

Lease (Government Land for Jatropha/Karanj Plantation and Bio-diesel Based Processing Unit) Rules, 2005

CHHATTISGARH

India

Lease (Government Land for Jatropha/Karanj Plantation and Bio-diesel Based Processing Unit) Rules, 2005

Rule

LEASE-GOVERNMENT-LAND-FOR-JATROPHA-KARANJ-PLANTATION of 2005

- Published on 3 September 2005
- Commenced on 3 September 2005
- [This is the version of this document from 3 September 2005.]
- [Note: The original publication document is not available and this content could not be verified.]

Lease (Government Land for Jatropha/Karanj Plantation and Bio-diesel Based Processing Unit) Rules, 2005 Published vide Notification No. F-4-59/Seven/2005, dated 03.09.2005 Last Updated 21st October, 2019 Notification No. F-4-59/Seven/2005 dated the 3rd September, 2005. - In exercise of the powers conferred by Section 181 read with Section 258 of the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby makes the following rules, namely : -

1. Short title, extent and commencement.

(1) These rules may be called the Lease (Government Land for Jatropha/Karanj Plantation and Bio-diesel Based Processing Unit) Rules, 2005. (2) It extends to the whole State of Chhattisgarh. (3) It shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Code" means the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959); (b) "Committee" means the committee constituted under Rule 3; (c) "Company" means company registered under Indian Companies Act, 1956 (No. 1 of 1956); (d) "High Technology Jatropha/Karanj based agriculture projects" means and includes use of green houses, advanced water conservation devices like sprinklers, drips, pulsators, emitters' etc.

and computerized farm management practices and devices;(e)"Jatropha/Karanj plantation and bio-diesel processing unit" means and includes establishment of complexes or estates comprising Jatropha plantation and bio-diesel industrial units, composite high technology 'agricultural projects in the areas of Bio-fuel, hybrid seed production, micro-(propagation through tissue culture etc. and research and development activities including training;(f)"Lease" means the lease of waste land to any company/partnership firm or society under this Rule but does not include sub-lease;(g)"Lessee" means a company/partnership firm or society to whom waste land may be lease out;(h)"Personal use of the land" means the use of the land by company, partnership, firm or society by themselves or their employee, servant authority;(i)"Public purpose" means the welfare of the people as envisaged in the Directive Principles of State Policy and includes provisions for allotment of land for Jatropha/Karanj plantation and bio-diesel based processing unit for the welfare;(j)"Ravine Land" means land spoiled by the water into gully and narrow gorges and unfit for cultivation by ordinary means;(k)"Society" means the society registered under Chhattisgarh Society Registration Act, 1973 (No. 44 of 1973);(l)"Waste Land" means Government vacant land not filled for more than a decade and unfit for cultivation by ordinary means and includes mumkin land and ravine land but does not include Forest land.

3. Identification of Waste land.

- Waste land in different districts shall be identified by the committee constituted in this behalf consisting of following members: -

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|---|------------|
| (1) Collector | - Chairman |
| (2) General Manger | - Member |
| District Trade & Industry Centre | |
| (3) Deputy Director, Agriculture | - Member |
| | Secretary |
| (4) Executive Engineer CREDA | - Member |
| Deputy Director, Agriculture shall be the ex-officio Member-Secretary of the Committee. | |

Committee shall identify the waste land of the District within 3 months from the commencement of the Rules.

4. Conditions of the lease.

- (i) Government may lease out the waste land to public, private and joint sector Indian Company or partnership firm or society for Jatropha and Karanj plantation and installation and running of bio-diesel based processing unit.(ii)Lessee shall apply to the Collector of the District for allotment/lease of waste land in lease in form appended to the rule including project report, budgetary provision, credit rating, pre-feasibility report and other relevant material in support, of its project relating to Jatropha and Karanj plantation and installation and running of bio-diesel based processing unit.(iii)Waste land not exceeding 200 hectares may be allotted to lessee by the State Government on the recommendation of Collector of such District.(iv)After recording the reasons in

writing the State Government may allot more than 200 hectares of the Waste land to any lessee.(v)Waste land shall be allotted for 10 years subject to the renewable for further period of 20 years.(vi)Lessee shall not use the land except for the purpose of plantation of Jatropha and Karanj and installation and running of bio-diesel based processing, unit.(vii)Lessee shall invest 50 percent of the total project cost within first 2 years and invest total project within 3 years.(viii)Lessee shall not construct any construction of permanent nature.(ix)Lessee shall use the land personally and shall not sub-lease the land.(x)Lessee shall be liable to pay all government and public dues like tax, cess etc.(xi)Waste land necessary for present and future use of concerned village shall not be lease out.

5. Lease Rent.

- The annual lease rent shall be as under : -

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|----------------------------|-------------------------|
| (1) First Year | - Rs. 100/- per hectare |
| (2) Second Year | - Rs. 225/- per hectare |
| (3) Six and Seven Years | - Rs. 500/- per hectare |
| (4) Eight years and onward | - Rs. 1000/-per hectare |

6. Security Deposit.

- No allotment under this rule shall be made unless lessee deposits Rs. 10 Lacs for the allotment of land upto 200 hectares, which shall be refundable without interest to the lessee after completion of project and Rs. 15 lacs in other cases.

7. Cancellation of lease.

- (i) If during the course of lease period lessee contravenes any provision of the Act for the time being in force or conditions of the lease in this behalf, State Government may after giving an opportunity of being heard to the lessee cancel the lease.(ii)After cancellation of the lease possession of the lessee shall be deemed as un-authorized possession under section 250 of the Code and revenue officer shall be competent to proceed against such lessee under Section 250 of the Code.(iii)In addition to action under Section 250 of the Code lessee shall be liable to pay penalty of Rs. 1000/- per hectare till the vacation of the land.(iv)After cancellation of the lease government may allot the waste land to other lessee in the same rent.(v)State Government may without assigning any reason cancel the lease at any time before the completion of the period.(vi)State Government may cancel the lease before the completion of lease period in case of necessity of the land for any other special project.

8. Removal of difficulty.

- If any difficulty or dispute arises in carrying out the provisions of the rule, decision of the Revenue department shall be final.

9. Relaxation.

- Government may by notification in Official Gazette relax any provisions of the rule for any period or for any clause of lease of land.