

LOCAL SELF GOVERNMENT, URBAN DEVELOPMENT & HOUSING DEPARTMENT
NOTIFICATION

Jaipur, May 31, 2012

No. F. 3(50) UDH/3/2012.—In exercise of the powers conferred by clause (xi-a) of sub-section (2) of section 261 read with section 90-A of the Rajasthan Land Revenue Act, 1956 (Act No.15 of 1956), section 54-B and 95 of the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), section 49 and 95 of the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009), section 60 and 74 of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) and section 71 and 337 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009), and all other powers enabling it in this behalf, the State Government hereby makes the following rules, and orders with reference to proviso to sub-section (2) of section 74 of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) that the previous publication of these rules is

dispensed with as the State Government, in public interest, considers that they should be brought into force at once, namely:-

CHAPTER 1

Preliminary

1. Short title, extent and commencement.- (1) These rules may be called the Rajasthan Urban Areas (Permission for use of Agricultural Land for Non-agricultural Purposes and Allotment) Rules, 2012.

(2) They shall extent to the urban areas situated in the State of Rajasthan.

(3) They shall come into force at once.

2. Definitions. - (1) In these rules, unless the context otherwise requires,-

- (i) "Act" means the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009), the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) and the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009) as the case may be;
- (ii) "Authorised Officer" means an officer specially authorised by the State Government, by notification to grant permission for using agricultural land for non-agricultural purposes in urban area;
- (iii) "Commercial purpose" means use of land or premises for the purpose of trade or commerce or business whether retail or wholesale, which shall include a shop, shopping complex, marriage hall, marriage garden, conference hall, bank, restaurant, hotel, depot, godown, printing press, auto service station, show-room, cinema, multiplex, explosive magazine, weigh bridge, workshop, dhaba (whether pucca or temporary structure) petrol pump and such other purposes or any other activity, notified by the State Government, from time to time, as commercial purpose and shall also include the use thereof partly for residential and partly for commercial purposes but shall not include tourism units;
- (iv) "Converted land" means land for which permission under section 90-A of the Rajasthan Land Revenue Act, 1956 is granted for use of agricultural land for non-agricultural purposes and placed at the disposal of a local authority ;
- (v) "External development works" means and includes road, water supply, sewerage and drainage system, electric supply or any other works which may have to be executed in the periphery of, or outside, a colony for its benefit;
- (vi) "Farm house" means any plot measuring 2500 sqm. or more being developed in ecological area / rural belt / periphery belt or any other zone of the master plan having built up area not more than 10% of the plot area or 500 sqm., whichever is less ;
- (vii) "Form" means a form appended to these rules;
- (viii) "Government" and "State" means the Government and State of Rajasthan;
- (ix) "Industrial area" means an area of land to be developed by any person, for setting up an industry or industries including essential welfare and supporting services within the industrial area e.g. residential colony for employees, entrepreneurs, staff of Industrial units. The facilities in the specified permissible facility area may include some of the facilities like recreational facilities, educational institutions, convenient shopping complex, Warehouse, Cold storage, Medical facilities, Bank, post office, Police Station, pollution control treatment plant, Electric Power Station, Water-supply and sewerage facilities, Fire-fighting Station, Weigh bridge, etc.;

- (x) **"Industrial purpose"** means the use of any premises or land for any industry whether a small or medium or large scale unit including information technology industry, and shall include a brick-kiln or kiln but shall not include use of any premises or land for the commercial purpose.
- (xi) **"Infrastructure projects"** means activity such as Power Projects, Telecommunication Project, Transport Project, Water Supply Project, Solid Waste Management Project, Sewerage Treatment Plants or any project as may be specified by the State Government from time to time;
- (xii) **"Institutional purpose"** means the use of any premises or an open area by any establishment, organization or association for the promotion of some object specially of general utility, charitable, educational or like nature, except public utility purpose;
- (xiii) **"Internal development works"** means roads, foot-paths, parks, playgrounds, water supply, sewers, drains, tree planting, street lighting, provision for community buildings and for treatment and disposal of sewage and silage water wherever is possible, or any other work in a colony necessary for its proper development, as may be specified by the State Government from time to time.
- (xiv) **"Lease"** means a lease-deed executed by the local authority for the allotment of the lease hold rights for a period of ninety nine years;
- (xv) **"Master Plan" or "Master Development Plan"** means any Master Plan or Master Development Plan including draft plan prepared for any urban area in accordance with the provisions of the Rajasthan Urban Improvement Act, 1959, the Jaipur Development Authority Act, 1982, the Jodhpur Development Authority Act, 2009 and the Rajasthan Municipalities Act, 2009, as the case may be;
- (xvi) **"Medical facilities"** means and include clinics, dispensaries, hospitals, diagnostic centers, nursing-homes, Naturopathy/ Ayurvedic/ Unani/ Homeopathic hospitals;
- (xvii) **"Mixed Land Use"** means use of any land or premises for more than one purpose;
- (xviii) **"Multiplex"** means a building which contains one or more cinema halls, alongwith space for recreation and commercial activities;
- (xix) **"Public utility/amenities"** means dharamsala, place of religious worship, gaushala, public park, playground for school or college, hostel, nurseries, orchards, facility area, shamshan / kabristan, old age home, leprosy treatment center, naturopathy centers, pensioners rest house, night shelter, training centre for physically challenged or deaf and dumb persons, public water huts, public toilets, public libraries, etc. or any other place of public utilities excluding use of medical facilities;
- (xx) **"Premium"** means premium payable for allotment or regularisation of land under these rules;
- (xxi) **"Residential area/housing colony/township project"** means an area having residential plot/group houses/flats/groups of plots, etc. along-with other essential facilities/amenities, excluding hostels for students, working men or working women;
- (xxii) **"Scheme"** means any plan or scheme prepared for any urban area in accordance with the provisions of the Rajasthan Urban Improvement Act, 1959, the Jaipur Development Authority Act, 1982, the Jodhpur Development Authority Act, 2009, the Rajasthan Municipalities Act, 2009 and the Rajasthan Housing Board Act, 1970;

- (xxiii) **"SEZ"** means Special Economic Zone notified under the proviso to sub-section (4) of section 3 and sub-section (1) of section 4 of the Special Economic Zone Act, 2005 (Central Act No. 28 of 2005) and includes free trade and warehousing zone;
- (xxiv) **"Society"** means a Housing Co-operative Society as per provisions of the Rajasthan Co-operative Societies Act, 2001 (Act No. 16 of 2002);
- (xxv) **"Tourism Unit"** means a tourism project approved by the Department of Tourism, Government of India or by the Department of Tourism, Government of Rajasthan and shall include,-
- (a) a heritage hotel;
 - (b) a motel which provides wayside facilities under one roof, such as accommodation, food, repair shop and the like;
 - (c) a camping site with furnished tented accommodation, having at least fifty tents along with bathroom and toilet facilities;
 - (d) a resort providing sports and recreational facilities, riding, swimming and social amenities with boarding and lodging arrangements ;
 - (e) an amusement park providing various type of rides, games and amusement for children as well as for adults;
 - (f) a safari park developed with the permission of the Forest Department;
 - (g) an aerial ropeway established under the prevailing rules and regulations;
 - (h) a health Spa, other medical health related activities such as yoga etc., Golf Academy, Golf Course or other sports related activity attached with units mentioned in sub-clause (a) to (f) above;
 - (i) an art gallery, handicrafts market; and
 - (j) any other related units declared as Tourism unit by the Department of Tourism, from time to time.
- (xxvi) **"Town Planner"** means Chief Town Planner or Additional Chief Town Planner or Director, Town Planning or Senior Town Planner or Deputy Town Planner or Assistant Town Planner appointed by the State Government or the Local Authority, as the case may be.
- (xxvii) **"Urban assessment"** means annual charges recoverable from the lessee or sub-lessee for the grant of lease hold rights; and
- (xxviii) **"Zonal or Sector Plan"** means the sector or zones in which the urban area is divided for the purpose of development of such area, in the Master/Draft plan or Master/Draft Development plan or scheme or any plan, as the case may be.

(2) Words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Rajasthan Land Revenue Act, 1956, the Rajasthan Tenancy Act, 1955, the Jaipur Development Authority Act, 1982, the Jodhpur Development Authority Act, 2009, the Rajasthan Urban Improvement Act, 1959, the Rajasthan Municipalities Act, 2009 and rules made there under.

CHAPTER- II

Permission for use of agricultural land for non-agricultural purposes and allotment of land

3. Restrictions.- (1) No permission under section 90-A of the Rajasthan Land Revenue Act, 1956 in respect of agricultural land situated in an urban area shall be granted in the following circumstances, namely:-

- (i) Desired non-agricultural purpose is not permissible in accordance with the law applicable in the area or is not in consonance with the master plan or any other development plan or scheme as amended, from time to time or modified on the direction issued under the Act by the State Government;

- (ii) Land is under acquisition under the provisions of the Land Acquisition Act, 1894 (Act No. 1 of 1894);
- (iii) Land falling within the limits of railway boundary, National Highway, State Highway or any other road maintained by the Central or State Government or any Local Authority as specified in any Act or Rules of the Central or State Government made in this behalf, or within the limit specified in the guidelines of the Indian Road Congress for establishment of industry from the middle point of National Highway / State Highway / Major District Road / Other District Road / Rural Roads, whichever is longer;
- (iv) Land within 200 mts. from the boundary of Historical Monuments and places of Archeological importance, Archeological Monuments, Heritage Precincts and other restricted area declared by the Government;
- (v) Land falling within the prescribed distance on either side of the center line of the underground pipeline of oil companies;
- (vi) Land falling within the distance as notified from time to time by the Central or State Government regarding boundaries of oil storage depots, gas godowns, petrol pumps or any other explosive storage depots;
- (vii) Gair khatedari land;
- (viii) Land forming part of the forest area or notified as Forest Land under the provisions of the Rajasthan Forest Act, 1953 (Act No. 13 of 1953) or under any other law for the time being in force;
- (ix) Land within restricted area of the Wild Life Sanctuary and National Park under the provision of relevant law;
- (x) Land belongs to any Government department, or belongs to deity or social, religious, spiritual or charitable trust, or waqf or of part of any archeological, cultural, or historical importance site:
 Provided that where any public trust registered under the Rajasthan Public Trusts Act, 1959 (Act No. 42 of 1959) or any registered charitable institution intends to use its agricultural land or holding or part thereof, for any non-agricultural purpose permission may be granted, if returns or proceeds received there from shall be used for the purposes of fulfillment of its aims and objectives;
- (xi) Land on which conversion or permission of allotment has been restricted by any order passed by the Court of competent jurisdiction;
- (xii) Land falling under the water bodies, or lakes, reservoirs, dam including the land falling under submergence and flow area of pond or river or nallah or lake, etc. or land being used as any cremation /burial ground;
- (xiii) Land for which proceedings under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (Central Act No. 33 of 1976), the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Act. No. 11 of 1973) and the Rajasthan Land Reforms and Acquisition of Land Owners Estate Act, 1963 (Act No. 11 of 1964) are pending; and
- (xiv) Land falling within the category restricted by the Central Government or State Government.

(2) No permission shall be granted without prior approval of the State Government in the urban areas of Mount Abu, Jaisalmer, Nathduara, or Pushkar, or any other area, as may be notified by the State Government, from time to time.

4. Application for Permission.- (1) Application for grant of permission under section 90-A of the Rajasthan Land Revenue Act, 1956 in respect of land situated in urban area shall be made to the Authorised Officer in Form-1 along with,-

- (i) an affidavit in Form-2;

- (ii) an indemnity bond in Form-3;
- (iii) a copy of receipt in proof of the payment of amount calculated at the rate of 10% of the premium prescribed by the notification under these rules;
- (iv) duly attested proof of the title of the land i.e. copy of jamabandi, copy of the trace of revenue map etc.;
- (v) Key Map, drawn in suitable scale (not less than 1:15,000) showing the site in relation to its location such as existing approach roads and other physical features around the site.;
- (vi) Survey Map/Total Station survey of the site including area within a minimum 200 meter periphery of the site. The Survey map will be drawn to a scale of 1:2,500 showing-
 - (a) Boundaries of the aforesaid land and the adjoining areas, showing therein the Khasra numbers or plot numbers, as the case may be;
 - (b) Existing structures, kachcha or pucca and use to which they are put;
 - (c) The details and salient features of existing and proposed roads shown in the master plan/ sector plan/road network plan;
 - (d) Approach roads up to the proposed site;
 - (e) High / Low tension electric lines and transformer;
 - (f) Oil/gas supply line;
 - (g) Other existing physical features such as nallahs, water bodies, well-electric lines, telephone lines, water supply and sewer line etc. and levels of the site with respect to the access roads and contours on an appropriate scale;
 - (h) The north direction and the scale.
- (vii) Layout Plan of the site shall indicate applicant's proposals on a scale of 1:500 showing the manner in which he intends to develop the land and shall include the following, as per the standards laid down in the rules and relevant Township Policy issued by the Government, namely:-
 - (a) reference to the various uses of land proposed in the scheme shall be indicated by clearly indicating the areas under Residential, Commercial, Parks and Open Spaces, Educational, Roads and Streets and other uses, and their percentages in relation to the total land area. The layout plan for single patta or plotted development, as the case may be, shall contain all dimensions in meter including the area calculation details in Form-4;
 - (b) super imposition of Khasra boundaries on the layout plan, part Sector Plan and part Master plan;
 - (c) reference to various sizes of plots as proposed in the scheme shall be made in the drawing. Area calculation details will be given in Form-4;
 - (d) reference to rights of way of roads as proposed in the scheme shall be made in the drawing.
 - (e) index of all notations used.
- (viii) In case applicant desires for single patta, he shall submit Site Plan of the land in lieu of Layout Plan as mentioned in clause (vii).
 - (2) Application under sub-rule (1) along with its enclosures shall be submitted in quadruplicate (one original set and three sets attested by the applicant himself).
 - (3) The amount deposited along with application under sub-rule (1) shall be refundable in case of rejection of application and otherwise adjustable against the premium to be deposited under these rules.
 - (4) All the plans and statements submitted along with the application shall be duly signed and authenticated by the applicant also.

(5) The applicant shall furnish such other relevant information as may be required by the Authorised Officer or as the State Government may direct.

(6) The applicant shall also submit the soft copy of the application along with all the forms/documents/statements.

(7) Application under this rule, if the applicant desires, may be submitted On-line in cases of such Local Authorities wherever the Authorized Officer concerned have appropriate arrangements for this purpose.

5. Register of application.- All applications received by the Authorised Officer under rule 4 shall be entered in a register maintained in Form-5.

6. Scrutiny and enquiry of applications. – (1) The Authorised Officer shall within five days of the receipt of the application, send one set of application to the Local Authority and one set of application to the Tehsildar for their consent, who shall communicate its consent/objection in Form-6 after due examination within fifteen days of the receipt of the application.

(2) If the Tehsildar has failed to communicate its consent/objection than after the lapse of period specified in sub-rule (1), such consent shall be deemed to be accorded.

(3) On receipt of set of application sent by the Authorised Officer, the Local Authority shall scrutinize and examine the application as per details given in Form-7 and ensure that the layout plan is in conformity with the master plan and sector plan of the area.

(4) The layout plan shall be scrutinized by the Local Authority within five days from the date of receipt of application with reference to provisions of the Rajasthan Urban Areas (Sub-Division, Reconstitution and Improvement of Plots) Rules 1975, building regulation or by laws of that Local Authority, norms and conditions provided under the Township policy, time being in force and other policies or directions issued by the State Government from time to time.

(5) After examination of the layout plan, details of the application and scrutiny under sub-rule (3), the consent/objection of the Local Authority shall be communicated, without waiting the final approval of layout plan, within fifteen days from the date of receipt of application to the Authorised Officer in Form-8.

(6) Within seven days of receipt of an application under rule 4, the Authorised Officer shall scrutinize it and verify or caused to be verified in Form-9 the contents and facts envisaged in the application and in other supporting documents, such as, –

- (a) khatedari rights and area of the land as per revenue record;
- (b) report of enquiry, if any, as to whether the land is under acquisition or not;
- (c) report on legal issues, if any, on the subject matter;
- (d) verification of the indemnity bond, and affidavit,
- (e) any other legal documents, which are found necessary and essential by the Authorised Officer.

(7) After the scrutiny under sub-rule (6) the Authorised Officer, without waiting the consent of the Tehsildar or the Local Authority, shall issue a public notice for seven days in Form-10 calling upon objections of any interested person. The notice shall be exhibited by the Authorised Officer on the notice board of his office and shall also be published in a State level newspaper on the cost of the applicant.

(8) If after scrutiny of documents and other details under sub-rule (6), the Authorized officer is of the opinion that any additional relevant information on the subject matter required to be sought, he may require the applicant within a period of ten days from the receipt of the application to submit the same and the applicant shall be bound to submit such additional information within ten days, failing which the application may be disposed off ex-party within the stipulated period under rule 7.

7. Disposal of application.- (1) Each application submitted under rule 4 shall be examined, and enquired by the Authorised Officer separately under rule 6. The Authorised Officer, considering all the facts including reports from the Tehsildar and the Local Authority

