The

Calcutta



Gazette

सत्यमेव जगते

Extraordinary

Published by Authority

MAGHA 27]

WEDNESDAY, FEBRUARY 16, 1966

[SAKA 1887

PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LAND AND LAND REVENUE DEPARTMENT

Land Reforms

NOTIFICATION

No. 2336-L.Ref.—14th February 1966.—In exercise of the power conferred by section 33 of the West Bengal Gramdan Act, 1964 (West Bengal Act XXVII of 1964), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules, namely:—

Rules

- 1. Short title.—These rules may be called the West Bengal Gramdan Rules, 1965.
- 2. Definitions.—In these rules, unless there is anything repugnant in the subject or context,—
 - (a) "Act" means the West Bengal Gramdan Act, 1964 (West Bengal Act XXVII of 1964);
 - (b) "section" means a section of the Act;
 - (c) "Form" means a Form appended to these rules;
 - (d) "Bhudan Board" means West Bengal Bhudan Yagna Board constituted under the West Bengal Bhudan Yagna Act, 1962 (West Bengal Act
- 3. Form of declaration under section 4.—Every declaration under subsection (1) of section 4 shall be in Form I.
- 4. Publication of declaration.—Every declaration under sub-section (1) of section 4 shall be published together with a notice in Form II in the Notice Board of the prescribed authority requiring all persons interested in the land, in respect of which the declaration has been made, to submit their objections, if any, in writing to such authority within 45 days of the publication of the declaration. Copies of the notice and the declaration shall be sent to the

Income Tax Officer, the Wealth Tax Officer and the Gift Tax Officer, and shall also be posted in the Notice Board in the office of—

- (a) the Collector of the district;
- (b) the Subdivisional Officer;
- (c) Local Sub-Registrar;
- (d) the Gram Panchayat within whose jurisdiction the land covered by the declaration is situated; and
- (e) the Tahsildar, if any.
- 5. As soon as a declaration under sub-section (1) of section 4 is filed the prescribed authority shall enter all the material particulars of such declaration a register to be maintained by him.
- 6. Procedure for enquiry and disposal of objections.—(1) For the purposes of sub-section (4) of section 4 the prescribed authority may call for such documents and evidence as he may deem fit and may also make further enquiries locally to ascertain the following points, namely:—
 - (i) whether the person making the declaration has a prima facie right, title or interest in the land;
 - (ii) whether such person is legally competent to make the declaration; and
 - (iii) whether the particulars contained in the declaration are correct.
- (2) The order of the prescribed authority under sub-section (4) of section 4, confirming or refusing to confirm the declaration shall be published in the Notice Board of the prescribed authority and of the office of the Gram Panchayat within whose jurisdiction the land is situated.
- 7. Appeal.—(1) An appeal against the order of the prescribed authority under sub-section (4) of section 4 shall lie to the Munsif, having jurisdiction over the area in which the land donated is situated.
- (2) Every appeal shall be in writing and shall be accompanied by a certified copy of the order appealed against.
 - 8. Form of statement of gramdan made before commencement of the Act-
 - Every statement of gramdan made under sub-section (7) of section 4 shall be in a form containing substantially the particulars required under Form I and such form shall be deemed to be the prescribed form under sub-section (7) of section 4. The provisions of rules 4, 5, 6 and 7 shall, as far as may be, apply to such statement.
- 9. Enquiry under sub-section (1) of section 5 and declaration of "gramdan" village.—(1) A notification declaring a village or part of a village to be a gramdan village under sub-section (1) of section 5 shall be in Form III.
- (2) Before making such declaration the prescribed authority shall cause an enquiry to be made through an officer not below the rank of a Block Development Officer in order to satisfy itself that the conditions mentioned in subsection (1) of section 5, have been satisfied.
- (3) A copy of the declaration shall be published in the Notice Board in the
 - (a) the Collector of the district;
 - (b) the Subdivisional Officer;
 - (c) the prescribed authority;
 - (d) the Gram Panchayat within whose jurisdiction the village covered by the declaration is situated; and
 - (e) the Tahsildar, if any.
- (4) If the conditions mentioned in sub-section (1) of section 5 are not satisfied within one year from the date on which the first declaration under sub-section (1) of section 4 was filed before the prescribed authority, the prescribed authority may make the declaration under sub-section (3) of section 5.

Such declaration shall be in Form IV and shall be published in the Notice Board in the office of—

- (a) the Collector of the district;
- (b) the Subdivisional Officer;
- (c) Local Sub-Registrar;
- (d) the Gram Panchayat under whose jurisdiction the village covered by the declaration is situated; and
- (e) the Tahsildar, if any.
- (5) The declaration under clause (c) of sub-section (1) of section 5 shall be in Form IA. The head of families participating in the *gramdan* whether donating land or not, shall jointly file such declaration before the prescribed authority.
- 10. Donation of land in "gramdan" village.—Every declaration under subsection (1) of section 7 shall also be in Form I and the provisions of rules 3, 4, 5, 6 and 7 shall, as far as may be, apply to every such declaration.
- 11. Register of members of "Gram Parishad".—(1) Immediately on the establishment of a Gram Parishad the prescribed authority shall cause to be prepared a register in Form V of all members of the Gram Parishad. The register shall be made in duplicate, one copy being kept in the office of the Gram Parishad and the other in the office of the prescribed authority.
- (2) In preparing the register, the prescribed authority may make such enquiry as may be necessary in regard to eligibility of persons for registration as members of the *Gram Parishad*.
- (3) The prescribed authority shall cause the register to be revised and brought up-to-date every three years after making such enquiry as may be necessary.
- 12. Election of President of "Gram Parishad".—(1) A meeting of the Gram Parishad for the election of the President shall be held within 60 days from the date of establishment of the Gram Parishad. Not less than 10 days before the date fixed for the meeting, the prescribed authority shall cause a notice to be served on each member stating therein the date, time and place of the meeting and the business to be transacted therein. The prescribed authority or any person authorised by it in this behalf shall conduct the proceedings of the meeting. One-tenth of the total number of members of the Gram Parishad shall form a quorum.
- (2) At the meeting the prescribed authority shall invite the members to propose and second the name of candidate for election as President. The proposer and the seconder shall not be the candidates themselves for election.
- (3) If only one name is proposed and seconded for election as President, he shall be declared as duly elected by the prescribed authority. If there bel more than one candidate, selection shall be made from the candidates by lot in such manner as the prescribed authority deems fit. The candidate thus selected shall be declared by the prescribed authority to be duly elected as President. The prescribed authority shall publish the name of the President so elected in the Notice Board of his office and in such other places as he deems fit.
- (4) The papers relating to the election shall be kept in the office of the prescribed authority for one year after which they may be destroyed.
- (5) If on the date fixed for the election of the President, the meeting fails on account of quorum, the prescribed authority shall adjourn the meeting to a date within a week from that date for electing the President. No quorum shall be necessary for the adjourned meeting and the election of the President shall be held on such date in accordance with the provisions of sub-rules (2) and (3).
- 13. Removal of President.—(1) The President of the Gram Parishad may be removed from office in the following circumstances, namely:—
 - (a) if he is guilty of misconduct in the discharge of his duties;
 - (b) if he refuses to act or becomes incapable of acting as President; or
 - (c) if he is absent from three consecutive meetings of the Gram Parishad without the leave of the Gram Parishad.

- (2) The President may be removed by a resolution of the *Gram Parishad* carried without any contrary vote, at a meeting specially convened for the purpose.
- (3) Every resolution shall be in writing and shall be signed by the proposer before being put to vote. A full record shall be kept of the meeting with particular reference to the number of members voting for or against the resolution.
- 14. Conduct of Business.—(1) A meeting may be called at any time by the President and at the meeting such business may be conducted as may be fixed by the President:

Provided that the total number of such meetings held in a year shall not be less than six.

meetings shall be given to every member of the Gram Parishad:

Provided that the President when required in writing by one-third of the members of the Gram Parishad to call a meeting shall do so within three days after giving such notice as is possible in the circumstances of the case to other members, failing which the members who made the requisition may, after informing the prescribed authority in writing, call a meeting after giving three days' notice to the President and other members.

- (3) The President or in his absence any member elected by the members present at the meeting shall preside at the meeting.
- (4) The quorum for a meeting shall be one-tenth of the total number of members of the Gram Parishad.
- (5) All matters coming before a meeting of the *Gram Parishad* shall be decided unanimously or without any contrary vote except in cases where under any of the provisions of the regulations matters may be decided by a majority of votes:

Provided that except in cases where matters may be decided by a majority of votes under any of the provisions of the regulations, no member of the Gram Parishad who has not or if he is not the head of family, whose head of family has not, declared under clause (c) of sub-section (1) of section 5 to participate in a community based on gramdan, shall have the right to vote.

- (6) A list of the business to be transacted at a meeting of the Gram Parishad shall be sent to each member of the Gram Parishad at least 48 hours before the time fixed for the meeting and no business shall be brought before or transacted at any meeting, other than the business of which notice has been given, unless the majority of the members present agree to do so.
- 15. Establishment of "Gram Adalat".—(1) The Gram Adalat for a gramdan village shall consist of five members of the Gram Parishad.
- (2) The Gram Parishad shall elect from amongst its members five persons for appointment as members of the Gram Adalat. If all the five persons are unanimously elected, the State Government shall appoint them to be the members of the Gram Adalat. If the Gram Parishad cannot unanimously elect five persons, it shall submit to the State Government a panel of names not exceeding 10 in number of the persons receiving the highest numbers of votes for appointment as members of the Gram Adalat and the State Government shall thereupon appoint five persons from such panel as such members.
 - (3) The term of office of a member of a Gram Adalat shall be three years.
- (4) On the expiry of his term a member of a Gram Adalat shall be eligible for re-appointment as a member of the Gram Adalat:

Provided that no person shall be appointed as such member for more than two consecutive terms.

(5) The members of a *Gram Adalat* shall elect from among themselves a person who is able to record proceedings as Chairman of the *Adalat*.

- (6) Every member of a Gram Adalat shall take an Oath of office in the following manner:—

The Oath shall be administered by the District Magistrate or any officer authorised by him in this behalf.

- 16. Resignation or removal of Chairman or member of a Gram Adalat.—
 (1) A member of a Gram 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.
- (2) If in the opinion of the State Government the Chairman or a member of a *Gram 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 Adalat*, the State Government may remove such Chairman or member after giving him an opportunity of being heard and after such enquiry as is deemed necessary.
- (3) If any enquiry is held under sub-rule (2), the State Government may suspend such member from being on the *Gram Adalat* for such period as it thinks fit.
- (4) On removal of a member from a *Gram Adalat* under sub-rule (2), his office shall become vacant and he shall be disqualified for being elected as a member of the *Gram 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.
- 17. Procedure to be followed by a Gram Adalat.—(1) In respect of institution, trial and disposal of a dispute of a civil nature, the procedure to be followed by a Gram Adalat shall be as follows:—
 - (a) Every civil suit shall be filed before the *Gram Adalat* in the form of a plaint and shall be accompanied by an agreement signed by both the plaintiff and the defendant to refer the dispute to the *Gram Adalat* for decision.
 - (b) On the filing of the plaint, the *Gram Adalat* shall serve a notice on the defendant to file written statement, on the receipt of which issues shall be framed in the presence of both the parties. The parties shall thereafter be required to file documents and adduce evidence in support of their respective claims which shall be recorded by the *Adalat*.
 - (c) The Gram Adalat shall ascertain the merits of every suit by every lawful means in its power after giving the parties a further hearing, if necessary and thereafter shall pronounce such judgment in the open court, as it may deem just, equitable and according to good conscience. A decree shall be drawn up on the basis of the judgment stating therein the amounts payable as fees and costs and the person by whom such amounts are payable:
 - Provided that if the members of the Gram Adalat present during the trial of a dispute fail to come to a unanimous decision, the decision of the majority of such members shall be the decision of the Gram Adalat.
- (2) In respect of a dispute regarding allotment of land or apportionment of produce of land, the following procedure shall be followed:—
 - (a) If any dispute arises over an allotment of land made under sub-section (1) or sub-section (2) of section 17 or over the contribution of the produce to be made to the Gram Parishad under sub-section (1) of section 20, the aggrieved person may apply to the Gram Adalat for decision. Such application shall be in writing and shall be properly stamped.

- (c) If on the date so specified the plaintiff fails to appear or if in the opinion of the *Gram Adalat*, he shows negligence in prosecuting his case, it may dismiss the case for default:
- Provided that the Gram Adalat may restore the case dismissed for default, if within 30 days from the date of such dismissal the plaintiff satisfies the Gram Adalat that he was prevented by sufficient cause from appearing at the time when the case was called on for hearing.
- (d) If the defendant fails to appear and the Gram Adalat is satisfied that the summons was duly served it may decide the case ex parte:
- Provided that the defendant against whom the case has been decided ex parte may within 30 days from the date of decision, apply in writing, to the Gram Adalat to set aside the order. If the Gram Adalat is satisfied that the defendant was prevented by sufficient cause from appearing at the time when the case was called on for hearing it shall set aside the decision and shall appoint a day for proceeding with the case. No decision of the Gram Adalat shall be set aside unless notice is served by the Gram Adalat on the opposite party.
- (e) When the parties have been heard and evidence on both sides considered, the Gram Adalat shall pass such order as may seem just, equitable and according to good conscience, having regard to the land donated by the allottee or the portion of the land contributed by the allottee to the land pool or the amount of the produce of the land, as the case may be. Such decision shall be final and be binding on both the parties.
- (3) The Gram Adalat shall maintain a case register in Form VI.
- (4) If any of the parties to the suit referred to in sub-rule (1) of rule 17 or of the dispute regarding allotment of land or contribution of produce referred to in sub-rule (2) of rule 17 in any case dies before the suit or the dispute, as the case may be, has been decided, the suit or the dispute may be proceeded with at the instance of or against the legal representatives of the deceased party.
- (5) The Gram Adalat may direct in writing in the decree or the order that the payment of a sum of money or the delivery of any movable property may be made by instalments.
- 18. Issues, service and execution of summons and other processes and notices.—(1) Every process including a summons or a notice issued by a Gram Adalat under the Act or under these rules shall be in duplicate and signed by the Chairman of the Adalat and shall bear the seal of the Gram Adalat.
- (2) Such process shall ordinarily be served by an employee of the Gram Adalat personally on the party to whom it is directed by delivering or tendering to him one of the duplicate copies of the process.
- (3) Every person on whom process is so served shall be required by the serving officer to sign a receipt on the back of the original copy.
- (4) When the person against whom the process has been issued cannot by the exercise of due diligence be found it may be served by leaving the duplicate copy with some adult male member of his family.
- (5) If the service in any of the above ways cannot be effected by exercise of due diligence, the serving officer shall affix the duplicate copy of the process to some conspicuous part of the house or homestead in which the person concerned ordinarily resides and thereafter the process shall be deemed to have been duly served.
- 19. Fees to be levied by a "Gram Adalat".—For institution of cases and the issue of process, fees shall be charged by a Gram Adalat at such rates as provided in the Court Fees Act, 1870 (Act 7 of 1870). Copies of documents and other papers shall be supplied in accordance with the provisions relating to the supply of copies of documents in the Bengal Records Manual, 1943. A

- 20: Procedure for execution of decrees and orders under rule 17.—(1) Decrees under rule 17 shall be drawn up in accordance with the procedure prescribed in the Code of Civil Procedure (Act V of 1908). A time shall be specified in the decree or order for satisfaction thereof by the judgment debtor.
- (2) If the decree or order is satisfied within the specified time the Gram Adalat shall record the fact in a register to be maintained for the purpose.
- (3) If the decree or order is not satisfied within the specified time, the decree-holder may apply to the *Gram Adalat* which passed the decree or order in a written application in a tabular form as provided under Order 21, Rule 11 of the Code of Civil Procedure (Act V of 1908), so far as may be applicable. Thereafter the *Gram Adalat* shall proceed to execute the decree or order in accordance with the provisions laid down in Order 21 of the said Code so far as may be applicable.
- 21. Power to borrow money.—Subject to the provisions of the Local Authorities Local Act, 1914 (Act 9 of 1914), the Gram Parishad may, with the previous sanction of the State Government, borrow, for the purpose of the Gram Nidhi, such sum of money and on such terms as the State Government may determine.
- 22. Accounts and Audit.—The Gram Parishad shall maintain a regular account in Form VII. The accounts of the Gram Parishad shall be subject to audit in the same manner as the local fund and for this purpose the Gram Parishad shall be deemed to be a local authority.

FORM I

Declaration under sub-section (1) of section 4, under sub-section (1) of section 7, statement under sub-section (7) of section 4

(Gramdaner Bhumi Samarpan Patra)

(Strike out the portion not applicable.)

- I, , son of wife of of village , aged . . . , years, resident subdivision . . , district . . . , do hereby make the following declaration statement:—
 - 1. That I.... on having understood the idea of gramdan as initiated by Vinobaji as well as the provisions of the West Bengal Gramdan Act, 1964, have donated our village portion of village (.....) by way of gramdan.
 - 2. That I am owner of lands, in the village, particulars of which are given in the schedule below:
 - 3. That the aforesaid land lands
 - (a) is not are not subject to mortgage or any other incumbrances what-
 - (b) is not hypothecated as security for any Government loan or any other Government dues directly or indirectly.
 - (c) is not is held under a grant, lease or assignment from the Government without any permanent rights and the previous approval of the Government is attached herewith.
 - 4. That I do hereby voluntarily dedicate the ownership of the aforesaid lands for the purposes of gramdan to the village community as embodied in the Gram Parishad.
 - 5. That I undertake the liability to pay arrears, if any, of revenue, rent, cess or tax in respect of the aforesaid lands.
 - 6. Out of the aforesaid lands I contribute the following lands measuring of the landless poor persons of the village for the benefit

Khatian.

Cadastral survey plot.

7. That I am owner of lands (particulars following) which are subject to mortgage and this declaration is made jointly by me (mortgager) and the mortgagee (name and address).

We also jointly hereby dedicate the ownership of the said land(s) to the village community and undertake the liability to pay arrear, if any, of revenue, rent, cess or tax in respect thereof.

Mauja.

Khatian No.

C.S. plot

Date-

Witnesses-

: Signature of Mortgager

Signature of Mortgagee

8. I am owner of the following lands in the village, which are subject to mortgage or hypothecated to the Government and hereby undertake to dedicate the ownership of the land(s) to the Gram Parishad if and when they would be redeemed.

Mauja.

Khatian.

C.S. plot.

9. That I do not own any other land lands in the village, which is are eligible for donation by way of gramdan.

SCHEDULE

Description of lands donated

. Mauja Police-station

District

- 2. Total Area
- 3. J.L. No.

4. Khatian

C.S. plots

Revenue

Witness:

Date of declaration statement:

Place at which made:

I solemnly affirm that the particulars given above are correct to the best of my knowledge and belief.

Signature.

FORM IA

Declaration to participate in a community based on Gramdan (Gramdaner Sankalpa O Ghoshana Patra)

- 1. Those of us who own lands (other than homestead) situated in the village, do hereby contribute to the land pool of the village for the benefit of the landless poor persons of the village, to the extent (as mentioned below).
- 2. We shall constitute Gram Parishad with all the adult residents of the village as members. The Gram Parishad will look after all of us as mother of the village. It is understood that the Gram Parishad shall ordinarily make its decisions without any contrary vote.

- Those of us who own lands in the village, are separately and individually dedicating ownership of all the lands in the village to the village community. It is however, understood that the village community as embodied in the Gram Parishad shall allot to each donor all the lands dedicated by him to the village community excluding the portion contributed by him to the land-pool of the village. The interest in the lands allotted shall be heritable and the allottee will be entitled to transfer it, to any member of the Gram Parishad with its consent.
- Those of us who own and or cultivate lands in the village undertake to contribute one-fortieth of the produce of our lands in the village (or such lesser quantity as to be directed to be contributed by the Gram Parishad under the provisions of the West Bengal Gramdan Act, 1964) for creation of the Gram-Nidhi. Those of us who, do not own or cultivate land but earn income in cash undertake to contribute one-thirtieth of the income (or such lesser amount as to be directed to be paid by the *Gram Parishad* under the provisions of the West Bengal *Gramdan* Act, 1964). We shall also make other contributions to the *Gram Nidhi* as required under the provisions of the West Bengal *Gramdan* Act, 1964. Act, 1964. Those contributions would be utilised for the provision for the poor and shelterless persons of the village, for the service of the sick and for introduction and development of village industries, etc., to provide employment to the unemployed and for the economic uplift of the villagers and for other purposes of the West Bengal Gramdan Act, 1964.
- 5. We have understood the provisions of the West Bengal Gramdan Act, 1964, and shall abide by them in all other respects for the purposes of gramdan.

Date of declaration:

Place:

Name.

Name of Witness:

Age. if any.

Total area of lands, Extent of contribution to the landpool.

Signature.

FORM H

[See Rule 4.]

Notice under sub-section (3) of section 4.

Whereas the person(s) whose name(s) is are given below who claim(s) to be the sole owner(s) of the lands specified against his their name(s) has have filed declaration(s) in Form I of the West Bengal Gramdan Rules, 1965, donating by way of gramdan, all his their lands in village.

stating that he they has have donated before the commencement of the West Bengal Gramdan Act 1964 his their land lands in village. Bengal Gramdan Act, 1964, his their land lands in village.....

Now, therefore, notice is hereby given, requiring all persons interested in the land, to file objections, if any, in writing to the undersigned on or before

Action will be taken by the undersigned in regard to the declaration|the statement as required by sub-section (4) of section 4 of the West Bengal Gramdan Act, 1964, after considering all objections filed on or before the said date and no notice will be taken of any objection filed after that date.

Serial No.

Name(s) of person(s).

Particulars of lands.

Given under my hand and seal of this office this.....

(Seal)

Prescribed Authority.

FORM III

[See Rule 9(1)]

Notification	under sub-section (1) of section 5 of the West Bengal	"Gramdan"
	Act, 1964 (West Bengal Act XXVII of 1964).	

Act, 1964 (West	t Bengal Ac	t XXVII	of 1964).	.* •
Whereas I am satisfied that the conditions of Bengal Gramdan Act, 1964 (We fulfilled. I, therefore, hereby do No, police-station	under sub-seest Bengal eclare dietion list	Act XXV, dista No to be a gr	of section 5 of 1964),village, juri rict, pramdan village	of the West have been sdiction list part of olice-station with effect
Issued under my hand and	seal, this	• • • • • • • • •	day of	19
and the second of the second o	•			
(Seal)				
			Signature of Prescribed Au	
er and seed of the		su Telling Sund is	e di Tarangan	e kant
	Market 199			
	FORM I	V ,		
	[See Rule 9	0(4).]		
Whereas I, enquiries, am satisfied that section 5 of the West Bengal of 1964), are not satisfied, village, jurisdiction list No. district/ jurisdiction list No	the cond Gramdan A. I, hereby de	et, 1964 (eclare that, polipart of, F	mder sub-sect West Bengal ice-station colice-station	ion (1) of Act XXVII
Issued under my hand and	l seal, this.		day of	••••••
· · · · · · · · · · · · · · · · · · ·				
(Seal)		***********	Signature	of the
set of the second			Prescribed .	Authority.

FO		
	mm	

T 6744	Dwla	11(1).	ı
1000	Kulo	11(1).	ı

Serial No.	Name of the member.	Father's/husband's name.	Sex.	Age.	Date of constitution of the Gram Parishad.
1	2	3	4	5	6

Date of Signature of the Prescribed Authority. Remarks. supersession.

FORM VI

[Sec Rule 17.]

Serial No.	Date of filing of suit or dispute.	Name of plaintiff.	Name of defendant.	Nature of suit or dis- pute.	Decision of Gram Adalat.
1	2	3	4	5	6

Amount with fees and costs payable by the Signature of the Chairman of Adalat.

Remarks.

8 9

FORM VII

[See Rule 22.]

Date. From whom received. On what account. Amount. Total.

1 2 8 4 5

To whom paid. On what account. Amount. Total. Cash in hand.

Signature of Chairman of Gram Parishad. Remarks.

11 12

By order of the Governor,

K. SEN,

Secy. to the Govt. of West Bengak

Printed and published by the Superintendent, Government Printing, West Bengal, at the West Bengal Government Press, Alipore.