

JHARKHAND HIGHWAYS RULES, 2007

ROAD CONSTRUCTION DEPARTMENT .NOTIFICATION The 4th April, 2007 'File No PWP/Misce Rules 2007' in exercise of the powers conferred under section 71 of the Jharkhand Highways Act 2005 (Jharkhand Act No. 7 of 2006) the Governor of Jharkhand is pleased to make the following rules. By the order of Governor of Jharkhand. (Sd/-) Dileep Kumar, Secretary, Road Construction Department, Jharkhand, Ranchi-834 007

ROAD CONSTRUCTION DEPARTMENT The 4th April, 2007 Jharkhand 2007 NO. 798(S) In Exercise of the Powers Conferred under section 71 of the Jharkhand Highways Act, 2005 (Jharkhand Act No. 7 of 2006), the Governor of Jharkhand is pleased to make the following rules:

1. Titles - These rules may be called the Jharkhand Highways Rules, 2007.

2. Definitions In these rules, unless the context otherwise requires—

(a) "Act" means the Jharkhand Highways Act, 2005;

(b) "Assistant Engineer" means an officer of the Road Construction Department Government of Jharkhand (in charge of a division) having that designation and being in charge of a particular road, bridge, tunnel or located on the Highway and who is appointed by the State Government under Section 6 of the Jharkhand Highways Act, 2005 to work under Highway Authority;

(c) "Form" means a form appended to these rules;

(d) "Motor vehicle" has the same meaning as per the Motor Vehicle Act, 1988;

(e) "Schedule" means the schedule to these rules; and

(f) "Section" means a section of the Act, 2005.

3. Manner of publication of the notification under Section 7(2). — In addition to publication of the notification in the Official Gazette under sub-section (2), of Section 7 the notification shall be caused to be published in the official gazette of the circle office sub division Office & office of the deputy commissioner concerned in which the highway is situated.

4. Places where copies of map to be kept under Section 8 The Highway Authority shall ensure to keep for inspection a copy of the map referred to in Section 8 at the following places besides its own office, the circle office Sub division Office & Office of the deputy commissioner concerned in which the lands between the highway boundaries and the boundary lines marked on the map are situated in each of the divisions of the Road Construction Department in charge of the highway marked on the map.

Form D (b) the Highway Authority or the officer authorised under Section 2 shall make reference under Section 44 by a statement in writing giving the following particulars namely:—

(1) the location and extent of the land with particulars of build (including if any thereon, and the names of the persons) who he has reason to think (a) are interested in such land and buildings, (2) The statement under sub-rule (1) shall be accompanied by—

(a) a copy of the order fixing the betterment charges, (b) a copy of the application requiring the reference to be made under Section 35 and a sketch giving particulars served upon and of the statement in writing made or delivered by the parties interested, Form of application under Section 44 for reference against order fixing betterment charges

An application under sub-section (h) of Section 44 for reference against an order fixing the betterment charges under Section 42 shall be made in the following manner:—

(1) The officer authorised under Section 41 shall make the reference under Section 44 by a statement in writing giving the following particulars namely:—

(a) the location and extent of the land with particulars of build (including if any thereon, and the names of the persons) who he has reason to think (b) are interested in such land and buildings, (2) The statement under sub-rule (1) shall be accompanied by—

(a) a copy of the order fixing the betterment charges, (b) a copy of the application requiring the reference to be made under Section 42, (c) a copy of the statement in writing made or delivered by the parties interested; a copy of the plans showing the nature and location of the highway work concerned in relation to the lands assessed to betterment levy, (3) The statement in writing made or delivered by the parties interested shall be made on such form as may be prescribed by the Government within thirty days from the date of the communication of the order made under Section 42 or the date of the decision of the Court under Section 44 as the case may be, (4) Payment of betterment charges by installments under sub-section (3) of Section 47 where the owner of the land desires to pay the amount of betterment charges by installments; as provided in Section 47, he may apply to the officer authorised under Section 42 from the date of the communication of the order made under Section 42 or from the date of the decision of the Court under Section 44 as the case may be, (5) The owner shall state in the application the number of installments on which he desires to pay the betterment charges, (6) The interest at the rate per cent per annum shall be charged on the amount of betterment charges permitted to be paid in installments (3) The installments shall be so as to secure the full payment of the whole amount of betterment charges together with interest thereon as far as possible (7) Within the period specified by the owner in his application (under sub-section (3)) such period shall not exceed ten years from the date on which such charges become leviable. On receipt of the application under sub-section (4) the officer authorised shall fix the amount of each installment including the interest charges to be paid by the owner, the number of such installments and the date on which each installment shall be paid by the owner (5) the owner of the land shall thereon execute an agreement as required by the proviso to Section 47 (1) Such agreement shall be in Form 15, 'Relinquishment or exchange of land under Section 48. (g) If the owner of land desires to relinquish the whole or any part of the land or to deliver it in exchange in favour of the State Government or to order the State Government to make an application for that effect on writing to the authority within one month from the date on which betterment charges become leviable in respect of such land (2) The owner of the land shall state in the application—

(a) full particulars of the land and the amount of betterment charges fixed thereon; (b) (3) the area of the land proposed to be relinquished or given in exchange and the value thereof according to the owner particulars of the encumbrances if any, (4) He shall attach a sketch showing the exact location of the land proposed to be relinquished or given in exchange, The authorised officer on receipt of the application shall assess the value of the land proposed to be relinquished or exchanged and shall forward the application, along with his recommendations to the State Government, which may pass such orders thereon as it may deem fit under Section 48. 16 Prohibition of regulation of traffic when highway considered unsafe under Section 50

Whenever the Highway Authority closes a highway or portion thereof or orders the number or speed or weight of vehicles using the highway under Section 50 it shall—

(a) publish a notification in the official Gazette and also in at least one newspaper circulating in the locality, giving particulars of the restrictions imposed and put up notice boards at suitable places—

(i) along the highway giving particulars of the restrictions imposed; in case of closure of the highway or portion thereof to all of any class of traffic, put up barrier signs as may be necessary at suitable places With arrangements for display of red light at night

(ii) Prohibition of use of heavy vehicles under Section 51 Whenever the Highway Authority prohibits or restricts the plying of heavy vehicles under Section 51 it shall publish a notification in

'the Office at Gazette and also at least one newspaper circulating in the locality giving particulars of the restrictions imposed on the use of the land (Schedule) Table showing the terms to be charge for temporary occupation of highway (and for which highway land is to be charged occupied 29 Temporary occupation in front of a building owned by a person or a structure overhang 21 Putting up temporary awnings, pandals scaffoldings or other temporary structures 25 Depositing building materials

(a) For the purpose of making temporary excavations for carrying out any repairs of overhanging buildings an annual sum not exceeding 5 percent of the market value of land occupied in municipal area 2% percent of the market value of the land occupied in other areas of below the temporary structure subject to a minimum of Rs. 200/- in municipal areas and Rs. 10/- per 100 square feet of land occupied in municipal areas and Rs. 5/- per 100 square feet in other areas subject to a minimum of Rs. 200/- in municipal areas and 50/- in other areas An annual sum not exceeding 10 percent of the full market value of the land occupied subject to a minimum of Rs. 4000/- in municipal areas and Rs. 500/- in other areas A daily sum not exceeding Rs. 10/- per 100 square feet of land occupied in municipal areas and Rs. 5/- per 100 square feet in other areas subject to a minimum of Rs. 100/- in municipal areas and Rs. 20/- in other areas NIL 30 7 FORMS FORM 'R (See Form application for permission under Section 9(2) for purposes specified in Section 9(a) and (b) of the Jharkhand Highways Act 2005 Name of applicant (in full) Age Address (in full) 4, 7 Interest of the applicant in the property to which the application relates (A certified Copy from the Record Of Rights should be attached Purpose for which permission sought full details Particulars of Land on Which the work is to be carried out- (a) Survey No (b) Khata Khesra No (c) Total area Of the plot in possession of the applicant (d) Area of the land to be used out of the total area of the plot (e) Name of the highway along Which the property situated With mile number and furlong number to be fully described Whether permission of the Deputy Commissioner or the Local Authority concerned obtained for the work. If not state the reasons why such permission not obtained If Obtained attach the same in original (a) Whether application made previously to the Highway Authority for the use of the land (b) It is stated the date of such application (c) Number and date Of the communication, if any, from the Highway Authority in respect Of such 60 Any other relevant particulars or Information The above particulars ;and information are true and correct to the best of my knowledge and belief Date (2) Signature Applicant. A rough sketch showing the particulars against items 6 and 7 of the form and the distance between the site of the work and the highway boundary should be attached Application for permission for reconstruction. extension or modification of existing building to be accorded subject to the following conditions:- (a) plan of the structure existing Old or proposed as the case may be, and the proposed additions and alterations if any duly certified by an Architect 'FORM Application for permission under Section 9(2) for purposes specified in Section Of the Jharkhand Highways Act 2005 2 3 6 Name of the applicant (in full) Age Address (in full) whether Owner tenant Of the building where the applicant relates, If the latter -whether permission of the Owner for the change Purpose/s for which the building is Used at present Purpose/s for which the building "is to be used" Whether the proposed change of use of the building involves any additions or alterations to the structure. It is to be stated whether the proposed use of the building attracts / attracts a large number Of vehicles or a crowd of people In front Of the building 'If so. give a rough estimate and state what arrangements exist/are proposed to accommodate these 33 Particulars Of Land on which the building is situated:- (a) Survey No. (b) Khata No. (d) Total area of the plot in possession of the applicant (e) Area of the built up property in possession of the applicant (f) Area of built up property after additions and alterations if any are proposed 2007 Name of the highway on which the building is situated With "mile number" and furlong number of KM To be fully described whether permission of the local authority or other Government agency concerned for use/change of the use Of the building is obtained If not state the reasons 'Why such permission not obtained. If obtained the same in original 33 12 13 (a) Whether application made previously to the Highway Authority for the same or any similar purpose so, state the date of such application Number and date of (the communication/ any from the Highway Authority in respect of such application or any other relevant particulars Or information The above particulars and information are true and Correct to the best of my knowledge and belief: Date Place Signature Of Applicant 10 2007 FORM (See Rule 7) Form of application for grant of permission under Section 9(2) of the Jharkhand Highways Act 2005 for temporary Occupation or encroachment of or on the highway (C) Highway and Umda ries) 2- 4 5 9, Name of

the applicant (in full) Address of the applicant(in full) purpose for which permission required Nape Of the highway and exact location of the highway land to be Occupied (mention file and attach Sketch)

Are?oi hig Gway fandsto bé(Ecupied if sirucfure of áhy sort on or overhanging highway land iSto be erecte4, give pertv culare thereof and attach a suitable sketch Period fof and *ihe date from which permission Is required yyhethe r made previously jf so the date Of such application. Whö U7erpermjssion Was granted pr refu Séé I am prepared to pab necessary renefor the occupation Of the highway and I also willing to abide by all the conditions that may be stipulated by tyou and make necessary secukity deposi€ for their proper observance Date Signature or Thumb impression of the Applicant 10 200T form udder seetjomooftoe Jb\$ Lhánd Highways *Cte 2005 for *tegt pOrary occu»atiod Of -Sub: Division; Sub Division — Og Å6ig sion occtipátioiy ofhighgay land er OÅd Granted. Ref\$ Your gpptigati Oi Ldatecf Yibur Aboye for {temporary Occupation Of highway in 'Oad and in Survey Village/ peen Vith due regard to-thé atid@the factprk€, Perpiggsson\$ occupation oibighwayland referred atxyvesubjectto ng shall be paid in» advance by of. (avour the Esecutive Énginecr; Road (bj The operáion imtheared of iand to be occupied shall be •a \$ tied out seas netto -jnterferre with traffiepn! hehighwpy Or highway drainage or work to be carrieoui shall executed as not tot interfere With traff Wor tbethigh+;ay Or the (d) Thesructureshalibe erected in, Conformity with the the Highway Authorly and be oltered or extended Vithout>the onorvritten permission of *the lligbwöy Buthorityl not,be used for any purpose than the one for wlvclv permcssion j\$ granted; (C) The structure 'hall conStructgd and maintained to the satisfaction orthefghway Authority, liighway shall be removed. •ut Or damaged or highway ace\$orieS piateri@l\$ reinOVed damaged without the prior writtem permission of \$ighwayauthoiity; (g) The pernyßi.n Shall be so leJ\$]19ble formy loss or injurysustained bygny 'Ot Oropert>EaS result Of gny cttrelgssn€SSq negligenceoftmsconductofthe peritussipn holder arty 9fhi\$ employees in the erectiog, setting up€ repaii or.use Of the structureon or OVeg the8 li& hveaylafid; (It) permssiorvti@lder shall be pay all taxes. levies grassessments:payable •to Govémmentvö\$ any authority in rgspect the highway land occupied Ot strdtgtureon Stfucteå; (i) Ilwpergussion With the High Authoiityas securitye ThiS,secuty IS liable forfeitUre Iri case Of default itt paymentv of/ tréniæaod other •charges Dáyable to Governmevr or iltt0li O(any of the conditionsSubjecito Which the permission is The novbe transferred Other person svithout the prior Of thk Highway Authority; (k) permission valid upetO 35 GZ io e, 2007 On the expitYO f e pSiQdfotAwhiGhzpermission land Shall restored (nits Orriginal CON itiongnd handedovertone He Highway Auithority, (m) Tt:e\$ighwayöuthotity geserves the •Nghi to -modifythe permissiotv reason Éxecutiivfngineers Road And Highynyz Autorit)

(1) (2) (4) (5) to 2007 FORM [See Råle 101 Form oi application undef Section 96 of ihe Jharkhand Highways 2005 foir éferetuto Arbitrator against award ,mdde under Section Name Of the applicant (in WII) occupa ijon Address Number and date of award unberSection 2B of the Act (5-A) Date on which the award was communicated to the applicani (6) PaiflcUtarsOf land tOWhich the reference relates Survey *No, Khesfa •irele jistrict khata No. 'Village (7) GrOUNds on Whjeti application made for reference to the so appointed under sub-section 8 of section of Jharkhafid Highways Act 2005, Date Signature of the Applicant or his duly authorjse& Agent to aâ«, 2007 FORM [See Rule t Form of application under Section Of theJharkhand Highways Bet, 2005 for reference to Courte against order made under Seetton 421 fixing betterment charges 2. 4 6 6. 7 Date Name •f the applicant (tn füll) Occupation Age Address Numberené dace pf oraérunderSection 42 of the Act DateOn .whtcti+heorderwas communicated 'to the@Áplieant Parficulars of land to which reference relatei SurveyNoe Khesra too Circle Dystryq€ khata No. VJlI age Grounds 90mhicti p&jectjon iS tofthe fixation of bétâcément charges Signature of ihe Applicant Or his dályau{horis ed Ag to 2007 39 (See 141 Agreementto be entered Into underthe provosO to Section 47 this agreement made åC the day Of two #etween 'toe Governor ofrJhärkhand (heretrn@fter thOLi\$and referred Wa\$\$he Governmenoofthevone *inhabitant (Keremasteffrefe/red as 'the owner which expressoon of Shalt UhEes\$ vy repugnantfto the Göntexunc\ude his hetrst executors andi gdmjnistrators) ortheptherpart WhereaS the is possessed and otherwise sufficvently entitled free Vrom encumbrances io Ge piece of land situated at more particularly described. in the schedule hereto appended (heretnafterreferreeto as "the said land'), And whereas it has been held by the order of the Authorised Officer made under Section the decision Section 44 42 Of Division) the.JharhhÄnd HgghwaystAct} 2005; ihat betterment charges amoUnting are •leviable ORthe tons whereas the owner 4+(res to pay said amouht of bettermeht charges by annuaf installments In the manner provided under ibe Jharkhand Highways Rules, 2007vand has for the purpose agréedetö entet>intO an agreement with the Governmentas required by [he 47 of the saidAcf 10

2007 NOW this Qreernentyignesseth as@llows (IYThe owner shall pay to Lihe Government the said betterment charg" Of Rupees. With 'i&rest thereomät the rate Of Nine per cent per annum within a perlod Of years from this date equal yearlyinstaOmentS of Rs each for principal the first of such installments go be paid On Of two thousand the subsequent installments to be paid on the and thai the owner shall in day the meantjme and long AS any part Of the Pfihcipal sum of shall remain owtnngq pay interest Qo the Government at the Rs rate of Nine per Cent per *annum on all moneys whatsoever for the time being due and OWing under these piesentS&yyearly payments the first of which payments shall "be made on ethe day of 200 and subsequent yearly payments shall be madeon the day of each subsequenVyearuotilthe whole sum OfRuPees is paid off: Frdvided galWaysfthat If any such Interest shall remain unpaid far one - month—fterthe date on Which the sameoüghtio be pãiafthen, and in every such mcgse;fthe interest •so imarreärs shätI at theepiry of month be capitalised and be added to fhQptincipal sum hereby securee gnd fprãhe irne being OWihq hereot)der and shall thencefdrth bear jpterest paya&le at the rate pnthe days afotesa@and all the rules of lav equity in relation Interest shall equally apply io interest on sucfr arrears Provided further that the last preceding proyjsso shall nor permiV the OWnertealtow anytinteeest to fall inuariears (2) All sums .dueänd*payäble by the owner under these presents Shall sübject to tie prior Of land revenue€ be a firstcharge on (ORTVTWT), 10 37k, 2007 41 the land, in respect of which such bettérment charges are leviable as provided in Section 46 of the Jharkhand Highways Act, 2005. (3) The owner shall bear the stamp duty payable in respect of this agreement. of.. In witness whereof the has for and under the directions of the Governor of Jharkhand set his hand and seal the above named owner has set his hand hereto the day and. and year first above written. Signed, and delivered by: Sri of in the presence of.- (2) Signed and delivered by• Sri in the presence of- (1) (2) Fqror) 10 2007 section 40ftheJhärkhand HbvaysActyi005 (Jharkhar@ Acg the Governor ofJharkhand hereby appoints theChiefEngineer (Communacat10nl Road Oistruc.tionl)ep\$tmene oftheGpVemtntentofJhÄhand asthe StatelGghyaySAuthoriyy FÜflherin exercise of Powers u/s section6 the Jharkhand Highways Acti 200S(Jharkban; o? Jharkhandherebyapponnts theExecutive Engineernf Road Division iqactas officers underthe Highway Authontysvithfntheir respecUve territorialjurisdiction By theorder Of GovernorofJhärkhand (S" Illegible, Seeré€ary to GpVérnment