

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

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## **Notification No.-244(8) Ra. dated-15.03.2011**

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 sub-section (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 sub-section (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 sub-section (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).

**By order of the Governor of Bihar**

**Principal Secretary to the Govt. of Bihar**

**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 subsection (6) of Section 3 of the Bihar Agriculture Land (Conversion for Non Agriculture Purposes) Act, 2010.

**Details of Land :-**

Name of the District	Name of the Sub - Division	Name of the Anchal	Revenue village	Revenue Thana Number	Holding Number	Plot (khesra) Number	Proposed area for Non Agriculture Purpose	Boundaries	Type of land shown in the Record of Right	Present rent/ cess	Proposed purpose (details of the purpose for which it is to be used)	Conversion fees deposited for conversion under sub-section (1) of Section 4 of this Act
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>	<i>12</i>	<i>13</i>

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 :-

Name of the District	Name of the Sub - Division	Name of the Anchal	Revenue village	Revenue Thana Number	Holding (khata) Number	Plot (khesra) Number	Proposed area for Non Agriculture Purpose	Conversion fees payable under sub-section (1) of Section 4 of the Act	Conversion fees deposited by the applicant under sub-section (2) of Section 3 of the Act and the date of deposit	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	Date by which the difference of amount be deposited and mode
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>	<i>12</i>

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

**Form of Second Notice**

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

**Second 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 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-Division  
District-  
Date-

**Form -3**

**Form 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-Division

Sir,

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 :-**

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

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:-**

<b>Name of the District</b>	<b>Name of the Sub-Division</b>	<b>Name of the Circle</b>	<b>Revenue village</b>	<b>Revenue Thana No.</b>	<b>Holding (Khata) No.</b>	<b>Plot (Khesra) No.</b>	<b>Area (for non agriculture purpose)</b>	<b>Boundaries</b>	<b>Type of land in the Record of Right</b>	<b>Present Rent</b>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>

**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 sub-section (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:-**

Name of the District	Name of the Sub-Division	Name of the Circle	Revenue village	Revenue Thane No.	Holding (Khata) No.	Plot (Khesra) No.	Type of Land as per Record of Right	Area of Land converted for Non-agriculture purpose in an unauthorized manner	Boundaries	Type of Non Agriculture purpose	Conversion fee Payable under Section 4 (1) of this Act	Proposed penalty of 50% of the conversion fee under Section 6 (3) of the Act
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>	<i>12</i>	<i>13</i>

**Sub-Divisional Officer**

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

## Form - 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:-**

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

**Sub-Divisional Officer**

Sub-Division.....

District.....

Date.....

## Form - 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:-

Name of the District	Name of the Sub-Division	Name of the Circle	Revenue village	Revenue Thana No.	Holding (Khata) No.	Plot (Khesra) No.	Area to be used for Non Agriculture purpose	Boundaries	Type of Non Agriculture purpose	Date & No. of Notification of Industry Department Govt. of Bihar related to the said purpose.
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>

Yours faithfully,

(Full signature of the applicant)  
Address.....

## Form -7

**Form 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:-**

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

**Sub-Divisional Officer**

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