

The Rajasthan Land Revenue (Allotment of Unculturable Waste Land For Development of Private Forest) Rules, 1986

RAJASTHAN

India

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Rule

THE-RAJASTHAN-LAND-REVENUE-ALLOTMENT-OF-UNCULTURABLE of 1986

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The Rajasthan Land Revenue (Allotment of Unculturable Waste Land For Development of Private Forest) Rules, 1986 Published vide Notification No. 6(15) Revenue/Gr. 4/86/41, G.S.R. 40, Dated 6-6-1986 In exercise of the powers conferred by section 101 read with clause (xviii) of Sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and Section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following rules, namely-

1. Short title, extent and commencement.

- These rules may be called the Rajasthan Land Revenue (Allotment of Unculturable Waste Land for Development of Private Forest) Rules, 1986.(2) They shall extend to whole of the State of Rajasthan.(3) They shall come into force on the date of their publication in the Rajasthan Rajpatra.

2. Interpretation.

- In these rules, unless the subject or context otherwise requires-(i)'Act' means the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956).(ii)'Co-operative Society' means a society registered under the Rajasthan Co-operative Society Act 1965 (Act No. 13 of 1965) and the Rajasthan Societies Registration Act, 1958 (Act No. 28 of 1958) and having a provision in bye laws which permit holding of land for forest development.(iii)'Educational Institutions' means those educational institutions

which are recognised as such and the bye laws of such institutions permit the holding of land for forest development.(iv)'Form' means a form appended to these rules.(v)'Integrated Rural Development Programme' means a programme undertaken by the Government to identify the poorest persons sitting below the poverty line as well as the subsistence level and residing in a rural area and to provide productive assets and benefits for their economic upliftment.(vi)'Panchayat' means a Panchayat established under Rajasthan Panchayat Act, 1953 (Rajasthan Act 25 of 1953).(vii)'Panchayat Samiti' means a Panchayat Samiti constituted under the Rajasthan Panchayat Samiti and Zila Parishad Act, 1959 (Rajasthan Act 37 of 1959).(viii)'Poor' shall have the same meaning and scope as it has under the integrated Rural Development Programme, with the family as the basis and landless agriculturist shall be as defined in Rule 2 (iii-B) of the Rajasthan Land Revenue (Allotment of Land for agricultural Purposes) Rules, 1970.(ix)'Religious and charitable institutions' means a religious and/or Charitable Trust registered under the provisions of Rajasthan Public Trust Act, 1959, of Indian Trust Act, 1882 or any other analogous law for the time being in force.(x)'Tenancy Act' means the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).(xi)'Unculturable waste land' means land which is entered as unculturable in revenue records, and will include open strips along the roads and canals.

3. Scope of the Rules.

- The rules shall govern the allotment of unoccupied Government unculturable waste land for the purposes of development of private forest.

4. Land not available for allotment under these rules.

- The following categories of land are not available for allotment under these rules, namely-(i)All land defined in section 16 of the Tenancy Act.(ii)Land situated within an urban agglomeration of the master 'plan area of a town or city, or municipal area or within the distance indicated below from the municipal limit of towns and cities:-A town or city with a population of 5 lakhs persons or more 5 Kms. A town or city with a population between 2 lakhs and 5 lakhs persons- 3 Kms. A town or city with a population between 1 lakh and 2 Lakhs persons-2 Kms. except without prior approval of the State Government, in the Revenue Department.(iii)Land held by or acquired or reserved under any enactment or rules, or under the orders of the State Government or the Central Government or the State Government for any specified public purpose.Explanation. - 1. However such forest land as may be notified by the State Government by general or specific order shall, thereafter, be allotted in accordance with the provisions of these rules.

2. In such cases the allottee shall deposit the market value of the vegetative growth standing on the land allotted to him. as assessed by the allotting authority in consultation with the Assistant Conservator of Forests having jurisdiction, in the Government treasury before possession of the allotted land is handed over to him.

5. Preparation of list of unculturable waste lands.

- The Sub-Divisional Officer shall prepare, or cause to be prepared, a villagewise list of unoccupied unculturable waste lands, other than the lands specified in rule 4, for his sub-division, in Form I.

6. Issue of public notice inviting applications for allotment.

(1)The Sub-Divisional Officer shall issue a public notice in Form 11 inviting applications for allotment of lands under these rules, specifying therein details of the lands offered for allotment and the terms and conditions of such allotment. Such notice shall be affixed on the notice board of the office of the Sub-Divisional Officer and copies of the same shall also be affixed on the Notice Board of the office of the Collector of the district, the concerned Tehsildars. Panchayat Samities, Village Panchayats and notice may also be further published by proclamation through beat of drum in the village in which the land is situated.(2)In the public notice a period of 15 days shall be allowed for submitting an application and the period shall be reckoned from the date of affixation of the notices on the notice board of the aforementioned offices:Provided that the State Government may by special or general order reduce the period of public notice to any period less than 15 days but not less than 7 days:Provided further that the Sub-Divisional Officer, may, for reasons to be recorded in writing entertain an application for allotment of land at any time before the commencement of the meeting of the Advisory Committee convened for the purpose.

7. Application for allotment.

(1)Upon the issue of a public notice under rule 6, any person may submit an application in writing to the Sub Divisional Officer concerned for allotment of land under these rules, in Form III.(2)All applications for allotment shall be signed and verified by the applicant in the manner provided for verification of plants in order VI, Rule 15 of the Code of Civil Procedure, 1908 (Central Act 9 of 1908).(3)An application for allotment may be submitted in person, or sent by registered post, to the Sub-Divisional Officer.

8. Register of Application.

- All applications received shall be entered forthwith in a register of applications in Form IV, and Sub-Divisional Officer shall record on each application the date and time of its receipt.

9. Enquiry by the Sub-Divisional Officer.

- The Sub-Divisional Officer shall get the particulars given in each application verified from the entries existing in the annual registers or other revenue records and may make such enquiries as he may deem fit in this regard, and to the eligibility of the applicant and other connected matters.

10. Maximum area for allotment.

- The maximum area to be allotted to applicants under these rules shall be as follows-(a)in case of landless poor-One hectare;(b)In case of other applicants-Five hectare.

11. Eligibility and order of priority for allotment.

(1)The allotment of unculturable waste land shall be made to a bonafide resident of Rajasthan who is interested in developing private forests and has the competence and resources to establish a forest in accordance with the terms and conditions of these rules.(2)Notwithstanding anything contained in rule 1 above at least 50 per cent of waste land will be allotted to landless poor, agricultural labour ex-servicemen, small and marginal farmers belonging to same village or the adjoining villages in the same order of priority. As far as possible at least 50 per cent of these allottees shall be persons belonging to scheduled caste/scheduled tribe wherever available.(3)(i)If there is only one eligible applicant for a particular plot of land, it shall be allotted to him.(ii)If there are more than one eligible applicants requiring the same plot of the land, preference shall be given to the applicant residing in the village in which land is situated, and as between each of the above categories of applicants, preference shall be given to a person who belongs to schedule caste or a schedule tribe.(iii)If there are more than one eligible applicants of the same category, allotment will be made by drawing of lots.

12. Allotment.

(1)All allotments shall be made by the Sub-Divisional Officer in consultation with an Advisory Committee consisting of-(i)the member of the Rajasthan Legislative Assembly in whose constituency the land is situated:(ii)the Pradhan of the Panchayat Samiti having jurisdiction:(iii)the Sarpanch of the village Panchayat Samiti having jurisdiction:(iv)the Assistant Conservator of Forest or Range Officer of the area:(v)the Vikas Adhikari of the Panchayat Samiti having jurisdiction:(vi)the Assistant Engineer P.W.D./Irrigation Department having jurisdiction (for allotment of strips of land alongwith the roads and canals only as the case may be).(vii)[The Tehsildar of the Tehsil concerned.] [Added by G.S.R. 121, Dated 13-1-1988; published in Rajasthan Gazette Part 4(Ga)(1), Dated 11-2-88, p. 448.](2)The Sub-Divisional Officer shall give to the members of the Advisory Committee at least seven days notice of the date, time and place of the meeting of the Committee:Provided that if any member of the Advisory Committee fails to attend on the date fixed and intimated to him the Sub-Divisional Officer shall carry on the work of allotment in consultation with other members of the Advisory Committee not being less than two in number out of the one should be public representative. No quorum shall however be required for any adjourned meeting.(3)The notice of the meeting shall be served in the manner prescribed in the Rajasthan Revenue Courts Manual, Volume I Part 1, for the service of process provided that if the service is not possible through a process server, it shall be sent by post 'under postal certificate' or be registered post.(4)The Sub-Divisional Officer and the members of the Advisory Committee shall meet at the concerned Panchayat Headquarter.(5)Minutes of the meeting of the Advisory Committee shall be written and signed by the Sub-Divisional Officer and the member of the Advisory Committee present.(6)The allotment shall be made on advice of the majority of the

members of the advisory' committee present. In case the members are equally divided the opinion of the dissenting members to be recorded and the matter shall be referred to the Collector for final orders.(7)The order of allotment shall be given to the allottee in writing in Form V and will be known as tree plantation permit/Patta.

13. Conditions of Allotment.

(1)The allotments of land under these rules shall be on leasehold basis. The lease shall initially be granted for a period of 25 years and it shall thereafter be renewable for a period of 10 years at a time, provided there has been no breach of the terms and conditions prescribed in these rules.(2)The allottee may commence the work of plantation of tree, shrubs, and grasses of the recommended species.(3)The allottee shall plant trees, shrubs and grasses of species suggested by Forest-Officer on one third of the area in the first year another one third of the area in the second year, and on the remaining area in the third year. This period will commence from first of July following the handing over possession of land allotted under Sub-rule (7) of rule 12 of these rules.(4)The allottee shall enjoy full rights in respect of the produce of the allottee land, subject to the terms and conditions of the allotment.(5)No rent shall be charged from the allottee for the first ten years from the date of allotment, thereafter rent will be payable at the rate applicable to the lowest class of Barani land in the village.(6)The allottee shall pay to the State Government the period of the wells and permanent structures if any. existing on the land also the price of trees standing on the land at rates prescribed by rules made under section 80 and 81 of the Rajasthan Tenancy Act, 1955.(7)The land shall be liable to be resumed at any time by the Collector without payment of compensation in case of breach of any of the terms and conditions of the allotment.(8)The allottee shall have no ownership rights whatsoever on the allotted land on which the trees are planted and he shall not transfer, sublet or otherwise dispose of or create any interest title, right of easement or liability on it. The ownership of land will continue to vest in the Government [x x x] [Deleted by G.S.R. 121, Dated 13-1-1988; published in Rajasthan Gazette Part 4(Ga)(1), Dated 11-2-88, p. 448.].(9)The allotted land shall be used only for the purpose of planting of fuel wood or fruit or fodder trees. The allottee shall have no right to cultivate the said land for growing any agricultural crop.(10)(a)The allottee shall be entitled to the usufruct of the trees only. The usufructuary rights shall include the rights-(i)to gather dead branches:(ii)to take away any twangs and looping of the branches:(iii)to harvest produce such as fruits, flowers, seeds, leaves, tappings (of resing etc):(iv)to carry on tree based activity like be keeping, mage/tursar silkworm rearing lac production etc.:(v)to copping of trees: and(vi)to hyphothecate trees/land only to financial institutions for loans by deposit of the trees/patta with the financial institutions and creating a charge on the trees or land in favour of such institution:(b)on death of the allottee, the right and obligations under this allotment shall be heritable in accordance with personal law applicable.(11)(a)It shall be the responsibility of the allottee to plant, properly tent, maintain and protect the trees and see that the specified minimum number of trees are raised within the stipulated period.(b)The fencing should be natural biomass fencing with locally, available and suitable variety or trench and mound protection as far as possible. Normally facing should be for each plant separately.(c)If the plant/tree wither/fall down due to reasons beyond the control of the allottee, he shall intimate the fact to the Tehsildar mid then to cut and take the timber.(d)The allotment of the allottee can be transferred in whole or in part to a person of eligible category with the prior permission of Sub-Divisional Officer and subject to the same terms and conditions. In a

case where a loan has been taken by hypothecation of tree/land, the transfer of such land shall be done only with the prior approval of the concerned financial institution and subject to the continuance of the subsisting charge on the land tree hypothecated to the financial institution.(e)In case of transfer of the land without permission of the Sub Divisional Officer, no right shall accrue to the transferee, who shall liable be to be summarily ejected under section 91 of the Rajasthan Land Revenue Act and such transfer shall be null and void and shall not be enforceable.(f)The allottee shall be permitted to cut and take the timber of the tree on its attaining silviculture maturity as recommended by the Forest-Department provided he has planted two trees for each tree to be cut, at least 2 years before the expiry of the life of that three. If the planter has not planted 2 trees at least 2 years before the tree attaining silviculture maturity, the timber can be permitted to be cut and taken away only on the written Permission of the Sub-Divisional Officer mid prior deposit of such fee with the Government that may be prescribed specified.(g)The allottee shall comply with such other general directions regarding the scheme as are issued from time to time by the State Government.(h)The allottee shall plant the trees along the road /canal in a way that it shall not endanger the safety of traffic of stability of the embankment, as the case may be, and the same may be directed to be removed by the appropriate authority whenever needed in public interest. Such directions shall be final.(12).(a) The allottee shall not in any way substantially reduce or destroy the productive capacity or do any act which is destructive or injurious to the allotted land over which he has planted trees or make it unfit for productive use.(b)The allottee shall have no right to cultivate the said land for growing agricultural crops except interculture for fuel wood or fodder and shall use the land for growing trees only.(c)No improvement over the land shall be permitted except the activities which is incidental to growing of trees and their tending.(d)The allottee shall not interfere with any existing easement or customary rights of the public or of the owner of adjoining lands over the said land.(13)(a)If the trees are not planted by the allottee within the time allowed or are not looked after properly by the allottee or any of the conditions imposed are breached, the allotment may be cancelled summarily. In the event of such cancellation no compensation shall be payable for any trees planted or for any improvement that may have been made and the allottee shall be liable to be evicted summarily from the allotted land and standing plant and trees shall be forfeited to the Government in accordance with the directions of the S.D.O.(b)If any loan from the financial institution has been taken by hypothecation of land/tree then during the pendency of the loan, notice of cancellation of the allotment shall be given to the concerned financial institution also.Explanation. - The term financial institutions includes Nabard. Agricultural Financial Corporation Ltd. Scheduled Banks, Co-operative Societies and Banks, Regional Rural Banks and any other financial institutions as notified in this behalf by the State Government from time to time.

14. Special allotment.

- Notwithstanding anything contained in these rules, the Collector may allot upto [40 Hectares in the case of Co-operative Societies sponsored by National Daily Development Board and] [Inserted by No. F. 6(15) Revenue/Gr. IV/86/24, Dated 10-7-91; published in Rajasthan Gazette, Dated 28-5-92.] 25 hectares of unculturable waste land for the development of forest to [other] [Substituted by No. F. 6(15) Revenue/Gr. IV/86/24, Dated 10-7-91; published in Rajasthan Gazette, Dated 28-5-92.] co-operative society, Panchayat, a Panchayat Samiti religious charitable trust educational institutions or a Society registered under the Societies Registration Act, 1958 on the

same terms and conditions as are prescribed in rule 13: Provided that if a Co-operative Society, Panchayat, Panchayat Samiti, religious charitable trusts, educational institution or a company registered under the Indian Companies Act applies for the allotment of land exceeding 25 hectares in area under these rules for the development of forest, the Collector shall refer the matter to the State Government, alongwith all the necessary information and his views for decision. No maximum limit regarding the area be allotted shall be applicable in such a case. The Government after considering the recommendations of the Collector may allow the Collector to allot the land to the extent deemed proper. The terms and conditions prescribed in rule 13, and such other terms and conditions as Government may specify in this behalf shall apply.

15. Hypothecation or mortgage of interest in land.

- An allottee may, with the permission of the Collector or any officer authorised by the Government in this behalf, hypothecate or mortgage his interest in the whole or part of the land allotted to him under these rules for the purpose of obtaining loan from the State Government or a Land Development Bank as defined in the Rajasthan Co-operative Societies Act, 1965 (Act 13 of 1965) or a Co-operative Society registered or deemed to be registered as such under the said Act or any Scheduled Bank or any other institution notified by the State Government in that behalf.

16. Renewal of lease.

(1) On completion of the period of lease, the lessee may apply for the renewal of the lease to the Collector/Sub-Divisional Officer as the case may be, and who, in consultation with the Asstt. Conservator of Forests having jurisdiction is of the opinion that the terms and conditions of the lease have not been breached, he shall renew the lease for further period of ten years. (2) If the lessee does not apply for the renewal of the lease, or if he applies but the lease is not renewed or the lessee opts to surrender the land before the expiry of the lease or the lease is terminated prematurely under rule 13(7), the land and the tree standing there on shall revert to the Government free from all encumbrances, and without payment of any compensation, provided that the lessee may remove the shrubs, grasses, produce of the trees, and the trees which are certified to be dead or dying or have reached maturity by an officer of the Forest Department, not below the rank of Assistant Conservator of Forests, having jurisdiction; provided further that above produce shall be removed within a period of 45 days from the date of grant of permission.

17. Premature termination of lease by the Government for public purpose.

- In case the State Government requires the land leased under these rules for a public purpose, it may terminate the lease before the expiry of its terms. However, in such an eventuality, the lessee shall be given 30 days time from the date of such order to remove the produce from the land in the manner specified in rule 16(2). and for the trees standing on such land and wells constructed by lessee the compensation as determined by the Collector shall be paid. The order of the Collector shall be final.

18. Cancellation of lease.

- The State Government/the Collector shall have power to cancel any allotment, or terminate any lease, as the case may be either suo-moto or on the application of any person at any time in case the allotment/lease has been secured through fraud or misrepresentation or has been made against rules or in case the lessee has committed breach of any of the conditions of the allotment or lease: Provided that no such order shall be passed to the prejudice of any person without giving such person an opportunity of being heard.

19. Repeal and Saving.

- The Rajasthan Land Revenue (Allotment of Unculturable Waste Land for Development of Private Forest) Rules, 1983 are hereby repealed: Provided that such repeal shall not affect any order made, action taken, effects and consequence of any tiling done or suffered thereunder or any right, title, privilege, obligation or liability already acquired, accrued or incurred thereunder or any enquiry conducted, verification made or proceeding taken in respect thereof.