ORDERS & NOTIFICATIONS

1.5 Petroleum & Mineral Pipelines (Acquisition of Right of User in Land) Rules, 1963

IndiaCode

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 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 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 claim for compensation.— (*1*) 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 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 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 operation 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 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 or ownership of the pipelines 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 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 as provided in rule 4A and fix 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.

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 (*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 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 executing 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., 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 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, 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 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.

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 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.

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. Name of claimant _____
2. Father's/Husband's Name (*) _____
3. Age/Date of birth (*) _____
4. Occupation _____
5. Permanent address _____
6. Address for communication/ service of notice, etc. _____
7. Date of submission of claim _____

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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.
2. One copy of form to be returned to the claimant after affixing signature by the competent authority or any person authorised 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.

MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 26th March, 1997

G. S. R. 174 (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 further to amend the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, namely :—

1. (1) These rules may be called the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Rules, 1997.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963 (hereinafter referred as the said rules), in rule 4—

(i) in sub-rule (2), for the words "in such form as the competent authority may specify in this behalf" the words "in the Form specified in the Schedule annexed to these rules" shall be substituted.

(ii) in sub-rule (3), for the words "as it deems fit" the words "as provided in rule 4A" shall be substituted.

3. After rule 4 of the said rules, the following rule shall be inserted, namely:—

"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 (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 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 executing 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, 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 (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 compensa-

MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 26th March, 1997

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1. (1) These rules may be called the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Rules, 1997.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963 (hereinafter referred as the said rules), in rule 4—

(i) in sub-rule (2), for the words "in such form as the competent authority may specify in this behalf" the words "in the Form specified in the Schedule annexed to these rules" shall be substituted.

(ii) in sub-rule (3), for the words "as it deems fit" the words "as provided in rule 4A" shall be substituted.

3. After rule 4 of the said rules, the following rule shall be inserted, namely:—

"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 (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 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 executing 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, 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 (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 compensa-

(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.

2. One copy of form to be returned to the claimant after affixing signature by the competent authority or any person authorised by him to receive the form.

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EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

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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) Rules, 1963 namely:—

1. These Rules may be called the Petroleum Pipelines (Acquisition of Right 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.

MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 1st March, 1995

G.S.R. 100(E).—In exercise of the powers conferred by section the Petroleum and Minerals Pipelines (Acquisition of Right of User in Act, 1962 (50 of 1962), the Central Government hereby makes the f rules further to amend the Petroleum and Minerals Pipelines (Acquisit Right of User in Land) Rules 1963, namely :—

1. (1) These rules may be called the Petroleum and Minerals P (Acquisition of Right of User in Land) Amendment Rules,

(2) They shall come into force on the date of their publication in the official Gazette.

2. In sub-rule (1) of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the existing Explanation shall e renumbered as Explanation-I and after so renumbered the following Explanation shall be inserted, namely :—

"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.

[No. O-27012|1|93-ONGD.IV]
NAJEEB JUNG, Jt. Secy.

Note :—The principal rules were published vide G.S.R. 626 dated 13-4-1963 and subsequently amended vide G.S.R. 194(E), dated 26-4-1977.