Act, 1962.
- (2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment of section 2 of Assam Act I of 1962. 2. In section 2 of the principal Act, in clause (n), for the words "Panchayat Adalat" wherever they occur, the words "Panchayati Adalat" shall be substituted.

Amendment of section 4 of Assam Act I of 1962.

3. In section 4 of the principal Act,—
(1) Clause (a) of sub-section (2) shall be deleted and clauses (b) and (c) shall be re-numbered as clauses (a) and (b) respectively ;

(2) For sub-section (7), the following shall be substituted, namely :—

"(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".

Amendment of section 5 of Assam Act I of 1962.

4. In section 5 of the principal Act, for sub-section (3) the following shall be substituted, namely :—

"(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."

Substitution of section 7 of Assam Act I of 1962.

5. For section 7 of the principal Act, the following shall be substituted, namely :—

"Effect of declaration as Gramdan Village, 7. (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 declarations have been confirmed under section 4 in or over the lands covered by such declarations 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 and 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 Official Gazette, 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."

Amendment
of section 8
of Assam Act
I of 1962.

6. In section 8 of the principal Act, in sub-section (1), the comma after the word "force" shall be deleted and the words "but subject to section 36 of this Act" followed by a comma shall be inserted between the words "force" and "the".

Amendment
of marginal
notes of
sections 18,
19, 20 and
22 of Assam
Act I of
1962.

7. In sections 18, 19, 20 and 22 of the principal Act, in the marginal note after the words "Gram Sabha" wherever they occur, the word "Adalat" shall be inserted.

Amendment
of section 35
of Assam
Act I of
1962.

8. In section 35 of the principal Act,—

(1) In sub-section (2), after clause (h) the following shall be inserted as clause (i), namely :—

“(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;” ;

(2) the existing clauses (i) and (j) shall be re-numbered as clauses (j) and (k) respectively.

Insertion of
a new section
after
section 35 of
Assam Act I
of 1962.

9. After section 35 of the principal Act, the following new section shall be added as section 36, namely :—

“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 makes 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, stating the reasons for its order, declare that Gram Sabha to be incompetent, or in default or to have exceeded or abused its powers or to have not been functioning in a manner consistent with the 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 a 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 the 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 shall proceed with the cases and suits from such stage at 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 Courts 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 term, 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".