

Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of user in Land) Rules, 2018

JHARKHAND

India

Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of user in Land) Rules, 2018

Rule

JHARKHAND-WATER-GAS-AND-DRAINAGE-PIPELINES-ACQUISITION of 2018

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Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of user in Land) Rules, 2018 Published vide Notification No. Water Resources Department, Notification No-1/PMC/Vividh/798 /2017 (Part-2)-485, dated 1.6.2018 Water Resources Department, Notification No-1/PMC/Vividh/798 /2017 (Part-II)-485, dated 1.6.2018. - In exercise of power conferred by Sub Section (1) of Section-16 of Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of User in Land) Ordinance 2018. (Jharkhand Ordinance No-4, 2018), the Government of Jharkhand hereby makes the following Rules :-

1. Short title, extent and commencement.

(1) These rules may be called the Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of User in Land) Rules, 2018. (2) They extend to the whole of Jharkhand. (3) These rules come into force from the date of notification.

2. Definitions.

- In these rules, unless the context other wise requires; (a) "Ordinance" means the Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of User in Land) Ordinance, 2018 (Jharkhand Ordinance No.4, 2018) (b) "Competent Authority" means the officer authorized as Competent Authority under rule 3. (c) "Form" means form appended to these rules; (d) The words and expressions used but not defined in these rules shall have the same meaning assigned to them in the Ordinance and the General Clauses Act.

3. Competent authority under the Act.

- For the acquisition of right of user in private land to lay the Water, Gas or Drainage Pipelines under the Ordinance any officer, not below the rank of Deputy Collector, who has been notified as the competent authority for the specified area under "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013" by State Government, shall be the competent authority for this purpose.

4. Filing of Application.

- The application for the acquisition of right of user to lay the Water, Gas or Drainage Pipelines in Form A shall be submitted to the competent authority by the State Government or the Corporation, as the case may be. The application shall contain the information of the names of concerned villages, land owner/ occupier of the land and name of father / husband, Khasra number and area proposed for acquisition of right of user and the period for the laying of Water, Gas or Drainage Pipelines and shall also contain the area marked on the map.

5. Publication of notification and notice to the owner.

(1)After the receipt of application, the competent authority shall ask the applicant to deposit eighty percent amount of preliminary estimated compensation.(2)After payment of such amount as demanded under sub-rule (1), the competent authority shall declare his intention by notification in the official gazette in Form B that in the public interest the acquisition of right of user is necessary to lay the Water, Gas or Drainage Pipelines. This notification shall be published and affixed in the following places as well as in the official Gazette:-(a)on the notice board of the office of the Collector;(b)on the notice board of the office of the Competent Authority;(c)in the daily news papers circulated in that locality from which one shall be in Hindi.(3)The Competent Authority shall serve the notice to the landowner / occupier regarding the acquisition of right of user in private land. The notice in Form-C may be served :-(a)in person to the land owner/ occupier; or(b)in person to any adult person of family of land owner/ occupier; or(c)by registered post to land owner / occupier; and(d)by pasting notice on the house or his last known residence of the land owner/ occupier.

6. Publication of declaration by competent authority.

- After the disposal of objections received within the prescribed period of the publication under sub-section (1) of section 4, the Competent Authority shall publish the declaration in Form 'D' by notification in official Gazette under subsection (1) of section 5. The right of user in the land mentioned therein shall be vested in the State Government / Corporation free from all the encumbrances from the date of publication of the declaration under sub-section (1) of section 5.

7. Assessment of Compensation.

(1)After the publication of declaration under sub-section (1) of section 5, the competent authority shall decide the loss of crop income, compensation of trees and other losses from the land mentioned therein for the period of laying of Water, Gas or Drainage Pipelines in the following manner :- (a) Any unirrigated land shall be considered as single cropped and irrigated land shall be considered as double cropped. If no crops are taken in last three years, the land shall be deemed as "fallow land" and the loss of crop income shall not be calculated for such land. In other cases, the loss of crop income shall be calculated as follows :-

Calculation of Crop Income = Standard Outcome of Crop X Minimum Support price of crop X 2

(b) The compensation of trees shall be calculated based on the opinion of Forest/Horticulture Department. (2) In addition to the compensation as referred under rule (1), if any, the compensation shall be payable at the rate of Ten Percent of the value of that land on the date of publication of the declaration under sub-section (1) of section 5. The value of the land shall be determined following the same procedures and guidelines, as are followed while acquiring the land under the Act of 2013, mentioned in rule 3.

8. Computation of compensation amount.

(1) The State Government or the Corporation shall, after setting off the amount which has been already deposited in accordance with sub-rule (1) of rule 5, deposit the compensation amount determined under Rule 7 to the Competent Authority by cheque within the period of thirty days from the date of declaration under sub-section (1) of section 5. (2) If the amount of compensation is not deposited within thirty days, the State Government or the Corporation, as the case may be, shall be liable to pay interest thereon at the rate of nine percent per annum from the date on which the compensation had to be deposited till the date of the actual deposit: and at the rate of 15 percent per annum after lapse of one year.

9. Taking of possession on acquisition of right.

- The Competent Authority shall obtain the possession certificate in Form 'E' for acquisition of right of user to lay Water, Gas or Drainage Pipeline for the specified period from the land owner/ occupier at the time of payment of compensation to the land owner / occupier under sub-section (3) of section 10 of the ordinance.

10. Restoration of possession.

- After laying the Water, Gas or Drainage Pipelines, the land shall be levelled and restored as good as before, by the State Government, or the Corporation, as the case may be, and the possession of land shall be handed over by the Competent Authority. In this regard, the Competent Authority shall restore the possession handing over certificate in Form 'F' to the landowner / occupier.

11. Right of entering for inspection etc.

(1)After handing over the possession of land to the land owner / occupier, the Corporation who laid the Water, Gas or Drainage Pipelines the persons authorized by the Corporation shall have the power to enter in the land and do the work as found necessary for inspection, maintenance, repair, replacement or removal of the Water, Gas or Drainage Pipelines.(2)If the land owner or occupier refuses to sign any form, which he or she is required to sign under these rules, the same shall be signed by the Competent Authority, provided the procedure under these rules has been followed.

12. Cost of acquisition of right of user by requisitioning body..

(1)The establishment charge and contingency cost for the right of user by requisitioning body / corporation shall be 5 percent of the total value of compensation assessed under rule 7.(2)The requisitioning body / corporation shall deposit the establishment charge and the contingency cost, as calculated under rule 12 (1) by way of bank draft to the Collector and the Collector shall deposit the cost of user land in the Deposit account in the district treasury or in a scheduled bank account maintained separately for this purpose to be jointly operated by Competent Authority and Deputy Commissioner.

13. Issue of instructions.

- The State Government may issue instructions for removal of any difficulties regarding implementation of the provisions of the Act / Ordinance and the Rules framed thereunder from time to time.

Form-A(see rule 4)To,The Competent Authority,.....Subject: Application for Acquisition of Right of User in Private land under Jharkhand Water, Gas and Drainage Pipelines Ordinance 2018.There is proposal to lay Water, Gas or Drainage Pipelines fromAnchal..... District toAnchal.....District for transportation offorProject. The land details and map of proposed land for acquisition to lay Water, Gas or Drainage Pipelines for the said project is enclosed herewith.Therefore, an action to be taken for acquisition of right of user in private land described in the enclosed details.Enclosure: - Details-----ApplicantDetails

S.No	Name of Village/Circle No.	Name of Land owner / Occupier	Khasra No.	Total area (in hectare)	Land Required for Right of User for laying Water,Gas or Drainage Pipelines (in hectare)
1	2	3	4	5	6

Form-B[See sub-rule (2) of rule 5]Whereas, it appears to the State government that it is necessary in the public interest that for the transportation offrom village Anchal,District to Anchal,District in Jharkhand State, Water, Gas or Drainage Pipelines should be laid by the M/sAnd whereas, it appears to the State Government that for the purpose of laying the said Water, Gas or Drainage Pipelines, it is necessary to acquire the Right of

User in the land under which the said Water, Gas or Drainage Pipelines is proposed to be laid which is described in the Schedule annexed to this notification. Now, therefore, in exercise of the powers conferred by sub-section(1) of section 3 of the Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of User in Land) Ordinance, 2018 (Jharkhand Ordinance No.04, 2018), the State Government, hereby, declare its intention to acquire the right of user therein. Any person interested in the land described in the said Schedule may within twenty one days from the date of the publication of notification in the official Gazette under sub-section (1) of section 3 of the Ordinance, object in writing to the laying of Water, Gas or Drainage Pipelines to the Competent Authority appointed by Government of Jharkhand.

Schedule

District	Anchal	Village/Circle No.	Khasra No.	Land to be acquitted for Right of User (inhectare)
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Competent Authority Form-C[see rule 5 (3)]A Notification No datedhas been published in the Gazette regarding declaration of the intention of the State Government to acquire the right of user in the following land of your ownership / occupancy to lay Water, Gas or Drainage Pipelines for the.....project under sub-section (1) of section 3 of the Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of User in Land) Ordinance, 2018 (Jharkhand Ordinance No-04, 2018).

District	Anchal	Village/Circle No.	Khasra No.	Land to be acquitted for Right of User (inhectare)
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Therefore, you are hereby informed under rule 5(2) framed under the Ordinance, that it is proposed to acquire the right of user in the land of your ownership / occupancy, by the State Government / Corporation.

DatePlace Competent Authority

Form-D(see rule 6)Whereas by notification of the Competent AuthorityNoDateissued under sub- section (1) of section 3 of the Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of User in Land) Ordinance, 2018 (Jharkhand Ordinance No-04, 2018) (hereinafter referred to as the said Act) the State Government declared its intention to acquire the right of user in the land specified in the Schedule appended to the notification for the purpose of laying the Water, Gas or Drainage Pipelines for transportation offrom village Anchal District to..... village..... Anchal.....District for Project byAnd that notification published in the official Gazette onand pasted on the notice board of the office of the Collector / Competent Authority, and the same has also been served to the land owner/ occupier.And whereas in exercise of the powers conferred by sub-section (1) of section 4 of the said Ordinance, the right of user in the land for laying the pipeline shall vest in the State Government / Corporation free from all encumbrances.

Schedule 2

District Anchal Village/Circle No. Khasra No. Land to be acquitted for Right of User
(inhectare)

Competent Authority Form-E (see rule 9) Possession Certificate

1. As per declaration dated issued under sub-section (1) of section 5 of the Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of User in Land) Ordinance, 2018 (Jharkhand Ordinance No-04, 2018) the following land of your ownership / occupancy shall be used by for the laying of Water, Gas or Drainage Pipelines for project.

S. No.	Village/Circle No.	Name of Land owner/occupier	Khasra No.	Land to be acquitted for Right of User (inhectare)
(1)	(2)	(3)	(4)	(5)

2. The compensation determined for the loss of income of crops, trees and other losses under section 9 of the Ordinance are as below :-

S.No.	Type of compensation	Total Payable amount of compensation	Date of Receipt of compensation.
Compensation of Loss income of crops	Compensation of Trees	Compensation of loss of other assets if any	Additional Compensation of land

3. The Right of User in land shall be utilized from today dated upto for which the payment of compensation and additional compensation has been paid to you on dated for acquisition of right of user in above mentioned land. If the work of laying Water, Gas or Drainage Pipelines is not be completed in the specified period, the working period can be extended.

Signature of land owner / occupier Competent Authority

Signatures of two witnesses.

1 Name & Address

2 Name & Address

Form-F (see rule 10) Possession Return Certificate.

1. As per declaration dated issued under sub-section (1) of section 5 of the Jharkhand Water, Gas and Drainage Pipelines (Acquisition of Right of User in Land) Ordinance, 2018 (Jharkhand Ordinance No-04, 2018), the following land of your ownership/ occupancy has been acquired from the date.....to dated.....for the laying of Jharkhand Water, Gas or Drainage Pipelines for project.

S.No	Name of Village/Anchal	Name of Land owner/Occupier	Khasra No.	Land to be acquitted for Right of User (in hectare)
1	2	3	4	5

2. Under section 7 of the Ordinance, the total compensation payment has been paid for acquisition of right of User in the above land. There is not any balance of payable amount in this regard.

3. The possession of above levelled land is handed over to you today dated

Signature of land owner / occupier	Competent Authority
Signatures of two witnesses.	
1 Name& Address	
2 Name& Address	