

The Rajasthan Land Revenue (Allotment and Conversion of (X X X) Land For Establishment of Brick Kilns) Rules, 1987

RAJASTHAN

India

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Rule

THE-RAJASTHAN-LAND-REVENUE-ALLOTMENT-AND-CONVERSION- of 1987

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The Rajasthan Land Revenue (Allotment and Conversion of (X X X) Land For Establishment of Brick Kilns) Rules, 1987 Published vide Notification No. G.S.R. 84, Dated 24-8-1987; published in Rajasthan Gazette Part 4(Ga), Dated 5-11-87, page 315-322 Last Updated 22nd May, 2019 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:-

1. Short title and commencement.

(1) These rules may be called the Rajasthan Land Revenue (Allotment and Conversion of [x x x] [Omitted by No. F. 6(38) Revenue/Gr. IV/86/14. Dated 16-4-1991; published in Rajasthan Gazette Dated 7-5-92. page 12.] Land for Establishment of Brick Kilns) Rules, 1987. (2) These rules shall come into force from the date of their publication in official gazette.

2. Definitions.

(1) In these rules, unless there is anything to die contrary in the subject or context:- (a) 'Act' means the Rajasthan Land Revenue Act. 1956: (b) 'Form' means a form appended to these

rules:(c)'Government' means the Government of Rajasthan: and(d)'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.

3. Applicability.

- These rules shall govern the allotment of Government unoccupied land and conversion of agricultural land by khatedar tenant 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.

4. Maximum area to be allotted or converted.

- The maximum area to be allotted or converted under these rules shall not exceed ten acres.

5. Form of application.

- An application for allotment or conversion 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' or B' 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.

5A. [Use of Agricultural land for establishment a small brickkiln. [Added by No. F. 6(38) Revenue/Gr. IV/865. dated 22-2-1991; published in Rajasthan Gazette Extraordinary Part 4 (Ga)(II), dated 22-2-91, p. 677.]

- No application for conversion shall be required where a tenant desires to establish a brick-kiln on the land held by him and land shall be deemed to have been automatically converted for establishing a brick-kiln on an area not exceeding two acres.]

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 called 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 or conversion as the case may lie or reject the application. In case of rejection he shall record his reasons for the same.

7. Allotment or Conversion.

(1)The land classified as barani or unirrigated shall be available for allotment or conversion for the establishment brick kilns and irrigated or chahi land shall not be so allotted or converted except

with the prior permission of the State Government:[Provided that where the application is only for establishment of a Kajwa (small brick-kiln) on unoccupied Government land falling in tin catchment area of a talab, nadi 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.] [Added by No. F. 6(38) Revenue/Gr. IV/86/14. Dated 16-4-1991: published in Rajasthan Gazette Dated 7-5-92. p. 12.](2)[Allotment or conversion under these rules be allowed only if-(a)the land is not situated within one kilometer of the Village abadi,](b)[the applicant obtains a Mining lease from the Mines Department unless exempted under Rule 58 of the Rajasthan Minor Mineral Concession Rules, 1986. and [F. 6(38) Revenue/Gr. IV/86/12. Dated 22-5-1992; published in Rajasthan Gazette Part 4(Ga)(I). Dated 2-7-92. p. 275-76.](c)No Objection Certificate is issued by the concerned, [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.

8. Rent.

(1)The rate of rent per acre per annum shall be Rs. [1500/-] [Substituted by No. G.S.R. 26. Dated 29-5-1998; published in Rajasthan Gazette Part 4(Ga), Dated 3-6 98. page 108.] in case the Government land is allotted and Rs. [500/-] [Substituted by No. G.S.R. 26. Dated 29-5-1998; published in Rajasthan Gazette Part 4(Ga), Dated 3-6 98. page 108.] in case the khatedari land is converted 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.

9. Terms and conditions.

(1)The land shall not be used for any purpose other than that for which it is allotted or converted(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 ejectment under the provisions of the Rajasthan Land Revenue Act. 1956 and the land shall be resumed lessee 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.

10. Status of land on conversions/reversion.

(1) In all cases in which an applicant applies for conversion of agricultural land for establishment of brick kilns he shall be deemed to have surrendered his tenancy rights upon such conversion, but the lessee or his transferee as the case may be shall have the right to the original use of the land after the expiry of the lease period or at any stage subsequently, and on such reversion the status of the land shall be the same as it was at the time of conversion but he shall not be entitled to refund of any amount paid by him for the conversion or otherwise. (2) In case of allotment of Government unoccupied land, the land shall revert free from all encumbrances to the State Government on the expiry of the lease period.

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. Repeal-These Rules are hereby repealed to the extent they are applicable to the conversion of Agricultural land for Non-agricultural Purposes in Rural Areas. [Vide-R. 20 of the Rajasthan Land Revenue (Conversion of Agricultural Land for Non-agricultural Purposes in Rural Areas) Rules. 1992-No. F. 6(6) Revenue/Gr. VI/92, dated 27-4-1992] Form A (See Rule 5)

Part 1 – Application for allotment of Land for Brick Kiln

To, The Collector, District 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: Form B (See rule 5)

Part I – Application for conversion of agricultural land for establishment of brick kilns.

To, The Collector, District, Sir, I hereby apply under section 90-A of the Act read with rule 5 of the Rules for permission to use and convert agricultural land particulars whereof are given hereunder for the establishment of brick kiln.

2. The required particulars are given below:-

1. Name of applicant with parentage and address.

2. Particulars of the land.

(a) Name of Village and Tehsil. (b) Khewat No. and Khasra No. (c) Soil classification. (d) Rent. (e) Use to which the land was put during the past three years (f) Name, parentage and address of tenant, together with class of tenancy.

3. The exact area proposed to converted.

4. I verify that the particulars given above are correct to the best of my knowledge and belief and I hereby undertake to pay the least rent in accordance with the rules and to abide by the rules and terms and conditions on which the permission may be granted

Yours faithfully. Signature..... Witness..... Date: Place: (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.

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.

SignatureTehsildar.....Date.....Form C(See rule 6)Collector's order of allotment/conversionTo,Shri.....Sub: Conversion/Allotment of Government land for establishment or 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)

(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 Kilns) Rules, 1987.(3)Your application has been rejected (reasons to be recorded).Note. - Strike out whichever is not applicable.CollectorForm 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:-

1. 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 color) 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 years.....and to have concluded 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's 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 (or 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 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 effect-ment 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:
Witness: (1)	Designation
(2)	Witness: (1)
	(2)

[Inserted by No. F. 6(38) Revenue/Gr. IV/86/5. Dated 22-2-1991: published in Rajasthan Gazette Extraordinary Part 4(Ga)(II), Dated 22-2-91. p. 677.]