

National Highways (manner of depositing the amount by the Central Government; making requisite funds available to the competent authority for acquisition of land) Rules, 2019

UNION OF INDIA

India

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Rule

NATIONAL-HIGHWAYS-MANNER-OF-DEPOSITING-THE-AMOUNT-BY- of 2019

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National Highways (manner of depositing the amount by the Central Government; making requisite funds available to the competent authority for acquisition of land) Rules, 2019Published vide Notification No. G.S.R. 39(E), dated 18.1.2019Last Updated 21st January, 2019G.S.R. 39(E). - In exercise of the powers conferred by clause (aa) of sub-section (2) of section 9 of the National Highways Act, 1956 (48 of 1956), and in supersession of the National Highways (Manner of depositing the amount by the Central Government with the competent authority for acquisition of land) Rules, 1998, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:

1. Short title and commencement.

(1)These rules may be called the National Highways (manner of depositing the amount by the Central Government; making requisite funds available to the competent authority for acquisition of land) Rules, 2019.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Explanation.

- For the purposes of these rules, -(a)"Act" shall mean the National Highways Act, 1956 (48 of 1956).(b)"competent authority" shall mean the competent authority for land acquisition (CALA) appointed under clause (a) of section 3 of the National Highways Act, 1956.(c)"executing agency" shall have the same meaning as assigned to it under clause (d) of rule (2) of the National Highways Rules, 1957.

3.

The manner of making requisite funds available to the competent authority shall be as follows:

-(i)Subject to provisions of the Act, the executing agency authorised by the Central Government in this behalf, shall open and maintain an account with one or more Scheduled Commercial Banks for remittance of the amount for land acquisition across the country, with arrangements for access to such account by the competent authority for specific jurisdiction as per authorisation of limits by the executing agency. The Executing Agency shall, on the demand raised by the competent authority before announcement of the award, issue requisite authorisation limits in favour of the competent authority for withdrawal of amount from such account as per requirements from time to time for disbursement to the landowners or persons interested therein through an electronic banking mechanism as per extant Reserve Bank of India regulations and the said authorisation limits, revolving in nature, shall entitle the competent authority to withdraw money from such account as per requirements, without any further reference to the land acquiring agency, for disbursement to the landowners or persons interested therein, as follows: -(a)The amount determined under section 3(G) of the Act within fifteen days of the raising of demand by the competent authority, and(b)Where the amount determined by the Arbitrator under sub-section (7) of Section 3G of the Act is in excess of the amount determined by the competent authority, the excess amount, together with interest, if any, awarded by the Arbitrator, within 30 days of the communication of Arbitrator's award, unless such Award has been further challenged by either of the aggrieved parties.Explanation. - The authorisation limits, revolving in nature, are explained with the help of an illustration as under: -Say, the amount of award is Rs. 200 crore for which the CALA places demand on the acquiring/ executing agency. The executing agency shall issue an authorisation in favour of CALA to draw an amount up to Rs. 200 crore from the Central account, in limits of Rs. 50.00 crore at any point in time. As the CALA keeps disbursing the amount, the limit of Rs. 50.00 crore shall keep getting automatically recouped and so on till the utilisation of total amount of authorisation of Rs. 200 crore.(ii)The executing agency, authorised by the Central Government in this behalf, shall ensure that the requisite account is maintained with a Scheduled Commercial Bank, against which an authorisation limit is issued in favour of the competent authority for disbursement of the compensation amount, duly determined under Section 3(G) of the Act, to the landowners or persons interested therein. Further, the said authorisation limit shall be utilised by the competent authority for the intended purpose of disbursement and shall be duly reflected in the books of accounts of the executing agency for the purpose of proper monitoring and reconciliation thereof and any interest earned thereon shall be credited into the said account and shall belong to the executing agency.(iii)In cases where the executing agency of a project is any State Government or Union territory, the amount shall preferably be disbursed through the Public Financial Management

System of the Ministry of Finance.(iv)The competent authority shall, in turn, disburse the compensation amount to the landowners or the persons interested therein preferably by electronically crediting the said amount into their respective bank accounts.

4.

Where the amount deposited earlier by the executing agency into the account of the competent authority has remained undisbursed, or where the authorisation limit for an account has been issued in favour of the competent authority for disbursement purposes but certain amounts remain undisbursed, due to disputes which are referable to the principal civil court of original jurisdiction for resolution in terms of sub-section (4) of section 3H of the National Highways Act, 1956, the competent authority shall, while forwarding such references to the Court, cause such undisbursed amounts to be deposited with the principal court of civil jurisdiction to whom any such disputes are referable, for payment to entitled persons as and when the said disputes are resolved, or the absentee title-holders submit their claims, as the case may be, such amounts deposited with the principal court of civil jurisdiction shall, for all purposes, be deemed as payment made to entitled persons under sub-section (2) of section 3H of the Act.