

Petroleum And Minerals Pipelines (Acquisition Of Right Of User In Land) Amendment Act, 2011

9 of 2012

[12 January 2012]

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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. Short Title And Commencement :-

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

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

2. Substitution Of New Sections For Sections 15 And 16 :-

For sections 15 and 16 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the following sections shall be substituted, namely:--

"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 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.

16. Certain offences to be cognizable.-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence falling under sub-sections (2), (5) and (4) of section 15 shall be deemed to be cognizable and non-bailable within the meaning of that Code.

16A. Burden of proof in certain cases.

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.

16B. Presumption regarding property.

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.

16C. Provisions as to bail.--

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), 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) The limitations on granting of bail specified in sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.

(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. Section 438 of the Code of Criminal Procedure, 1973 not to apply.--

Nothing in section 438 of the Code of Criminal Procedure, 1973 (2 of 1974) 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."