



Standing Committee Report Summary

The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Bill, 2010

- The Departmentally-Related Parliamentary Standing Committee on Petroleum and Natural Gas submitted its Fourth Report on 'The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Bill, 2010' on August 26, 2010. The Chairperson was Shri Aruna Kumar Vundavalli.
- An amendment to section 15 (2) adds making unauthorised connection with pipelines, extracting petroleum products or minerals from pipelines and disrupting supplies to the list of punishable offences. Another amendment seeks to enhance the punishment of these offences to rigorous imprisonment for a term that may extend to ten years. The Committee endorsed these proposed amendments. It also recommended including the word "wilfully" after the word "whoever" in sub-section (2) of section 15, to prevent unfettered abuse of powers by officers as well as protecting the rights of innocent persons.
- Section 15 (3) provides that repeat offenders will be punishable with rigorous imprisonment for a term not less than three years and up to ten years. The Committee agreed with this amendment.
- Section 15 (4) proposes that a person who intentionally causes damage to a pipeline shall be punishable with rigorous imprisonment not less than ten years that can extend to life imprisonment or death. The Committee noted that it was not against these stringent provisions but expressed its trust that the provision for the death penalty would not be misused.
- The Bill proposes to make offences under sub-sections (2), (3) and (4) of section 15 cognizable and non-bailable. The Committee endorsed this proposed amendment.
- The Bill seeks to confer powers of arrest, investigation and prosecution on central government officers. The Committee expressed its strong opinion that there is a need to lay down clear provisions for the exercise of the above powers in order to prevent the misuse of these powers against innocent villagers or landowners. The Committee recommended the incorporation of suitable safeguard provisions in the Bill on the lines of similar provisions in the Central Excise Act to regulate the powers of central government officers.
- If petroleum products are seized from a person, the Bill places the burden of proving that they are not stolen property on that person. In the course any proceeding taken under this act, if a question arises over a corporation's ownership over any petroleum assets, the Court shall presume ownership by the corporation unless the contrary is shown. The Committee agreed with these provisions.
- The Bill proposes that any person accused of an offence punishable under this Act shall not be released on bail or on his own bond from custody unless the Public Prosecutor has been given an opportunity to oppose such application for release. While noting the need for stringency of punishment and bail provisions, the Committee also noted the need to pay attention to the rights of accused persons and prevent harassment for accidental or unintentional acts that fall under the provisions of section 15. The Committee stated that the stringency of the Bail provisions proposed could be made applicable only to the offences defined under section 15 (4).

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