

Rajasthan Land Revenue (Conversion Of Agricultural Land For Non-Agricultural Purposes In Rural Areas) Rules, 1992

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Rajasthan Land Revenue (Conversion Of Agricultural Land For Non-Agricultural Purposes In Rural Areas) Rules, 1992

In exercise of the powers conferred by clause (xi-A) of sub-section (2) of Section 261 read with Section 90-A of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of (1956), the State Government hereby makes the following rules for conversion of agricultural land for non-agricultural purposes in rural areas, namely:-

1. Short Title, Extent And Commencement :-

- (1) These rules may be called the Rajasthan Land Revenue (Conversion of Agricultural Land for Non-Agricultural Purposes in Rural Areas) Rules, 1992.
- (2) They shall extend to all rural areas in the State of Rajasthan.

(3) These rules shall come into force on the date of their publication on the Official Gazette.

2. Interpretation :-

(1) In these rules, unless there is anything repugnant to the subject or context:

(a) "Act" means the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956).

(b) "Commercial purpose" means the use of any premises for any trade or commerce or business which shall include a shop, commercial establishment, bank office, dhaba (whether pucca or temporary structure), show-room, cinema, petrol pump, weigh bridge, godown or any other commercial activity (and shall also include the use thereof partly for residential and partly for commercial purposes), "but shall not include anything included in tourism units".

(c) "Form" means a form appended to these Rules.

(d) "Industrial Area" means an area of land developed by the Rajasthan Industrial Development and Investment Corporation or Rajasthan Tourism Development Corporation Ltd., as the case may be" for setting up an industry or industries including essential welfare and supporting services e.g. post office, bank, power station, police station, fire-fighting station, residential house, educational institution, hospital, dispensary, hotel, restaurant, market, cinema, petrol pump, weigh bridge, water and sewerage facilities.

(e) "Industrial purpose" means the use of any premises or workshop or an open area for any industry, whether a small or medium or large scale unit or a Tourism unit and shall include a brick kiln or a kiln but shall not include any premises used for a purpose as defined in clause (b).

(ee) "Medical facilities" shall include Medical Hospitals, diagnostic centres and nursing homes.

(f) "Periphery Village" shall have the same meaning as assigned in the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural land for Residential or Commercial Purposes in Urban Areas) Rules, 1981 framed under the Act.

(g) "Person" means a human being and shall include a firm, registered society, association of persons, corporate body or any other legal person.

(h) "Population" means population of a village as per the latest

census.

(i) "Prescribe Authority" means the authority as prescribed in rule 8.

(j) "Public utility purpose" means use of any premises or open land or play ground for a school, college, hostel, dharmshala, public guest house, religious place, gaushala or public park or any other place of public utility. [excluding use of medical facilities as given in rule 6 (vi).]

(k) "Rural area" means any land falling within the boundary of a village defined under clause (v) of section 3 of the Act and shall not include any periphery village as defined in clause (f) and any local area for which a Municipal Council or Municipal Board is constituted under the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959) which shall include a notified areas or contonment areas.

(l) "Residential purpose" means use of any premises for dwelling of human beings.

(m) "Tourism unit" means a tourism project approved by the Department of Tourism, Government of India or by the Tourism Department Government of Rajasthan and shall include-

(a) A heritage Hotel.

(b) Any other Hotel.

(c) A motel which provided wayside facilities under one roof, such as accommodation, food, repair shop.

(d) A camping site with furnished tented accommodation, having at least fifty tents along with bathroom and toilet facilities.

(e) A restaurant.

(f) A holiday resort providing sports and recreational facilities, riding, swimming and social amenities with boarding & lodging arrangements in Cottages.

(g) An amusement park providing various types of rides, games and amusement for children as well as for adults.

(h) A safari park developed with the permission of the Forest Department.

(i) An aerial ropeway established under the prevailing rules and regulations.

(2) Words and expressions, not defined in these Rules but defined in the Act, shall wherever used in these Rules, be construed to have the meanings assigned to them in the Act.

3. Purposes For Which Agricultural Land May Be Converted

:-

Any cultural land held in the Khatedari tenancy of the applicant,

may be converted, subject to the land use shown in the Master Plan, or the provisions of the Urban Land (Ceiling and Regulation) Act, 1976, as may be applicable, for one or more of the following purposes:

- (i) Residential
- (ii) Commercial
- (iii) Industrial or Industrial Area
- (iv) Medical facilities
- (v) Salt manufacturing, or
- (vi) Public Utility

4. Land For Which Conversion Not To Be Permitted :-

No permission granted for conversion of the:

- (a) Land which is under acquisition under the Land Acquisition Act, 1894.
- (b) Land falling within the boundary limits of any railway line, national Highway, State Highway or any other road maintained by the central or State Government or any local authority, as specified in any Act or Rules of the Central or State Government made in this behalf or 20 feet of the middle of any rural pathway, as shown in the revenue map of a village.
- (c) Land falling within the radius of 1 km of the outer limits of abadi of a village for the purpose of an industrial unit [x x x] or lime kiln or an industrial areas.
"This restriction shall not apply where the conversion is sought for brick kiln or nonpolluting industry, small or cottage industry."
- (d) Land used as catchment areas of a tank or village pond or land used as pathway to any cremation or burial ground or village pond, even if not so recorded in the village revenue map or revenue record.

5. Conversion For Dwelling House, Cattle-Shed Or Store-House Without Premium :-

A Khatedar tenant shall be entitled to convert his agricultural holding for construction of a dwelling house or cattle shed or store house on an area not exceeding 500 sq. meters. without any premium payable under rule 6. The area so converted shall continue to be in his khatedari tenant.

6. Premium :-

The premium payable for conversion of agricultural land for non-agricultural purposes, for the area not covered by rule 5, shall be as under:

Rate

(i) Residential purpose

(a) For a village having a population of not more than 5000 persons. [Re. 1/-per sq. mtr. for area upto 2000 sq. metres and Rs. 2/- per sq. mtr. for an area in excess of 2000 sq. mtrs.]

For a village having a population of more than 5000 persons.

[Rs. 2/- per sq. mtr. for an area upto 2000 sq. mtrs. and Rs. 4/- per sq. mtr. for an area in excess of 2000 sq. mtrs.]

(ii) Commercial purpose Four times of the rate prescribed in [clause (i) above for an area upto 200 sq. mtrs and eight times of the rate prescribed in clause (i) above for an area in excess of 200 sq. mtrs.]

(iii) Industrial purpose or Industrial area Re. 1/- per sq. mtr.

(iv) Salt manufacturing purpose Rs. 1000/- for every hectare of land or part thereof.

(v) Public utility purpose Medical facilities by following categories. Without premium.

CATEGORY A

Charitable institution willing to instal at least one advanced diagnostic for curative plant/equipment from within the list approved by the Government of Rajasthan from time to time or provide some medical facility for advanced medical services or super specialty as per the plan approved by the State Government.

Re. 1/- per sq.yd.

CATEGORY B

Charitable institutions not covered under category A

Re. 1/- per sq. yd.

CATEGORY C

Institution willing to set up speciality hospitals in specialities approved by the Government for a particular area.

Re. 1/- per sq. yd.

CATEGORY D

Nursing homes, hospitals, diagnostic centres, clinics and dispensaries run on commercial lands and not covered by other categories.

Rs. 3/- per sq. yd.

7. Exemption Of Premium :-

No premium shall be payable by any department of State Government or a local authority for conversion of land for agricultural purpose for any official use.

8. Application For Permission :-

(i) "A khatedar tenant, seeking permission for conversion of Agricultural land for any non-agricultural purpose shall submit an application complete in all respects in Form-a, alongwith the documents prescribed therein and a copy of challan, indicating the amount of premium deposited to the prescribed authority as under -

Purpose of Conversion Prescribed Authority

(a) Residential purpose (i) Tehsildar, where the area does not exceed 2000 sq. metres.

(ii) Sub-Divisional Officer, where the area does not exceed 4000 sq. metres.

(iii) Collector, where the area exceeds 4000 sq. metres.

(b) Commercial purpose (i) Sub-Divisional Officer, excluding Hotel, Resort, Cinema, Petrol-pump, Weigh-bridge purposes.

(ii) Collector for petrol-pump, weigh-bridge purposes.

(iii) State Government-for hotel, resort, cinema purposes.

(c) Salt manufacturing purposes (i) Tehsildar, where the area does not exceed 3 hectares.

(ii) Sub-Divisional Officer; where the area exceeds 3 hectares

(d) Industrial purpose or industrial area (i) Tehsildar, where the area does not exceed 1000 sq. metres

(ii) Sub-Divisional Officer, where the area does not exceed 1 hectare.

(iii) District Collector, where the area does not exceed 20 hectares.

(iv) Divisional Commissioner where the area does not exceed 30 hectares.

(v) State Government through the Collector where the area exceeds 30 hectares.

Provided that once an applicant is allowed to convert his land for industrial purpose in district he shall not be allowed to convert for the same industrial purpose in the same district.

["Provided further that no application for Conversion shall be required where a tenant desires to establish a small brick kiln (Kajawa) on the land held by him upto an area not exceeding 2500 sq. metres and such land shall be deemed to have been converted for such small brick kiln (Kajawa). No premium shall be payable for such Conversion".]

(e) Public Utility Purpose Sub-Divisional Officer]

(f) Medical facilities State Government through the Collector who shall make necessary verification and enquiry and shall hereafter forward all relevant material as well as the original application to

the State Government.

(2) ["The Prescribed Authority upto the rank of Collector shall, within 30 days and Divisional Commissioner within 45 days of the receipt of the completed application alongwith documents prescribed therein, after making necessary enquiry issue an order of conversion in Form-B or inform the applicant of the rejection of the application or the balance amount of the premium to be deposited :

Provided that no such order of conversion or regularisation shall be passed by the prescribed authority where the application relates to agricultural land falling within the revenue villages of Oria, Utaraj, Aorna Jawai, Achalgarh and Salgaon of Tehsil Abu-Road of District Sirohi without prior approval of the State Government."]

(3) The prescribed authority shall, within a period of 15 days of the date of receipt of a copy of the challan, indicating the amount of balance amount of premium deposited by the applicant, as intimated under sub-rule (2), issue an order of conversion in Form-B.

(4) In case the prescribed authority fails to issue an order under sub-rule (2) or (3) within the specified period, he shall submit the file within 10 days to his immediate next higher officer ["alongwith reasons of not taking action under sub-rule (2) or (3) who shall pass necessary orders and such orders shall be deemed to have been passed by the prescribed authority in exercise of its powers vested under sub-rule (2) or (3), as the case may be.

(5) ["Notwithstanding anything contained in sub-rule (2), (3) or (4) in case where the application is in respect of conversion of land for an area upto five hactares for industrial purposes, except for which conversion is not permitted under rule 4, the prescribed authority shall within 30 days of receipt of the completed application alongwith the documents prescribed therein, after making necessary enquiry, issue an order of conversion in Form-B or inform the applicant of the rejection of the application or the balance amount of the premium to be deposited. If no such order is made within that period the land applied shall be deemed to have converted for the said industrial purpose."]

9. Change In Purpose Of Conversion :-

(1) If a person, after the issue of conversion order under rule 8 for any specific purpose, intends to use it other non-agricultural purpose, he shall submit an application to the prescribed authority

in Form-C alongwith a challan indicating the difference amount of premium, if any.

(2) If a person, to whom land has been allotted under any Rules framed under the Act before the commencement of these Rules for any specific non-agricultural purpose, intends to use it for any other non-agricultural purpose, he shall submit an application to the prescribed authority in Form-C and shall deposit the premium as prescribed under these Rules.

(3) The prescribed authority shall follow the procedure as laid down in sub-rules (2) (3) and

(4) of rule 8 in disposing of an application under sub-rule (1) or sub-rule (2) and issue a revised conversion order in Form-D.

10. Transfer Of Land Converted For Non-Agricultural Purpose :-

Any land, duly converted for any non-agricultural purpose under these Rules [Shall not be transferred within two years of such conversion, after two years such land] may be transferred without payment of premium or obtaining permission from the prescribed authority.

["Provided that transfer of the land may be made by way of lease or mortgage for the purpose of obtaining loan from the State Government or Land Development Bank as defined in the Rajasthan Cooperative Societies Act, 1965 (Act 13 of 1965) or a Cooperative Society registered or deemed to be registered as such vide said that or any scheduled Bank or Rajasthan Finance Corporation, Rajasthan State Industrial Development and Investment Corporation Limited or any other initiative notified by the State Government in that behalf.

11. Entries In The Revenue Records :-

The Tehsildar shall, after the issue of conversion order, reduce the area of Khatedari land by making necessary entries in the revenue records.

12. Regularisation Of Conversion :-

(1) A person, who used agricultural land for any nonagricultural purpose without permission, prior to coming into force of these Rules, shall submit an application for regularisation of the conversion to the prescribed authority [within a period of nine months from the date of commencement of the Rajasthan Land Revenue (Conversion of Agricultural land for Non-Agricultural

Purposes in Rural Areas) (Amendment) Rules, 1994 or within, such period as may be extended by the State Government from time to time] alongwith a copy of the challan, indicating the amount of premium deposited, as prescribed under rule 6.

(2) The prescribed authority shall follow the same procedure for granting of refusing permission as prescribed in rule 6.

13. Use Of Land After Conversion :-

Any agricultural land, converted for a non agricultural purpose, shall be used for such converted purpose within a period of two years from the date of issue of the conversion order failing which the conversion order shall be withdrawn and the amount of premium deposited shall be forfeited to the State Government.

[Provided that the said period of two years may be extended by one year by the next higher authority, if such higher authority is satisfied.]

Provided further that an opportunity of being heard shall be given before passing an order of forfeiture of the premium.

14. Eviction Of Trespasser :-

A person, using any land in contravention of rule 4 or the land not recorded in his khatedari tenancy, for any non-agricultural purpose, shall be liable to eviction in accordance with the provisions of section 91 of the Act.

15. Penalty :-

If a person fails to submit an application within the period specified in sub-rule (1) of rule 12 or has used his khatedari land for any non-agricultural purpose, without obtaining prior permission of the prescribed authority, after commencement of these Rules, such person shall be liable to penalty equal to twenty five per cent of the amount of premium, in addition to the premium payable under rule 6. Provided that an opportunity of being heard shall be given before passing an order of the levy of penalty.

16. Interest :-

A person, who fails to deposit the amount the premium or penalty within the time specified by the prescribed authority shall be liable to pay interest at the rate of eighteen per cent per annum from the expiry of such period.

17. Deposit Of Premium Or Penalty Or Interest :-

The amount of premium or penalty or interest shall be deposited under the relevant revenue receipt head of the State Government,

applicable from time to time, with a challan in a treasury or bank handling Government business.

18. Payment Of Premium To Gram Panchayat :-

One half of the premium money deposited under these Rules shall be given by the State Govt. to the concerned Gram Panchayat through the Tehsildar at the end of every financial year.

19. Recovery Of Arrears :-

An arrear of premium or penalty or interest, outstanding against a person under these Rules, shall be recoverable as arrears of the land revenue under the Act.

20. Repeal And Savings :-

(1) The Rajasthan Land Revenue (Conversion of Agricultural land for Residential and Commercial Purposes in Rural Areas) Rules, 1971 are hereby repealed.

(2) The following Rules are hereby repealed to the extent they are applicable to the Conversion of agricultural land for non-agricultural purposes in rural areas.

(a) Rajasthan Land Revenue (Industrial Areas Allotment) Rules, 1959.

(b) The Rajasthan Land Revenue (Conversion of Agricultural Land into Nonagricultural Land) Rules, 1961.

(c) Rajasthan Land Revenue (Allotment, Conversion of Land for Construction of Seed Godowns) Rules, 1965.

(d) Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural Land for Construction of Cinemas, Hotels and Establishment of Petrol Pumps) Rules, 1978.

(e) Rajasthan Land Revenue (Allotment and Conversion of Land for Brick Kilns) Rules, 1987:

Provided that such repeal shall not affect any order made, action taken, effects and consequences of anything done or suffered thereunder or any right,* title, privilege, obligations or liability already acquired, accrued or incurred thereunder or any enquiry conducted, verification made or proceedings taken in respect thereof.