

# **Haryana Underground Pipelines (Acquisition of Right of User in Land) Rules, 2009**

HARYANA

India

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### **Rule**

### **HARYANA-UNDERGROUND-PIPELINES-ACQUISITION-OF-RIGHT-OF-OF- of 2009**

- Published on 22 August 2009
- Commenced on 22 August 2009
- [This is the version of this document from 22 August 2009.]
- [Note: The original publication document is not available and this content could not be verified.]

Haryana Underground Pipelines (Acquisition of Right of User in Land) Rules, 2009Published vide Notification No. S. O.75/H.A. 31/2008/S. 18/2009, dated 22nd August, 2009Haryana GovernmentRevenue and Disaster Management DepartmentNo. S. O.75/H.A. 31/2008/S. 18/2009. - In exercise of the powers conferred by section 18 of the Haryana Underground Pipelines (Acquisition of Right of User in Land) Act, 2008 (31 of 2008), the Governor of Haryana hereby makes the following rules, namely :

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

(1)These rules shall be called the Haryana Underground Pipelines (Acquisition of Right of User in Land) Rules, 2009.(2)These rules shall come into force on the date of publication in the Official Gazette.

### **2. Definitions.**

(1)In these rules, unless the context otherwise, requires.-(a)"Act" means the Haryana Underground Pipelines (Acquisition of Right of User in Land) Act, 2008;(b)"competent authority" means District Revenue Officer of the respective district;(c)"executing agency" means the State Government or the Corporation, as the case may be for executing the work of laying underground pipeline.(2)The words and expressions used and not defined herein but defined in the Act shall have the same meaning assigned to them in the Act.

### **3. Objection to acquisition of right of user, Section 3.**

- The owner or occupier of the land may object to the laying of pipeline within twenty one days from the date of the notification under sub-section (1) of section 3 of the Act in the Official gazette/publication in newspapers. The objections so filed shall be decided by the competent authority within thirty days from the last date of filing of objections. The period of thirty days may be extended to further period of thirty days for any bona fide reason to be recorded in writing by the competent authority to decide the objections. During pendency of objections, no work relating to the laying of pipelines shall be carried out on the land for which acquisition of right of user in land is sought by the executing agency.

### **4. Entering upon the land to lay pipeline, Section 5.**

- The executing agency, its servants and workmen are empowered to enter upon the land to lay pipeline or to do survey, to dig or bore into the sub soil, mark levels and to set out the intended line of work, etc. necessary for laying the pipelines in the land after notification under sub-section (1) of section 4 of the Act has been published.

### **5. Bank Guarantee/Security, Section 18.**

- The executing agency shall furnish to the competent authority as a bank guarantee/security at the rate of Rs. 100/- (one hundred rupees) per metre with one year validity, which can be further extended till the faithful execution of the contract.

### **6. Watch guard, Section 18.**

- The executing agency while carrying out the work of digging/excavation for laying pipelines shall keep a regular watch on the trench sight till the trench is land-filled/levelised and reasonably compacted to avoid any mishap. For every one kilometre length or less of the trench length dug at one or multiple sections wherever the trench is open, the executing agency shall deploy at least one person to keep a watch guard. The executing agency shall raise proper barricades on higher side of the trench with sign-boards as "Work in Progress" lest there should be any mishap. In the event of any mishap due to the negligence of the executing agency, the extent of responsibility and compensation to be disbursed to the claimant by the executing agency shall be decided by the competent authority.

### **7. Land-filling of the trench, Section 18.**

- Immediately but not later than seven days of completion of the work of laying of the pipelines, the executing agency shall land-fill/levelise and reasonably compact the trench dug for the purpose. In the event of failure to land-fill the trench with proper levelling, and reasonable compaction, a fifteen days notice shall be served by the competent authority to the executing agency to do the needful within the stipulated time failing which the bank guarantee/security shall be forfeited.

## **8. Movement of earth-moving machinery/vehicles, Section 18.**

- The movement of the earth-moving machinery/vehicles required for digging etc.. shall be restricted to the area concerned in order to minimize damage to the crop or other property. In the event of any damage to crop or any other property, the effected party shall refer the matter within fifteen days from such an eventuality to the competent authority for deciding the compensation to be paid.

## **9. Standard/Prudent Practices, Section 18.**

- For executing the work of laying of pipelines, the executing agency shall comply with safety/prudent practices, methods, techniques and standards as laid down in the applicable codes, standards, guidelines and/or regulations with specific reference to Bureau of Indian Standards Number IS 3764:1992 i.e. Code of Safety for Excavation, Oil Industry Safety Directorate (under the Ministry of Petroleum and Natural Gas/Government of India) Standards Number OISD-Std-141 and Standard guidelines Number (OISD-GDN-192), and Haryana Government publication on Public Works Department (PWD) specifications.

## **10. Power to enter land for inspection, Section 7.**

- After the completion of work and during operation period, for any inspection or maintenance work, the executing agency shall give a notice of seven days to the occupier of the land before entering the land for this purpose. However, notice can be dispensed with, in the event of emergency for maintaining, examining, repairing altering or removing any pipeline. Any damage to the standing crop occurring as a result of such activities shall be paid by the executing agency as shall be determined by the competent authority. Explanation :- For the purposes of this rule the "operation period" means the period during which the underground pipeline is/pipelines are in place and carrying water or gas.

## **11. Restriction regarding use of land, Section 8.**

- The owner or the occupier of the land shall not construct any structure, excavate any tank, well, reservoir or dam, plant any tree on the land concerned after notification under section 3 in the Official Gazette. The executing agency while laying the pipelines shall keep a minimum clear distance of 1.5 metre on either side of pipes up to the boundary line of the land for which acquisition of right of user in land has been acquired under the Act to avoid damage to the adjoining buildings/structures while future digging for maintenance etc.

## **12. Power to inspect execution of work, Section 18.**

- During the execution of work, the competent authority or its authorized person shall have the right to inspect that the execution of the work is in accordance with the provision of Act and these rules. In the event of default/non-compliance of rules, a notice shall be served by the competent authority

to the executing agency to remedy within specified period failing which bank guarantee/security furnished by the executing agency shall be forfeited and further execution of work shall be stopped as per the orders of the competent authority. For revival of the execution of work, the executing agency shall seek permission from the competent authority and furnish a fresh Bank Guarantee at the rate of Rs. 100/- per metre (one hundred rupees) for the leftover length of pipeline to be laid.

### **13. Compensation Sections 9 and 10.**

- The executing agency shall be liable to pay compensation as determined by the competent authority to the occupier of the land for any damage, loss or injury sustained by reason of the removal of trees, standing crops, temporary severance of land from other land or any injury to any other property. In addition to this compensation if any, the executing agency shall be liable to pay compensation calculated at the rate of twenty per cent of the market value on the date of notification of the declaration under sub-section (1) of section 3 for the land within a period of fifteen days of the notice served by the competent authority prior to the publication of declaration under sub-section (1) of section 4, for the land for which the right of user has been vested with the executing agency. The executing agency shall give a target date for completion of work to the competent authority so as to enable him to determine the amount of compensation to be paid to owner of the land for the period of temporary severance of land restricting the owner of the land to carry out the normal activities on this land. The executing agency shall be liable to pay additional compensation as decided by the competent authority in the event of work getting delayed beyond the targetted date of completion.

### **14. Issuance of Completion Certificate, Section 18.**

- The executing agency shall give a notice of work completion date to the competent authority. The executing agency shall supply the detailed lay-out drawings of underground pipelines along with Shajra (Site Map) of the land for which right of user in land has been acquired, to the concerned local authorities as directed by competent authority within one month of completion of work. The competent authority shall issue a completion certificate after verifying that all the conditions in respect of land-filling/levelling the trench and reasonably compacting as provided in rules have been complied with before issuing a completion certificate for releasing Bank Guarantee/Security. The competent authority shall issue a formal communication to the owner/occupier of land to take over the land for taking up normal activities on the land viz. growing of crops etc.