

# **Madhya Pradesh Bhumigat Pipeline, Cable Avam Duct (Bhumi Ki Upyokta Ke Adhikaraon Ka Arjan) Niyam, 2013**

MADHYA PRADESH

India

## **Madhya Pradesh Bhumigat Pipeline, Cable Avam Duct (Bhumi Ki Upyokta Ke Adhikaraon Ka Arjan) Niyam, 2013**

### **Rule**

### **MADHYA-PRADESH-BHUMIGAT-PIPELINE-CABLE-AVAM-DUCT-BHUMI of 2013**

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Madhya Pradesh Bhumigat Pipeline, Cable Avam Duct (Bhumi Ki Upyokta Ke Adhikaraon Ka Arjan) Niyam, 2013Published vide Notification No. F. 12-20/2012/Seven/Sec.2a, dated 29.08.2013Last Updated 6th February, 2020No. F. 1.2-22/2012/Seven/Sec.2a. - In exercise of the powers conferred by sub-section (1) of section 17 of the Madhya Pradesh Bhumigat Pipeline, Cable Avam Duct (Bhumi Ki Upyokta Ke Adhikaron Ka Arjan) Adhiniyam, 2012 (No. 5 of 2013), the State Government, hereby, makes the following rules, namely : -

### **1. Short title, extent and commencement.**

(1)These rules may be called the Madhya Pradesh Bhumigat Pipeline, Cable Avam Duct (Bhumi Ki Upyokta Ke Adhikaraon Ka Arjan) Niyam, 2013.(2)They extend to the whole of Madhya Pradesh.(3)They shall come into force from the date of its publication in the official Gazette.

### **2. Definitions.**

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Bhumigat Pipeline, Cable Avam Duct (Bhumi Ki Upyokta Ke Adhikaron Ka Arjan) Adhiniyam, 2012 (No. 5 of 2013),(b)"Competent Authority" means the officer authorised as Competent Authority under section 2 of the Act;(c)"Form" means form appended to these rules;(d)"Rules" means rules made under the Act;(e)The words and expressions used but not defined in these rules shall have the

same meaning assigned to them in the Act;

### **3. Appointment of competent authority.**

- On being proposed the acquisition of right of user in private land to lay the underground pipeline, cable or duct under the Act by the State Government or the Corporation, the State Government may appoint one or more working officers not below the rank of Deputy Collectors as the competent authority for the specified area under clause (a) of section 2 of the Act.

### **4. Filing of Application.**

- The application for the acquisition of right of user to lay the underground pipeline, cable or duct 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 in which the laying of underground pipeline, cable or duct and shall also contain copies of Panchsala Khasra and the area marked on the map also to be enclosed.

### **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 underground pipeline, cable or duct.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)on the notice board of the office of the Tehsildar;(d)on the notice board of the office of the concerned Gram Panchayat;(e)on the place of usual public gathering of concerned village; and(f)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 land owner/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;(b)to any adult person of family of land owner/occupier;(c)by registered post to land owners/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 3, the Competent Authority shall publish the declaration in Form 'D' by notification in official Gazette under sub-section (1) of section 4. The right of user in the land mentioned therein shall be vested in the State Government free from all the encumbrances from the date of publication of the declaration under sub-section (1) of section 4.

## **7. Assessment of compensation.**

(1)After the publication of declaration under sub-section (1) of section 4, 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 underground pipeline, cable or duct, 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. (c) The calculation of other losses of movable/immovable property shall be based on the opinion of the concerned Department. (2) In addition to the compensation as referred under rule (1), if any the compensation shall be payable at the rate of fifteen percent of the market value of that land on the date of publication of the declaration under sub-section (1) of section 4. (3) If the laying of underground pipeline, cable or duct is not completed within the stipulated period by the State Government or the Corporation, as the case may be, it shall be liable to pay the loss for such additional period which was taken beyond the stipulated period and also be liable for additional payment at the rate of five percent of the market value of that land.

## **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 section 7 to the Competent Authority by cheque within the period of thirty days from the date of declaration under sub-section (1) of section 4. (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 from the date on which the compensation had to be deposited till the date of the actual deposit: Provided that after one hundred twenty days, due to change of time of acquisition of right of use, the Competent Authority may revise the computation of compensation which shall not be less than the amount of computation already decided.

## **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 underground pipeline, cable or duct 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 11.

## **10. Restoration of possession.**

- After laying the underground pipeline, cable or duct, 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 the land/occupier by the Competent Authority. In this regard, the Competent Authority shall obtain the possession handing over certificate in Form 'F' from the land owner/ occupier.

## **11. Right of entering for inspection etc.**

- After handling over the possession of land to the land owner/occupier, the Corporation who laid the underground pipeline, cable or duct or the persons authorised by the Corporation shall have the power to enter in the land and to the work as found necessary for inspection, maintenance, repair, replacement or removal the underground pipeline, cable or duct.

## **12. Cost of court case shall be borne by the State Government or Corporation.**

- All payment/cost and payable amount under the decree/decision passed by the Court in the court case arising out of acquisition of right of user in land or payment of compensation under the Act shall be borne by the State Government or the Corporation, as the case may be.

## **13. Execution of agreement.**

- The State Government may execute an agreement with the Corporation regarding the payment of establishment expenditure, office expenditure and other expenditures of the office of the Competent Authority.

## **14. Issue of instruction.**

- The State Government may issue instructions for removal of any difficulties regarding implementation of the provisions of the Act 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 the Act. There is proposal to lay Bhumigat Pipeline, Cable Avam Duct from ..... Tehsil ..... District to ..... Tehsil ..... District for transportation of ..... for ..... Project. The land details and map of proposed land for acquisition to lay Bhumigat Pipeline, Cable Avam Duct 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 under the Act. Enclosure:-  
Details ..... Applicant Details

S. No.	Name of Village/Patwari Circle	Name of land owner/occupier	Khasra No.	total area (in hectare)	Land required for Right of User for
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Number					layingBhumigat Pipeline Cable (in hectare)
(1)	(2)	(3)	(4)	(5)	(6)

Form B[See sub-rule (2) of rule 51]No .....,Whereas, it appears to the State government that it is necessary in the public interest that for the transportation of.....from village Tehsil,..... District to.....Tehsil,..... District in Madhya Pradesh State, a Bhumigat Pipeline, Cable Avam Duct should be laid by the M/s.....And whereas, it appears to the State Government that for the purpose of laying the said underground pipeline, cable and duct, it is necessary to acquire the Right of User in the land under which the said underground pipeline, cable and duct 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 (I) of section 3 of the Madhya Pradesh Bhumigat Pipeline, Cable Avam Duct (Bhui Ki Upyokta Ke Adhikaron Ka Arjan) Adhiniyam, 2012 (No. 5 of 2013). 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 the date on which the publication of notification in the official Gazette under sub-section (1) of section 3 of the Act, object in writing to the laying of Bhumigat Pipeline, Cable Avam Duct under the land to the Competent Authority.....Madhya Pradesh.

## Schedule

District Tehsil	Village/Patwari Circle Number	Khasra No.	Land to be acquired for Right of User (inhectare)
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Competent AuthorityForm-C[see rule 5 (3)]A Notification No .....dated .....has 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 Bhumigat Pipeline, Cable Avam Duct for the.....project under sub-section (1) of section 3 of the Madhya Pradesh Bhumigat Pipeline, Avam Duct (Bhumi Ki Upyokta Adhikaraon Ka Arjan) Adhiniyam, 2012 (No. 5 of 2013).

District Tehsil	Village/Patwari Circle Number	Khasra No.	Land to be acquired for Right of User (inhectare)
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Therefore, you are hereby informed under rule 5(2) framed under the Act, that is proposed to acquired the right of user in the land of your ownership/occupancy, by the State

Government. Date.....place.....Competent Authority Form-D (see rule 6) Whereas by notification of the Competent Authority No.....Date .....issued under sub-section (1) of section 3 of the Madhya Pradesh Bhumigat Pipeline, Cable Avam Duct (Bhumi Ki Upyokta Ke Adhikaraon Ka Arjan) Adhiniyam, 2012 (No. 5 of 2013) (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 Bhumigat Pipeline, Cable Avam Duct for transportation of.....from village.....Tehsil.....District to village.....Tehsil..... District for Project by.....And that notification published in the official Gazette on and with publishing the notification on the notice board of the office of the Collector, Competent Authority, Tehsildar as well as Gram Panchayat and on the place of usual public gathering of concerned village, its notice 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 Act, the right of user in the land for laying the pipeline shall vesting in the State Government free from all encumbrances.

## Schedule 2

District Tehsil	Village/Patwari Circle Number	Khasra No.	Land to be acquired for Right of User (in hectare)
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Competent Authority Form-E (see rule 9) Possession Certificate

**1. As per declaration dated.....issued under sub-section (1) of section 4 of the Madhya Pradesh Bhumigat Pipeline, Cable Avam Duct (Bhumi Ki Upyokta Kc Adhikaraon Ka Arjan) Adhiniyam, 2012 (No. 5 of 2013) the following land of your ownership/occupancy shall be used by.....for the laying of Bhumigat Pipeline, Cable Avam Duct.....for project.**

S.No	Name of Village/ Patwari Circle Number	Name of land owner/occupier	Khasra No.	Land to be acquired Right of User for Bhumigat Pipeline Cable Avam Duct (in hectare)
(1)	(2)	(3)	(4)	(5)

**2. The compensation determined loss of income of crops, trees and other losses under section 9 of the Act.**

S.No.	Type of	Total payable amount of	Date of receipt
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	compensation	compensation	of
			Compensation
compensation of loss	Compensation of	Compensation of loss of	Additional
income of crops	trees	other assets	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 Bhumigat Pipeline, Cable Avam Duct should not be completed in specified period, the working period can be extended. In the extended period the compensation of loss of income of crops if any, shall be paid separately.**

Signature of land owner/occupierSignature of two witness.Competent Authority

**1.**

.....Name & address

**2.**

.....Name & AddressForm-F(see rule 10)Possession Return Certificate

**1. As per declaration dated.....issued under sub-section (1) of section 4 of the Madhya Pradesh Bhumigat Pipeline, Cable Avam Duct (Bhumi Ki Upyokta Ke Adhikaraon Ka Arjan) Adhinyam, 2012 (No. 5 of 2013), the following land of your ownership/occupancy has been acquired from the date.....to dated.....for the laying of Bhumigat Pipeline, Cable Avam Duct.....for project.**

S No	Name of Village/ Patwari Circle Number	Name of land owner/occupier	Khasra No.	Land to be acquired Right of User for BhumigatPipeline Cable Avam Duct (in hectare)
(1)	(2)	(3)	(4)	(5)

**2. Under section 9 of the Act, the total compensation payment has been paid for acquisition of right of User in the above land. There is no 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/ occupierSignature of two witness.Competent Authority

**1.**

.....Name & address

**1.**

.....Name & Address