

# **Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Rules, 2011**

BIHAR

India

## **Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Rules, 2011**

### **Rule**

### **BIHAR-AGRICULTURE-LAND-CONVERSION-FOR-NON-AGRICULTURE of 2011**

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Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Rules, 2011Published vide Notification No. 8/fu;e lz'kks/ku o8-09/09-244(8) Ra, dated 15.3.2011No. 8/fu;e lz'kks/ku o8-09/09-244(8) Ra. - In exercise of the powers conferred by Section 15 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010, (Bihar Act 11 of 2010), the Governor of Bihar is pleased to make the following rules under the said Act:-Chapter-I

#### **1. Short title, extent and commencement.**

- (i) These Rules shall be called the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Rules, 2011.(ii)It shall extend to the whole of the State of Bihar.(iii)They shall come into force immediately.

#### **2. Definition.**

- In these Rules, unless there is any thing repugnant in the subject or context requires.-(a)"Rules" means the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Rules, 2011 ;(b)"Act" means the Bihar Agriculture Land (Conversion for Non Agriculture Purposes), Act, 2010 ;(c)"Section" means the section of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes), Act, 2010 ;(d)"Agriculture land" means land used for agriculture and allied activities ;(e)"Conversion" means change of land use from agriculture to non-agriculture purpose ;(f)"Conversion fee" connotes fee as applicable in related circumstances ;(g)"Non-agriculture land" means land other than agriculture land ;(h)"Government" means the Government of Bihar

;(i)"Collector" means the District Collector in whose jurisdiction the agriculture land for which conversion is applied for is situate and also includes any other officer authorized by the Government to exercise the powers and perform the functions of the District Collector under this Act ;(j)"Competent Authority" means the Sub-Divisional Officer in whose jurisdiction the concerning agriculture land or a part thereof is situate ;(k)"Prescribed Procedure" means procedure prescribed by Rules or by government order made by the Government under this Act ;(l)"Notification" means a notification published in the Bihar Gazette and the word "Notified" shall be construed accordingly ;(m)"Occupier" includes:(i)any person for the time being paying or liable to pay the rent, or any portion of the rent, for the land or, for the structure constructed thereon ;(ii)a rent-free occupant.(n)"Owner" includes any person for the time being receiving or entitled to receive, whether on his own account, or as an agent, trustee, guardian, manager or receiver, for another person, or for any religious, educational or charitable purpose, rent or profits for the agriculture land or for the structure constructed on such land and includes the following to whom the land have leased out by the State Government or the Central Government:-(i)A lessee, if the land has been leased out by the Government for any non-agriculture purpose deriving income therefrom ;(ii)a local authority, if the land is vested in the local authority and used for any non-agriculture purpose deriving income therefrom.(o)"Market Value" means value of the agriculture land as determined by the Collector under the provisions of the Indian Stamp Act, 1899.

### **3. Application for conversion.**

- An application for conversion of the agriculture land for non-agriculture purpose shall be made before the competent authority in Form 1 alongwith conversion fee as specified under section 4 (1) of the Act.

### **4. Notice for payment of difference amount.**

- If the conversion fee so paid as per subsection (2) of section 3 of the Act is found to be less than the fee prescribed, then a notice in Form 2 shall be issued by the competent authority to the applicant under section 3(3) of the Act for payment of difference amount within 30 days of the receipt of the application. In case the applicant does not deposit the difference amount indicated in the subsection (3) of section 3 of the Act, within 30 days of the receipt of such notice, the competent authority shall issue a second notice to the applicant directing him therein to deposit the difference amount within 15 days of the receipt of notice. If the applicant fails to comply with the direction, his application is liable to be rejected.

### **5. Application for conversion in certain cases.**

- In case the conversion has been made after the coming into force of the Bihar Act 21 of 1993 and prior to the commencement of this Act, it will be incumbent on the person responsible for the conversion to apply to the competent authority in Form 3 stating therein the fact of the said conversion within a period of 6 months from the date of the commencement of this Act along with conversion fee provided in Section 4(1) of the Act, and alongwith an additional conversion fee of 1% of the current market value of the land concerned, failing which the competent authority shall

proceed in accordance with section 6 of the Act.

## **6. Application to the competent authority in case of non-receipt of the desired permission by him.**

- Application, with reference to sub section (7) of Section 3 of the Act may be made in Form 4.

## **7. Penalty for unauthorised conversion.**

- The competent authority with reference to subsection (1) of Section 6 of the Act, shall issue notice for show cause to the person responsible for unauthorised conversion in Form 5 (a). The competent authority, if he is satisfied that the conversion for non agriculture purpose is unauthorised and is without the requisite permission of competent authority under Section 3 of the Act, will impose a penalty of 50% of the conversion fee over and above the conversion fee specified in section 4 (1) of the Act on the person responsible for such unauthorised conversion in Form-5(b).

## **8. Application for exemption from payment of conversion fee.**

- Application for exemption from the payment of conversion fee, with reference to sub section (1) of Section 7 of the Act, shall be made in Form 6.

## **9.**

The competent authority will grant permission for conversion from agriculture to non agriculture purpose in respect of the land applied for in Form -7, if he is satisfied that the prescribed conversion fee has been deposited alongwith penalty or additional conversion fee, if required, and does not contravene any provision of the Act.

## **10. Procedure of appeal and revision.**

- The hearing and disposal of an appeal and revision under Section 9 of the Act, shall be made as far as possible as per the procedure laid down in Civil Procedure Code ,1908 (Act 5, 1908). Form- 1 Form of Application for the purpose of conversion under sub-section (2) of Section 3 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010. To, The Sub-Divisional Officer..... Sub-Division Sir, I ..... son /wife of..... is a resident of Village ..... Tola/Mohalla..... Thana..... Anchal..... Sub-Division..... District..... . I want to use my agriculture land, the details of which is given below, for the purpose other than agriculture and its allied activities. The land applied for and the proposed land use is different from the land and land-use specified in Section 8 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010 for which the permission for conversion is not required. I am, hereby, depositing the prescribed conversion fees for conversion of the agriculture land applied for as per sub-section (1) of Section 4 of this Act. Besides, I am ready to pay annual rent/cess in respect of the

land applied for as per the rate specified in sub section (2) of Section 4 of this Act. I, therefore, request you to kindly grant permission for conversion of my agriculture land mentioned below to non agriculture purposes in accordance with sub-section (6) of Section 3 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010. Details of Land :-

- 1 Name of the District
- 2 Name of the Sub -Division
- 3 Name of the Anchal
- 4 Revenue village
- 5 Revenue Thana Number
- 6 Holding Number
- 7 Plot (khesra) Number
- 8 Proposed area for Non-Agriculture Purpose
- 9 Boundaries
- 10 Type of land shown in the Record of Right
- 11 Present rent/cess
- 12 Proposed purpose (details of the purpose for which it is to be used)

13 Conversion fees deposited for conversion under subsection (1) of Section 4 of this Act

Yours faithfully, (Full signature of the applicant) Date-Address-Form-2 Form of notice under sub-section (3) of Section 3 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010. Notice Versus Name .....

.....son /wife of.....resident of Village.....Tola/ Mohalla..... Thana..... Anchal..... Sub-Division..... District.....

You are hereby informed through this notice that the conversion fees deposited by you for the conversion of your agriculture land, the details of which is given below, for non agriculture purpose under sub-section (2) of Section 3 of the Act, is less than the conversion fees determined as per the rate specified in sub-section (1) of Section 4 of this Act. So you are hereby directed to deposit the difference amount of the conversion fees deposited by you for conversion of the land applied for, under sub-section (2) of Section 3 of this Act and the actual conversion fees determined as per sub-section (1) of Section 4 of this Act within 30 days of the receipt of this notice. Details of Land :-

- 1 Name of the District
- 2 Name of the Sub -Division
- 3 Name of the Anchal
- 4 Revenue village
- 5 Revenue Thana Number
- 6 Holding (khata) Number
- 7 Plot (khesra) Number
- 8 Proposed area for Non Agriculture Purpose
- 9 Conversion fees payable under subsection (1) of Section 4 of the Act
- 10

Conversion fees deposited by the applicant undersub- section (2) of Section 3 of the Act and the date of deposit

11 Difference amount of the conversion fees deposited by the applicant under sub- section (2) of Section 3 of the Act and the payable conversion fees under sub-section (1) of Section 4 of the Act

12 Date by which the difference of amount be deposited and mode

Sub-Divisional Officer.....Sub- Division

District-.....Date-.....Fo

of Second NoticeForm of second notice under sub-section (5) of Section 3 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010Second NoticeVersusName

..... son / wife

of..... resident of Village .....

Tola/Mohalla.....Thana.....

Sub-Division.....District.....

are hereby informed through this notice that the conversion fees deposited by you under sub-section (2) of Section 3 on..... in respect of your agriculture land, applied for conversion to non agriculture purpose, was found to be less than the conversion fees payable under sub-section (1) of Section 4 of this Act. A notice was issued on.....directing you to deposit the difference amount of the conversion fees payable under sub-section (1) of Section 4 of this Act and the conversion fees deposited by you, within 30 days, which was received by you

on..... You were required to deposit the difference amount within 30 days of the receipt of the notice in accordance with sub-section (4) of Section 3 of this Act but you did not deposit the difference amount specified in the notice within the said period. Therefore, a second notice is being issued against you under sub-section (5) of Section 3 of this Act directing you to deposit the difference amount of rupees ..... within 15 days of the receipt of this second notice positively, failing which your application is liable to be rejected.Sub-Divisional Officer.....Sub-

DivisionDistrict-.....Date-.....

-3Form of application under sub-section (6) of Section 3 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010.To,The Sub-Divisional Officer.....Sub-DivisionSir,I

..... son/wife

of..... is a resident of Village

..... Tola/Mohlla

..... Thana.....

Anchal..... Sub-Division .....

District..... I have already converted my agriculture land, the details of which is given below, to non agriculture purpose after the commencement of Bihar Act 21 of 1993 and before the commencement of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010 on..... . I am depositing today dated..... an

additional conversion fee of 1% of the market value of the land applied for, having a sum of Rs..... in addition to the conversion fee specified in section 4 (1) of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010. Besides, I am ready to pay annual rent/ cess as per the rate specified in Section 4 (2) of this Act.I, therefore, request you to kindly grant permission for conversion of my agriculture land, the details of which is given below,

under sub-section (6) of Section 3 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010. Details of Land :-

- 1 Name of the District
- 2 Name of the Sub-Division
- 3 Name of the Circle
- 4 Revenue village
- 5 Revenue Thana Number
- 6 Holding (khata) Number
- 7 Plot (khesra) Number
- 8 Area of land being used for Non Agriculture purposes
- 9 Type of Land shown in the Record of Right
- 10 Boundaries
- 11 Date of Conversion for Non Agriculture purposes
- 12 Amount of conversion fees being deposited under sub-section (1) of Section 4 of this Act
- 13 Additional conversion fees (1% of the market value of the land) being deposited under sub-section (6) of Section 3 of this Act

Yours faithfully, (Full signature of the applicant) Date-Address  
 Form - 4 By Registered Post  
 Form of Application under sub-section (7) of Section 3 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010 for action not been taken on the application within the stipulated period as specified in sub-section (6) of Section 3 of the Act. To, The Sub-Divisional Officer..... Sub-Division Sir, I..... son / wife of..... is a resident of Village..... Tola / Mohalla..... Thana.....

Circle..... Sub-Division..... District..... I have already filed an application on ..... for conversion of my agriculture land, the details of which is given below, in prescribed Form-1 along with the requisite conversion fee as specified in Section 4(1) of this Act/ or have deposited the difference fees of Rs ..... on ..... as determined by you under Section 3(3) of this Act (Struck which is not applicable). But you have not passed any order with regard to conversion within the stipulated period as specified in sub-section (6) of Section 3 of this Act. I, therefore, request you to kindly pass an appropriate order regarding conversion for non agriculture purpose of my agriculture land applied for within the stipulated period as specified in sub-section (7) of the Section 3 of this Act. Details of land:-

- 1 Name of the District
- 2 Name of the Sub-Division
- 3 Name of the Circle
- 4 Revenue village
- 5 Revenue Thana No.
- 6 Holding (Khata) No.
- 7 Plot (Khesra) No.
- 8 Area (for non agriculture purpose)

9 Boundaries

10 Type of land in the Record of Right

11 Present Rent

Yours faithfully, (Full signature of the applicant) Date: - Address: - Form-5 (a) Form of Notice for show cause with respect to unauthorized conversion of agriculture land to non agriculture purpose under sub-section (1) of Section 6 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010. Notice Versus Name..... son / wife

of..... resident of Village..... Tola / Mohalla..... Thana..... Circle..... Sub-Division.....

District..... You are hereby informed through this notice that information has been received / the matter has come to notice that you have converted your agriculture land, the details of which is given below, to non agriculture purpose in an unauthorized manner after the commencement of this Act / you have put your agriculture land to non agriculture use without obtaining the permission as provided under Section 3 of the Act. Therefore, you are hereby directed to be present either in person or through your lawyer before the Court of the undersigned in the fore-noon / after-noon of ..... and give show cause as to why a penalty of 50% of the conversion fee should not be imposed on you under subsection (3) of Section 6 of the Act in addition to the prescribed conversion fees of the land as per Section 4 (1) of the Act. Details of Land:-

1 Name of the District

2 Name of the Sub- Division

3 Name of the Circle

4 Revenue village

5 Revenue Thane No.

6 Holding (Khata) No.

7 Plot (Khesra) No.

8 Type of Land as per Record of Right

9 Area of Land converted for Non- agriculture purpose in an unauthorized manner

10 Boundaries

11 Type of Non Agriculture purpose

12 Conversion fee Payable under Section 4 (1) of this Act

13 Proposed penalty of 50% of the conversion fee under Section 6 (3) of the Act

Sub-Divisional

Officer Sub-Division..... District..... Date.....

- 5(B) Form of Notice of information regarding imposition of penalty under sub-section (3) of Section 6 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010. Notice Versus Name..... son / wife of..... resident of Village..... Tola / Mohalla..... Thana..... Circle..... Sub-Division..... District..... You are hereby

informed that you have converted your agriculture land, the details of which is given below, to non agriculture purpose in an unauthorized manner after the commencement of this Act or is without the requisite permission of the competent authority under Section 3 of this Act. Therefore, a penalty

of 50% of the conversion fee of Rs..... is being imposed on you under sub-section (3) of Section 6 of this Act in addition to the prescribed conversion fee under Section 4(1) of this Act. You are being warned that you must deposit the penalty of 50% of the conversion fee having a sum of Rs..... in addition to the conversion fee of Rs..... within three months of the order by .....otherwise, the said amount shall be recovered under the provisions of the Bihar and Orissa Public Demand Recovery Act, 1914. Besides, actions may also be initiated against you under sub-section (4) of the Section 5 of this Act.Details of Land:-

- 1 Name of the District
- 2 Name of the Sub-Division
- 3 Name of the Circle
- 4 Revenue village
- 5 Revenue Thane No.
- 6 Holding No.
- 7 Plot Khesra No
- 8 Area being used for Non Agriculture purpose
- 9 Boundaries
- 10 Type of Land
- 11 Type of Non Agriculture purpose
- 12 Conversion fees payable under Section 4 (1) of this Act
- 13 Penalty of 50% of the conversion fee under subsection 3 of Section 6 of the Act
- 14 Total amount payable

Sub-Divisional

Officer Sub-Division.....District.....Date.....

- 6 Form of Application for exemption from conversion fee under sub-section (1) of Section 7 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010 To, The Sub-Divisional Officer.....Sub-Division Sir, I..... son / wife of

..... is a resident of Village.....

Tola/Mohalla..... Thana..... Circle.....

Sub-Division..... District..... . I want to convert my agriculture land, the detail of which is given below, to non agriculture purpose of ..... The proposed conversion to be done by me comes under industry/ issues related to industry / industrial policy of the Department of Industries vide notification number..... dated..... . There is a provision for exemption from Conversion fee with respect to conversion for non agriculture purpose under sub-section (1) of Section 7 of this Act. I, therefore, request you to kindly grant permission for conversion of my agriculture land, the details of which is given below, without any conversion fee. Details of land:-

- 1 Name of the District
- 2 Name of the Sub Division
- 3 Name of the Circle
- 4 Revenue village
- 5 Revenue Thana No.



- 6 Holding (Khata) No.
- 7 Plot (Khesra) No.
- 8 Area to be used for Non-Agriculture purpose
- 9 Boundaries
- 10 Type of Non Agriculture purpose
- 11 Date & No. of Notification of IndustryDepartment Govt. of Bihar related to the said purpose.

Yours faithfully,(Full signature of the applicant)Address:Form -7Form of certificate for grant of permission for conversion under sub-section (6)/ or (7) (which ever is applicable) of Section 3 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010.The competent authority is pleased to grant permission for conversion of the agriculture land, the details of which is given below, for non agriculture purpose under sub-section (6)/ or sub-section (7) (which ever is applicable) of section 3 of the Act.Details of Land:-

- 1 Name of the District
- 2 Name of the Sub-Division
- 3 Name of the Circle
- 4 Name of Raiyat
- 5 Name of Revenue village
- 6 Revenue Thana No.
- 7 Holding (Khata) No.
- 8 Plot (Khesra) No.
- 9 Area to be used for Non Agriculture purpose
- 10 Boundaries
- 11 Type of Non Agriculture purpose
- 12 Annual rent / cess payable after conversion

Sub-Divisional

OfficerSub-Division.....District.....Date.....