

Rajasthan Land Revenue (Conversion of Agricultural into Non-Agricultural Land) Rules, 1961

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¹Rajasthan Land Revenue (Conversion of Agricultural into Non-Agricultural Land) Rules, 1961

(Replealed by Noti. No. F 6(54) Rev.-6/2001/10 dated 5-3-2003 w.e.f. 19-3-2003)

In exercise of the powers conferred by clause (xia) of sub-sec. (2) of Section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), the State Government hereby makes the following rules, namely—

Rule 1. Short Title and commencement.—(1) These rules may be called the Rajasthan Land Revenue (Conversion of Agricultural into Non-Agricultural Land) Rules, 1961.

Rule 2. Interpretation.—In these rules, unless there is anything repugnant in the subject or context:

- (1) The "Act" means the Rajasthan Land Revenue Act, 1956; and
- (2) "form" means a form appended to these rules.

Rule 2-A. Non-Agricultural Purposes for which land may be permitted to be used.—(1) Subject to the other provisions of these rules, agricultural land may be permitted to be used for—

- (i) Construction of a factory or mill or setting up of a small scale industry ²[or Information Technology Industry] ³[or a tourism unit];
- (ii) setting up of brick kilns or lime kilns; and
- (iii) Manufacturing of salt.

(2) If any agricultural land has already been used for any of the purposes mentioned in sub-rule before the commencement of these rules without obtaining prior permission of the State Government in the prescribed manner, such use may be regularised by the Collector subject to the conditions laid down in Rule 5 and in consultation with the District Industries Officer/Assistant Director, Industries, Dy. Town Planner and representative of the Municipality/Urban Improvement Trust ⁴[or Jaipur Development Authority] if the land is situated within the limits of a Municipal Board/Municipal Council:

Provided that such persons shall have to pay the following penalty—

- (i) Rs. 150/- per acre for land situated in a rural area;
- (ii) Rs. 3000/- per acre for land situated within the limits of the Municipal Board/Council of Jaipur, Kota, Ajmer, Jodhpur, Udaipur and Ganganagar;

1. Pub. in Raj. Govt. Gaz., Exty., Part 4(ga), dated 23-8-1963.

2. Inserted vide Noti. No. F. 6(3) Rev. 6/2001/19, dated 30-4-2001, Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I), dated 10-5-2001.

3. Inserted vide Noti. No. F. 6(21) Rev. 6/99/24, dated 7-7-2000, Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I), dated 17-7-2000.

4. Inserted vide Notj. No. F. 6(73) Rev./Gr. 4/82/12, dated 22-1-1983, Pub. in Raj. Govt. Gaz., Part 4(ga)(I), dated 3-2-1983.

- (iii) Rs. 500/- per acre for land situated within the limits of other Municipal Board/Council Towns.

¹[Rule 2-B. Use of Agricultural Land for setting up of small industry.— Whenever any person holding any land for the purpose of agricultural wishes to use it or a part thereof for the purpose of constructing of a factory or a mill or for setting up of a small industry, he shall be able to do so subject to the following conditions—

- (1) The area so used shall not be more than ²[1000] sq. meters or 2 percent of the holding, whichever is higher.
- (2) For all conversions for putting agricultural land to the aforesaid purpose, the premium and urban assessment as provided hereinafter in these Rules shall be payable. On such payment the land shall be deemed to have been converted automatically and shall be so entered in the revenue record;
- (3) The facility provided in condition No. 2 shall not be so available for lands situated within the municipal limits of town or city;
- (4) In case of town or cities having a population of one lakh or more, the facility shall not be available within a distance of 8 miles of the municipal boundary;
- (5) In case the land is so used by a person who has obtained the same in violation of clause (a) of Section 42 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955), he shall have to seek exemption under the third proviso to Section 42(a) of the said Act.]

³[Rule 3. Application for permission to use agricultural land for non-agricultural purposes.—(1) Whenever any person holding any lands for purpose of agricultural ¹[not covered by Rule 2-B] wishes to use the same or any part thereof, for non- agricultural purpose, he may submit an application, in triplicate, in Form A, to the Tehsildar of the Tehsil in which the land is situated.

⁴[Provided that no application shall be required for conversion were the entire piece of land and building constructed there on is to be used exclusively for setting up of Information Technology Industry with the permission of Empowered Committee of Investment chaired by the Chief Secretary. However, the premium and urban assessment shall be payable under these rules. The Information Technology Department shall submit the list of Project approved by Empowered Committee on Investment chaired by the Chief Secretary, to the Revenue Department for verification. On such payment and verification by the Revenue Department, the land shall be so entered in the revenue record.]

1. Inserted vide Noti. No. F. 5(13) Rev./Gr IV/78. dated 21-11-1978. Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I). dated 30-11-1978.
2. Substituted vide Noti. No. F. 6(2) Rev./Gr. VI/91/9. dated 4-3-1991, Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I). dated 7-3-1991.
3. Rule 3 Substituted vide Noti. No. F. 6(13) Rev. B/643, dated 20-12-1963, Pub. in Raj. Govt. Gaz., Part 4(ga), dated 27-2-1964.
4. Added vide Noti. No. F. 6(3) Rev. 6/2001/19. dated 30-4-2001, Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I), dated 10-5-2001.

(2) All applications made under Rule 3 as it stood prior to the 20th December 1963 and still pending shall be rejected.]

¹[Rule 4. Enquiry by Tehsildar and Transmission of application to Collector.—(1) The Tehsildar shall —

- (i) Send a copy of the application to the Village Panchayat, Municipal Board or Urban Improvement Trust as the case may be, asking them to intimate in writing within thirty days, whether they have objection to the permission applied for being granted, and no receipt of the objections, if any, dispose of the same; and
- (ii) Prepare a report, in Form B, and submit the record of the case to the Collector for orders.

(2) Upon receipt of the Tehsildar's report the Collector shall, after such further enquiry, if any, as he deems fit to make, either reject the application, giving reasons for the rejection or sanction is or accord the required permission after charging the premium and/or urban assessment chargeable under the succeeding rules—

²[Provided that where the area involved exceeds 10 acres of unirrigated land or one acre of irrigated land, permission shall not be accorded, by the Collector without obtaining the prior approval of the ²[Commissioner of the Division:]

Provided further that no permission shall be accorded in respect of irrigated land unless the Collector has satisfied himself that no suitable unirrigated land is available for the purpose.]

³[Rule 5. Premium and urban assessment under sub-section (4) of Section 90-A.—(1) The premium and the urban assessment payable under sub-sec. (4) of Sec. 90-A in respect of land forming the subject matter of an application under R. 3 and the terms and conditions on which permission shall be granted and the restrictions applicable to special areas shall be as shown below—

S. No.	Particulars of non-agricultural purpose	Rates of premium and urban assessment and terms and conditions	Restriction applicable to special areas
1.	2.	3.	4.
1.	Construction at Factory, of Mill, or the setting up of some small industry	Will have to surrender his Khatedari rights where upon land will be allotted subject to the terms and conditions mentioned in the Raj. Industrial Areas Allotment Rules, 1959, with the modification that cost of the land at 30 times the	No conversion of agricultural land for non- agricultural purposes shall be allotted in the area not shown as reserved for industries within the approved master plan if any, prepared for the City or town except after prior consultation with the Town Planning
1.	Substituted vide Noti. No. F. 6(13) Rev. B/63, dated 20-12-1963, Pub. in Raj. Govt. Gaz., Part 4(ga). dated 27-2-1964.		
2.	Substituted vide Noti. No. F. 6(69) Rev./Gr. 4/82/42. dated 8-4-1983. Pub. in Raj. Govt. Gaz., Part 4(ga)(I). dated 21-4-1983.		
3.	Substituted vide Noti. No. F. 6(10) Rev. 6/99/9, dated 15-2-2000, Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I). dated 24-2-2000.		

1.	2.	3.	4.
¹ for Information Technology Industry] ² (or a tourism unit.)	sanctioned rent rates will be adjusted against development charges and rent and for the purposes of these rules the development charges payable shall be deemed to be premium, and the rent payable shall be deemed to be urban assessment.	Department, provided that of the Master Plan has not been prepared and approved for any of the cities of Jaipur, Udaipur, Jodhpur, Ajmer, Kota, Bikaner and Ganganagar, the conversion of agricultural land for non-agricultural purposes would be permitted by the Government only after prior consultation with the Town Planning Department. ³	
2. Establishment of brick kiln	Will have to surrender his tenancy right where upon land will be allotted on the terms and conditions mentioned in the Raj. Colonisation Project Areas Brick Kiln (Leases) Conditions, 1959 or the Raj. L.R. (Brick Kiln Leases in Non-Project Areas) Conditions, 1960 whichever may be applicable, subject to the modification that for the first ten years, the rate of rent to be Rs. 40/- (per Bigha per annum, and the rent payable shall be deemed to be urban assessment.	Provided that till such time as the master plan is ready no industrial areas within fifteen miles of the limits of the Jaipur Municipality and ten miles of the limits of the municipalities of Jodhpur, Ajmer, Udaipur, Kota, Bikaner and Ganganagar shall be set up.	
3. Setting up of Lime kiln	Will have to surrender his tenancy rights whereupon land will be allotted subject to payment of urban assessment Rs. 30/- per acre per annum.	Conversion of agricultural land for the establishment of a factory or a mill shall be allowed only if an industrial area within the master plan limits is not available. If an industrial area is available the industry should be allowed to be set up within that area.	
4. Manufacture of Salt	Will have to surrender his tenancy right whereupon permission will be accorded for use of land for the manufacture of Salt on the terms and conditions mentioned in the Raj. Land Revenue (Saline Areas Allotment) Rules, 1962, with the		

1. Inserted vide Noti. No. F. 6(3) Rev. 6/2001/19, dated 30-4-2001, Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(1), dated 10-5-2001.

2. Inserted vide Noti. No. F. 6(21) Rev. 6/99/24, dated 7-7-2000, Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I), dated 17-7-2000.

3. Substituted vide Noti. No. F. 6(55) Rev./B/71, dated 25-4-1974, Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I), dated 2-5-1974.

1.	2.	3.	4.
		modification that the rent payable thereunder shall be deemed to be urban assessment payable under these rules.	

(2) The premium shall be payable in a lump sum immediately on the grant of permission and the urban assessment shall be payable in two half-yearly instalments, along with the agricultural assessment payable in respect of the remaining agricultural land.

(3) If the premium and/or urban assessment is not paid in accordance with the provisions of sub-rule (2), the same shall be recovered as arrears of land revenue under Section 256 of the Act.

Rule 6. Premium to be charged on lands already sold by estate holder.—Notwithstanding anything contained in Rule 5, where agricultural lands have already been sold by an estate-holder or any other person for non-agricultural purpose, the rate of premium to be charged therefore shall be such, not exceeding Rupee one and paise fifty per square yard, as the State Government ¹[in the revenue Department] may, in each case determine:

Provided that no such sale made after the fifteenth day of December, 1960 shall be recognised, and fine in respect of any such sale shall be charged in accordance with provisions of Rule 7.

Rule 7. Fine under proviso to sub-section (5) of Section 90-A.—²[Except as provided in Rule 2-A] where any land held for the purpose of agricultural is used for any non-agricultural purpose, in any of the circumstances specified in clauses (a), (b), (c) and (d) of sub-section (5) of Sec. 90-A of the Act, the fine referred to in the proviso to the said sub-section shall be calculated at the rate of not less than five times the prevalent highest market price of ³[Abadi land] in the neighbourhood:

³[Provided that in town or villages that are not municipalities, and the population whereof does not exceed eight thousand, such fine shall not exceed the market price of abadi land in the vicinity, in addition to the premium leviable under Rule 5 or 6 :]

⁴[Provided further that no fine shall be required to be paid in cases in which an application was submitted under Rule 3 and permission to use agricultural land for non-agricultural purposes was finally accorded and the applicant has furnished in writing sufficient reasons for having used agricultural land for non-agricultural purposes. during the pendency of such application:

1. Inserted vide Noti. No. F. 6(13) Rev. B/63, dated 20-12-1963, Pub. in Raj. Govt. Gaz., Part 4(ga), dated 27-2-1964.

2. Added vide Noti. No. F. 6(55) Rev./B/71, dated 25-4-1974, Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I), dated 2-5-1974.

3. Substituted vide Noti. No. F. 6(13) Rev. B/63, dated 20-12-1963, Pub. in Raj. Govt. Gaz., Part 4(ga), dated 27-2-1964.

4. Added vide Noti. No. F. 6(1) Rev./Gr. VI/91/1, dated 9-1-1991, Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I), dated 9-1-1991.

Provided also that cases decided under this rule before the coming into force of this amendment may be reviewed under the second proviso on the application submitted for the purposes within ninety days of coming into force of this amendment.]

¹[Form A]**Application for permission to use agricultural land for non-agricultural purposes**

To

The Tehsildar
Tehsil

Sir,

I hereby apply under Section 90-A of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), read with Rule 3 of the Rajasthan Land Revenue (Conversion of Agricultural into Non-Agricultural Land) Rules, 1961 for permission to use the agricultural land particulars whereof are given hereunder, for the non-agricultural purposes indicated below.

2. The required particulars are given:

- (1) Name of applicant, with parentage and address.
- (2) Particulars of land in respect of which permission is required.
 - (a) Name of village, with name of tehsil.
 - (b) Khewat No. (if any).
 - (c) Khasra Number.
 - (d) Area.
 - (e) Soil class, if known.
 - (f) Annual assessment.
 - (g) Use to which the land was put during the past three years.
 - (h) Name, parentage and address of land holder.
 - (i) Name, parentage and address of tenant, together with class of tenancy if known.
- (3) The exact area proposed to be converted, in square yards.
- (4) Full details of the non-agricultural purpose for which the land is to be used if permission is accorded, e.g. construction of factory or mills, establishment of brick kiln etc.

3. I verify that the particulars given above are correct to the best of my knowledge and belief; and I hereby undertake to pay the premium and/or urban assessment in accordance with the rules and to abide by the terms and conditions on which the permission may be granted.

Witness

Signature

Date

.....

1. Substituted vide Noti. No. F. 6(13) Rev. B/63, dated 20-12-1963, Pub. in Raj. Govt. Gaz., Part 4(ga), dated 27-2-1964.

¹[Form B]

(See Rule 4)

Tehsildar's Report

1. Name of the applicant with parentage and residence.
2. Name of land holder with parentage and residence.
3. Name of tenant, with parentage and residence and class of tenancy.
4. Khewat number (if any).
5. Khasra Number.
6. Area.
7. Soil class of the land.
8. Whether irrigated or un-irrigated.
9. If irrigated, particulars of source of irrigation, together with remarks on its present condition.
10. Use to which the land is put at present.
11. If under cultivation, particulars of cultivation according to the Gashi Girdawari during the last 3 years.
12. Whether there is any objection from the point of view of the Tehsildar to the permission applied for being granted?
13. Rate of premium applicable.
14. Prevailing prices of non-agricultural land in the vicinity of the land sought to be converted.
15. Whether any objections were raised by the Village Panchayat, Municipal Board or the Urban Improvement Trust; and if so, how the same were disposed of.
16. Any other remarks.

Signature

(Tehsildar)

PART II**Collector's Orders**

The permission applied for is hereby refused for the following reasons (Reasons to be recorded) granted subject to the payment of premium amounting to Rs. and urban assessment amounting to Rs. per square yard per annum and subject to the following special conditions (Conditions of Rule 5 to be specified).

Date

Collector

□□□

1. Substituted vide Noti. No. F. 6(13) Rev. B/63, dated 20-12-1963, Pub. in Raj. Govt. Gaz., Part 4(ga), dated 27-2-1964.