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The 2nd June 1966

No.LJL.12/66/8.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT XIX OF 1966

[Received the assent of the Governor on the 31st May, 1966]

THE ASSAM GRAMDAN (AMENDMENT) ACT, 1966

[Published in the Assam Gazette Extraordinary, dated the 3rd June 1966]

An

Act

further to amend the Assam Gramdan Act, 1961

Preamble. Whereas it is expedient further to amend the Assam Gramdan Act, 1961, hereinafter called the principal Act, in the manner hereinafter appearing ;

Assam Act
I of 1962

It is hereby enacted in the Seventeenth 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, 1966.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Insertion of
Section 4A
in Assam
Act 1 of
1962.

2. After Section 4 of the principal Act, the following shall be inserted as Section 4A, namely:—

"Persons who
may join
Gramdan
Community
without do-
nating land.

4A. (1) Any adult person residing in a village, who does not own any land in that village, may file a Community declaration in the prescribed form and manner and before the prescribed authority, undertaking:—

(i) to join the 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 within 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-sections (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.

(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 effect from the date on which the declaration under sub-section (3) of Section 5 is made."

Amend- 3. In clause (a) of sub-section (1) of Section 5
ment of of the principal Act, between the words "under
Section 5 of private ownership" and "in that village", the
Assam Act words "of the residents" shall be inserted.
I of 1962,

Substitution 4. For Section 16 of the principal Act, the
of Section 16 following shall be substituted, namely:—
of Assam
Act I of
1962.

"Powers and 16. (1) The Gram Sabha shall manage the lands
functions of which are vested in it including such other lands
the Gram as may come under its management and undertake
Sabha. 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 foregoing power, the Gram Sabha
may,—

- (a) take steps to inculcate and develop in the 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 utilization 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 utilization 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 member 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 cultivation ;
- (l) promote the industrial development of the village ;
- (m) facilitate the elimination of 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 persons 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."

Substitution of Section 23 of Assam Act I of 1962.

5. For Section 23 of the principal Act, the following shall be substituted, namely :—

"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 subsection (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-fortieth 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.