

Rajasthan Land Revenue (Allotment of waste land for bio-fuel plantation and bio-fuel based Industrial and processing unit) Rules, 2007

RAJASTHAN

India

Rajasthan Land Revenue (Allotment of waste land for bio-fuel plantation and bio-fuel based Industrial and processing unit) Rules, 2007

Rule

RAJASTHAN-LAND-REVENUE-ALLOTMENT-OF-WASTE-LAND-FOR-B of 2007

- Published on 7 May 2007
- Commenced on 7 May 2007
- [This is the version of this document from 7 May 2007.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Land Revenue (Allotment of waste land for bio-fuel plantation and bio-fuel based Industrial and processing unit) Rules, 2007Published vide Notification No. S.O. 95, dated 7.5.2007Last Updated 20th May, 2019S.O. 95. - In exercise of the powers conferred by sub-section (2) section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956) read with section 101 and 102 of the said Act, the State Government hereby makes the following rules; namely.-

1. Short title extent and commencement.

(1)These rules may be called the Rajasthan Land Revenue (Allotment of waste land for bio-fuel plantation and bio-fuel based Industrial and processing unit) Rules, 2007.(2)They shall extend to the whole of the State of Rajasthan.(3)They shall come into force at once.

2. Definitions.

(1)In these rules, unless the subject or context otherwise requires;(a)"Act" means the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956);(b)"Agriculture Co-operative Society" means the Co-operative Society of landless persons registered under the Rajasthan Co-operative Societies Act, 2001 (Act No. 16 of 2002);(c)"Allotting Authority" means the authority constituted under rule

9;(d)"BIDI" means the Board of Infrastructure Development & Investment constituted by the State Government from time to time.(e)"Bio-fuel Authority" means authority set up by the Government of Rajasthan.(f)"Bio-fuel based Industrial and Processing Unit" means and includes establishment of complexes or estates comprising bio-fuel processing industrial units, refineries, composite high technology agricultural projects in the areas of bio-fuel, hybrid seed production, micro propagation through tissue culture etc. and research & development activities including training;(g)"Bio-fuel plantation" includes plantation of Jatropha, Karanj and other oil seeds plant suitable for production of bio-diesel;(h)"Company" means Company registered under the Companies Act, 1956 (Act No. 1 of 1956);(i)"District Level Committee" or "D.L.C." means the committee constituted by the State Government for a District from time to time under clause (b) of sub-rule (1) of rule 2 of the Rajasthan Stamps Rules, 2004;(j)"Form" means form appended to these rules;(k)"Government Undertakings" means undertakings owned or controlled by the Government and shall also include Companies and Corporations owned or controlled by the Government;(l)"Gram Panchayat" means Panchayat established under the Rajasthan Panchayat Raj Act, 1994 (Rajasthan Act No. 13 of 1994);(m)"Landless person" means a resident of Rajasthan who is either a bonafide agriculturist or an agricultural labourer, and is cultivating or is likely to cultivate land personally, and whose main source of livelihood is agriculture or any occupation which is subsidiary or subservient to agriculture, and such person does not hold any tenure land anywhere in Rajasthan, or the area of such land which he holds including any land which has been previously allotted to him, is less than 2 hectare of un-irrigated land:Provided that the following categories of persons shall not be considered to be landless person, namely:-(a)an employee of the Government, or of a commercial or industrial establishment or concern, his wife and children dependent on him. A casual or work-charged laborer shall not be treated as an employee for this purpose.(b)a person who has sold or otherwise transferred, the whole or part of the land held by, or allotted to him and has, thereby, come to hold less than the minimum area specified above.(c)a married person whose wife or husband, as the case may be, holds land including any land which has been previously allotted to him or her, jointly or severally, more than 2 hectare of un-irrigated land.(n)"Lease" means a lease executed under these rules;(o)"Society" means the society registered under the Rajasthan Societies Registration Act, 1958 (Act No. 28 of 1958);(p)"Self Help Group of B.P.L. families" means self help group (SHG) formed under the Swaranjayanti Gram Swarajgar Yojna (SGSY);(q)"Village Forest Security and Management Committee" means a committee constituted by the State Government in the Forest Department from time to time; and(r)"Wasteland" means degraded land which can be brought under cultivation with reasonable efforts and which is currently lying unutilized and land, which is deteriorating for lack of appropriate soil and water management on account of natural causes, including ravine land.(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 same meanings as assigned to them in the Act.

3. Purpose and eligibility of allotment.

(1)Land for bio-fuel plantation, and for bio-fuel based industry and processing unit under these rules may be allotted to:(a)Self Help Group of BPL families,(b)Village Forest Security and Management Committee,(c)Gram Panchayats,(d)Agriculture Co-operative Societies,(e)Societies,(f)Government Undertakings, and(g)Companies.(2)Maximum thirty percent

of total wasteland available in a district may be allotted to Government undertakings and companies and preference will be given to those Government undertakings and companies which undertake to plant Ratanjot, Karaj and other similar bio-fuel plants and to establish processing units, refineries, composite units, value addition of such bio-fuel plants and processing, establishing nursery for high quality plants and seeds including research & development and undertake to employ at least 50% of unskilled labour from local areas.(3)The remaining land shall be allotted to the other categories of sub-rule (1) and preference will be given to self help groups of B.P.L. families amongst other categories.

4. Identification of Wasteland.

(1)The wasteland available in the District shall be identified by the committee constituted for this purpose consisting of following members:-(a)District Collector : Chairman(b)Chief Executive Officer, Zila Parishad : Member(c)Divisional Forest Officer : Member(d)Concerned Sub Divisional Officer : Member(e)Concerned Tehsildar : Member(f)Deputy. Director, Agriculture : Member(g)Additional Collector (Administration) : Member Secretary.(2)The identified wasteland shall comprise of all details (like - name of village/tehsil, description of land, khasra No., area of land, soil classification etc.). The land so identified shall be displayed on the web-site of the State Government/ District. The list of wastelands with all details shall be made available to Revenue Department, Rural Development & Panchayati Raj Department and Agriculture Department, Government of Rajasthan and it will be grouped into blocks of units of 10 hectare, clusters of 100 hectares and zone of 5000 hectare.

5. Wasteland not available for allotment.

- The following wasteland shall not be available for allotment under these rules.(a)Land prohibited under section 16 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955),(b)Land situated in catchment area of any tank, river, Nala, Nadi and recorded as such in revenue record,(c)Land reserved for allotment under any specific rules for the allotment of land within urban area,(d)Land situated within urbanisable limit or peripheral belt as provided under section 90-B of the Act,(e)Land falling within National Capital Region;(f)Land situated within the limit of -(i)One kilometer from the central line of National Highway.(ii)500 meters from State Highway, Mega Highway.(iii)500 meters from major District Roads,(g)Land situated within the limits prescribed by the Indian Road Congress.

6. Allotment of Land.

(1)The wasteland shall be allotted to Government Undertakings, Companies and Societies on the leasehold basis on payment of premium of land referred to in rule 10.(2)The land shall be allotted on gair khatedari basis to all persons except as mentioned in sub-rule (1).(3)No Khatedari rights shall accrue on the land allotted under these rules.

7. Tenure of gair khatedari and of Lease.

- Wasteland allotted on gair khatedari basis and on lease hold basis shall be for a period of 20 years.

8. Application for Allotment of land .

(1) Every person other than Companies and Government Undertakings shall submit an application to the District Collector and Companies and Government Undertakings shall submit an application to the State Government, in Form-'A', alongwith following documents in triplicate duly signed by the applicant:-(a) Site Plan of the wasteland; (b) Project Report; (c) Building Plan of bio-fuel based industrial purpose processing unit, if any; (d) Copy of bye-laws, articles of association or partnership deed (wherever is applicable). (2) Application by Companies, Public Undertakings and Societies shall be accompanied by a registration fee of Rs. 1000/- and security amount equal to Rs. 400/- per hectare. The security amount shall be adjustable on successful implementation of the project.

9. Allotment of wasteland.

- On the receipt of application under rule 8, the application shall be scrutinized at appropriate level and after scrutinizing of the application, allotment of wasteland shall be made as follows: (a) the wasteland up to 100 hectare shall be allotted (except to companies and Government Undertakings) by the District Collector on the recommendation of District Committee comprising of the following: -(i) District Collector : Chairman (ii) Additional Collector (Administration) : Member Secretary (iii) Concerned Member of Legislative Assembly : Member (iv) Divisional Forest Officer : Member (v) Joint/Deputy Director, Agriculture : Member (b) The wasteland upto 1000 hectare shall be allotted to Companies and Government Undertakings by the State Government on the recommendation of committee comprising of the following: -(i) Chief Secretary : Chairman (ii) Principal Secretary Revenue : Member (iii) Principal Secretary, Agriculture : Member (iv) Principal Secretary, Industries : Member (v) Commissioner, B.I.P. : Member (vi) Commissioner, bio fuel Authority : Member (vii) Deputy Secretary, Revenue (Gr.6) : Member Secretary. (c) The wasteland more than 1000 hectare shall be allotted to Companies and Government Undertakings by the State Government on the recommendation of BIDI. The proposal for allotment shall be scrutinized by the Committee mentioned in clause (b). (d) The allotment shall be made in form 'B': (e) Only one company shall be allotted Land in a zone of 5000 hectare. If there are more than one applicants for a zone, the allotment shall be decided in favour of a company requesting for the less land.

10. Premium of Land.

(1) In case the wasteland is allotted on lease hold basis, the lessee shall pay a premium for the land equal to 20% of the DLC rate prescribed for the lowest category of barani land of the area. (2) No premium shall be charged on the land allotted on gair khatedari basis.

11. Recovery of Premium.

- The premium of wasteland allotted on lease hold basis shall be deposited by the lessee within a period of 30 days from the date of receipt of intimation for depositing the amount: Provided that the allottee may deposit the said amount within next 60 days with interest @ 15% p.a. In case of default, allotment of land shall automatically stand cancelled.

12. Lease Rent.

(1) The annual lease rent for the wasteland allotted to Companies, Government Undertakings and Societies shall be 10 times of land revenue of lowest category of barani land in that tehsil. (2) The State Government may revise the annual lease rent at any time, which shall be payable by the lessee.

13. Interest on late payment of lease rent.

- If the lease rent is not deposited within the specified time, the interest at the rate of 12% p.a. shall be charged on the due amount.

14. Terms and Conditions of allotment of land.

- The allotment of land under these rules shall be made on the following conditions:-(a) Land allotted under these rules shall be used only for the purpose for which it is allotted. However, the allottees may utilize 2% of the allotted area or 10 hectare of land whichever is less for storage of raw material, storage of finished goods, labour quarters and factory shed. (b) The allottee shall have to utilize 50% of the land for plantation within two years from the date on which possession was handed over and the balance shall have to be utilized for plantation within next one year otherwise the allotment shall be deemed to have been cancelled automatically. (c) The allottee shall be liable to make payment of all taxes, which may be leviable under the appropriate laws. (d) The allottee shall abide by all the terms and conditions of these rules and other applicable laws as amended from time to time. (e) The allottee shall give preference to the local residents of the area in employment. (f) The allottee shall use the allotted land himself and shall not transfer/sub-lease the land. (g) It shall be compulsory to adopt micro irrigation management system as per latest technology. (h) The allottee shall not make any construction of permanent nature without obtaining prior approval of the allotting authority. (i) Allottees other than Companies shall sell the produce to the Company situated in that zone at the minimum support price as fixed by the Bio-fuel authority. (j) The Company shall purchase the produce from the other allottees situated in the zone at the minimum support price fixed by the Bio-fuel authority.

15. Execution of Lease deed.

- In case where allotment is on lease hold basis, the allottee shall execute an agreement of lease in form "C" within a period of two months from the date of deposit of premium. If the allottee fails to execute an agreement within the said period, the allotment order shall be deemed to have been

16. Conditions of mortgage.

- The allottee shall be required to take permission from allotting authority for any mortgage of land for raising funds for development of land for which following conditions shall have to be fulfilled:-(i)The land can be mortgaged only to the Nationalized Banks or the Scheduled Banks approved by the Reserve Bank of India and other Financial Institutions approved by the Revenue Department, Government of Rajasthan.(ii)1% of Mortgage fee shall be remitted to the Collector.(iii)The State Government shall have first charge on the land so mortgaged.

17. Surrender of Land.

- If an allottee is unable to utilize the land allotted to him or otherwise, he may surrender the land to the allotting authority at any time but the amount deposited by him would not be refunded and no compensation in lieu of expenditure incurred by him for development of land shall be paid.

18. Cancellation of allotment.

- On the recommendation of the Collector, the State Government may cancel the allotment of land if the land is not used for the specified purpose in the stipulated time by the allottee or if he violates any of the conditions prescribed under these rules and on the cancellation of allotment, the land shall revert to the State Government free from all encumbrances without payment of any compensation in lieu of expenditure incurred or any development made on the said land. The person in possession of the said land after cancellation shall be deemed to be a trespasser under section 91 of the Act and shall also be liable to pay the Rs. 1000/- per hectare per month till the vacation of the land. Any amount remaining due against the allottee shall be recoverable as areas of land revenue.Provided that no such order shall be passed without giving an opportunity of hearing to the lessee.

19. Power of State Government to resume the wasteland.

- Whenever the wasteland allotted under these rules is required by the State Government for any other special purpose in public interest, it can resume the land after giving three months notice to the allottee.

20. Interpretation of rules.

- If any difficulty arises in the application or interpretation of any of these rules, it shall be decided by the State Government in the Revenue Department, whose decision thereon shall be final.

21. Repeal and Savings.

(1)The Rajasthan Land Revenue (Allotment of Land for Agro based Export Oriented Produce Purposes) Rules, 1996 are hereby repealed.(2)All Notification, Circulars, Orders issued by the State Government from time to time in relation to matters covered by these rules shall stand superseded as from the date of the commencement of these rules.(3)Any action taken or orders issued under repealed rules shall be deemed to have been taken or issued under these rules.FORM 'A'(See rule 8)Application For Allotment of Land Under The Rajasthan Land Revenue (Allotment of Wasteland For Bio-Fuel Plantation and Bio-Fuel Based Industry Purpose) Rules,2007.To:The Secretary to the Government / District Collector, Revenue Department, Rajasthan, Jaipur

1. I/We hereby apply for allotment of wasteland for the purpose of plantation/and establishment of bio-fuel based Industry approximately..... hectare on the terms and conditions of The Rajasthan Land Revenue (Allotment of Wasteland for bio-fuel Plantation and bio-fuel based Industry Purpose) Rules, 2007 as amended from time to time, and agree to pay premium and lease rent, if any, from time to time.

2. I/We hereby enclose a D.D./bankers cheque No. _____ dated _____ for Rs. _____ towards registration fee and security money with understanding that no interest will be payable to me/us on this amount.

3. Requisite details of the proposed project are given hereinafter:

1. Name : M/s. _____
2. Full Address
3. Telephone No., if any.
4. Constitution of Agriculture
Co-operativeSociety/ Village Forest
Security and
ManagementCommittee/Companies/Gram
Panchayat/Societies and
GovernmentUndertakings/Self Help
Group of B.P.L. families.
Name of partners/ Promoters/Members of
ExecutiveCommittee etc.
5. Type & cost of the Project
6. Land Requirementand
Utilization:(a) Plantation of oil seed(b)
Industrial Unit Godown/Office(c) Any
other details.
7. Activity on theland(a) Product to be
manufactured;(b)No. of workers to be

engaged;(c)Production capacity.

8. Copies of documents enclosed. 1. Incorporation deed; 2. Site Plan of wasteland; 3. Project Report; 4. Building Plan of Bio-fuel based Ind. 5. Purpose processing unit, if any. Copy of bye-laws/ article of association/ partnership deed (wherever is applicable).

Place: Name & designation

Applicant(s) Signatures

Dated: 1.

2.

3.

4.

Form - B(See rule 9) Government of Rajasthan

No. Dated

Shri Order of Allotment Subject: - Allotment of Wasteland for bio-fuel plantation and bio-fuel based industrial purpose. Reference: - Your application dated You have been allotted the following land on lease hold basis/ gair khatedari basis :

District Tehsil Village Khasra No. Area Total Area

The allotment is made as per provisions of Rajasthan Land Revenue (Allotment of waste land for bio-fuel plantation and bio-fuel based Industrial and processing units) Rules, 2007, on the following terms and conditions: -(1) Land allotted under these rules shall be used only for the purpose for which it is allotted. However, the allottees may utilize 2% of the allotted area or 10 hectare of land whichever is less for storage of raw material, storage of finished goods, labour quarters and factory shed. (2) The allottee shall have to utilize 50% of the land for plantation within two years from the date on which possession was handed over and the balance shall have to be utilized within next year otherwise the allotment shall deemed to have been cancelled automatically. (3) The allottee shall be liable to make payment of all taxes, which may be leviable under the appropriate laws. (4) The allottee shall abide by all the terms and conditions of the Rajasthan Land Revenue (allotment of wasteland for bio-fuel plantation and bio-fuel based industrial and processing unit) Rules, 2007, as amended from time to time and other applicable laws. (5) In case the allotment is on lease hold basis the allottee shall also abide by all the conditions of lease deed. (6) In case land is allotted on lease hold basis -(i) The lessee shall deposit premium equal to 20% of D.L.C. rate prescribed for lowest category of barani land as prescribed in rule 10. (ii) Rent shall be payable at the rate of 10 times of land revenue of lowest category of barani land in that tehsil. (iii) State Government may revise the annual lease rent at any time which shall be payable by the lessee. (iv) The premium and rent for one year shall be deposited in treasury within 30 days or with extended time upto 60 days and yearly rent shall be paid before..... (date) every year. (7) In case land is allotted on gair khatedari basis, no khatedari right shall accrue to the allottee by such allotment. (8) The allottee will take possession of allotted land from concerned Patwari within 15 days of deposit of premium. (9) The allotment shall be for a period of 20 years subject to renewal for a further period of 10 years from time to time allotting Authority shall have the right to refuse for the renewal with reasons to be recorded in writing. (10) If the wasteland allotted under these rules is required by the State Government for any

other special purpose in public interest, it can resume the land after giving three months notice to the allottee.(11)Notwithstanding anything contained hereinbefore if there is in the opinion of the State Government that any breach on the part of the allottee or by any person claiming through or under him of any of the covenants or conditions hereinbefore contained the State Government may cancel the allotment after giving him opportunity of being heard, if any.(12)Any loss suffered by the State Government on a fresh allotment of the waste land for breach of aforesaid conditions on the part of the allottee or any person claiming through or under him shall be recoverable from the lessee.(13)The allottee shall give preference to the local residents of the area in employment.(14)The allottee shall use the allotted land himself and shall not transfer/sub-lease the land.(15)It shall be compulsory to adopt micro irrigation management system as per latest technology.(16)The allottee shall not make any construction of permanent nature without obtaining prior approval of the allotting authority.(17)The allottee shall have to sell the produce to the company situated in the zone at the minimum support price fixed by the Bio-fuel Authority.In case of allotment is on lease hold basis a lease deed shall be executed and get registered within two months from the date of deposit of premium.Signature of Collector/Deputy Secretary.Copy to :Shri

.....(Allottee) Company/Government Undertaking/Societies/Self help group of B.P.L. families/Village Forest Security and Management Committee/Gram Panchayat/Co-operative Societies.Signature of Collector/Deputy Secretary.Form 'C'(See rule 15)Lease - DeedThis Deed of Lease made on the day of..... in the year Between the on behalf of the Governor of Rajasthan (hereinafter called the lessor which expression shall, includes its heirs, successors and permitted assignee) of the one part.ANDShri(name)(address)On behalf of the Government Undertaking/Companies/Societies. (hereinafter called the lessee which expression shall includes his heirs, successors, executors, administrators, legal representatives and permitted assignee) on the other part. And Whereas the lessor has agreed to allot waste land measuringhectare on lease basis to the lessee on the terms and conditions hereinafter mentioned in rules for the purpose of bio-fuel plantation and establishment of bio-fuel based industrial and processing units.And Whereas the lessor had handed over or shall be handing over possession of the demised land to lessee onNow this Lease Agreement Witnesseth as Follows:

1. In consideration of the covenants and agreement herein contained and on payment by Lessee of Rs. _____ as premium and Rs. _____ as annual lease rent and the receipt whereof the lessor hereby acknowledges, the lessor do hereby demise to the lessee the land measuringhectare as per detail at Annexure 'A'.

And the Lessee do Hereby Covenant with the Lessor in the Following Manner :-

1. That the lessee shall bear pay and discharge all service charges required for the upkeep of land which may during the said terms be assessed, charged, levied or imposed and revised by the local authority.

- 2. That the lessee shall abide by all the rules/regulations/orders of the competent authority so far as they relate to the immovable property or affect health, safety, convenience of the other residents of the place.**
 - 3. That the lessee shall establish the industrial unit on the demised premises in accordance with the site plan and shall complete construction activities within a period of two years and start plantation within a period of three years (50% in first two years and the remaining 50% in third year) from the date of delivery of possession.**
- Provided that unutilized land of the wasteland shall revert to the lessor on expiry of the period prescribed for starting plantation /establishment of the bio-fuel based Industries.
- 4. That the lessee shall take all measures which are required for pollution control & environment protection and shall strictly adhere to the stipulation imposed by the Rajasthan State Pollution Control Board and other statutory pollution laws/environment law applicable for the time being in force.**
 - 5. That the lessee shall abide by all the provision of the Rajasthan Land Revenue (Allotment of Wasteland for bio-fuel plantation and bio-based Industrial and Processing Unit) Rules,2007, as amended from time to time.**
 - 6. That the wasteland allotted on lease hold basis shall be for a period of 20 years subject to renewal for a further period of 10 years from time to time and allotting authority shall have the right to refuse for the renewal of lease with reasons to be recorded in writing.**
 - 7. That if the wasteland allotted under these rules is required by the State Government for any other special purpose in the public interest at large it can resume the land after giving three months notice to the allottee/lessees.**
 - 8. Notwithstanding anything contained hereinbefore if there is in the opinion of the lessor that any breach on the part of the lessee or by any person claiming through or under him of any of the covenants or conditions hereinbefore contained the lessor can terminate lease agreement after giving him opportunity of being heard.**

9. Any loss suffered by the lessor on a fresh grant of the leased premises for breach of aforesaid conditions on the part of the lessee or any person claiming through or under him shall be recoverable from the lessee.

10. Any notice or communication required to be served hereunder shall be deemed to have been sufficiently served on the Lessee if, served by "Registered Acknowledgement Due", Post and signed by an Officer of the Lessor and the services shall be deemed to have been made at the time of which the registered letter would in the ordinary course be delivered even though returned un-served on account of the refusal by the Lessee or otherwise whatsoever.

11. The Company shall purchase the produce from the other allottees situated in that zone at the minimum support price as fixed by the Bio-fuel authority.

12. The security deposit shall stand forfeited whenever there is breach of any condition contained in the lease agreement.

13. The Stamp duty and Registration charges on this agreement shall be borne by the Lessee.

In witness hereof the parties hereto have set their hands on this day of the month of in the year.....

Signature

On behalf of the
Government Undertakings/Companies/Societies.

Witnesses:

(1)

(2)

Signature

For and on behalf of the Governor of
the Rajasthan.