

Gujarat Panchayats (Gramdan Provisions) Act, 1966**23 of 1966****[29 December 1966]**

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An Act further to amend the Gujarat Panchayats Act, 1961 so as to make provisions therein regarding Gramdan in pursuance of the Gramdan movement initiated by Acharya Vinoba Bhave. It is hereby enacted in the Seventeenth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Gujarat Panchayats (Gramdan Provisions) Act, 1966.
- (2) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

2. Insertion Of Chapter Xix In Guj. Vi Of 1952 :-

In the Gujarat Panchayats Act, 1961(Guj. VI of 1962), after Chapter XVIII the following, Chapter shall be inserted, namely:-

"CHAPTER XIX

Provisions regarding Gramdan.

330. Application of Act to gramdan gram.--In respect of a Gramdan gram, the application of the foregoing provisions of this Act shall be subject to the provisions of this Chapter.

331. Chapter not to apply to Devasthan, inams, public trusts etc.--Nothing in this Chapter shall apply to any land-

(a) which is held as Devasthan inam or inam by a religious or

charitable institution within the meaning of section 4 of the Gujarat Surviving Alienations Abolition Act, 1963(Guj. XXXIII of 1963) or held under any such inam;

(b) which is the property of a trust registered under the Bombay Public Trusts Act, 1950(Bom. XXIX of 1950).

332. Definitions.--In this Chapter, unless the context otherwise requires-

(a) "Gramdan" means a voluntary donation of Land in a gram for the purposes of this Chapter and in accordance with the provisions of this Chapter;

(b) "Gramdan gram" means a gram declared to be a Gramdan gram under section 333;

(c) "Gramdan Kisan" means a person who holds land on lease as a Gramdan Kisan "Under this Chapter and includes his heirs and successors-in-interest;

(d) "Gramdan Movement" means the Gramdan Movement initiated by Acharya Vinoba Bhave;

(e) "land" means land as defined in clause (17) of section 2 of the Gujarat Agricultural Lands Ceiling Act, 1960(Guj. XXVII of 1961);

(f) "owner" in relation to land means a person holding the land as an occupant as defined in the Bombay Land Revenue Code, 1879(Bom. V of 1879) or as lessee of Government and includes a person who has permanent and heritable rights of possession in the land; and the expression "to own" with its grammatical variations shall be construed accordingly;

(g) "person interested" in relation to any land means any person claiming right, title or interest in the land and includes a person having a right of easement over such land;

(h) "regulations" means regulations made under section 351.

333. Declaration of gram to be Gramdan gram.--

(1) Where in a gram-

(a) the extent of lands in respect of which the declarations filed under section 334 have been confirmed is not less than fifty one percent of the total extent of lands owned by persons residing in the gram;

(b) the number of persons whose declarations have been so confirmed is not less than seventy-five percent, of the total number of persons owning land and residing in the gram;

(c) the number of persons in respect of whom the declarations made under clauses (a) and (b) of sub-section (1) of section 334 have been confirmed is not less than seventy-five per cent of the persons (excluding minors) residing in the gram and competent to

make a declaration under section 334, the Collector may, by notification in the Official Gazette, declare the gram to be a Gramdan gram with effect from the date specified in the notification. Such notification shall be in the prescribed form.

(2) A copy of the notification published under sub-section (1) shall be displayed in a prominent place in the gram and another copy thereof shall be affixed on a conspicuous part in the office of the Collector.

(3) Where the conditions specified in sub-section (1) are not satisfied within a period not exceeding six months commencing on the prescribed date, the Collector may by order declare in the prescribed manner that the gram is not qualified to be Gramdan gram and thereupon every declaration made under section 334 shall, notwithstanding that it has been confirmed, cease to have effect.

334. Declarations to be made by owner of land etc.--

(1) (a) Any owner (not being a minor) of land in a gram may file a declaration before the Collector that he donates by way of Gramdan all his land in the gram and voluntarily and without consideration agrees to transfer to the gram panchayat of the gram all the land specified in the declaration; and

(b) any person (not being a minor) residing in the gram, who does not own any land in the gram, may file a declaration undertaking to join the gramdan community in the gram and may agree to pay a periodic contribution equal to one-fortieth net annual income, whether in cash or kind or in value of labour as may be determined by regulations, to the gram panchayat for community purposes. Such declaration may be made either individually or collectively.

(2) A declaration under sub-section (1) shall be in the prescribed form and shall contain the prescribed particulars, including the following particulars, namely:-

(a) name of the gram, taluka and district,

(b) if the declaration is under clause (a) of sub-section (1)-

(i) survey number and assessment of the land;

(ii) the details of encumbrances in case any such land is subject to any encumbrances;

(iii) an undertaking to join the gramdan community of the gram and make a periodic contribution to the gram panchayat in accordance with the provisions of clause (d) of sub-section (1) of section 344 for community purposes.

335. Power of Collector to confirm or refuse to confirm declaration.-

(1) As soon as may be, after the receipt of a declaration under section 334, the Collector shall-

(a) if the declaration be a declaration made under clause (b) of sub-section (1) of section 334 confirm the declaration, and

(b) if the declaration be a declaration made under clause (a) of sub-section (1) of section 334 publish the same in the prescribed manner together with a notice requiring all persons interested in the land to submit to him in writing their objections, if any, within forty-five days of such publication.

(2) The Collector may, after considering the objections, if any, received under clause (b) of sub-section (1) and after making such enquiries as he may deem fit, by order in writing either confirm the declaration or refuse to confirm it.

(3) Any person aggrieved by an order made under sub-section (2) may file an appeal to the State Government within forty-five days of the date of the order.

(4) An order made under sub-section (2) shall, subject to the decision of the State Government in an appeal filed under sub-section (3), be final.

(5) No order refusing to confirm a declaration shall be made under this section unless the person making the declaration is given a reasonable opportunity to show cause why such an order should not be made.

(6) A declaration, which the Collector has refused to confirm shall, unless it is confirmed in appeal under sub-section (3), be of no effect

336. Collector to hold meeting of gram sabha and other persons to ascertain wishes of people.--

(1) As soon as the Collector is satisfied that having regard to the population of the gram, a sufficient number of declarations has been received under section 334, he may call a meeting of the gram sabha and also of persons who have donated lands in the gram but are residing outside the gram for ascertaining whether the persons attending the meeting are willing to constitute the gram a Gramdan gram by joining the gramdan community.

(2) The Collector shall fix the date, time and place of the meeting by a notice which shall be displayed in a prominent place in the gram. A copy of such notice shall be affixed on a conspicuous part in the office of the Collector and the substance of such notice shall be published in such other manner as is in the opinion of the Collector best calculated to bring the matter to the notice of persons concerned.

(3) The meeting shall be presided over by the Collector who shall have the right to speak and otherwise take part in the proceedings of the meeting but shall not be entitled to vote.

(4) The quorum for the meeting shall be fifty one per cent of the total number of persons entitled to attend the meeting under sub-section (1).

(5) The question before the meeting shall be decided by a majority of two thirds of the persons present in the meeting, such majority not being less than fifty one per cent of the persons entitled to attend the meeting.

(6) Save as expressly provided, the procedure to be followed at the meeting shall be such as may be prescribed.

337. Prohibition against transfer of lands.--

(1) No person shall transfer any land in respect of which a declaration has been filed, until an order under section 335 refusing to confirm the declaration has become final or an order under section 333 declaring the gram in which the land is situate as not qualified to be a Gramdan gram is made, or an order under section 338 rescinding the donation by way of Gramdan is made.

(2) Any transfer of land made in contravention of the provisions of sub-section (1) shall be void and inoperative.

338. Effect of declaration of gram as Gramdan gram.-- Notwithstanding anything to the contrary contained in any other law for the time being in force, with effect from the date on which a gram is declared to be a Gramdan gram,

(a) all the rights, title and interest of persons whose declarations have been confirmed under section 335 in or over the lands covered by such declarations, shall, save as otherwise provided in this Act, cease and shall stand transferred to, and vest in, the gram panchayat of the gram, (hereinafter referred to as "Gramdan Panchayat") but subject to any rights, encumbrances or equities lawfully subsisting in favour of any other person;

(b) the Gramdan Panchayat shall be entitled to receive the contributions referred to in section 334;

(c) the Gramdan Panchayat shall be liable for-

(i) the payment of land revenue, rent, cesses, rates and taxes in respect of lands vested in it which would have been payable by the donors but for the donation, irrespective of whether the liability arose before or after the date of the vesting; and

(ii) the discharge of all encumbrances created in respect of any land vested in the Gramdan Panchayat, prior to the date of the filing of the declaration in respect thereof under section 334 :

Provided that, for the payment of any land revenue, rent, cesses, rates or taxes, due on or the discharge of any encumbrance created before the date of such vesting of the land, for which the Gramdan Panchayat is so liable, the Gramdan Panchayat shall be competent to recover the amount either before or after such payment or discharge, from the owner who donated the land by way of Gramdan as if it were an amount due to the Gramdan Panchayat:

Provided further that, where in any case it appears to the Gramdan Panchayat that the encumbrances and other liabilities in respect of land donated by way of Gramdan are excessive, or for any other reason it is of opinion that it is not desirable to undertake the discharge of such liabilities, the Gramdan Panchayat may, after giving the person to whom the land would belong but for the Gramdan, an opportunity of being heard, rescind by order the donation, and there upon all rights, title and interest in or over those lands shall revert to such person and all liabilities of the Gramdan Panchayat in respect of those lands, except the liabilities, if any, that arose during the period the property remained vested in the Gramdan Panchayat, shall cease, and the declaration of donation filed under section 334 shall not continue in force;

(d) the land revenue, cesses, rates and taxes due in respect of the land situated in a Gramdan gram and in respect of which a donation by way of Gramdan has not been made under section 334 or section 345 shall be payable to the Gramdan Panchayat by the person liable for the same:

Provided that, all amounts so realised shall after deduction of such collection charges as may be prescribed, be remitted to the State Government within such time and in such manner as may be prescribed.

339. Exercise of powers etc. by panchayat or its committee and control of gram sabha.--

(1) A Gramdan Panchayat or its Production Committee to which any of its powers, functions and duties under this Chapter may be assigned by the panchayat under section 81, shall exercise the powers and perform the functions and discharge the duties under this Chapter, subject to the control of the gram sabha and save as expressly authorised by the gram sabha, no order shall be made and no decision shall be taken in any matter by the panchayat or the committee as the case may be, unless the same is submitted to the gram sabha for approval and is approved by the gram sabha.

(2) All questions before the meeting of the gram sabha or of the Gramdan Panchayat or of the Production Committee shall be

decided by a majority of votes of not less than eighty per cent of the members present at the meeting.

340. Powers and functions of Gramdan Panchayat.--

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

(2) The provisions of sub-section (1) shall be without prejudice to the functions of the panchayat as specified in Schedule I.

(3) For the purpose of this Chapter-

(a) section 81 shall have effect subject to the modification that in clause (i) sub-section (1), after the word "industries" the words and figures "and relating to matters specified in Chapter XIX" shall be inserted;

(b) the following shall be added to Schedule I, namely:-

"(1) Acceptance of donations of land for the purpose of Gramdan.

(2) Distribution of land to landless persons and to land owner to cultivate personally.

(3) Preparation and implementation of special schemes for the improvement of Gramdan land.

(4) Setting apart of land for community purpose.

(5) Preparation and implementation of special schemes for economic uplift Of the inhabitants of the gram especially by providing employment to unemployed persons on a long term basis."

341. Land pool.--

(1) All lands vesting in a Gramdan Panchayat by way of Gramdan shall constitute the land-pool.

(2) The Gramdan Panchayat shall, having regard to the declarations made Under section 334, either set apart not less than five per cent of the area of lands out of the land-pool as the Gramdan Panchayat may determine for the benefit of landless persons, and the remaining land for return to their former owners, as hereinafter provided, or the Gramdan Panchayat may alternatively purchase a compact block of land of an area not less than five per cent of all the donated lands at the cost of the donors, and each donor shall pay towards the purchase price a sum for an area equal to five per cent of land donated by him.

342. Power of Gramdan Panchayat to grant leases.--
Notwithstanding anything to the contrary contained in any law for the time being in force, but subject to the provisions of this

Chapter, a Gramdan Panchayat shall have power to lease out lands vesting in it and the lessees shall not have and shall, not be entitled to claim, any rights in relation to such lands except as are provided for, by or under this Chapter.

343. Distribution of land on lease.--

(1) A Gramdan Panchayat shall in accordance with regulations made in that behalf-

(a) out of lands set apart or purchased for the benefit of landless persons under section 341 lease any land to any landless person or group of landless persons to cultivate personally;

(b) lease the remaining lands to their former owners to Cultivate personally.

(2) Any persons aggrieved by any proposed lease under this section may make an application to the Gramdan Panchayat to that effect; and the Gramdan Panchayat shall, on receipt of such application, refer the matter for arbitration to an Arbitration Board constituted under sub-section (3).

(3) The Arbitration Board shall consist of three persons one to be nominated by each party and the third to be appointed jointly by the applicant and the Gramdan Panchayat; and if there be disagreement as regards the appointment of the third arbitrator, the third arbitrator shall be appointed by the Collector.

(4) The Arbitration Board shall regulate its own procedure.

(5) The decision of the Arbitration Board shall be final and binding on the parties.

Explanation.-For the purposes of this Act the expression "to cultivate personally" shall have the meaning assigned to it in the Gujarat Agricultural Lands Ceiling Act, 1960(Guj. XXVII of 1961).

344. Conditions of lease.--

(1) A person who is given land on lease under section 343 shall hold it on the following terms and conditions, namely:-

(a) the leasehold rights shall, on the death of the lessee, pass to his heir;

(b) the lessee may transfer his interest in the land

(i) to a person who has joined the Gramdan community by a declaration made under section 334 in respect of the gram in which the land is situated on the terms and conditions agreed upon between them;

(ii) to the Gramdan Panchayat, or

(iii) to a co-operative society or any institution approved by the State Government in this behalf or to Government, for securing payment of any money borrowed from any such society, institution

or Government:

Provided that, a landless person shall not transfer his interest as aforesaid without the previous approval of the Gramdan Panchayat;

(c) the lessee shall pay to the Gramdan Panchayat an amount equal to the land revenue, rent, cesses, rates and other taxes payable, if any, in respect of the land, before such date or dates as may be prescribed;

(d) the lessee shall annually contribute one-fortieth of his net annual agricultural income whether in cash or in kind as may be determined by regulations or such other lesser shares as the Gramdan Panchayat may determine in this behalf;

(e) the lessee shall not allow the land to remain uncultivated for a period exceeding two years;

(f) subject to the provisions of section 345, the Gramdan Panchayat shall not disturb possession of the land held by a lessee or his heir, except with his consent;

(g) in the case of land subject to any lease subsisting immediately before it was donated, the Gramdan Kisan shall have the right to recover possession thereof in accordance with the provision of any law for the time being in force relating to land tenures as if he continued to be the lessor thereof and pending termination of the lease, he shall also have the right to recover the rent payable by the lessee in respect of such land;

(h) in the case of land subject to a mortgage with possession immediately before it was donated, the Gramdan Kisan shall have right to obtain possession thereof after the redemption of the mortgage by the Gramdan Panchayat if he pays to the Gramdan Panchayat the amount paid for the purpose of redeeming the mortgage together with all expenses connected therewith;

(i) such other terms and conditions, as the Gramdan Panchayat may regard being had to the circumstances prevailing in relation to any Gramdan Panchayat, determine by an order made in that behalf.

(2) Nothing Contained in sub-Section (1) shall be deemed to confer-

(a) on a Gramdan Kisan any right which he did not possess,

(b) on a landless person any right which the Gramdan Panchayat did not possess, immediately before the Gramdan Kisan donated his land, or as the case may be, the Gramdan Panchayat leased it to the landless person.

345. Power of Gramdan Panchayat to accept donations of land after establishment of Gramdan gram.--

(1) Any owner of land (not being a minor), holding land in a Gramdan gram, may donate all his lands by way of Gramdan in the same manner and subject to the same conditions as are provided for in the case of a donation under section 334 and thereupon subject to the provisions of sub-section (2) the provision of this Chapter shall as far as may be, apply as if such donation were made under that section:

Provided that, no declaration made under this section shall be confirmed by the Collector without the approval of the Gramdan Panchayat.

(2) With effect from the date on which the declaration referred to in sub-section (1) is confirmed, all the rights, title and interest of any person whose declaration is so confirmed in or over the lands covered by such declaration, shall, save as otherwise provided by this Act, cease and shall stand transferred to, and vest in, the Gramdan Panchayat for the Gramdan gram and thereupon the provisions of this Chapter shall, as far as may be, apply, as if such declaration were confirmed under section 335.

(3) Any person (not being a minor) residing in a Gramdan gram who has not made a donation by way of Gramdan under clause (a) of sub-section (1) , of section 334 or sub-section (1) of this section, may join the Gramdan community in the same manner and subject to the same conditions as are provided in clause (b) of sub-section (1) of section 334 and thereupon the provisions of this Chapter shall, as far as may be, apply, as if such declaration were made under sub-section (1) of section 334.

346. Power of Gramdan Panchayat to cancel lease, etc.--

(1) Where any lessee from the Gramdan Panchayat-

(a) transfers his interest in the land in contravention of the provisions of clause (b) of sub-section (1) of section 344, or

(b) fails to pay any dues in respect of the land leased to him, or

(c) fails to cultivate the land for two consecutive years,

the Gramdan Panchayat may make an application to the Collector, for cancelling the lease, and if he is in possession thereof, for the eviction of the lessee therefrom; and thereupon the Collector may, after making such inquiry as he deems fit and after giving the lessee an opportunity to be heard, cancel the lease or as the case may be, pass an order of eviction and in the latter case, restore possession of the land to the Gramdan Panchayat after evicting the lessee or any other person found in possession of the land

Provided that the right of any person who is in lawful possession of such land shall not be affected thereby.

(2) Any order restoring possession of the land under this section shall be executed by the Mamlatdar within whose jurisdiction the land is situated in the manner provided in section 21 of the Mamlatdars Courts Act, 1906(Bom. II of 1906), as if it were the decision of the Mamlatdar under that Act.

(3) Notwithstanding anything contained in sub-section (1) the Collector may instead of cancelling the lease or ordering his eviction on any of the grounds falling under clause (b) or clause (c) of that sub-section, by order direct the Gramdan Panchayat to assume management of the land in such manner, and for such period as he may specify; and make such further order as he may think fit for enabling the Gramdan Panchayat to assume management of the land.

(4) In any case where the management of any land is assumed under sub-section (3), the Gramdan Panchayat shall, in such manner and at such intervals as may be prescribed, pay to the lessee the surplus income, if any, derived from the land during the period of management after deducting all amounts due to the Gramdan Panchayat from the lessee on account of land revenue, rent, cesses, rates, taxes and other dues and on account of encumbrances if any.

(5) Any person aggrieved by any order of the Collector under this section may file an appeal to the State Government within forty-five days of the order. The State Government may, after giving the parties an opportunity of being heard, pass such order on appeal as it thinks just and proper. Subject to the decision of the State Government every order of the Collector made under this section shall be final.

347. Gramdan Panchayat to recover dues as arrears of land revenue.-- Any arrear of land revenue, cesses, rates or taxes or any other sum, due to the Gramdan Panchayat by way of contribution or otherwise, shall, on a certificate issued to the Collector by the Gramdan Panchayat be recovered by the Collector as an arrear of land revenue and paid to the Gramdan Panchayat.

348. Payment in gram fund.--

(1) The following shall be paid into, and form part of the gram fund as constituted under section 99, namely:-

(a) all sums and moneys, received by Gramdan Panchayat including the profits of any cultivation or any enterprise undertaken by it and the rent, fee or other charges charged or imposed on persons to whom lands are leased under this Chapter and all sums received by way of loans from any Government for the purposes of this

Chapter;

(b) all sums received by way of grants, donations, gifts, bequests or contributions.

(2) Amounts paid into the gram fund under sub-section (1) shall be utilised primarily for the purposes of this Chapter.

349. Restriction on sale of lands held by Gramdan Panchayat, Gramdan Kisan or landless person.--Where the interest of a Gramdan Kisan or a landless person in any land donated to the Gramdan Panchayat or where the interest of the Gramdan Panchayat in any land, is sold on account of any default in the payment of any amounts due from the Gramdan Kisan, landless person or Gramdan Panchayat, as the case may be, such interest shall not be sold to any person other than the Gramdan Panchayat or a person who has joined the Gramdan community of the village in which the land is situated.

350. Power to exempt from stamp duty etc.--The State Government may, by notification in the Official Gazette, remit-

(a) the stamp duty with which, under any law relating to stamp duty for the time being in force any declaration made under this Chapter or any instrument executed by or on behalf of a Gramdan Panchayat under this Chapter is chargeable.

(b) any fee payable, by any person in respect of any instrument transferring his land by way of Gramdan or by or on behalf of a Gramdan Panchayat under any law relating to the registration of documents for the time being in force.

351. Regulations.--

(1) A Gramdan Panchayat may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or rules made there-under generally for carrying out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, a Gramdan Panchayat may make regulations to provide for-

(a) payment of annual contribution in or kind for the purposes of Sections 334 and 344;

(b) regulating leasing of land under section 343.

(3) All regulations made under this section shall be published in the Official Gazette and shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the Legislature, or such modification, as the Legislature may make, during the session in which they are so laid, or the session immediately following.

(4) Any rescission or modification so made by the State legislature shall be published in the Official Gazette and shall thereupon take effect."