

MANIPUR GAZETTE



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GOVERNMENT OF MANIPUR
SECRETARIAT: REVENUE DEPARTMENT

NOTIFICATION

Imphal, the 9th July, 2014

No. 2/1/2014-R(Act/Rule) : In exercise of the powers conferred by Section read with Section 168 of the Manipur Land Revenue and Land Reforms Act, 1960, the Governor of Manipur is pleased to make the Manipur Land Revenue and Land Reforms (Diversion of Land) Rules, 2014 as hereunder:

THE MANIPUR LAND REVENUE AND LAND REFORMS (DIVERSION OF LAND) RULES, 2014

1. Short title and commencement.

- (1) These rules may be called the Manipur Land Revenue and Land Reforms (Diversion of Land) Rules, 2014.
- (2) These rules shall come into force from the date of publication of these rules in the Official Gazette.

2. Definition:- In these rules, unless the context otherwise requires-

- (a) 'Act' means the Manipur Land Revenue and Land Reforms Act, 1960 (33 of 1960);
- (b) 'Diversion of land' means diversion of land under section 20 of the Manipur Land Revenue and Land Reforms Act, 1960.

3. Permission of competent authority for diversion of land:

- (i) While applying for diversion of land to the competent authority by the person holding the land, the details of land such as Patta No., Dag No., total area, exact built up area or constructed area or proposed to be constructed area etc. shall be clearly indicated in the application along with sketch map. Such details shall be verified at the field by the officials of Revenue Department and such verification report shall be authenticated by an officer of Revenue Department not below the rank of Sub-Divisional Officer. In case, land covered by a particular dag number is not wholly diverted, the remaining undiverted land shall not be allowed to be diverted unless permission of the competent authority with the prior approval of the State Government is obtained.

- (ii) If the agricultural land is proposed to be diverted for non agricultural purposes, then the concerned land owner shall apply to the concerned Deputy Commissioner who in turn shall place the matter before a District Level Committee consisting of the following members to examine the proposal:

1. Deputy Commissioner	- Chairman
2. District Agriculture Officer	- Member
3. District Forest Officer	- Member
4. District Fishery Officer	- Member
5. District Hort & S.C Officer	- Member
6. District Statistical Officer	- Member
7. Sub-Divisional Officer concerned	- Member Secretary

- (iii) While considering the proposal, the District Level Committee shall also examine recommendations/comments of the concerned Department(s) with which the proposal/proposals for diversion of agricultural land into non-agricultural purposes pertains/pertain to.

- (iv) The District Level Committee shall also examine likely benefits to be accrued from such diversion of land as against the retaining of the land for agricultural purposes in terms of employment, social benefit etc.

- (v) The District Level Committee shall also examine environmental impact for such diversion of land both in long and short term.

- (vi) The District Agriculture Officer shall also submit a detailed report before the District Level Committee which will incorporate the following parameters:

- a) Fertility status/land capabilities, likely short and long term impact for the proposed diversion of land in terms of agriculture production and productivity.
- b) Specific recommendation either for or against the proposed diversion of agriculture land.

- (vii) The report of the District Level Committee headed by the Deputy Commissioner concerned shall be submitted to the Revenue Department which may reject such application for diversion which is not recommended by the District Level Committee. However, if the Revenue Department do not agree with the report of the District Level Committee for rejection of such application for diversion of land in public interest, Revenue Department shall place the matter before the Cabinet with reasons to be recorded in writing for their disagreement on the recommendation of the District Level Committee. In case the District Level Committee recommends the application for such diversion, Revenue Department shall place the matter before the Cabinet for decision on the application for diversion of land.

- (viii) If the proposed diversion of land is more than half hectare of land, the findings of the District Level Committee indicated above shall be placed before the State Level Committee comprising of the following members:

1. Commissioner (Revenue)	- Chairman
2. Commissioner (Agriculture)	- Member
3. Commissioner (Fishery)	- Member
4. Pr. Chief Conservator of Forest	- Member
5. Deputy Commissioner concerned	- Member
6. Director of Agriculture	- Member
7. Under Secretary (Revenue)	- Member Secretary

The recommendation/finding of the State Level Committee shall be placed before the Cabinet for final decision.

- (ix) There shall be periodic reporting and monitoring of unauthorised diversion of agricultural land in all the districts where MLR&LR Act, 1960 is applicable. Such reporting by the SDCs, SDOs to the DCs and by the DCs to the State Government shall be made on quarterly basis. In case, any unauthorised diversion of land is not reported timely but found to have taken place without reporting, the concerned Revenue official shall be personally liable as deemed appropriate to be decided by the State Government.

4. Refusal of permission for diversion of land:

Permission to divert agricultural land for non agricultural purposes up to half hectare may be refused by the State Government on the recommendation of the District Level Committee for such refusal. If the diversion of agricultural land is more than half hectare of land, the State Government may refuse the permission for diversion of such land on the recommendation of the State Level Committee for such refusal. Such refusal of permission for diversion of land shall be on the ground that such diversion of agricultural land is likely to have short or long term adverse impact on production and productivity of agricultural crops without accruing commensurate economic/social benefits and also on the ground that the diversion is likely to cause a public nuisance or that it is not in the interest of the General public or that the holder is unable or unwilling to comply with the conditions that may be imposed under sub-section (3) of Section 20 of the Manipur Land Revenue and Land Reforms Act, 1960.

5. Conditions to be imposed on diversion of land for non-agricultural purposes:

Any condition may be imposed on diversion of land by the State Government on the recommendation of the State Level Committee with prior approval of the State Cabinet taking into account the public health, safety and convenience, and in the case of the land which is to be used as building sites, in order to secure, in addition, that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of the occupiers or are suitable to the locality.

6. Diversion of land in specified areas:

- (i) These rules shall not be applicable in the case of acquisition of agricultural land for public purposes by the State Government.
- (ii) For diversion of agricultural land within the notified Master Plan Area of a City / Town for urban development and allied activities, sub-rules (ii), (iii), (iv), (v), (vi) and (viii) of Rule 3 of these Rules shall not be applicable and Revenue Department may permit such diversion of land on the recommendation of the Deputy Commissioner concerned who shall obtain prior consent of the Municipal Administration Housing and Urban Development (MAHUD), Town Planning Department and Planning and Development Authority, Manipur:

Provided that prior approval of the Cabinet shall be also obtained for allowing diversion of land in specified areas.

By orders etc.,

K. RADHAKUMAR SINGH,
Secretary (Revenue),
Government of Manipur.