

Rajasthan Land Revenue (Allotment [xxx] of [xxx] Land for Establishment of Brick Kilns) Rules, 1987

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¹Rajasthan Land Revenue (Allotment ²[xxx] of ³[xxx] Land for Establishment of Brick Kilns) Rules, 1987

In exercise of the powers conferred by clause XI-A of sub-section (2) of Section 261 read with Section 90-A and 102 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), the State Government hereby makes the following rules for the allotment of Government unoccupied agricultural land and conversion of agricultural land held by khatedar tenants for the establishment of brick kilns namely—

Rule 1. Short title and commencement.—(1) These rules may be called The Rajasthan Land Revenue (Allotment ²[xxx] of ³[xxx] Land for Establishment of Brick Kilns) Rules, 1987.

(2) These rules shall come into force from the date of their publication in official gazette.

Rule 2. Definitions.—(1) In these rules, unless there is anything to the contrary in the subject or context—

- Act' means the Rajasthan Land Revenue Act, 1956;
- 'Form' means a form appended to these rules;
- 'Government' means the Government of Rajasthan; and
- 'Lessee' means any person holding land under a lease granted under these rules and shall include his successors and assigns.

(2) Words and expressions defined in the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955) and the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) shall wherever used in these rules be construed to have the meanings assigned to them by the said Acts.

Rule 3. Applicability.—These rules shall govern the allotment of Government unoccupied land ²[xxx] for the establishment of brick kilns in the whole of the State except the areas where the Rajasthan Colonisation Project Areas Brick Kilns (Leases) Condition, 1966 are applicable.

Rule 4. Maximum area to be allotted or converted.—The maximum area to be ²[xxx] under these rules shall not exceed ten acres.

Rule 5. Form of application.—An application for allotment ²[xxx] of agricultural land for establishment of brick kilns under these rules shall be submitted to the Collector of the District having jurisdiction in Form 'A' ²[xxx] as the case may be. Such application shall be verified by the applicant as a plaint in accordance with the provisions of the Code of Civil Procedure, 1908.

Rule 5A. ²[xxx]

1. Pub. in Raj. Govt. Gaz., Part 4(ga)(I), dated 5-11-1987.
2. Deleted vide Noti. No. F6(54) Rev.6/2001/11 dated 3-3-2003. Pub. in Raj. Gaz. Part IV(c) dated 13-6-2003.
3. Omitted Vide No. F. 6(38) Rev./Gr. IV/86/14, dated 16-4-1991. Pub. in Raj. Govt. Gaz., Part 4(ga)(I), dated 7-5-1992.

Rule 6. Enquiry and disposal of application.—The application received shall be entered in the register maintained for the purpose and a report thereon shall be cailed from the Tehsildar. The Collector shall, after considering the report and making such other enquiry as he deems fit, either pass an order of allotment ¹[xxx] or reject the application. In case of rejection he shall record his reasons for the same.

Rule 7. Allotment or Conversion.—(1) The land classified as barani or unirrigated shall be available for allotment ¹[xxx] for the establishment brick kilns ²[Deleted];

³[Provided that where the application is only for establishment of a Kajwa (small brick kiln) on unoccupied Government land falling in the catchment area of a talab, nadli or embankment of a river or pasture land on an area not exceeding 5/8th of an acre, the Collector may after making such enquiry as he deems necessary and in the case of pasture land in consultation with the Gram Panchayat allot land for establishment of a Kajwa for a period not exceeding one year on payment of rent at the rate of 50% of the rate prescribed in Rule 8.]

⁴[(2) Allotment ¹[xxx] under these rules be allowed only if—

- (a) the land is not situated within one kilometer of the Village abadi;
- ⁵[(b) the applicant obtains a Mining lease from the Mines Department unless exempted under Rule 58 of the Raj. Minor Mineral Concession Rules, 1986, and]
- (c) No objection Certificate is issued by the concerned, ⁶[Village/ Municipal/ Local Authority and Rajasthan State Pollution Control Board] which shall while issuing such a no objection Certificate ensure that such kiln shall not cause any pollution or fire hazard to village abadi and storage godown or places of religious worship or of historical or tourist importance.

(3) The allotment or conversion under these rules shall be on lease-hold basis.

(4) The lease deed shall be executed in the prescribed form immediately after the order of allotment or conversion.

(5) The period of lease shall be five years in the first instance subject to its renewal for a further period of five years at a time.

Rule 8. Rent.—(1) The rate of rent per acre per annum shall be Rs. ⁷[1500/-] ¹[xxx] for establishment of brick kiln.

(2) In case of renewal of lease the rent payable by the lessee shall be increased by twenty five per cent on each renewal.

1. Deleted vide Noti. No. F.6(54) Rev.6/2001/11 dated 3-3-2003. Pub. in Raj. Gaz. Part IV(c) dated 13-6-2003.
2. Deleted vide No. F. 6(10) Rev./99/8, dated 15-2-2001. Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I), dated 24-2-2001.
3. Added vide No. F. 6(38) Rev./Gr. IV/86/14, dated 16-4-1991. Pub. in Raj. Govt. Gaz., Part 4(ga)(I), dated 7-5-1992.
4. Inserted & renumbered vide No. F. 6(38) Rev./Gr. IV/86/5, dated 22-2-1991. Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I), dated 22-2-1991.
5. Substituted vide No. F. 6(38) Rev./Gr. IV/86/12, dated 22-5-1992. Pub. in Raj. Govt. Gaz., Part 4(ga)(I), dated 2-7-1992.
6. Substituted vide GSR 42 dated 27-6-2002. Pub. in Raj. Gaz. Part IV(c) dated 11-7-2002.
7. Substituted vide No. F. 6(38) Rev.4/86/19, dated 29-5-1998. Pub. in Raj. Govt. Gaz., Exty., Part 4(ga)(I), dated 3-6-1998.

Rule 9. Terms and conditions.—(1) The land shall not be used for any purpose other than that for which it is allotted ¹[xxx].

(2) The rent for the first year shall be paid by the lessee prior to the execution of the lease deed and for each succeeding year it shall be paid in advance on the commencement of that year.

(3) The lease hold rights shall not be transferred by the lessee except with the prior permission of the Collector, who may permit such transfer by making 25% increase in the annual rent from the date of transfer.

(4) The lessee or his transferee shall, in the case of default of payment of the rent or in the case of breach of any terms and conditions of the lease shall stand determined and the lessee be liable to ejection under the provisions of the Rajasthan Land Revenue Act, 1956 and the land shall be resumed free from all encumbrances by the State Government and the rent due, if any together with interest at the rate of twelve per cent per annum, shall be recovered as arrears of land revenue.

²[**Rule 10. Status of land on the expiry of the lease period.**—The land shall revert free from all encumbrances to the State Government on the expiry of the lease period.]

Rule 11. Repeal and Savings.—The Rajasthan Land Revenue (Brick-Kiln Leases in Non-Project Areas) Conditions, 1960 are hereby repealed:

Provided that such repeal shall not affect any order made, action taken, effects and consequences of anything done or suffered, or any right, title, privilege obligation or liability already acquired, accrued or incurred or any enquiry conducted, verification made or proceedings taken under the Rajasthan Land Revenue (Brick Kilns Leases in Non Project Areas) Conditions, 1960:

Provided also that premium or rent or both which have already been paid under any Rules or Order for the time being in force shall be adjusted against the rent payable under these Rules. The lease granted under any Rules or Order shall be required to be renewed under these rules before the commencement of the next agricultural year and the lease money/rents shall be adjusted against the amount or rent payable under these rules as if the lease was originally granted under these rules.

Form A

(See Rule 5)

PART I

Application for allotment of Land for Brick Kiln

To

The Collector,
..... District

1. Deleted vide Noti. No. F.6(54) Rev.6/2001/11 dated 3-3-2003. Pub. in Raj. Gaz. Part IV(c) dated 13-6-2003.
2. Substituted vide G.S.R. 42 dated 27-6-2002.

Sir,

I, S/o Shri resident of Village Tehsil aged profession beg to state as under:

(1) That I have read and understood the Rajasthan Land Revenue (Allotment and Conversion of Agricultural Land for Establishment of Brick-Kilns) Rules, 1987 and the form of lease-deed appended thereto.

(2) That I hereby apply for the allotment of Government land for establishment of brick kiln for a period of

(Give particulars of land)

- (i) Name of village with name of Tehsil.
- (ii) Khasra No. and boundary of the land applied.
- (iii) Area in acres/bighas and soil classification if known.
- (iv) Rent assessed.
- (v) Any other particulars.

(3) I verify that the particulars given above are correct to the best of my knowledge and belief. I hereby undertake to pay to the lessor the rent and abide by all the terms and conditions of the lease prescribed under rules.

Yours faithfully
(Name and Address)

Date:

Place:

¹Form B [Deleted]

Part II of Forms A & B

Tehsildar's Report

1. Name of applicant with parentage and residence.
2. Name of land holder with parentage & residence.
3. Name of tenant with parentage and residence and class of tenant.
4. Khewat Number/Khasra No.
5. Area
6. Soil Class
7. Whether irrigated or un-irrigated.
8. If irrigated, particulars of source of irrigation, together with remarks on its present condition.
9. Use to which the land is put at present.
10. If under cultivation, particulars of cultivation according to Girdawari during the last 3 years.
11. Whether there is any objection from the point of view of the Tehsildar to the permission applied for being granted.
12. Rate of rent applicable.

1. Deleted vide Noti. No. F.6(54) Rev.6/2001/11 dated 3-3-2003. Pub. in Haj. Gaz. Part IV(c) dated 13-6-2003.

13. Whether any objection were raised by the village Panchayat, Municipal Board or the Urban Improvement Trust or Jaipur Development Authority and if so, how the same were disposed of.
14. Any other remarks.

Signature

Tehsildar

Date.....

Form C

(See Rule 6)

Collector's order of allotment/conversion

To,

Shri

Sub: Conversion/Allotment of Government land for establishment of brick kiln.

Ref. : Your application dated

Your application received was considered and that—

(1) You have been allotted the following Government unoccupied land/the permission applied for conversion is granted.

Name of Tehsil	Village & Khasra No.	Area allotted/converted area (in Bighas Acres)
1.	2.	3.

(2) The annual rent of this land shall be as per Rule 8 of the Rajasthan Land Revenue (Allotment and Conversion of Agricultural Land of Establishment of Brick Kiln) Rules, 1987.

(3) Your application has been rejected (reasons to be recorded).

Note—Strike out whichever is not applicable.

Collector

Form of Lease Deed

(See Rule 7(3))

This lease made on the day of of year between the Government of the State of Rajasthan (hereinafter called the Government) of the one part and Shri son of resident of (hereinafter called the lessee) of the other part.

Witnesses as follows:

The Government hereby demise is to the lessee the land measuring acre comprised in Khasra Number and more particularly described in the schedules attached hereto (delineated in colour) on the terms and conditions with liberties exception, reservations herein appearing—

- (a) The lessee agrees to accept the lease and agreed to abide by all the terms and conditions of the lease:

- (b) This lease is subject to the provisions of the Rajasthan Land Revenue Act, 1956 and the Rajasthan Land Revenue (Allotment and Conversion of Agricultural Land for Establishment of Brick Kilns) Rules, 1987;
- (c) The land is leased for the purpose of establishment of Brick Kiln;
- (d) The lease shall be for a term of years and shall be deemed to have commenced on the day of year unless the same is renewed or determined in accordance with the provisions of the rules;
- (e) The lessee shall pay to the Government the rent at the rate of Rs. and Rs. in case of allotment of Government land and conversion of agricultural land respectively;
- (f) The rent for the first year shall be paid by the lessee prior to the execution of the lease deed and for each succeeding year it shall be paid in advance on commencement of that year.

Lessee liberties.—The lessee shall excavate the soil for manufacturing bricks and establish the kiln for backing bricks.

Lessee's reservation.—(a) The lessee shall not use the land for any other purpose except for manufacturing bricks.

(b) The lessee shall not start the kiln unless the mining lease for the area is obtained from the mines department.

Liberties of the Government.—(a) If the lessee uses the land for any other purpose than for which lease is granted or breaches any of the terms and conditions of lease or fails to pay rent within time the Government shall determine the lease and on determination of the lease the lessee shall be liable to ejectment under the provisions of Rajasthan Land Revenue Act and any arrears of the rent shall be recovered as arrears of land revenue along with interest at the rate of 12% per annum.

In witness of the parties have hereto set their hands on the dates hereinafter in each case specified.

Signed by lessee

Signed for and on behalf of the
Government of Rajasthan

Date:

Date:

Designation

Witness: (1)

Witness: (1)

(2)

(2)

NOTIFICATION

Tehsildar within their Jurisdiction to exercise powers of Collector under the Rules.—राजस्थान भू-राजस्व अधिनियम, 1956 (राजस्थान अधिनियम 15 सन् 1956) की धारा 260 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजस्थान भू-राजस्व (ईंट भट्टों की स्थापना के लिए कृषि भूमि का आवंटन, और समपरिवर्तन) नियम, 1987 के नियम 7 के उपनियम (1) के परन्तुक के अधीन जिला कलेक्टर पर अधिरोपित कर्तव्यों एवं शक्तियों का प्रयोग तहसीलदार द्वारा उनके क्षेत्राधिकार के भीतर किया जावेगा।

[अधिसूचना संख्या 6(38) राज/6/8613, दिनांक 14-2-1995, राजस्थान राजपत्र (असाधारण) भाग 4(ग) उपखण्ड (II), दिनांक 21-2-1995, पृष्ठ 451 पर प्रकाशित]

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