

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

SYNOPSIS

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THE PETROLEUM AND MINERALS PIPELINES (ACQUISITION OF RIGHT OF USER IN LAND) ACT, 1962

INTRODUCTION

For the development of petroleum resources in the country, it was anticipated that there would be a substantial increase in the production of crude oil, natural gas and petroleum products by the public sector oilfields and refineries in India. As a result of the implementation of plans for the development of petroleum resources it became necessary to lay petroleum pipelines. Since the petroleum pipelines were to be laid underground outright acquisition of land was not necessary. Therefore it was considered sufficient to the mere right of user in the land for laying and maintaining the pipelines. Accordingly the Petroleum Pipelines (Acquisition of Right of user in Land) Bill was introduced in the Parliament.

STATEMENT OF OBJECTS AND REASONS

As a result of the implementation of plans for the development of petroleum resources in the country, it is anticipated that in the next few years there will be a substantial increase in the production of crude oil, natural gas and petroleum products by the public sector oilfields and refineries in India. It has therefore become necessary to lay petroleum pipelines in the country to serve as an efficient and cheap means of transportation and distribution of petroleum and petroleum products.

2. Although land can be acquired outright for laying such pipelines under the Land Acquisition Act, 1894 the procedure for such acquisition is long-drawn and costly. Since the petroleum pipelines will be laid underground outright acquisition of land is not necessary. Therefore, in the case of these pipelines it is considered sufficient to acquire the mere right of user in the land for laying and maintaining the pipelines. The Bill seeks to achieve the above purpose.

3. The main features of the Bill are--

- (i) No right of user of land can be acquired for the purpose of laying pipelines unless the Central Government declares its intention by notification in the Official Gazette, and unless objections, if any, filed within twenty-one days of that notification are disposed of by the competent authority.
- (ii) When final declaration about acquisition is made the right to use land for the purpose of laying pipelines will vest in the Central Government, State Government or the corporation, as the case may be but notwithstanding such acquisition, the owner or occupier of the land shall be entitled to use the land for the purpose for which such land was put to use immediately before the declaration by the Central Government. But after the date of acquisition he shall not construct any building or any other structure or construct or excavate any tank, well, reservoir or dam or plant any tree, on that land.

- (iii) Compensation for the damage, loss or injury sustained by any person interested in the land shall be payable to such person. Besides this, compensation calculated at ten per cent of the market value of the land on the date of the preliminary notification is also payable to the owner and to any other person whose right of enjoyment in the land has been affected by reason of the acquisition. The compensation in both cases is to be determined by the competent authority in the first instance and an appeal lies from its decision to the District Judge.

ACT 50 OF 1962

The Petroleum Pipelines (Acquisition of Right of User in Land) Bill having been passed by both the Houses of Parliament received the assent of the President on 7th December, 1962. It came of the Statute Book as the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962). By section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977 (33 of 1977) the nomenclature of the Act has been amended. Now it stands as THE PETROLEUM AND MINERALS PIPELINES (ACQUISITION OF RIGHT OF USER IN LAND) ACT, 1962 (50 of 1962) (*Came into force on 7-12-1962*).

AMENDING ACT

The Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977 (33 of 1977) (w.r.e.f. 3-2-1977).



THE PETROLEUM AND MINERALS PIPELINES (ACQUISITION OF RIGHT OF USER IN LAND) ACT, 1962

(50 of 1962)

[7th December, 1962]

An Act to provide for the acquisition of right of user in land ¹[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 application.**—(1) This Act may be called the ²[Petroleum and 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 State 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 State³ or Union territory and with effect from such date as may be specified in that notification and thereupon 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 authorised by the Central Government, by notification in the Official Gazette, to perform the functions of the competent authority under this Act ⁴[and different persons or authorities may be authorised 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];

(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;

1. Subs. by Act 13 of 1977, sec. 2, for laying petroleum pipelines” (w.r.e.f. 3-2-1977).

2. Subs. by Act 13 of 1977, sec. 3, for “Petroleum Pipelines” (w.r.e.f. 3-2-1977)

3. The Central Government has declared that this Act shall apply (1) to the State of Assam, Kerala, Madhya Pradesh, Maharashtra, Mysore and Rajasthan, with effect from 12th June, 1968; (2) to the State of Punjab, with effect from 16th August, 1963; (3) to the States of Orissa, Andhra Pradesh and Tamil Nadu, with effect from 15th March, 1964; (4) to the Union Territory of Dadra and Nagar Haveli, with effect from 11th November, 2003; and (5) to the States of Uttaranchal, Jharkhand and Chhattisgarh with effect from 1st October, 2003.

4. Ins. by Act 13 of 1977, sec. 4 (i) (w.r.e.f. 3-2-1977).

¹[(ba) "minerals" have the meanings assigned to them in the Mines Act, 1952 (35 of 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 notification for acquisition.—(1) Whenever it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum ²[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.—On the issue of a notification under sub-section (1) of section 3, it shall be lawful for any person authorised by the Central Government or by the State Government or the corporation which proposes to lay pipelines for transporting petroleum ³[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 or 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.

1. Ins. by Act 13 of 1977, sec. 4 (ii) (w.r.e.f. 3-2-1977).

2. Ins. by Act 13 of 1977, sec. 5 (w.r.e.f. 3-2-1977).

3. Ins. by Act 13 of 1977, sec. 6 (w.r.e.f. 3-2-1977).

(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 and 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 either 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 with the period specified therein or where the competent authority has disallowed the objection under sub-section (2) that section, the authority shall, as soon as may be ¹[either make a report in respect of the land described in the notification under such-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, ²[if satisfied that such land is required for laying any pipelines 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 ³[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 ⁴[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 but ⁵[no declaration in respect of any portion of land covered by that notification has been published under this section] within a period of one year from the date of that notification, that notification shall cease to have effect on the expiration of that period.

⁶[(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,

1. Subs. by Act 13 of 1977, sec. 7(i)(a), for "submit a report accordingly to the Central Government" (w.r.e.f. 3-2-1977).
2. Ins. by Act 13 of 1977, sec. 7(i)(b) (w.r.e.f. 3-2-1977).
3. Ins. by Act 13 of 1977, sec. 7 (i) (c) (w.r.e.f. 3-2-1977).
4. Subs. by Act 13 of 1977, sec. 7(ii), for "in the land" (w.r.e.f. 3-2-1977).
5. Subs. by Act 13 of 1977, sec. 7(iii), for "no declaration under this section has been published" (w.r.e.f. 3-2-1977).
6. Subs. by Act 13 of 1977, sec. 7(iv) (w.r.e.f. 3-2-1977).

direct by order in writing, that the right of user in the land for laying the 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 thereunder 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 authorised by the Central Government or such State Government or Corporation, as the case may be, and his servant and workmen to enter upon the land and lay pipelines or to do any other act necessary for 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; ¹[***]

²[(ia) for laying pipelines for the transport of petroleum, it shall be lawful for any person authorised 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]

- (ii) such land shall be used only for laying the pipelines and for maintaining, examining, repairing, altering or removing any such pipelines or for doing any other act necessary for any of the aforesaid purposes or for the utilisation 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 utilisation of the pipelines or for the making of any inspection or measurement for any of the aforesaid purposes, any person authorised 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

1. The word "and" omitted by Act 13 of 1977, sec. 8 (i) (w.r.e.f. 3-2-1977).

2. Ins. by Act 13 of 1977, sec. 8(ii) (w.r.e.f. 3-2-1977).

under which 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 the land.

(2) The owner or occupier of the land under which any pipeline has been laid shall 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.

¹[(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 excavates any well, tank, reservoir or dam, or
- (c) plants any tree,

on that 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 a decree made by the 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 Corporations 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

1. Ins. by Act 13 of 1977, sec. 9 (w.r.e.f. 3-2-1977).

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 tress 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 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.

COMMENTARY

Government can appoint its employee to assess compensation: Supreme Court.—The Supreme Court held that a petroleum or mineral corporation can appoint its own employee as the authority for deciding the compensation to be given to the property taken over by it.

Overruling the judgment of the Bombay High Court that an officer of the corporation cannot be appointed because he may be biased in favour of the corporation by reason of his employment, the Supreme Court said that there was nothing in the law which prevents an employee from becoming the competent authority for acquisition.

A three-Judge bench consisting of Justice S. Ranganathan, Justice N. M. Kasliwal and Justice S.C. Agarwal declared this in the case of *Hindustan Petroleum Corporation Ltd.* which took steps to lay down pipeline for a project called the Bombay Pune pipeline project.

Under the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, the Government appointed Mrs. A.R. Gadre, Special Land Officer in the corporation as the authority for acquisition and assessment of compensation. One person whose property was acquired for the pipeline challenged her appointment on the ground that she was an employee of the corporation and therefore biased against him.

The High Court allowed the petition and directed the Government to appoint another person who is not an employee as the authority. Against this the Central Government appealed to the Supreme Court, but it was dismissed as it was filed too late. The corporation also appealed, but its appeal was dismissed on legal grounds.

The judgment explained that the law did not bar the appointment of an employee. Moreover, the person appointed makes several expert decisions apart from deciding the compensation. He has to verify land revenue records, issue notification and decide all disputes. "Thus such person becomes a better qualified and experienced person equipped with a proper background to decide the amount of compensation also," the judgment said.

If the argument was taken to its logical conclusion "the result would be that no employee of the state or Central Government will be appointed as competent authority where petroleum and minerals pipelines are to be laid," it said.

However, in this particular case, Mrs. Gadre was found to be fighting a case against the petitioner on some other issue. On that ground, the court held that Mrs. Gadre might be biased; but not because she was an employee of the corporation.¹

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 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 appointment of the compensation or any part thereof or as to the persons to whom the same or any part thereof is payable,

¹ See Observer Legal Bureau, New Delhi, dated 7-12-1990.

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;
- (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 court.—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 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 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 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 that Code.

17. Power to make rules.—(1) The Central Government may by notification in the Official Gazette, make rules for carrying out the ¹[provisions] of this Act.

* Now see the Code of Criminal Procedure, 1973 (2 of 1974).

1. Subs. by Act 13 of 1977, sec. 10(i), for "purposes" (w.r.e.f. 3-2-1977).

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prove for all or any of the following matters namely:—

- (a) the places at which and the manner in which the substance 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 ¹[before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the 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 of 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.

1. Subs. by Act 13 of 1977, sec. 10(ii), for certain words (w.r.e.f. 3-2-1977).



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्रधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

से 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 2011)

[12th January, 2012.]

An Act further to amend the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1963

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:

30 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.

15. 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

Provisions as to bail

(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.

1 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.

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, 20 जून, 2018

का.आ. 3111(अ).—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में उक्त अधिनियम के अधीन तमिलनाडु राज्य के भीतर विजयवाड़ा धर्मपुरी पाइपलाइन परियोजना के लिए सक्षम प्राधिकारी के कृत्यों के पालन के लिए श्री आर. वैद्यनाथन, उप कलेक्टर को हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड को प्रतिनियुक्ति पर अधिकारी के रूप में प्राधिकृत करती है।

[फा. सं. आर-11025(15)/4/2018-ओ.आर.-I/ई-25410]

पवन कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 20th June, 2018

S.O. 3111(E).—In pursuance of clause (a) of section 2 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorizes Sri R. Vaidyanathan, Deputy Collector as Officer on deputation to Hindustan Petroleum Corporation Limited to perform the function of Competent Authority for Vijayawada Dharmapuri Pipeline Project, under the said Act within the territory of state of Tamil Nadu.

[F.No. R-11025(15)/4/2018-OR-I/E-25410]

PAWAN KUMAR, Under Secy.

MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 16th October, 2019

S.O. 3787(E).—In pursuance of clause (a) of Section 2 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Petroleum and Natural Gas, S.O. 3111(E) dated 20-06-2018, published in Gazette of India on 26-06-2018 namely:—

In the said notification, in the Schedule in column 1, for the words “Shri. R. Vaidyanathan, Deputy Collector, as Officer on deputation to Hindustan Petroleum Corporation Limited to perform the functions of Competent Authority for VDPL Project under the said Act within the territory of State of Tamil Nadu” the words “Shri K. Karthikeyan, Deputy Collector, as Officer on deputation to Hindustan Petroleum Corporation Limited to perform the functions of Competent Authority for VDPL Project under the said Act within the Territory of State of Tamil Nadu” shall be substituted.

This notification will be effective from the date of Issue.

[F.No. R-11025(15)/4/2018-OR-I/E-25410]

P. SOMAKUMAR, Under Secy.

2
THE GAZETTE OF INDIA: EXTRA ORDINARY
PART II—Section 3
MINISTRY OF PETROLEUM AND NATURAL GAS
NOTIFICATION

New Delhi, the 10th November, 2020

S.O. 4069(E).—In pursuance of clause (a) of Section 2 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Petroleum and Natural Gas, S. O. 3787(E) dated 16-10-2019, published in Gazette of India on 22-10-2019 namely:-

In the said notification, in the schedule in column 1, for the words "Shri. K.Karthikeyan, Deputy Collector, Government of Tamilnadu as officer on deputation to Hindustan Petroleum Corporation Limited to perform the functions of Competent Authority" for VDPL Project under the said Act within the territory of state of Tamil Nadu "the words "Revenue Divisional Officer, Krishnagiri, as officer on deputation to Hindustan Petroleum Corporation Limited to perform the functions of Competent Authority on additional charge basis for VDPL Project under the said Act within the territory of state of Tamil Nadu" shall be substituted.

This notification will be effective from the date of Issue.

[F. No. R-11025(15)/4/2018-OR-I/E/25410]

P. SOMAKUMAR, Under Secy.

राष्ट्रीय मंत्रालय, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, मेघडाम्बरा
पोस्ट बॉक्स: कुरुदा, बालसोर-756 056 (ओडिशा)

यह अधिपत्र जारी होने की तारीख से लागू होगी।

[फा. सं. आर-11025(11)/2/2019-OR-I/E-29478]

पी. सोमाकुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 5th January, 2021

S.O. 56(E).—In pursuance of Clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorizes the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the area mentioned in column (2) of the Schedule: —

SCHEDULE

Name and address of the Authority	Area of jurisdiction (2)
Sh. Harihar Jena, Competent Authority, Indian Oil Corporation Ltd., Pipelines Division Paradip-Somnathpur-Haldia Pipeline Quarter No.B/2, Indian Oil Residential Colony, Meghadambaru PO : Kuruda, , Balasore-756 056 (Odisha)	State of Odisha

This notification is applicable from the date of issue.

[F. No. R-11025(11)/2/2019-OR-I/E-29478]

P. SOMAKUMAR, Under Secy.

THE GAZETTE OF INDIA: EXTRAORDINARY
PART II—Section 3
MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 7th January, 2021

S.O. 67(E).—In pursuance of clause (a) of section 2 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in modification of Notification of the Government of India in Ministry of Petroleum and Natural Gas S.O. No. 2761(E) dated the 29th July 2019, the Central Government hereby authorizes Shri M. K. Ramesh, Special Land Acquisition Officer, Government of Karnataka to perform the functions of Competent Authority in the State of Karnataka under the said Act for laying of Pipelines for Hassan Cherlapalli LPG Pipeline (HCPL) by M/s Hindustan Petroleum Corporation limited.

This is applicable from the date of notification.

[F. No. R-12030(27)/2/2019-OR-I/E-30930]

P. SOMAKUMAR, Under Secy.

GOVERNMENT OF INDIA: NEW DELHI
MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 2nd February, 2021

S.O. 547(E).— In pursuance of clause (a) of Section 2 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Petroleum and Natural Gas, S. O. 4069(E) dated 10-11-2020, published in Gazette of India on 12-11-2020 namely:-

In the said notification, in the schedule in column 1, for the words "Revenue Divisional Officer, Krishnagiri, as officer on deputation to Hindustan Petroleum Corporation Limited to perform the functions of Competent Authority on additional charge basis for VDPL Project under the said Act within the territory of state of Tamil Nadu", the words, " V. Rajasekaran, Deputy Collector, Government of Tamilnadu as Officer on deputation to Hindustan Petroleum Corporation Limited to perform the functions of Competent Authority for VDPL Project under the said Act within the territory of state of Tamil Nadu" shall be substituted.

This notification will be effective from the date of Issue.

[F. No. R-11025(15)/4.2018-OR-I/E/25410]

P.SOMAKUMAR, Under Secy.