

इसके अलावा हम यह भी कहना चाहते हैं कि पंजाब में आतंकवाद रहा, तो आपने बहुत देर से हथियारों की लड़ाई लड़ने के बाद सरहद पर तार लगाने की व्यवस्था की। हम यह कहना चाहते हैं कि अगर हम इस पाइपलाइन की सुरक्षा के लिए इसके इर्द-गिर्द तार की व्यवस्था कर सकें, तो फिर सजा की बजाय सुरक्षा पर ध्यान देते हुए इस बिल की भावना के अनुरूप हम आगे बढ़ सकते हैं। यह हमारी suggestion है।

इस बिल में सरकार के शब्द अच्छे हैं, लेकिन इसमें intention कैसी होगी, इसके पीछे will power कैसी होगी, पहले के बिलों की तरह इसका हाल न हो, सरकार को यह सलाह देते हुए मैं अपना भाषण समाप्त करता हूँ। धन्यवाद।

MESSAGE FROM LOK SABHA

The Prasar Bharti (Broadcasting Corporation of India) Amendment Bill, 2011

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 20th December, 2011, agreed without any amendment to the Prasar Bharati (Broadcasting Corporation of India) Amendment Bill, 2011, which was passed by Rajya Sabha at its sitting held on the 8th December, 2011."

MR. DEPUTY CHAIRMAN: The House is adjourned till 2.00 p.m. for lunch.

The House then adjourned for lunch at two minutes past one of the clock.

The House reassembled after lunch at two minutes past two of the clock, THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair.

The Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Amendment Bill, 2011 - contd.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We will continue the discussion on the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Bill, 2011, Shri P. Rajeev.

SHRI P. RAJEEVE (Kerala): Thank you, Sir, in this session several Bills are in the pipeline. I am, at least, happy that I got an opportunity to speak on the Petroleum and Minerals Pipelines (Amendment) Bill.

Sir, the Petroleum and Minerals Pipelines (acquisition of Right of User in Land) Amendment Bill was passed in 1962. At that time, the public sector undertakings were the only players in the petroleum sector. The main objective of the public sector undertakings is service. But now the situation has changed. The private sector is the major player in this sector. Their main motto is profit and profit. So, legislative intent of 1962 Act does not exist now. So, I hope the Ministry will y revisit the present Bill in this new scenario and come forward with a comprehensive Bill to address the news issues prevailing in this sector. This type of piece meal of legislation is not sufficient to address the issues.

Sir, my second point, is we do not have enough networking for the supply of natural gas in our country. It is mostly concentrated in certain parts of our country. The cry for more pipelines for the supply of natural gas is increasing especially from South and East. After KG Basin gas exploration, south is the biggest reservoir of natural gas. But unfortunately no connectivity is available for the Southern part of the country. We all know that natural gas is an essential input in the manufacture of fertilizer and generation of power. If it is available, then, price of power and fertilizer would be cheaper. So, I would like to use this opportunity to request the Ministry to ensure genuine and equitable distribution of natural gas all over the country.

Sir, in January, 2010, the U.S. Energy Information Administration Department had estimated that India's proven oil reserves are approximately 5-6 million barrels. But the Ministry has no specific plan to explore this in a proper manner. The hon. Member, Shri Rajiv Pratap Rudy had mentioned about the length of pipelines in our country. In this connection, I read an article dated 1st April, 2010 which said that petroleum products, LPG and crude pipelines in the country cover a distance of over 19,000 KM. I do not know what the actual figure is. I hope the hon. Minister will clarify it. Between 2006 and 2009, it was reported, there were more than 300 cases of pilferage from oil and gas pipelines across the country. The consequent loss to the Exchequer, as a result, was a little over Rs.14 crores. It has been observed that the protection and the forces that are put in place are

inadequate to contain the pilferage of oil and sabotage of pipelines, that is taking place in various parts of the country.

Sir, this new amendment is moving in a good direction to tackle the issues. The Ministry has admitted certain observations or recommendations of the Standing Committee; that is good. Most of the Ministries are not working in that direction. They are very eager to avoid the recommendations of the Standing Committee. That is not proper. It is going in a good direction, but there is a possibility to misuse these new provisions. I hope, it would be noted by the Ministry.

But, Sir, legislation is not sufficient to address this issue. This Ministry should have made a proper mechanism to protect the pipelines. Leak protection system should be installed in pipelines, which gives alarm in case of any pressure dropped due to leaks or pilferage activities.

Secondly, Sir, monitoring of operation parameters through Supervisory Control and Data Acquisition (SCADA) System is necessary. There was a proposal by the Ministry, but it was not implemented in all sectors. State interaction and sensitization of villages through awareness programmes - for this, take them in confidence by giving more incentives.

And, lastly, close and regular interaction with State Administration and District Authorities is required. So, I urge the Minister, through you, Sir, to implement these steps as early as possible.

Sir, I would like to raise certain criticisms on this Bill. Firstly, this Bill does not have any provision to protect the witnesses, those who report thefts at pipelines. It should be incorporated in this Bill, Sir. The Bill does not propose how surveillance at pipelines will be increased. These two issues should be examined by the Ministry.

Sir, I would like to take this opportunity to raise some serious issues with regard to the original Act. In the existing Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Amendment Act, 1962, the Government can acquire the right of use, RoU, in any land under which a pipeline has to be laid for transport of oil or gas. The Act provides for compensation @ 10 percentage of the market value of the land under RoU as determined by the competent authority.

Sir, they have claimed that they acquired the right of use only. But, *de facto*, this is an

acquisition because they have acquired 20 metres. They have made some restrictions. In fact, 30 metres they have acquired under the Right of Use. There are certain restrictions for cultivation. Nobody is ready to purchase the land where the pipeline is laid down. The result is, the land value is reducing. De facto, it is acquisition. The compensation is very less. Now, the Government came with a Land Acquisition Bill, but, as per Schedule III of the introduced Land Acquisition Bill, this does not come under the purview of that Bill. It should come under the purview of the Land Acquisition Bill, Sir.

Now, the Ministry has decided to lay a pipeline from Petronet, Kochi to Bangalore and Mangalore. This is a good step. It is very good for the industry and it is a welcome step, but, Sir, the GAIL is not following the existing provision of the Act. They are not conducting any ground survey. They are dependent on Satellite survey. They have not conducted any public hearing. They have not conducted any environmental study. Recently, hon. Member Mr. Rudy has stated the relevance of environmental mechanism with regard to these pipelines. After Section 7(1) of the existing Act, no pipeline shall be laid under any land which, immediately before the date of notification under sub-section (1) of section 3 was used for residential purposes; (2) any land on which there stands any permanent structure which was in existence immediately before the date of notification; (3) any land which is appurtenant to a dwelling house.

I will conclude just now. This is a very important point. These are the provisions of the existing Act.

Sir, recently I visited the place which has been identified for laying pipeline in Kochi. Several residential areas have been identified. I was shocked to see that a lower primary school ground had been identified for laying natural gas pipeline. The GAIL is functioning in a unilateral way. It is not holding any discussions with the representatives of the people. It is not ready to consider the public opinion. I request the Minister to intervene in this issue. When the hon. Cabinet Minister came to Kochi in connection with a function in Kochin Refinery, all Parliamentarians from Kochi, irrespective of their political affiliation, met him and submitted a memorandum a month ago. We have not got any reply from the Ministry. This is a very serious issue. People of several districts in Kerala, Karnataka and Tamil Nadu are in panic. I would request the Ministry to intervene in this issue and stop the

process, and reconsider some alternative path for laying the pipeline. The GAIL is the biggest profit-making company. The Minister should consider this point.

Lastly, the price of LNG should be reasonable and the Government should have a say in fixing the price of natural gas.

With these words, I support the Bill. Thank you.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Thank you very much. Mr. Pyarimohan Mohapatra.

SHRI PYARIMOHAN MOHAPATRA (Odisha): Thank you, Sir, for giving me this opportunity. I rise to support the intention behind the Bill, but I oppose the Bill in its present form. I support my friend, Rajeeveji. He has mentioned about the land use and the difficulty to which the farmers are being put. The land used is about 1.8 metres or six feet in depth and 18 metres in width. Now a huge extent of land is being taken over. I think that there are around 7,000 kilometres of pipelines and more pipelines are being added. In Odisha, there is the Paradip-Haldia pipeline which gives Odisha nothing. Then there is another one, Reliance. It is Paradip-Surat, where some provision for supply of gas is there. What does the farmer get? He gets nothing except a little bit of money at the time of acquisition. It is not really acquisition value. It is for acquisition of the right of use. He does not get anything thereafter. Please give him, as Mr. Birender Singh has suggested very wisely, an annual rent. He will be your first security against theft and pilferage.

Sir, having said that and being very conscious of the fact that petroleum and other petroleum products are very important for the country, I am not in favour of this Bill. There are stringent measures. You are increasing imprisonment, in one case to five years and in another case to ten years. Then you are going in for life imprisonment and death penalty. Now life imprisonment and death penalty look like a dictatorial system. You can't have death penalty for anything. You can have it, maybe, for a saboteur. As Mr. Rudy pointed out, death penalty is there. It is there in respect of the Parliament attackers. As regards their mercy petitions, years and years have passed. Nothing has happened. ...*(Interruptions)*... Death का मतलब है no death. Please remove the death penalty. It has absolutely no meaning.

Another point which I would like to mention is your effort to make it non-bailable. I see no harm in it. But you are denying somebody anticipatory bail. When the court considers an anticipatory bail it

goes through tremendous deliberations and takes the utmost care to see that anybody who is not supposed to get a bail does not get the anticipatory bail. Then you are making many kinds of comparisons with narcotics, drugs and all that. In this case, we just find that ultimately innocent people will suffer and the gangs will get away. You will never be able to catch them. If you want to catch them, do something. Give some responsibility to the Panchayats of those villages through which these pipelines are passing for protecting them. It will be better protected with less money. You are spending a lot of money and you wish to spend a lot more money by empowering various Central Government officers for detection, arrest, investigation, prosecution and all that. Where are these officers? When your officers appeared before the Standing Committee, they made a comparison with the Central Excise officers. That is a force which is well trained to do all these jobs. Is it your intent to create such a force? In fact, the force on which you depend, as on today, they have expressed some dissatisfaction that you are not backing them fully.

Then comes the issue of putting the onus of proof, as mentioned by the hon. Member. Of course, somebody has joked about it; but jokes apart, let us say, in a village, something comes out and somebody takes away something. It may be due to a technical defect or it may be the handiwork of somebody else or let us say, somebody else made a dent in your pipeline and then another fellow comes and sees that it is leaking and he takes out something. Then you catch that fellow. The real thief will always get away, as always happens.

I have serious quarrel with your thesis in regard to Clause 15 (2), regarding adding minerals along with petroleum. While we can all defend petroleum and petroleum products because of its importance to the national economy, and because we are very much short of petroleum, but the same can't be said about iron ore fines. You are protecting all of them. You are now making stringent penalties by adding minerals here. Here in clause 15 (2), besides petroleum, you are adding minerals. Let us say, ESSAR taking fines from Bailadila to Vizag gets protected. You can't have same sentence, same non-bailable provisions for iron ore fines as you have for petroleum. Mr. Minister, please reconsider. Thank you.

SHRI D. BANDYOPADHYAY (West Bengal): Mr. Vice-Chairman, Sir, I rise to support the Bill. Some of my friends have already expressed some reservation and grave concern about the punitive

element that is incorporated in the Bill. Sir, our criminal jurisprudence is based on the British Common Law of which the fundamental principle is that an accused is supposed to be not guilty unless his guilt is proved beyond reasonable doubt. Another principle is that, let a hundred culprits get away, but not a single innocent person should be punished. Against this background, we have developed our criminal jurisprudence. So the way you are shifting the onus of proof from the prosecutor to the accused, is going to make the jurisprudence system topsy-turvy; make the people stand on their head. It is not done. Why is this a draconian piece of legislation? Even the Supreme Court, in Section 302 cases, says that death penalty is to be given in rarest of the rare cases. Though they have not defined what is the rarest of the rare cases, it has clearly said that it should not be done. Now against that, for a theft of petroleum or even assuming sabotage or damage, you put a person on death penalty. It is a draconian piece of legislation, which cannot be supported.

The next point is that, as Shri Rudy has pointed out, which has been supported by my friends here, the best protector of the pipeline is the owner of the land on which the pipeline has been laid. It has been called 'the user'; and, it is not correct to use the word 'user'. But the fact is that it is more than acquisition. It cannot be sold; you cannot have agriculture there. So, why don't you give them some monthly rent or some yearly rent? If, say, a house is rented out, I get rent out of it. So, if I have rented out my property to you for laying a pipeline, give me the rent, and then, I will obey your other conditions. But give me the rent for it. You are giving 10 per cent of the acquisition value, of some pre-historic price, and you expect that I will have nothing to do with it. So, Sir, these two points are very serious, and I would request the Government to consider them.

Also, let them not play with the basic principle of criminal jurisprudence in the country. The onus of proof should always be on the prosecutor, and not on the accused. Secondly, the penalty should be moderate and equivalent to the intensity of the crime committed. You cannot have a penalty disproportionate to the crime.

Sir, at the end, I would say that there is a saying in English that law is a cobweb which catches small flies, but the big flies always breakthrough. So, this is what is going to happen. Small flies will be caught, and may be given the life imprisonment or even the death penalty, while the real mafia will

breakthrough and you will never be able to touch them. My simple answer to this is, change the punitive system.

प्रो. राम गोपाल यादव (उत्तर प्रदेश): श्रीमन्, यह विधेयक दो महत्वपूर्ण बिंदुओं से संबंधित है। एक तो पाइप लाइन से पेट्रोलियम प्रोडक्ट्स की चोरी रोकने के लिए और दूसरे अगर कुछ आतंकवादी या अन्य इस तरह के लोग पाइप लाइन को destroy करें, blast करें या उसे नुकसान पहुंचाएं तो उस की सुरक्षा का और उसके लिए इस में दंड का प्रावधान है। यह विधेयक mainly इसी उद्देश्य के लिए लाया गया है जोकि मौजूदा परिस्थितियों में ठीक भी है। श्रीमन्, कई बार इस तरह की घटनाएं सामने आयी हैं जिन्हें टेलीविजन चैनल्स पर दिखाया गया कि पाइप लाइन में अलग से स्पेस बनाकर ऐसे लोग पेट्रोलियम प्रोडक्ट्स को निकाल लेते हैं या टैंकर भर लेते हैं। इससे भी बड़ा खतरा नक्सलाइट्स, माओस्टिंस या पी.डब्ल्यू.जी. के लोगों से है। श्रीमन्, हमारे learned होम मिनिस्टर जानते हैं कि यह प्रॉब्लम कितनी गंभीर है। इस देश में बहुत लंबी फैली इन की पाइप लाइन्स की श्रृंखला को ऐसे लोग कहीं भी तोड़ सकते हैं। इस दृष्टि से यह बहुत महत्वपूर्ण विधेयक है।

श्रीमन्, एक प्रावधान जो इसके सेक्शन 16(बी) में जोड़ा गया है, मैं उस से सहमत नहीं हूँ क्योंकि जो Jurisprudence या न्याय शास्त्र है, उसका यह सिद्धांत है और हमारा Natural justice भी यह कहता है कि आरोप लगाने वाले पर यह onus होने चाहिए कि वह आरोप सिद्ध करे, लेकिन पिछले दिनों इस देश में ऐसे कानून बने हैं जिनका दुरुपयोग हो रहा है। जहां आरोप लगाने वाला सिर्फ आरोप लगाता है और जिस पर आरोप लगाया जाता है, उसी पर यह दायित्व आता है कि वह स्वयं को निर्दोष सिद्ध करे। यह एक बहुत ही गंभीर बात है, जो न्याय-शास्त्र के और नेचुरल जस्टिस के सिद्धांत से हटकर हो रही है। इसमें यह जो आपने 16(बी) जोड़ा है, उसमें यह चीज है, जो नहीं होनी चाहिए।

महोदय, हमारे माननीय मंत्री जी बहुत ही एनर्जेटिक हैं, हंसमुख हैं। मैं चाहता हूँ कि वे इस पर विचार करें और जो रूल्स एंड रेगुलेशंस बनेंगे, उनमें इसका ध्यान रखें कि इसका दुरुपयोग न होने पाये, क्योंकि हम सबका अतीत का अनुभव रहा है कि इस तरह के जितने भी कानून आए हैं, जिनमें जिस पर चार्ज लगा, उसी पर साबित करने का बर्दन पड़ा कि वह अपने को निर्दोष साबित करे। यह सही है कि जब पाइपलाइन पड़ती है, तो जमीन खोदी जाती है, उसमें जमीन का तो नुकसान होता ही है, इसलिए किसानों को उसका ठीक तरीके से जो मुआवजा मिल सकता हो, वह दिया जाए। चौधरी वीरेन्द्र सिंह जी ने जो रायल्टी का सुझाव दिया था, वह मुझे कुछ जायज लगता है। यह सही चीज है और जो बहुत सारी बातें रूडी साहब ने कही थीं, मैं उनसे सहमत हूँ। इसी के साथ मैं सदन का ज्यादा समय बर्बाद न करते हुए इस बिल का समर्थन करता हूँ।

श्री आर.सी. सिंह (पश्चिमी बंगाल): उपसभाध्यक्ष महोदय, यह जो पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) संशोधन विधेयक, 2011 है, इसमें सिर्फ पेट्रोलियम ही नहीं, दूसरे खनिज को भी पाइपलाइन के द्वारा देश के एक कोने से दूसरे कोने तक ले जाने का है। इस विधेयक के जरिए जो पहला विधेयक था, उसकी धारा 15 और 16 का संशोधन किया जा रहा है, ताकि उपयुक्त तरीके से गैस और पेट्रोलियम की चोरी को रोका जा सके।

महोदय, सबसे पहली बात मैं यह कहना चाहूंगा कि हमारे देश के सामने मंत्री महोदय का इस तरह का कोई आकलन नहीं है कि गैस और पेट्रोलियम पदार्थ की उपयोगिता किस क्षेत्र में है और किस हद तक किस इलाके में कितनी दूर तक हम कर पाएंगे। दूसरी बात यह है कि जो पाइपलाइन ले जाते हैं, उसकी गहराई का भी वर्णन होना चाहिए कि जमीन के नीचे कितनी दूर तक पाइपलाइन होनी चाहिए। मेरा अनुभव है कि अभी जो कोल बेस्ड मिथेन गैस निकाली जा रही है, या कोल का लिक्विडिफिकेशन जो गैस के रूप में किया जा रहा है, जब इसको एक जगह से दूसरी जगह ले जाया जाता है, वह सरफेस से बहुत कम नीचे दूरी पर है, जिनके फटने के बाद आग लगती है और विशेषकर घनी बस्तियों से जब यह होकर जाती है, तो इससे काफी खतरा पैदा होता है। अभी हाल ही में ईस्टर्न कोलफील्ड्स की एक माइन से कोल बेस्ड मिथेन गैस जो कलकत्ता प्राइवेट कंपनी ले जाती है, वह सरफेस से बहुत कम गहराई से ले जाई जा रही थी, जिसके चलते पाइपलाइन फटी, आग लगी और इससे भीषण नुकसान होने की बात थी, लेकिन किसी तरीके से वह कंट्रोल हो सकी। इसलिए इस विधेयक में इस बात की भी सम्यक जानकारी होनी चाहिए कि कितने नीचे तक ले जाया जाएगा।

महोदय, आप जानते हैं कि गैस के लिए पूरे देश में गरीब 6,554 किलोमीटर पाइपलाइन बिछाई गई है, 4,721 किलोमीटर पाइपलाइन बिछाने का कार्य चल रहा है और पेट्रोलियम के लिए 7,440 किलोमीटर पाइपलाइन बिछाई गई है, जो कि संतोषजनक नहीं है। इसलिए पूरे देश का एक खाका, तानाबाना होना चाहिए कि कहां से कितनी गैस उत्सर्जन होगी और देश के किस कोने में कैसे ले जाएंगे? इसका पूरा विवरण होना चाहिए था। मंत्रालय के पास शायद इसकी कोई जानकारी नहीं है। इसके बारे में मैं मंत्रालय से चाहूंगा कि वह इसकी पूरी जानकारी ले।

महोदय, जैसे मैंने पहले शुरुआत की थी, जो कोल बेस्ड मिथेन से, कोल के लिक्विडिफिकेशन से जो गैस निकाली जा रही है, इसका प्रावधान क्या है, इसके जाल देश में कहां किस तरीके से बिछाए जाएंगे, इसकी भी जानकारी होनी चाहिए। इसके साथ ही एक दुखद बात यह है कि जो गैस के माफिया हैं, वे हमारे अफसरों को जिंदा जलाते हैं, हमारी सरकार मूकदर्शक बनी रहती है। इसमें सजा का जो कुछ और बड़ा प्रावधान है, लेकिन वे साक्ष्य के अभाव में छूट जाते हैं। इसकी कंप्लेंट कौन करेगा कि हमारी गैस की चोरी हो रही है या पेट्रोल की चोरी हो रही है और कंप्लेंट करने वाले को क्या लाभ होगा? इसलिए जिनकी जमीन के नीचे से गैस जाती है, अगर आप उनको कुछ मुआवजा दे दें, तो हो सकता है कि वे इसमें अपना interest दिखाएं। (समय की घंटी) मैं अपनी बात समाप्त करने जा रहा हूँ। आप जब भी कहते हैं, मैं बैठ जाता हूँ, लेकिन मुझे गैस के बारे में कुछ और भी प्वाइंट्स कहने थे। धन्यवाद।

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): अभी समय नहीं है, हमें दूसरे बिल भी लेने हैं। धन्यवाद।

SHRI KUMAR DEEPAK DAS (Assam): Sir, thank you very much for giving me the opportunity to speak. I support the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Bill, 2010 to curb incidences of pilferage and sabotage of pipeline and to check the security threat. The pilferage and sabotage is predominant in the petroleum producing States like Assam and Maharashtra.

Sir, recently we have gone through a news item and it is a fact that 2,200 drums of crude oil was seized in Bombay wherein the crude oil was being used for adulteration. The oil mafia has killed one ADC in Maharashtra. Sir, there is a racket in which criminals are stealing crude oil every possible moment in my State, Assam, which is being used for adulteration. This type of incidents are taking place. I would like to know whether this Amendment Bill would serve the purpose and stop such crimes. I need to have clarification on this specific point in the reply of the hon. Minister.

Sir, section 15 and 16 of the aforesaid Act lays down the provision to deal with the cases of pilferage and sabotage of pipelines, and it does not provide for sufficient deterrence to criminals from committing the crime of pilferage or sabotage. Sub-section 2 of section 15 provides, "Whoever willfully removes, displaces, damages or destroys any pipeline shall be punished with rigorous punishment for a term which shall not be less than one year, which may extend to three years, and shall also be liable to fine." Section 16 provides, "The offence of sub-section 2 of section 15 shall be deemed to be cognizable under the code of criminal procedure." This is fine, Sir.

But, a question comes to my mind and already it has been raised -- on the onus of proof. The burden of onus of proof is on the person who is accused. But, it should lie on the prosecutor. The jurisprudence says like that. Otherwise implementation of such provisions would be controversial one. It need to be more transparent, to avoid harassment to the people of the locations where such pipelines are laid. The Government may take steps in this regard. The Government may declare some areas as 'No Thoroughfare Areas' where the pipeline is laid. That may protect the areas. Action

should be taken in this regard. I do not go into the details because it may take time. I support the Bill and seek clarifications on the points I have raised. Thank you, Sir.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, Shri Mani Shankar Aiyar. Please, take only five minutes.

SHRI MANI SHANKAR AIYAR: Mr. Vice-Chairman, Sir, of course, I am entitled to 19 minutes, but I will limit myself to five.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): But, as a special...

SHRI MANI SHANKAR: No, no; certainly, Sir. Thank you, Sir, for giving me this opportunity. While rising to support this Bill, Mr. Vice-Chairman, Sir, I would like to clarify, on behalf of the Minister, and then he can clarify it further, that this debate has been permeated with the failure to understand the wording of the proposals that have come. It is only if somebody wilfully obstructs or wilfully fills up or wilfully does any act that is prohibited, that Clause 2 is attracted. Equally Clause 2, 15(2) is also only there when somebody makes an unauthorized connection. So, if there is an oil spill, that is not an unauthorised connection. So, it does not arise at all. And, equally under the fourth provision, it says that you have to have the intent to cause damage through fire or an explosive. So, I think, a lot of the apprehensions that have been expressed are without foundation, but I do want to caution the Minister that what he has provided for in 16B is a return of POTA. I don't think it is very fair that a terrorist has done something, stolen something from a pipeline, and stored it on a corner of a farm, that the owner of the farm who has nothing to do with terrorism is then required to prove that he is not a terrorist. That is why I call it POTA. So, please relook at 16B.

Secondly, Sir, arguments have been made that those whose land is used for this right of user should be appropriately compensate either through royalty or additional rent and so on and so forth. Here my plea with the Ministry is that in the Bill for Land Acquisition, it has currently been referred to the Standing Committee, the Ministry of Petroleum has sought to exempt this Act from the provisions of the Land Acquisition Bill. I think, it is a grave mistake on their part to keep themselves above the law. I would request him to please consider going to the Standing Committee and saying that you have no objection to this Bill also being brought within the purview of the Land Acquisition Bill; otherwise, some of the scenarios that have been drawn before you of how you might be

promoting naxalism, how you might be promoting rural discontent by acquiring land without due compensation, could cause you much greater difficulty than allowing this Act to also be within the purview of the new Land Acquisition Bill. Of course, your Ministry would have entire right to come before the Standing Committee and explain what would be the limitation that should be put on the application of this Act to you, but not a total exemption.

But the principal reason why I rose -- I still have got two minutes, Sir -- to speak is that this kind of punitive measure is going to change nothing on the ground. Most of the disruptions take place where terrorism is widespread, as in Assam; now, I think, it is going to come down. But it is in Assam that we suffered the most disruptions on pipelines. Therefore, while you can do what you wish on the punitive side, please remember an old 18th century English saying that you might as well be hanged for a sheep as a lamb. So, if you are going to be caught anyway, it only incentivises them to take more when you put all the emphasis on punitive measures. Much more sensible would be to take action on prophylactic measures. By which I mean, particularly, kindly study the technology for the security of the pipeline running from Baku in Azerbaijan through Tbilisi in Georgia to Cehan in Turkey. It runs between a Muslim country, and a Christian country. The Muslim country has been to war with the best friend of Georgia, which is Armenia. Notwithstanding this, they are running the pipeline. The pipeline almost abuts on the provinces of the Russian Federation, called South Ossetia and Abkhazia, which along with Chechnya are among those who are in a state of revolt against the Russian Federation, yet the pipeline runs there. And from Georgia, it enters that part of Turkey which is under Kurdish, certainly the Kurdish population is there in very large numbers, and the Kurds have for decades now been in revolt against the Government in Ankara. Nevertheless, that pipeline is being secured because they have technological measures which will enable that any one spot for you to see through the systems that they have set up when any single accident or deliberate attempt is made to disrupt the flow of oil. If you pick up that technology and bring it into India, then, I think a lot of this either can be forestalled or if not forestalled, I think, almost immediately in real time action can be taken against those who are responsible for disruption. So, please, you have the Bill you want to have to have, it is not going to change anything on the ground. What will change action on the

ground is if you call in the BP representatives, they are the ones who did the work on the BTC Pipeline and they will be able to advise you on the new technology which is available to take prophylactic measures to ensure the security of pipelines. If you have no objection to calling me, I am sure you will give me more than five minutes which the Chair has allotted me, I will explain to you in detail how this could be done. Thank you very much.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Thank you Mr. Mani. It was a good intervention.

SHRI R.P.N. SINGH: Sir, I would like to thank all the ten Members who have taken part in the debate. Their suggestions have been noted and after my reply, I will reply to all their individual queries that they have put here in the House.

Sir, transportation of petroleum products, crude oil and gas through pipeline is the cheapest, safest and environmental friendly mode of transportation. Petroleum, crude oil products are hazardous materials. The network of pipelines in the country has gone in a big way in the recent past. However, petroleum and crude oil products which are highly inflammable materials, being very costly items, any spillage not only causes financial loss to the Company it also causes disruption in supply of crude oil, finished products, damage to cultivable soil as well as loss to life and property in case of a confrontation, etc. To check incidents of pilferage and sabotage, regular patrolling and inspection of pipelines is carried out by the respective Oil Companies for law enforcement. The help of the State Governments is also taken through regular interaction with police and local authorities. Villagers and land owners along the route of the pipelines are also sensitized about the consequences of pilferage attempts. Still incidents of pilferage and sabotage by anti-social elements do take place in various pipelines. While pilferage is done by organized criminal gangs using improvised technologies to puncture high pressure pipelines and affixing tapping gadgets and carrying out sabotage attempts on the pipelines by use of explosives also which could result in complete disruption in supply of crude oil and petroleum products, attempts are also being made to pilfer crude from oilfields and also oil installation.

Now I would like to come to the points which have been made by the hon. Members. Mr. Rudy spoke about the extent of oil pipelines and wanted the exact figure of pipelines that we have.

We have 33,066 kilometres of pipelines running throughout the country and out of which 6,559 kilometres is crude oil pipeline, 13,271 kilometres is the product pipeline and we have 13,236 kilometres natural gas pipelines. There has been a great sense in the House about acquiring land and many Members have brought about the point about acquiring land which disrupts farmers. Mr. Birender Singh spoke about farmers being displaced. We can say that the Government is very sensitive to the need of the farmers. As all the hon. Members have spoken, I can tell you there is only temporary acquisition of land which is the right of way. After completion, land is returned. The only restriction is that they cannot construct building or plant trees. But still that does not answer a lot of reservations that have been raised. People have come up with various suggestions. We are looking at ten per cent as the amount of rate that we give to the farmers at the moment for acquisition of land temporarily. We are exploring the possibility of increasing that value of money for the right of way. We will see how we can raise it keeping in mind the opinion of the hon. Members. We will try to compensate the farmers in whatever way it is possible for us keeping in view the sense of the House. Mr. Rudy talked about the point that people should be made stakeholders. Well, we try to provide adequate compensation. Awareness programmes along the pipelines are being organised for the farmers so that they know how they can be punished if there is anything going wrong. Awards are given for providing information that can lead to breach of a pipeline. He also spoke about removal of nameplates by a child being made liable to punishment.

Keeping this in mind as Shri Mani Shankar Aiyar said, the word 'wilfully' has been inserted and it is the prime thing. The word, 'wilfully' has been inserted. That will not take place and there is nothing in the law which talks about name-plates being removed. As you know, the pipeline is not a water pipeline which is very thin. These are high pressure pipelines which need technology to break through and there is no kind of penalty if there is a seepage or leakage. The Government companies come to know about that. When there is sabotage you can only pilfer them with equipment because they are very high pressure pipeline. He talked about seepage and lot of people talked about seepage. Every case of seepage is inquired into by the oil companies and by the Oil Industry Safety Directorate. Ten years' punishment is for making unauthorised connection for the removal or damaging or displacing the pipelines. He spoke about making the farmer a stakeholder. Many of you have come up with the idea. It is a very good suggestion. We will see what we can do about it. Mr. Mohapatra also spoke about it. Mr. Rajeev also spoke about it. Many Members spoke about that.

He came up with a figure that there has been a loss of about a thousand crores in the last few years because of pilferage. I would just bring to the House that IOCL loss reported -- due to pilferage and sabotage in the last five years -- is only 16.04 crores. That was 13.08 crores on crude and 2.96 on products. Birender Singhji spoke about farmers. I want to reply to that question. He spoke about how telecom towers are given rents every year but telecom towers are over the land. They are placed above the land and as you know these pipelines run below and so land is actually returned to the farmer again. अवतार सिंह करीमपुरी जी ने भी कहा है, अनजाने से नुकसान हो जाता है। इसलिए वह जो शब्द है कि अनजाने में नहीं होता, अगर अनजाने में हो जाता, इसीलिए जैसे श्री मणि शंकर अय्यर जी ने कई बार कहा, वह जो शब्द हमने बिल्कुल ही इसमें क्लॉज में डाल रखा है, बिल्कुल ही अगर होता है, अनजाने में अगर हो जाएगा तो उससे कोई कानूनी कार्रवाई नहीं होती है। Mr. P. Rajeev spoke about the need for more gas pipelines. We are already having our natural gas pipeline by over 13000 kms. In the Twelfth Plan it would be about 18,200 kms of proposed new pipelines that are coming about. I would just like to bring to the House the number of pilferage cases we had in the last three years. If you look at the record, there have been 230 cases of pilferages and the law that we are bringing about actually is, it is not that it can be done by a farmer or by a child. These are by organised criminals and organised gangs which do it and the mafia that the House has spoken about. This kind of punishment that we bring forward for you to pass is actually to deter them from doing this kind of thing and we increase the punishment as you do it repeatedly over and over again. He spoke about pipeline in Kochi and he said that GAIL is not listening to the people. He has already spoken to my senior Minister. I will look into that and I will get back to him regarding the matter which he personally brought about the pipeline being laid in Kochi. I will get back to him on that. Mr. Pyare Lal Mohapatra spoke about the farmers which I have already spoken about. He spoke about the death penalty. That is in the rarest or rare cases. We are talking about sabotage; we are talking about terrorist acts. We have to deter people if they actually pipeline something that you cannot blow up. So it is in the rarest of rare cases.

SHRI PYARIMOHAN MOHAPATRA -- You are taking my name wrongly. It is Shri Pyarimohan Mohapatra.

SHRI R. P. N. SINGH: I am extremely sorry. I stand corrected. I am sorry for taking the wrong name.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Pyari means dear.

SHRI R.P.N. SINGH: Sir, I apologise. He spoke about anticipatory bail only denied for offences in nature of sabotage under Clause 15(4). He gave over responsibility to Gram Panchayat. That is something we will be looking at also. Burden of proof is on culprits. The burden of proof is on culprits only on certain cases, i.e. under Clause 15(2) and Clause 15(4). Shri Bandyopadhyay spoke that penalty should be moderate. We have looked at it. We have come out, as I said, that for the first offence the imprisonment is for six months, for repeated offenders the penalty would go gradually up and for terrorists or saboteurs or mafia, we have taken it from six months to death penalty. So, we have a range of imposing penalty depending upon the kind and extent of damage or sabotage.

राम गोपाल यादव जी ने कहा है कि वे 16(a) के पक्ष में नहीं हैं। मैं उनसे कहना चाहता हूँ कि वे हमेशा इस हाउस में अच्छे सुझाव देते हैं और उन्होंने मेरी तारीफ भी की है, मैं उनका शुक्रगुजार हूँ। उन्होंने एक अच्छा सजेशन दिया है, लेकिन मैं उनको बताना चाहूँगा कि जैसे उन्होंने 16 (a) के बारे में बात की है, यह सिर्फ उन सेक्शन्स के अंडर एप्लीकेबल है, जो 15 (2) में है और 15(4) में है तथा बाकी जितने सेक्शन्स हैं, यह उनके ऊपर लागू नहीं होता है। जो उन्होंने सुझाव दिए हैं, हम उनको भी जरूर देखेंगे।

आर.सी. सिंह साहब ने पाइपलाइन्स के बारे में बात की है कि पाइपलाइन्स ले करने के लिए पाइपलाइन्स की स्टडी होनी चाहिए। पाइपलाइन लगाने से पहले पाइपलाइन रूट्स डिजाइन किए जाते हैं। उन्होंने no survey to planned pipeline networks. PNGRB के पास अथॉरिटी है कि हम पाइपलाइन कहां डालें, तो PMGRB हमें निर्णय देती है और हम वहीं पर पाइपलाइन डालते हैं।

कुमार दीपक दास जी ने असम के बारे में बताया और मणि शंकर अय्यर जी ने भी बताया कि बहुत ज्यादा pilferage और sabotage होती है। मैं इस हाउस को बताना चाहता हूँ कि हमारे रिकार्ड में है अगर हमने सबसे ज्यादा pilferage कहीं पाया है, तो वह राजस्थान और हरियाणा में पाया है। हम इस कानून की सहायता से यह चाहेंगे कि आज तक यह जो सब होता रहा है, यह आगे न हो। जो आज तक चोरियां हुई हैं, इस कानून के अंतर्गत वे बंद हों और इसमें सुधार हो।

Mr. Mani Shankar Aiyar has been a very dynamic Minister in the Ministry of Petroleum and

Natural Gas. His suggestions are well taken. I can assure him that whenever he has time, I will listen to all his suggestions. I can assure the House, through you Mr. Vice-Chairman, Sir, my Ministry will listen to his suggestions and see how we can act upon them. He spoke about the word 'wilfully.' The word 'wilfully' has been clarified. It is something that many hon. Members have missed while speaking. It is the key clause that has been changed.

Sir, he also spoke about Clause 16B. We have to prevent people from doing this kind of damage which otherwise lead to disruption in the energy sector. That is something which we have talked about. The Standing Committee has also gone into it. We will look into that and, definitely, work further on what he has suggested.

Sir, he also spoke about the new Land Acquisition Bill. The Ministry of Petroleum and Natural Gas is not opposing it. It is mentioned in the Petroleum and Minerals Pipelines Act. Under Schedule 3 of the proposed Bill, there are provisions to extend coverage of the Land Acquisition Bill to the PMP Act by issuing notification by the Central Government.

I hope, Sir, I have answered all the queries raised by the hon. Members. I request you, Mr. Vice-Chairman, Sir, that the Bill may be passed.

SHRI PYARIMOHAN MOHAPATRA: Sir, he has not replied to my point relating to minerals. So, I will seek a clarification.

First, he has not replied to the issue relating to non-petroleum minerals which is under Clause 15(2). Sir, you are protecting so many others in the name of petroleum products.

The second one is this. I had raised this indirectly and directly by Shri Mani Shankarji. The hon. Minister mentioned about the word 'wilfully.' Members did not miss the word. Sir, you have missed the word 'wilfully' while going with a Cabinet Note. The word 'wilfully' was omitted. It was cleared by the Department of Legal Affairs. Then, the Standing Committee made you to include it. So, the word 'wilfully' was not missed by us. If you catch hold of somebody or me doing something or not doing something, how do I prove? You left the onus on me! How do I prove that I did not do it wilfully or I did it wilfully? That is what Mani Shankarji has pointed out. Kindly clarify this.

SHRI R.P.N. SINGH: Sir, your suggestion is well taken.

SHRI PYARIMOHAN MOHAPATRA: I am talking about the onus.

SHRI R.P.N. SINGH: If the onus is not kept on the person who is sabotaging; it is difficult. To make sure that innocent people are not punished, we have also taken the recommendations of the Standing Committee into consideration. And, that is why no innocent person comes into it. That is why the word 'willfully' has been added. ...*(Interruptions)*...

SHRI MANI SHANKAR AIYAR: Please don't use POTA language. You prove that the person is guilty. Don't ask him to prove innocence. That is completely against the law of our land.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, the question is:

"That the Bill further to amend the Petroleum and Minerals Pipelines (Acquisition of rights of Users in Land) Act, 1962, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall taken up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI R.P.N. SINGH: Sir, I beg to move:

That the Bill be passed.

The question was put and the motion was adopted.

The Academy of Scientific and Innovative Research Bill, 2011

THE MINISTER OF SCIENCE AND TECHNOLOGY (SHRI VILASRAO DESHMUKH): Sir, I move:

"That the Bill to establish an Academy for furtherance of the advancement of learning and prosecution of research in the field of science and technology in association with Council of