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Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962

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PETROLEUM
AND
MINERALS
PIPELINE
ACT 1962

(P&MP ACT 1962)

**THE PETROLEUM MINERAL PIPELINES (ACQUISITION OF RIGHT OF USER
IN LAND) ACT, 1962**

Act No. 50 of 1962

{ 7th December, 1962 }

An Act to provide for the acquisition of right of user in land for laying pipelines for the transport of petroleum and minerals and for matters connected therewith.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:-

1. SHORT TITLE, EXTENT AND APPLICATIONS

- (1) This Act may be called the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It applies in the first instance to the whole of the States of West Bengal, Bihar, Uttar Pradesh and Gujarat and the Union Territory of Delhi, and the Central Government may, by notification in the official Gazette, declare that this Act shall also apply to such other State or Union Territory and with effect from such date as may be specified in that notification and there upon the provisions of this Act shall apply to that State or Union Territory accordingly.

2. DEFINITIONS:

In this Act, unless the context otherwise requires -

- (a) "Competent Authority" means any person or authority authorized by the Central Government, by notification in the Official Gazette, to perform the functions of the Competent Authority under this Act and different persons or authorities may be authorized to perform all or any of the functions of the Competent Authority under this Act in the same area or different area specified in the notification.
- (b) "corporation" means any body corporate established under any Central Provincial or State Act, and includes -
 - (i) a company formed and registered under the Companies Act, 1956; and
 - (ii) a company formed and registered under any law relating to companies formerly in force in any part of India;
- (ix) "minerals" have the meaning assigned to them in the Mines Act, 1952, and include mineral oils and stowing sand but do not include petroleum;

- (c) "petroleum" has the same meaning as in the Petroleum Act, 1934 and includes natural gas and refinery gas;
- (d) "prescribed" means prescribed by rules made under this Act.

3. PUBLICATION OF NOTIFICATIONS FOR ACQUISITION:

- (1) Whenever it appears to the Central Government that is necessary in the public interest that for the transport of petroleum or any mineral from one locality to another locality pipelines may be laid by that Government or by any State Government or a corporation and that for the purpose of laying such pipelines it is necessary to acquire the right of user in any land under which such pipelines may be laid, it may, by notification in the Official Gazette, declare its intention to acquire the right of user therein.
- (2) Every notification under sub section (1) shall give a brief description of the land.
- (3) The competent authority shall cause the substance of the notification to be published at such places and in such manner as may be prescribed.

4. POWER TO ENTER, SURVEY ETC.

- (1) On the issue of a notification under sub-section (1) of section 3, it shall be lawful for any person authorized by the Central Government or by the State Government or the corporation which proposes to lay pipelines for transporting petroleum or any mineral, and his servants and workmen-
 - (a) to enter upon and survey and take levels of any land specified in the notification;
 - (b) to dig or bore into the sub-soil;
 - (c) to set out the intended line of work;
 - (d) to mark such levels, boundaries and line by placing marks and cutting trenches;
 - (e) where otherwise survey cannot be completed and levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle, and
 - (f) to do all other acts necessary to ascertain whether pipelines can be laid under the land;

Provided that while exercising any power under this section, such person or any servant or workman of such person shall cause as little damage or injury as possible to such land.

5. **HEARING OF OBJECTIONS.**

- (1) Any person interested in the land may, within twenty-one days from the date of the notification under sub-section (1) of section 3, object to the laying of the pipelines under the land.
- (2) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and may, after hearing all such objections and after making such further inquiry, if any, as that authority thinks necessary, by order whether allow or disallow the objections.
- (3) Any order made by the competent authority under sub-section (2) shall be final.

6. **DECLARATION OF ACQUISITION OF RIGHT OF USER.**

- (1) Where no objections under sub-section (1) of section 5 have been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section, that authority shall, as soon as may be, either make a report in respect of the land described in the notification under sub-section (1) of section 3, or make different reports in respect of different parcels of such land, to the Central Government containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government and upon receipt of such report the Central Government shall, if satisfied that such land is required for laying any pipeline for the transport of petroleum or any mineral, declare, by notification in the Official Gazette, that the right of user in the land for laying the pipelines should be acquired and different declarations may be made from time to time in respect of different parcels of the land described in the notification issued under sub-section (1) of section 3, irrespective of whether one report or different reports have been made by the competent authority under this section.
- (2) On the publication of the declaration under sub-section (1), the right of user in the land specified therein shall vest absolutely in the Central Government free from all encumbrances.
- (3) Where in respect of any land, a notification has been issued under sub-section (1) of section 3 no declaration in respect of any parcel of land covered by that notification has been published under this section within a period of one year from the date of notification, that notification shall cease to have effect on the expiration of that period.
- (3A) No declaration in respect of any land covered by a notification issued under sub-section (1) of section 3, published after the commencement of the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977, shall be made after the expiry of three years from the date of such publication.

- (4) Notwithstanding anything contained in sub-section (2), the Central Government may, on such terms and conditions as it may think fit to impose, direct by order in writing, that the right of user in the land for laying pipelines shall, instead of vesting in the Central Government vest, either on the date of publication of the declaration or, on such other date as may be specified in the direction, in the State Government or the corporation proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in that State Government or corporation, as the case may be, free from all encumbrances.

7. CENTRAL GOVERNMENT OR STATE GOVERNMENT OR CORPORATION TO LAY PIPELINES.

- (1) Where the right of user in any land has vested in the Central Government or in any State Government or Corporation under section 6 -
- (i) it shall be lawful for any person authorized by the Central Government or such State Government or corporation, as the case may be, and his servants and workmen to enter upon the land and lay pipelines or to do any other act necessary for the laying of pipelines:

Provided that no pipeline shall be laid under -

- (a) any land which, immediately before the date of the notification under sub-section (1) of section 3, was used for residential purposes;
- (b) any land on which there stands any permanent structure which was in existence immediately before the said date;
- (c) any land which is appurtenant to a dwelling house; or
- (d) any land at a depth which is less than one metre from the surface;
- (ia) for laying pipelines for the transport of petroleum, it shall be lawful for any person authorized by the Central Government or corporation to use such land for laying pipelines for transporting any mineral and where the right of user in any land has so vested for laying pipelines for transporting any mineral, which shall be lawful for such person to use such land for laying pipelines for transporting petroleum of any other mineral; and
- (ii) such land shall be used only for laying the pipelines and for maintaining, examining, repealing, altering or removing any such pipelines or for doing any other act necessary for any of the aforesaid purposes or for the utilization of such pipelines.

- (2) If any dispute arises with regard to any matter referred to in paragraph (b) or paragraph (c) of the proviso to clause (i) of sub-section (1), the dispute shall be referred to the competent authority whose decision thereon shall be final.

8. POWER TO ENTER LAND FOR INSPECTION, ETC.

For maintaining, examining, repairing, altering or removing any pipeline, or for doing any other act necessary for the utilization of the pipelines or for the making of any inspection or measurement for any of the aforesaid purposes, any person authorized in this behalf by the Central Government, the State Government or the Corporation, as the case may be, may, after giving reasonable notice to the occupier of the land under which the pipeline has been laid, enter therein with such workmen and assistants as may be necessary:

Provided that, where such person is satisfied that an emergency exists, no such notice shall be necessary:

Provided further that, while exercising any powers under this section, such person or any workman or assistant of such person, shall cause as little damage or injury as possible to such land.

9. RESTRICTIONS REGARDING THE USE OF LAND

- (1) The owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6 shall be entitled to use the land for the purpose for which such land was put to use immediately before the date of the notification under sub-section (1) of section 3.

Provided that, such owner or occupier shall not after the declaration under sub-section (1) of section 6-

- (i) construct any building or any other structure;
- (ii) construct or excavate any tank, well, reservoir or dam; or
- (iii) plant any tree,

on that land.

- (2) The owner or occupier of the land under which any pipeline has been laid not do any act or permit any act to be done which will or is likely to cause any damage in any manner whatsoever to the pipeline.
- (3) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6-
- (a) constructs any building or any other structure, or
 - (b) constructs or excavate any well, tank, reservoir or dam, or
 - (c) plants any tree,

on that land, the Court of the District Judge within the local limits or whose jurisdiction such land is situate may, on an application made to it by the competent authority and after holding such inquiry as it may deem-fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier in the same manner as if the order for the recovery of such costs were a decree made by that Court.

10. COMPENSATION

- (1) Where in the exercise of the powers conferred by section 4, section 7 or section 8 by any person, any damage, loss or injury is sustained by any person interested in the land under which the pipeline is proposed to be, or is being, or has been laid, the Central Government, the State Government or the corporation, as the case may be, shall be liable to pay compensation to such person for such damage, loss or injury, the amount of which shall be determined by the competent authority in the first instance.
- (2) If the amount of compensation determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the District Judge within the limits of whose jurisdiction the land or any part thereof is situated, be determined by the District Judge.
- (3) The competent authority or the District Judge while determining the compensation under sub-section (1) or sub-section (2), as the case may be, shall have due regard to the damage or loss sustained by any person interested in the land by reason of-
 - (i) the removal of trees or standing crops, if any, on the land while exercising the powers under section 4, section 7 or section 8;
 - (ii) the temporary severance of the land under which the pipeline has been laid from other lands belonging to, or in the occupation of, such person; or
 - (iii) any injury to any other property, whether movable or immovable, or the earnings of such persons caused in any other manner:

Provided that in determining the compensation no account shall be taken of any structure or other improvement made in the land after the date of the notification under sub-section (1) of section 3.

- (4) Where the right of user of any land has vested in the Central Government, the State Government or the Corporation, the Central Government, the State Government or the Corporation, as the case may be, shall, in addition to the compensation, if any, payable under sub-section (1), be liable to pay to the owner and to any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such vesting, compensation calculated at ten per cent of the market value of that land on the date of the notification under sub-section (1) if section 3.

- (5) The market value of the land on the said date shall be determined by the competent authority and if the value so determined by that authority is not acceptable to either of the parties, it shall, on application by either of the parties to the District Judge referred to in sub-section (2), be determined by that District Judge.
- (6) The decision of the District Judge under sub-section (2) or sub-section (5) shall be final.

11. DEPOSIT AND PAYMENT OF COMPENSATION.

- (1) The amount of compensation determined under section 10 shall be deposited by the Central Government, the State Government or the corporation, as the case may be, with the competent authority within such time and in such manner as may be prescribed.
- (2) If the amount of compensation is not deposited within the time prescribed under sub-section (1), the Central Government, the State Government or the corporation, as the case may be, shall be liable to pay interest thereon at the rate of six per cent per annum from the date of on which the compensation had to be deposited till the date of the actual deposit.
- (3) As soon as may be after the compensation has been deposited under sub-section (1) the competent authority shall, on behalf of the Central Government, the State Government or the corporation, as the case may be, pay the compensation to the persons entitled thereto.
- (4) Where several persons claim to be interested in the amount of compensation deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the compensation and the amount payable to each of them.
- (5) If any dispute arises as to the apportionment of the compensation or any part thereof or as to the persons to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the District Judge within the limits of whose jurisdiction the land or any part thereof is situated and the decision of the District Judge thereon shall be final.

12. COMPETENT AUTHORITY TO HAVE CERTAIN POWERS OF CIVIL COURTS.

The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;

- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing commission for examination of witnesses.

13. PROTECTION OF ACTION TAKEN IN GOOD FAITH

- (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or notification made or issued thereunder.
- (2) No suit or other legal proceeding shall lie against the Central Government, the competent authority or any State Government, or corporation for any damage, loss or injury caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or notification made or issued thereunder.

14. BAR OF JURISDICTION OF CIVIL COURTS.

Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the competent authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or proposed to be taken in pursuance of any power conferred by or under this Act.

15. PENALTY

- (1) Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 7 or section 8 or willfully fills up, destroys, damage or displaces any trench or mark made under section 4 or willfully does any act prohibited under section 9, shall be punishable with imprisonment which may extend to six months or with fine or with both.
- (2) Whoever wilfully removes, displaces, damages or destroys any pipeline laid under section 7, shall be punishable with rigorous imprisonment for a term which shall not be less than one year, but which may extend to three years and shall also be liable to fine.

16. CERTAIN OFFENCE TO BE COGNIZABLE.

Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence falling under sub-section (2) of section 15 shall be deemed to be cognizable within the meaning of the Code.

17. POWER TO MAKE RULES.

- (1) The Central Government may, by notification in Official Gazette, make rules for carrying out the provisions this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
 - (a) the places at which and the manner in which the substances of the notification may be published under sub-section (3) of section 3:
 - (b) the time within which and the manner in which the amount of compensation may be deposited under sub-section (1) of section 11.
- (3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. APPLICATION OF OTHER LAWS NOT BARRED.

The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force relating to acquisition of land.

RULES 1963

**PUBLISHED IN THE GAZETTE OF INDIA PART II – SECTION 3,
SUB-SECTION (i) dated the 13th April, 1963.**

**GOVERNMENT OF INDIA
Ministry of Mines and Fuel**

New Delhi, the 5th April, 1963

NOTIFICATION

G.S.R.No. 626: In exercise of the powers conferred by section 17 of the Petroleum AND minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following rules, namely:-

1. **Short title:** These rules may be called the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963.
2. **Definitions: In these rules:-**
 - (a) "Act" means the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962;
 - (b) "Section" means a section of the Act,
3. **Publication of Notifications under section 3:**
 - (1) Every notification under sub-section (1) of section 3 shall contain a description of the land sufficient to identify the same specifying, wherever possible, the numbers in a settlement of record or survey of such land.
 - (2) The substance of the notification referred to in sub-rule (1) shall be published-
 - (a) by beat of drum in the neighbourhood of the land the right of user in which is to be acquired; and
 - (b) by affixing a copy thereof in a conspicuous place in the locality in which such land is situated.
 - (3) A copy of such notification shall be served in the manner laid down in rule 8 on every person who has been shown in the relevant revenue records as the owner of the land on the date of publication of the notification under sub-rule (1) or who, in the opinion of the Competent Authority is the owner of or interested, in, such land.

4. Filing of claims for compensation:

- (1) Any Person interested in any land may file before the Competent Authority a claim for compensation-
- (a) for damages by that person by reason of the exercise of the powers conferred by section 4 -
 - (i) in case the right of user in the land has not been acquired, within sixty days from the date on which the notification under sub-section (1) of the section 3 ceased to have effect, or
 - (ii) in case the right of user in the land has been acquired, within sixty days from the date of publication of the declaration under sub-section (1) of section 6;
 - (b) for damages sustained by that person by reason of the exercise of the powers conferred by section 7, within sixty days from the date of termination of the operations referred to in clause (i) of sub-section (1) of that section;
 - (c) for damages sustained by that person by reason of the exercise of the powers conferred by section 8, within sixty days from the date of termination of the operation referred to in that section;
 - (d) under sub-section (4) of section 10, within sixty days from the date of publication of the declaration under sub-section (1) of section 6:

Provided that the competent authority may admit any claim within thirty days after the expiry of the period specified in this sub-rule, if he is satisfied that the applicant had sufficient cause for not making the application within such specified periods.

Explanation 1: The expression "the date of termination of operation with reference to any area" means-

- (a) for the purposes of clause (b), the date of completion of works connected with the laying of pipelines in that area;
- (b) for the purposes of clause (c), the date of completion of all, or any of, the works referred to in section 8 in relation to the pipelines laid in that area;

Which the Competent Authority may notify in the official Gazette and by beat of drum in the locality, in consultation with the party in whom the right of user in the land in that area has vested ownership of the pipeline laid in that area vests, as the case may be.

Explanation 2: For the purpose of this sub rule the expression "sufficient cause" shall mean,-

- (i) where the delay in filing the application for claim within the specified period is beyond the control of the applicant;

- (ii) where the delay in filing the application for claims within the stipulated period is on account of any force majeure reasons such as riots, floods, civil war, foreign aggression, earthquake, or fire etc.;
 - (iii) where applicant was prevented by any reasons which is beyond his control from making the claims within the specified period.
- (2) The claim for compensation shall be made in such Form specified in the Schedule annexed to these rules.
- (3) The Competent Authority shall, on receipt of the claim for compensation, make such inquiry as provided in rule 4A and fix the compensation and thereafter inform the parties referred to in sub-section (2) and (5) of section 10 of the amount of compensation so fixed.
- 4A. While conducting enquiry and for granting compensation under sub-rule (3) of rule 4 the Competent Authority shall follow the following procedure, namely:-
- (1) for compensation of land due to the deprivation in right of enjoyment to any person interested in the land the Competent Authority may enquire the rate of land prevailing in that locality on the date of publication of the notification under sub-section (12) of section 3 of the Act from the following sources, namely:-
- (a) local registration authority such as the Registrar, Sub-Registrar or any Officer of authority for the time being authorized to register the documents under the Indian Registration Act, 1908 (16 of 1908);
 - (b) land acquisition authority, under the land Acquisition Act, 1894 (1 of 1894) if any land has been acquired during such period in the locality; and
 - (c) Officer or authority of the Government who fixes the reserve price of the land for any purpose under any law for the time being in force;

Provided that any rate taken for consideration shall not be less than the reserve price fixed by such officer or authority.

- (2) For compensation for other damages or loss while exercising the powers conferred under the Act or rules made thereunder the competent authority shall.
- (a) obtain the Panchanama prepared by a team appointed by him duly signed preferably by the person interested in the land or by two independent and respectable inhabitants of the locality and the representative of work execution agency. The said Panchanama shall contain the details of damages or losses caused while exercising the powers conferred by section 4, 7 or 8 of the Act;

- (b) enquire the yield of crops, tress, and fruits, etc,m from the Government agency such as horticulture or agriculture department of the Central Government or State Government or as per the statistics of the Central Government and/or State Government or from any local Government body;
- (c) make requisition of the market value of the crops, timber, wood fruit, etc, from the agriculture department or any other concerned Government agency or semi Government agency such as the Agricultural Marketing Board, Krishi Upaj Mandi, or any other agency authorized under any law to asses the market value of crops, wood, fruits, etc.;
- (d) get the other losses, if any, assessed from the Government agency or from any qualified engineer or through any valuer registered under section 34AB of the Wealth Tax Act, 1957 (27 of 1957); and
- (e) in case of Presumptive Crop Compensation, i.e., compensation for the profits which the cultivator would have received for crop normally cultivated on the land during the season or period, to which the compensation relates, but for being prevented from cultivating the land, the competent authority may deduct twenty per cent of net value as saving in seeds, fertilizers, labour, etc.

5. Application to the District Judge for determination of compensation:-

Any party aggrieved by the determination of the amount of compensation may prefer an application to the District Judge within the limits of whose jurisdiction the land or any part thereof is situated, not later than ninety days of the receipt of the intimation from the competent authority under rule 4 (3).

6. Deposit of compensation under section 11 :-

The Central Government, the State Government or the Corporation, as the case may be, shall, within twenty-one days of the receipt of the intimation under rule 4 deposit the compensation amount in such treasury and under such head of account as may be specified therein that behalf.

7. Notice to claimants and reference of dispute to the District Judge:

- (1) Where several persons claim to be interested in the amount of compensation deposited under sub-section (1) of Section 11 and the competent authority has determined under sub-section (4) of that section, the persons who in its opinion are entitled to receive the compensation and the amount to be paid to each of them, it shall send intimation thereof to all the persons who have preferred claims for compensation.

- (2) If any of the persons referred to in sub-rule (1) does not accept the decision of the competent authority, he shall within a period of thirty days of the receipt of such intimation inform the competent authority in writing to that effect.
- (3) If on receipt of intimation under sub-rule (2) or otherwise, the competent authority is of the opinion that a dispute regarding the payment of the compensation amount exists, it shall refer the dispute to the District Judge under sub-section (5) of section 11.

9. Mode of service of notice, etc:

- (1) Any notice or letter issued or any order passed may be served by delivering or tendering a copy of such notice, letter or order, as the case may be, to the person for whom it is intended or to any adult member of his family or by sending it by registered post acknowledgement due addressed to that person at his usual or last known place of residence or business.
- (2) Where the serving officer delivers or tenders the copy of the notice, letter under sub-rule (1), he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original.
- (3) Where the person or the adult member of the family of such person refuses to sign the acknowledgment of where the serving officer, after using all due and reasonable diligence, cannot find such person and there is no adult member of the family of such person, the serving officer shall affix a copy of the notice, letter or order on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and then shall return the original to the competent authority who issued the notice, letter or order, as the case may be, with a report endorsed thereon or annexed thereto stating that he has so affixed a copy, the circumstances under which he did so and the name and address of the person, if any, by whom the usual or last known place of residence or business, as the case may be, was identified and in whose presence the copy was affixed.
- (4) Where the person to be served with the notice, letter or order is a minor or a person of unsound mind the notice, letter or order shall be served in the aforesaid manner, on the guardian of such minor or person of unsound mind, as the case may be.

(No. 31/26/62-ONG)
B. Subha Rao, Under Secy.

INSTRUCTIONS 1963

RIGHT OF USER IN LAND ACT, 1962
NO. 50 OF 1962

(7th December, 1962)

THE PETROLEUM PIPELINES (ACQUISITION OF RIGHT OF USER IN LAND)
RULES, 1963

(Published in the Gazette of India, dated 13th April, 1963)

INSTRUCTIONS

1. These instructions have no statutory force and should not be quoted in any correspondence with outside authorities.
2. The competent authority should send draft notification under section 3(1) of the Act to the General Manager (Pipelines) for submission to the Central Government. The notification may be in the Form 1.

Every notification under section 3(1) of the Act must contain the details mentioned in rule 3(1). Care should be taken to exclude.

- (1) Lands mentioned in (a), (b) and (c) of provision to section 7(1) (i) of the Act;
- (2) Lands belonging to the Central or any State Government or to any Municipality or other local authority.

For convenience sake, it would be best to issue a separate notification in respect of each Tehsil/Thane of each district. It is necessary that a land plan should be published with each notification but it would be advisable to make a land plan available for inspection in the office of the competent authority.

3. The substance of the notification must be published in the manner mentioned in rule 3(2)(a) and (b), that is to say both by beat of drum and affixing a copy in a conspicuous place in the locality. There should also be evidence in writing to show that the notification has been so published.
4. As soon as the draft notification is sent, lists of the persons referred to in rule 3(3) should be prepared and copy of the notification should be served on each of them in Form 2 and in the manner laid down in rule 8. Where the person concerned resides in same village in which the land in question lies, personal service of the notice may be effected. In all other cases except where the notice is proposed to be served in the manner laid down in rule 8(3), it may be sent to the person intended by registered post acknowledgment due.

5. The period within which objections may be made to the laying of the pipeline is 21 days from the date of notification under section 3(1) or rule 3(2) or even the service of the notice under rule 3(3).
6. After order on the objections received are passed under section 5(2), the report mentioned in section 6(1) should be sent along with a draft declaration (in Form 3) under section 691) of the Act to the Central Government (Ministry of Mines and Fuel). A copy of this should also be sent to the General manager (Pipelines).

AMENDMENT ACT 1977

भारत का राजपत्र
The Gazette of India

असाधारण
Extraordinary

भाग II खण्ड 3 - उपखण्ड (I)
PART II - Section 3 - Sub-section (I)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 78] NEW DELHI, WEDNESDAY, MARCH 1, 1995/PHALGUNA 10, 1916

पेट्रोलियम मंत्रालय
अधिसूचना
नई दिल्ली, 1 मार्च, 1995

सा.का.नि. 100 (अ)- पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम, 1962 (1962 का 50) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1963 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्

(1) यह नियम पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) संशोधन नियम, 1995 कहे जाए।

2. यह सरकारी राजपत्र में अपने प्रकाशन की तिथि से प्रवृत्त होंगे।

[संख्या 11022/1/77 - प्रोडक्शन]

सी.आर. वेद्यनाथन, संयुक्त सचिव।

THE PETROLEUM PIPELINE (ACQUISITION OF RIGHT OF USER IN LAND) AMENDMENT ACT, 1977

NO. 13 OF 1977

[18th April, 1977]

An Act to amend the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:-

1. Short title and commencement

- (1) This Act may be called the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977.
- (2) It shall be deemed to have come into force on the 3rd day of February, 1977.

2. Amendment of long title

In the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as the principal Act), in the long title, for the words "for laying petroleum pipelines", the words "for laying pipelines for the transport of petroleum and minerals" shall be substituted.

3. Amendment of Section 1

In section 1 of the principal Act, in sub-section (1), for the words "Petroleum Pipelines" the words "Petroleum and Minerals Pipelines" shall be substituted.

4. Amendment of section 2

In section 2 of the principal Act:-

- (i) In clause (a), the following words shall be inserted at the end, namely:-

"and different persons or authorities may be authorized to perform all or any of the functions of the competent authority under this Act in the same area or different areas specified in the notification";

- (ii) after clause (b), the following clause shall be inserted, namely:-

- (ba) "minerals" have the meanings assigned to them in the Mines Act, 1952, and include minerals oils and stowing sand but do not include petroleum;

5. Amendment of section 3.

In section 3 of the principal Act, in sub-section (1), after the words "transport of petroleum", the words "or any mineral" shall be inserted.

6. Amendment of section 4

In section 4 of the principal Act, after the words "for transporting petroleum", the words "or any mineral" shall be inserted.

7. Amendment of section 6

In section 6 of the principal Act:-

(I) In sub-section (1):-

- (a) for the words "submit a report accordingly to the Central Government", the words, brackets and figures "either make a report in respect of the land described in the notification under sub-section (1) of section 3, or make different reports in respect of different parcels of such land, to the Central Government containing his recommendations on the objections together with the record of the proceedings held by him, for the decision of that Government" shall be substituted;
- (b) after the words "the Central Government shall", the words "if satisfied that such land is required for laying any pipeline for the transport of petroleum or any mineral", shall be inserted;
- (c) the words, brackets and figures " and different declarations may be made from time to time in respect of different parcels of the land described in the notification issued under sub-section (1) of section 3. Irrespective of whether report or different reports have been made by the competent authority under this section" shall be inserted at the end;

(ii) in sub-section (2), for the words "in the land", the words "in the land specified therein" shall be substituted;

(iii) in sub-section (3), for the words "no declaration under this section has been published", the words "no declaration in respect of any parcel of land covered by that notification has been published under this section" -----

(iv) after sub-section (3), the following sub-section shall be inserted, namely:-

"(3A) No declaration in respect of any land covered by a notification issued under sub-section (1) of section 3, published after the commencement of the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977, shall be made after the expiry of three years from the date of such publication".

8. Amendment of section 7.

In section 7 of the principal Act, in sub-section (1)-

(i) in clause (i), the word "and" at the end shall be omitted;

(ii) -after clause (i), the following clause shall be inserted, namely:-

"(ia) for laying pipelines for the transport of petroleum, it shall be lawful for any person authorized by the Central Government or such State Government or corporation to use such land for laying pipelines for transporting any mineral and where the right of user in any land has so vested for laying pipelines for transporting any mineral, it shall be lawful for such person to use such land for laying pipelines for transporting petroleum or any other mineral; and".

9. Amendment of Section 9

In section 9 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(1) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6.-

(a) constructs any building or any other structure, or

(b) constructs or excavates any well, tank, reservoir or dam,

or

(c) plants any tree,

on the land, the Court of the District Judge within the local limits of whose jurisdiction such land is situate may, on an application made to it by the competent authority and after holding such inquiry as it may deem fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up and the costs of such removal or filling up shall be recoverable from such owner or occupier in the same manner as if the order for the recovery of such costs were decree made by the Court".

10. Amendment of section 17.

In section 17 of the principal Act-

- (i) in sub-section (1) for the word "purposes" the word "provisions" shall be substituted;
- (ii) in sub-section (--) for the words "before the expiry of the session in which it is so laid or the successive sessions aforesaid", the words "before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted

sustained by any person interested in the land under which the pipeline is proposed to be, or is being, or has been laid; the Central Government the State Government or the Corporation, as the case may be, shall be liable to pay compensation to such person for such damage, loss or injury, the amount of which shall be determined by the competent authority in the first instance.

- (2) If the amount of compensation determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the District Judge within the limits of whose jurisdiction the land or any part thereof is situated, be determined by that District Judge.
- (3) The competent authority, or the District Judge while determining the compensation under sub-section (1) or sub-section (2) as the case may be, shall have due regard to the damage or loss sustained by any person interested in the land by reason of –
 - (i) the removal of trees or standing crops, if any, on the land while exercising the powers under Section 4, Section 7 or Section 8;
 - (ii) the temporary severance of the land under which the pipeline has been laid from other lands belonging to, or in the occupation of, such person;or
 - (iii) any injury to any other property, whether movable or immovable or the earnings of such persons caused in any other manner:

Provided that in determining the compensation no account shall be taken of any structure or other improvement made in the land after the date of the notification under sub-section (1) of Section 3.

- (4) Where the right of user of any land has vested in the Central Government, the State Government or the Corporation, as the case may be, shall, in addition to the compensation; if any, payable under sub-section (1), be liable to pay to the owner and to any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such vesting, compensation calculated at ten per cent of the market-value of that land on the date of the notification under sub-section (1) of Section 3.
- (5) The market value of the land on the said date shall be determined by the competent authority and if the value so determined by that authority is not acceptable to either of the parties, it shall, on application by either of the parties to the District Judge referred to in sub-section (2), be determined by that District Judge.

- (6) The decision of the District Judge under sub-section (2) or sub-section (5) shall be final.

Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 – Section 10 (1) and 2 (a) and (b) – The scheme of the Act shows that a competent authority has to discharge various and diverse duties under the Act. He has to attend to the survey of the land required for pipeline, verification of land revenue records of the surveyed area, drawing up of panchnama for land, crop, plantation, trees or any other agricultural or non-agricultural activity carried on in the surveyed land or the pipeline, issue of notification under section 3(1) of the Act, receipt of claim/objections for assessment of damages, disputes etc., issue of clearance to the concerned oil company and deciding all the disputes arising out of the authorized persons, power to enter notified lands and various other duties..... an officer of the Corporation cannot be appointed as a 'competent authority' because he may be biased in favour of the corporation by reason of his employment.

11. Deposit and payment of compensation – (1) The amount of compensation determined under section 10 shall be deposited by the Central Government, the State Government or the Corporation, as the case may be, with the competent authority within such time and in such manner as may be prescribed.

- (2) If the amount of compensation is not deposited within the time prescribed under sub-section (1), the Central Government, the State Government or the Corporation, as the case may be, shall be liable to pay interest thereon at the rate of six percent per annum from the date on which the compensation had to be deposited till the date of actual deposit.
- (3) As soon as may be after the compensation has been deposited under sub-section (1), the competent authority shall, on behalf of the Central Government, the State Government or the Corporation, as the case may be, pay the compensation to the persons entitled thereto.
- (4) Where several persons claim to be interested in the amount of compensation deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the compensation and the amount payable to each of them.
- (5) If any dispute arises as to the apportionment of the compensation or any part thereof or as to the persons to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the District Judge within the limits of whose jurisdiction the land or any part thereof is situated and the decision of the District Judge thereon shall be final.

12. **Competent Authority to have certain powers of Civil Court** – The competent authority shall have, for the purposes of this Act, all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any court or office;

भारत का राजपत्र
The Gazette of India

असाधारण

Extraordinary

भाग II खण्ड 3 - उपखण्ड (I)

PART II - Section 3 - Sub-section (I)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 132] नई दिल्ली मंगलवार अप्रैल 26, 1977/वैशाख 6 1899

No. 132] NEW DELHI, TUESDAY, APRIL 26, 1977/VAISAKHA 6, 1899

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF PETROLEUM

NOTIFICATION

New Delhi, the 26th April, 1977

G.S.R. 194 (E) - In exercise of the powers conferred by Section 17 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby makes the following rules to amend the Petroleum Pipelines (Acquisition of Right of User in Land) Rule, 1963 namely:-

1. These Rules may be called the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Rules, 1977;
2. In the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963 in the preamble in rule 1 and in clause (a) of rule 2 for the words "Petroleum Pipelines" the words, "Petroleum and Minerals Pipelines" shall be substituted.

(No. 11022/1/77-Prod.)

C.R. VAIDYANATHAN, Jt. Secy.

पेट्रोलियम मंत्रालय
अधिसूचना
नई दिल्ली, 26 अप्रैल, 1977

सा.का.नि. 194 (अ)- पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन), अधिनियम, 1962 (1962 का 50) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1963 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्

1. ये नियम पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) संशोधन नियम, 1977 कहे जायेंगे।
2. पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम 1 की प्रस्तावना में नियम 1 और नियम 2 के खण्ड (क) में "पेट्रोलियम पाइपलाइन" शब्दों के स्थान पर "पेट्रोलियम और खनिज पाइपलाइन" शब्दों को प्रतिस्थापित किया जायेगा।

[संख्या 11022/1/77 - प्रोडक्शन]

सी.आर. वेद्यनाथन, संयुक्त सचिव।

PUBLISHED IN THE GAZETTE OF INDIA, PAR II, SECTION 3, SUB-SECTION (ii)

**Government of India
Ministry of Mines and Fuel**

New Delhi, the 12th June, 1963

NOTIFICATION

No. 1063: In exercise of the powers conferred by sub-section (3) of Section 1 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares that the said Act shall apply to the States of Assam, Kerala, Madhya Pradesh, Maharashtra, Mysore and Rajasthan with effect from the 12th June, 1963.

(No. 31/6/63 - ONG)

Sd/-

(B. Subha Rao)

Under Secretary to the Govt. of India

To

The Manager,
Government of India Press
New Delhi.

[भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (II) में प्रकाशनार्थ]

भारत सरकार
ऊर्जा मन्त्रालय
[पेट्रोलियम विभाग]

नई दिल्ली, नवम्बर, 1983

अतिरिक्त

रा. पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अधिग्रहण) अधिनियम, 1962 (1962 का 50) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा यह धोषणा करती है कि 1 दिसम्बर, 1983 से यह अधिनियम त्रिपुरा राज्य पर भी लागू होगा।

[सं. 0-11011/3/83 - उत्पादन]

हस्ता./-

[राजेन्द्र सिंह]

निदेशक

सेवा में,

प्रबन्धक,

भारत सरकार, मुद्रणालय,

मायापुरी प्रेस,

इंडस्ट्रियल क्षेत्र,

नई दिल्ली

प्रतिलिपि प्रेषित:-

1. आयोग के सचिव, तेल और प्राकृतिक गैस आयोग [उत्पादन विभाग] तेल भवन, देहरादून।
2. श्री रामानुजाचारी, सदस्य [वित्त], ओ.एन.जी.एस., तेल भवन, देहरादून।
3. सचिव, त्रिपुरा सरकार, अगरतला।
4. अधिसूचना फाइल।

हस्ता./-

[राजेन्द्र सिंह]

निदेशक

(TO BE PUBLISHED IN THE GAZETTE OF INDIA, PAR II, SECTION 3)

SUB-SECTION (ii)

Government of India
Ministry of Energy
Deptt. of Petroleum

New Delhi, the 18th November, 1983

NOTIFICATION

S.O. No. 4348: In exercise of the powers conferred by sub-section (3) of Section 1 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares that the said Act shall apply to the States of Tripura with effect from the 1st December, 1983.

(No. 0-11011/3/83-Prod.)

Sd/-
(Rajendra Singh)
Director

To

The Manager,
Government of India Press
Mayapuri Press,
Industrial Area,
New Delhi.

Copy to:-

1. Secretary to the Commission, ONGC (Production Division) Tel Bhavan, Dehradun.
2. Shri V. Ramanujachari, Member (Finance), ONGC, Tel Bhavan, Dehradun.
3. Secretary to the government of Tripura, Agartala.
4. Notification file.

(Rajendra Singh)
Director

PUBLISHED IN THE GAZETTE OF INDIA, PAR II, SECTION 3, SUB-SECTION (ii)

**Government of India
Ministry of Petroleum and Chemicals**

New Delhi, the 10th March, 1964

NOTIFICATION

No. 987: In exercise of the powers conferred by sub-section (3) of Section 1 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares that the said Act shall apply to the States of Orissa, Andhra Pradesh and Madras with effect from the 15th March, 1964.

**(No. 31-6/63 - ONG)
US (SR)**

To

The Manager,
Government of India Press
New Delhi.

[भारत के राजपत्र, भाग II, खण्ड 3, उपखण्ड (II) में प्रकाशनार्थ] [असाधारण]

भारत सरकार
पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, दिनांक 16th फरवरी, 1993

अधिसूचना

का०आ० 108 (अ) पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अधिग्रहण) अधिनियम, 1962 (1962 का 50) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा यह घोषणा करती है कि 1 जनवरी, 1993 से यह अधिनियम पांडिचेरी संघ राज्य पर भी लागू होगा।

संख्या ओ-12017/2/92 - ओ.एन.जी/डी-4

हस्ता./-

[नरेश दयाल]

संयुक्त सचिव, भारत सरकार
फोन नं. 386 935

प्रबन्धक, मुद्रणालय,
भारत सरकार,
मायापुरी औद्योगिक क्षेत्र,
रिंग रोड, नई दिल्ली

प्रतिलिपि प्रेषित:-

1. महा प्रबन्धक [ई एंड पी]
गैस अथॉरिटी ऑफ इंडिया लिमिटेड,
नई दिल्ली।
2. अधिसूचना फाईल।

TO BE PUBLISHED IN THE GAZETTE OF INDIA, (EXTRA ORDINARY)

PAR II, SECTION 3 SUB-SECTION (ii)

GOVERNMENT OF INDIA

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 16th Feb., 1993

NOTIFICATION

S.O. No. 108(E): In exercise of the powers conferred by sub-section (3) of Section 1 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby specify the 1st day of January, 1993, as the date on which the provisions of the said Act shall apply to the Union territory of Pondicherry.

No.: 0-12017 2 92-CNG-D-4

Sd -

(NARESH DAYAL)

JOINT SECRETARY TO THE GOVT. OF INDIA.

Tel. No. 386935

To

The Manager,
Government of India Press
Mayapuri Press,
Industrial Area,
New Delhi.

CC: General Manager (E&P) GAIL, New Delhi.

Notification File.

SCHEDULE

FORM

[See Rule 4(2)]

(To be submitted in duplicate)

Claim regarding land specified in the Gazette notification dated the _____ under section 3(1) of the Petroleum and Minerals Pipelines (Acquisition of right of User in Land) Act, 1962 (50 of 1962)

PART - A

Particulars of the claimant

- | | | | |
|-----|----|---|-------|
| 1. | 1. | Name of Claimant | _____ |
| 2. | | | |
| 3. | 2. | Father's/Husband's Name (*) | _____ |
| 4. | | | |
| 5. | 3. | Age/Date of birth (*) | _____ |
| 6. | | | |
| 7. | 4. | Occupation | _____ |
| 8. | | | |
| 9. | 5. | Permanent address | _____ |
| | | | _____ |
| 10. | | | |
| 11. | 6. | Address for communication/
service of notice, etc. | _____ |
| | | | _____ |
| 12. | | | |
| 13. | 7. | Date of submission of claim | _____ |

PART - B

Particulars of Land through which the pipelines are proposed to be laid/laid (*)

- | | | |
|-----|------------------------|-------|
| 8. | Location of the Land | _____ |
| 9. | District/Taluk/Mandal | _____ |
| 10. | Survey No. of the Land | _____ |

11. Description/Extent of the Land (Wet or dry shall Also be specified) _____
12. Nature/Extent/Description of the damages caused to the Land/Property/Crop/Trees, etc. (*)
- (i) under section 4 (viz. Power to enter, survey, etc.)
 - (ii) under section 7 (viz. for laying of pipelines, etc.)
 - (iii) under section 8 (viz. Power to enter land for inspection, etc.)
13. Amount of compensation claimed (*)
- (i) under section 4 (viz. Power to enter, survey, etc.)
 - (ii) under section 7 (viz. for laying of pipelines, etc.)
 - (iii) under section 8 (viz. Power to enter land for inspection, etc.)
14. Basis of claim (*)
- (i) under section 4 (viz. Power to enter, survey, etc.)
 - (ii) under section 7 (viz. for laying of pipelines, etc.)
 - (iii) under section 8 (viz. Power to enter land for inspection, etc.)

Note: In respect of trees, information on type of tree, number of trees, age of the tree, yearly yield of each tree, expected life of the tree for each type of tree shall be given. Similar information for each type of crop, viz. Nature of crop, state of maturity, expected yield, amount of damages, etc., shall be given.

Signature of claimant _____
Date _____

- Note 1. (*) Delete whichever is not applicable.
1. One copy of form to be returned to the claimant after affixing signature by the competent authority or any person authorized by him to receive the form.

Sd:-
Under Secretary to the Govt. of India.

Foot Note:- The Principal rules were published vide No. G.S.R. 626, dated 13.4.1963 and subsequently amended vide:-

- (i) No. GSR 194(E), dated 26.4.1977
- (ii) No. GSR 100(E), dated 1.3.1995.
- (iii) No. GSR 174(E), dated 26.3.1997.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 9] नई दिल्ली, शुक्रवार, जनवरी 13, 2012/ पौष 23, 1933 (शक)
No. 9] NEW DELHI, FRIDAY, JANUARY 13, 2012/ PAUSA 23, 1933 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th January, 2012/Pausa 23, 1933 (Saka)

The following Act of Parliament received the assent of the President on the 12th January, 2012, and is hereby published for general information:—

THE PETROLEUM AND MINERALS PIPELINES (ACQUISITION OF RIGHT OF USER IN LAND) AMENDMENT ACT, 2011

(No. 9 OF 2012)

[12th January, 2012.]

An Act further to amend the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, 2011.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of
new sections
for sections
15 and 16.

Penalty.

2. For sections 15 and 16 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the following sections shall be substituted, namely:—

50 of 1962.

"15. (1) Whoever wilfully obstructs any person in doing any of the acts authorised by section 4 or section 7 or section 8 or wilfully fills up, destroys, damages or displaces any trench or mark made under section 4 or wilfully does any act prohibited under section 9, shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(2) Whoever wilfully makes or causes to make any unauthorised connection with or removes, destroys, damages or displaces any pipeline laid under section 7, or wilfully inserts any device to extract petroleum product or minerals from such pipeline, or wilfully disrupts supplies being made through the pipeline, shall be punishable with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine.

(3) If any person convicted of an offence under sub-section (2) is again convicted of an offence under the same provision, he shall be punishable with rigorous imprisonment for the second and for every subsequent offence for a term which shall not be less than three years but which may extend to ten years:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three years.

(4) Whoever, with the intent to cause or knowing that he is likely to cause damage to or destruction of any pipeline laid under section 7, causes by fire, explosive substance or otherwise damage to the pipeline being used for transportation of petroleum products, crude oil or gas with the intent to commit sabotage or with the knowledge that such act is so imminently dangerous that it may in all probability cause death of any person or such bodily injury likely to cause death of any person, shall be punishable with rigorous imprisonment which shall not be less than ten years but may extend to imprisonment for life or death.

Certain
offences to
be
cognizable.

Burden of
proof in
certain cases.

16. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence falling under sub-sections (2), (3) and (4) of section 15 shall be deemed to be cognizable and non-bailable within the meaning of that Code.

2 of 1974.

16A. Where any petroleum product together with any tool, vehicle or any item used in committing any such offence under sub-section (2) or sub-section (4) of section 15 are seized under this Act in the reasonable belief that such petroleum product has been stolen from the pipeline laid under section 7, the burden of proving that they are not stolen property shall be, in case where such seizure is made from the possession of any person,—

(i) on the person from whose possession the property was seized, and

(ii) on the person who claims to be the owner thereof, if any person other than the person from whose possession the stolen property was seized.

Presumption
regarding
property.

16B. When any proceeding taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any petroleum product is the property of the corporation, the Court shall presume, unless the contrary is shown, that such petroleum product belongs to the corporation.

- 2 of 1974. 16C. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused of an offence punishable under sub-section (4) of section 15 shall, if in custody, be released on bail or on his own bond unless—
- (a) the Public Prosecutor has been given an opportunity to oppose the application for such release; and
- (b) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.
- 2 of 1974. (2) The limitations on granting of bail specified in sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 or any other law for the time being in force on granting of bail.
- 2 of 1974. (3) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code of Criminal Procedure, 1973.
- 2 of 1974. 16D. Nothing in section 438 of the Code of Criminal Procedure, 1973 shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence punishable under sub-section (4) of section 15.”
- Provisions as to bail.
- Section 438 of the Code of Criminal Procedure, 1973 not to apply.

V. K. BHASIN,
Secy. to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पेट्रोलियम और प्राकृतिक गैस मंत्रालय

अधिसूचना

नई दिल्ली, 17 फरवरी, 2012

का.आ. 347(अ).—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) संशोधन अधिनियम, 2011 (2012 का 9) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 1 मार्च, 2012 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा. सं. आर-42011/1/2008-ओआर-II]

एल. एन. गुप्ता, संयुक्त सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 17th February, 2012

S.O. 347(E).—In exercise of the powers conferred by sub-section (2) of Section 1 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, 2011 (9 of 2012), the Central Government hereby appoints the 1st day of March, 2012, as the date on which the provisions of the said Act, shall come into force.

[F.No.R-42011/1/2008-OR-II]

L. N. GUPTA, Jt. Secy.