

Petroleum And Minerals Pipelines (Acquisition Of Right Of User In Land) Rules, 1963

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SCHEDULE 1 :- SCHEDULE

Petroleum And Minerals Pipelines (Acquisition Of Right Of User In Land) Rules, 1963

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 under-ground, 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. NEW DELHI ; KESHAVA DEVA MALAVIYA The 6th November, 1962. [Gazette of India 12.12.1962 Pt. II Section 2. Extraordinary p. 815].

1. Short title :-

These rules may be called the 1 [Petroleum and Minerals Pipelines] (Acquisition of Right of User in Land) Rules, 1963.

1. Substituted by G.S.R. 194 (E), dated 26-4-1977.

2. Definitions :-

In these rules ;-

(a) "Act" means the 1 [Petroleum and Minerals Pipelines] (Acquisition of Right of User in Land) Act, 1962 ;

(b) "Section" means, a Section of the Act.

1. Substituted by G.S.R. 194 (E), dated 26-4-1977.

3. Publication of Notification 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 neighborhood 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. Filling of claims for compensation :-

Any person interested in any land may file before the competent authority a claim for compensation,-

(a) for damages sustained 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 operations 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 30 days after the expiry of the period specified in this sub-rule, if he is satisfied that the applicant has sufficient cause for not making the application within such specified periods.

1[Explanation 1.-

(1)The expression "the date of termination of operations" 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 that area has vested or ownership of the pipelines laid in that area vests, as the case may be.

(2) The claim for compensation shall be made 2[in the Form specified in the Schedule annexed to these rules].

(3) The competent authority shall, on receipt of the claim for compensation make such inquiry 3[as provided in rule 4A]. and fix the the compensation and thereafter inform the parties referred to in sub-sections (2) and (5) of Section 10 of the amount of compensation so fixed.

4 [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.]

1. Renumbered by G.S.R. 100 (E), dated 1-3-1995.

2. Substituted and Inserted by G.S.R. 174 (E), dated 26-3-1997.

3. Substituted by G.S.R. 174 (E), dated 26-3-1997.

4. Inserted by G.S.R. 100 (E), dated 1-3-1995.

4A. Section 4A :-

While conducting enquiry for granting compensation under sub-rule (3) of rule 4 the competent authority shall follow the 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 (1) of Section 3 of the Act, from the following sources, namely.-

(a) local registration authority such as the Registrar, Sub-Registrar or any Officer or authority for the time being authorised to register the documents under the Registration Act, 1908 ;

(b) land acquisition authority, under the Land Acquisition Act, 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 Section 4 , rule 7 or rule 8 of the Act ;
- (b) enquire the yield of crops, trees and fruits, etc., 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 authorised under any Law to assess 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 ; 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, fertilisers, 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 90 days of the receipt of the institution application from the competent authority under rule 4.

Note.-Representation against determination of Compensation can be filed to District Judge only. AIR 1997 A.P. 284 (D.B.).

6. Deposit of compensation under Section 11 :-

The Central Government, the State Government or the Corporation, as the case may be, shall, within 21 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 in 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 30 days of the receipt or 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 .

8. 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 acknowledgment 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 or order 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 and the original.

(3) Where the person or the adult member of the family of such person refuses to sign the acknowledgment, or 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 casual 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.

SCHEDULE 1

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