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PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW,
JUSTICE AND PARLIAMENTARY AFFAIRS

Jammu, the 7th March, 2014.

The following Act as passed by the Jammu and Kashmir State Legislature received the assent of the Governor on 7th March, 2014 and is hereby published for general information :—

THE JAMMU AND KASHMIR UNDERGROUND PUBLIC
UTILITIES (ACQUISITION OF RIGHTS OF USER IN LAND)
ACT, 2014

(Act No. IV of 2014)

[7th March, 2014.]

An Act to provide for the acquisition of the right of user in land for laying of gas pipelines and other underground public utilities in the State of Jammu and Kashmir and for the matters connected therewith.

Be it enacted by the Jammu and Kashmir State Legislature in th 65th year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Underground Public Utilities (Acquisition of Rights of User in Land) Act, 2014.

(2) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “**Act**” means the Jammu and Kashmir Underground Utilities (Acquisition of Rights of User in Land) Act, 2014 ;

(b) “**competent authority**” means any person or authority authorized by the Government, by notification in the Government Gazette, to perform the functions of the competent authority under the Act and different persons or authorities may be authorized to perform all or any of the functions of the competent authorities under various provisions of the Act in different areas specified in the notification ;

(c) “**Corporation**” means any body corporate established under any Act of the Parliament as applicable to the State of Jammu and Kashmir or State Legislature and includes—

(i) a Company formed and registered under the Companies Act, 1956 ; and

(ii) a statutory authority established under any Act of the Parliament as applicable to the State of Jammu and Kashmir or State Legislature ;

(d) “**Court**” means the Principal Civil Court of original jurisdiction in a district ;

(e) “**District Collector**” means the District Collector as defined in the Jammu and Kashmir Land Revenue Act, Samvat 1996 ;

(f) “**gas**” means a matter in gaseous state which predominantly consists of methane ;

- (g) **“Government”** means the Government of Jammu and Kashmir ;
- (h) **“land”** means the land as defined under Jammu and Kashmir Land Acquisition Act, Samvat 1990 ;
- (i) **“person interested”** includes all persons claiming an interest in compensation to be made on account of the acquisition of right of user in land under the Act ;

Explanation :—For the purpose of this clause, person shall be deemed to be interested in land only if he is interested in an easement affecting the land ;

- (j) **“prescribed”** means prescribed by rules made under the Act ;
- (k) **“rules”** means the rules made under the Act ; and
- (l) **“utility”** means underground laying of gas pipelines and includes such other utility as may be notified by Government from time to time by notification in the Government Gazette.

3. *Publication of preliminary notification and powers of officers thereon.*—(1) Whenever it appears to the Government that it is necessary in the public interest that for the transport of gas or for any other utility from one locality to another locality, pipelines may be laid by Government or any Corporation, as the case may be, and for the purpose of laying such pipelines, it is necessary to acquire the right of user in any land under which such pipelines are to be laid, it may, by notification in Government Gazette, declare its intention to acquire the right of user therein.

(2) The competent authority shall cause the substance of notification issued under sub-section (1) to be published,—

- (a) through a public notice to be affixed at convenient places in the said locality ; and
- (b) in two daily newspapers having larger circulation in the said locality.

(3) Every notification under sub-section (1) shall give a brief description of the land and the intention of the Government.

(4) After issuance of notification under sub-section (1) and its publication under sub-section (2), it shall be lawful for any person authorized by the Government or the Corporation for transporting gas or other utility and his servants and workmen,—

- (a) to enter upon and survey and take levels of any land specified in the notification ;
- (b) to dig or bore into the sub-soil ;
- (c) to set out the intended line of work ;
- (d) to mark such levels, boundaries and line by placing marks and cutting trenches ;
- (e) to cut down and clear away any part of any standing crop, fence or jungle where otherwise survey cannot be completed and levels taken and the boundaries and line marked ; and
- (f) to do all other acts as may be necessary to ascertain whether gas pipelines or other utility can be laid under the land :

Provided that while exercising any power under this section, such person or any servant or workman of such person shall cause little damage or injury, as far as practicable, to such land :

Provided further that in case of any damage caused, the compensation shall be paid at once to the owner of the land as determined by the competent authority.

4. *Hearing of objections.*—(1) Any person interested in land may, within thirty days from the date of publication of notification under sub-sections (1) and (2) of section 3, object to the laying of gas pipelines or any other utility under the land.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the interested person (s), having objection in

the land, an opportunity of being heard either in person or by legal practitioner and may after hearing all such objections and after making such further inquiry, if any, as that authority thinks necessary, by order either allow or disallow the objections.

(3) Any order made by the competent authority under sub-section (2) shall be final.

5. *Declaration of acquisition of right of user.*—(1) Where no objection under sub-section (1) of section 4 has been made to the competent authority within the period specified therein or where the competent authority disallows the objections under sub-section (2) of the said section, the competent authority shall, as soon as may be, either make a report in respect of the land described in the notification under sub-section (1) of section 4 or make different reports in respect of different parcels of such land to the Government and upon receipt of such report, the Government shall, if satisfied that such land is required for laying any gas pipeline or any other utility for the transport or any such utility, declare, by notification in Government Gazette, that the right of user in the land for laying the gas pipelines or any other utility should be acquired and different declarations may be made from time to time in respect of different parcels of the land described in the notification issued under sub-section (1) of section 4 irrespective of whether one report or different reports have been made by competent authority under this section.

(2) On the publication of the declaration under sub-section (1), the right of user in the land specified therein shall vest absolutely in the Government free from all encumbrances, after making payment of at least 80% compensation to the interested person(s) :

Provided that in case the land is not put to the specified use within a period of two years from the date of the award made under section 11 of the Act, the acquired rights of user in land for laying of gas pipelines or any other utility shall cease to have effect and all rights in the land shall revert to the land owner(s) or interested person(s), as the case may be, free from all encumbrances on refund of 50% of the compensation received under this sub-section.

(3) Where in respect of any land, a notification has been issued under sub-section (1) of section 3, but no declaration under this section has been published within a period of one year from the date of that notification, that notification shall cease to have effect on the expiration of the said period.

(4) Notwithstanding anything contained in sub-section (2)—

(a) the Government may, on such terms and conditions, as it may think fit to impose, direct by an order in writing, that the right of user in the land for laying the gas pipelines or any other utility shall, instead of vesting in the Government, vest, either on the date of publication of the declaration or on such date as may be specified in the order, in the Corporation proposing to lay such gas pipelines or other utility and thereupon, the right of such user in the land which shall be subject to the terms and conditions, so imposed or ordered, vest in that Corporation subject to the laws relating to transfer of land in the State ;

(b) the provisions of the State Land Acquisition Act, Samvat 1990, shall be resorted to for acquisition and payment of compensation for any structure(s) that may come on the alignment of such gas pipeline or other utility wherever it is not possible to skirt such structure(s).

6. *Government or Corporations to lay gas pipelines or any other utility.*—(1) Where the right of user in any land has vested in the Government or any Corporation, as the case may be, under section 5,—

(i) it shall be lawful for any person authorized by the Government or the Corporation, as the case may be, and its servants and workmen, to enter upon the land and lay gas pipelines or

other utility or to do any other thing necessary for the laying of such pipelines :

Provided that no gas pipeline or other utility shall be laid under—

- (a) any land which immediately before the date of publication of notification under sub-section (1) of section 3 was used for residential purposes ;
 - (b) any land on which there stands any permanent structure which was in existence immediately before the said date ;
 - (c) any land which is appurtenant to a dwelling house ; or
 - (d) any land at a depth which is less than one meter from the surface ; and
- (ii) such land shall be used only for laying the gas pipelines or other utility and for maintaining, examining, repairing, altering or removing any such pipelines or for doing any other act as may be necessary for any of the aforesaid purposes or for the utilization of such pipelines.

(2) If any dispute arises with regard to any matter referred to in paragraphs (b) or (c) of the proviso to clause (i) of sub-section (1), the dispute shall be referred to the competent authority whose decision thereon shall be final.

7. Management of the gas pipelines or other utility.—For maintaining, examining, repairing, altering or removing gas pipeline or any other utility or for doing any other thing necessary for the utilization of the gas pipelines or any other utility or for making of any inspection or measurement for any of the aforesaid purposes, any person authorized in this behalf by the Government or Corporation, as the case may be, may, after giving reasonable notice to the occupier of the land under which the

gas pipeline or any other utility has been laid, enter therein with such workmen and assistants, as may be necessary :

Provided that, where such person is satisfied that an emergency exists, no such notice shall be necessary :

Provided further that if any such place is an apartment in the actual occupancy of a woman who, according to custom, does not appear in public, such officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then enter the apartment :

Provided also that while exercising any powers under this section, such person or any workmen or assistants of such persons, shall cause as little damage or injury as possible to such land.

8. *Maintenance of pipelines for gas or other utility.*—(1) It shall be prime responsibility of the Corporation to maintain the pipelines for gas or other utility, as the case may be, so that there is no threat to safety and security of human life and in case of any failure to perform its duty, the Corporation shall be solely and exclusively liable to pay damages for such loss or damage.

(2) The liability under sub-section (1) shall be in addition to, and not in substitution, for any other civil or criminal liability under any law for the time being in force in the State.

9. *Restrictions regarding the use of land.*—(1) The owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 5, shall be entitled to use the land for the purpose for which such land was put to use immediately before the date of the notification under sub-section (1) of section 3 :

Provided that such owner or occupier shall not, after the declaration under sub-section (1) of section 5—

- (i) construct any building or any other permanent structure ;
- (ii) construct or excavate any tank, well, reservoir or dam ; or
- (iii) plant any tree on that land.

(2) The owner or occupier of the land under which any gas pipeline or other utility has been laid shall not do any act or permit any act to be done which will or is likely to cause any damage in any manner whatsoever, to the pipelines.

(3) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 5,—

- (a) constructs any building or any other permanent structure ; or
- (b) constructs or excavates any well, tank, reservoirs or dam ; or
- (c) plants any tree,

on that land after issuance of such a declaration the Court within the local limits of whose jurisdiction such land is situate, may, on an application made to it by the competent authority and after holding such inquiry as it may deem fit, cause the building, permanent structure, reservoir, or tree to be removed or the well, dam or tank to be filled up, and the cost(s) of such removal or filling up shall be recoverable from such owner or occupier in the same manner as if the order for the recovery of such cost were a decree made by the Court.

10. *Assessment of compensation and of damage(s).*—(1) Where in the exercise of the powers by any person conferred in him/her by sections 6, 7 or 8, any damage, loss or injury is sustained by any person interested in the land under which the gas pipeline or other utility is proposed to be, or is being, or has been laid, the Government or the Corporation, as the case may be, shall be liable to pay compensation to such person(s)/ interested parties, for such damage, loss or injury, the amount of which shall be determined by the competent authority :

Provided that while assessing the compensation the competent authority shall have regard to sections 23 and 24 of the State Land Acquisition Act, Samvat 1990 and other relevant provisions of the said Act, for determining the amount of compensation.

(2) If the amount of compensation determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount of the compensation shall, on an application made by either of the parties to the Court, be determined by the Court.

(3) The competent authority, or the Court, while determining the compensation under sub-section (1) or sub-section (2), as the case may be, shall have due regard to the damages, loss or injury sustained by any person interested in the land by reason of—

- (i) the removal of trees or standing crops, if any, on the land while exercising the powers under sections 5, 6 or 7 of the Act ;
- (ii) the temporary severance of the land under which the gas pipeline or other utility has been laid from other land belonging to, or in the occupation of, such person ; or
- (iii) any injury to any other property, whether movable or immovable, or the earnings of such persons caused in any other manner :

Provided that in determining the compensation no account shall be taken of any structure or other improvement made in the land after the date of publication of the notification under section 3.

(4) Where the right of user of any land has vested in the Government or the Corporation, as the case may be, it shall, in addition to the compensation, if any, payable under sub-section (1), be liable to pay to the interested person(s) and to any other person whose right of enjoyment in that land has been affected in any manner, whatsoever, by reason of such vesting, compensation calculated at fifty *per cent* of the market value of that land on the date of publication of the notification under sub-section (1) of section 3.

(5) The market value of the land on the said date shall be determined by the competent authority and if the value so determined by that authority

is not acceptable to either of the parties, it shall, on an application made by either of the parties to the Court, be determined by the Court.

(6) The decision of the Court under sub-section (2) or sub-section (5) shall be final.

11. *Announcement of award by the competent authority.*—(1) After the assessment of compensation has been completed under section 10 of the Act, the competent authority shall, within a period of 15 days from the date of such assessment, make a tentative award which in its opinion should be allowed for the land.

(2) Where the amount of compensation assessed under section 10 of the Act and sub-section (1) of this section exceeds the amount specified by the Government by notification, the competent authority shall refer the record of the case along with the statement of the tentative assessment made under the Act, for approval of the Government.

(3) In a case referred by the competent authority under sub-section (2), the Government or an officer specially authorised by it in this behalf shall, after considering the report of the competent authority and/or after making such further enquiry, as may be necessary, with regard to the sufficiency of the compensation tentatively assessed, determine the proper value of the property and communicate it to the competent authority and the value so determined shall form the basis of compensation to be allowed for the land.

(4) The competent authority shall thereupon make an award under its hand of—

- (i) the true area of the land ;
- (ii) the compensation payable for the land ; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

(5) An award made in contravention of the directions of the Government or an officer specially authorised by it in this behalf, with respect to the value of the land shall be void *ab initio*.

12. *Award of the competent authority when to be final.*—(1) An award made by the competent authority under section 11 shall, except as hereinafter provided, be final and conclusive evidence, as between the competent authority and the persons interested, whether they have respectively appeared before the competent authority or not, of the true area and the value of land, and the apportionment of the compensation among persons interested.

(2) The competent authority shall give immediate notice of its award to such of the persons interested, as are not present personally or by their representatives when the award is made.

13. *Reference to Court.*—(1) Any person interested who has not accepted the award, may by written application to the competent authority require that the matter be referred by the competent authority for determination of the Court, whether his objection be to the measurement of the land, the amount of compensation or damage, as the case may be, or the persons to whom it is payable or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken :

Provided that every such application shall be made,—

- (a) if the person making it was presented or represented before the competent authority at the time when the award was announced, within sixty days from the date of the award ; or
- (b) in other cases, within sixty days of the receipt of the notice from the competent authority under sub-section (2) of section 12 or within six months from the date of the award of the competent authority, whichever period shall first expire.

(3) The Court shall thereupon cause a notice, specifying the day on which the Court will proceed to determine the objection, and directing their

appearance before the Court on that day, to be served on the following persons :—

- (a) the applicant ;
- (b) all the persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded ; and
- (c) if the objection is in regard to the area of the land or to the amount of the compensation, the competent authority.

(4) The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

(5) Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court within the State shall be entitled to appear, plead and act, as the case may be, in such proceedings.

(6) In determining the amount of compensation or of damages to be awarded, the Court shall take into consideration the factors envisaged under sections 23 to 29 and other relevant provisions of the State Land Acquisition Act, Samvat 1990 and the rules made thereunder.

(7) The decision of the Court on the reference made to it by the competent authority under this section shall be final and binding on both the parties and no appeal shall lie to any higher forum on the decision pronounced by the Court.

14. *Particulars of apportionment to be determined/specified.*—

(1) Where several persons claim to be interested in the amount of compensation assessed under sub-section (1) and sub-section (4) of section 10, the competent authority shall specify/determine the persons who in its opinion are entitled to receive the compensation and the amount payable to each of them as per their respective apportionment, which shall be

determined in accordance with the relevant provisions of the State Land Acquisition Act, Samvat 1990 and the rules made thereunder.

(2) If any dispute arises as to the apportionment of the compensation or any part thereof or as to the persons to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the Court within the limits of whose jurisdiction the land or any part thereof is situated and the decision of the Court thereon shall be final.

15. Deposit and payment of compensation and of damages.—

(1) The amount of compensation and/or damages determined under section 10 shall be deposited by the Government or the Corporation, as the case may be, with the competent authority within a period of two months from the date of such assessment in such manner as may be prescribed.

(2) If the amount of compensation is not deposited within the time prescribed under sub-section (1), the Government or the Corporation, as the case may be, shall be liable to pay interest thereon at the rate of six per centum from the date the assessment of compensation is made or possession taken over, as the case may be, whichever is earlier, and if the amount of compensation is not deposited within one year from the date of expiry as prescribed under sub-section (1), the interest on the amount of compensation or damage payable shall be paid at the rate of ten per centum after the expiry of the said one year until the amount of compensation is paid or deposited with the competent authority or from the date the possession taken over by the Government or Corporation, as the case may be, whichever is later.

(3) As soon as may be after the compensation has been deposited under sub-sections (1) and (2), the competent authority shall, on behalf of the Government or the Corporation, as the case may be, pay the compensation to the person(s) entitled thereto, within a period of six months from the date the amount is so deposited with the competent authority or award made under section 11, whichever is later unless prevented by one or more of the contingencies mentioned in the next sub-section.

(4) If the persons interested/entitled do not consent to receive compensation, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the competent authority shall deposit the amount of compensation in the Court, to which a reference under section 13 has been made :

Provided that any person interested/entitled to receive compensation may receive such payment under protest as to the sufficiency of the amount :

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 13 :

Provided also that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under the Act to pay the same to the person lawfully entitled thereto.

16. *Competent Authority to have certain powers of Civil Court.*—The competent authority shall have, for the purposes of the Act, all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, Samvat 1977 in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of any document ;
- (c) reception of evidence on affidavits ;
- (d) requisitioning any public record from any court or office ; and
- (e) issuing commission for examination of witness(es).

17. *Review.*—(1) The Government or competent authority, may, either on its own motion or on an application made by any interested party, review an order passed by it or any of its predecessors in office and on so reviewing, modify, reverse or confirm, any order passed by it or any of its predecessors in office.

(2) An application for review of an order under sub-section (1) shall not be entertained unless it is made within thirty days from the passing of the order, or unless the applicant satisfies such authority that he had sufficient cause for not making the application within that period.

(3) An order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order.

18. *Power to revise order.*—The Government may, at any time, either on its own motion or on an application made to it in this behalf, call for the record of any proceedings in which the competent authority has passed an order under the provisions of the Act for the purpose of satisfying itself as to legality or propriety of any such order and may pass such order in relation thereto as it may deem fit :

Provided that the Government shall not pass any order under this section which is prejudicial to any person, without giving him a reasonable opportunity of being heard.

19. *Restriction on land use by Corporation.*—(1) The Corporation shall not use the land for any purpose other than the one for which it has been authorized by the Government.

(2) In case of any land is used contrary to the condition of such authorization, the Corporation shall have no right of user in the said land and the land shall vest in the State free from all encumbrances.

20. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance of the Act or any rules or notification made or issued thereunder.

(2) No suit or other legal proceedings shall lie against the Government or the Corporation and the competent authority, as the case may be, for any damage, loss or injury caused or likely to be caused by anything which is

done in good faith, or intended to be done in pursuance of the Act or any rules or notification made or issued thereunder.

21. *Bar of the jurisdiction of Civil Court.*—Save as otherwise expressly provided in the Act, no Civil Court shall have jurisdiction in respect of any matter which the competent authority is empowered under the Act to determine and no injunction shall be granted by any Court or other authority in respect of any action taken or proposed to be taken in pursuance of any powers conferred under the Act.

22. *Certain offences to be cognizable.*—Notwithstanding anything contained in the Code of Criminal Procedure, Samvat 1989 an offence falling under sub-section (2) of section 26 shall be deemed to be a cognizable offence within the meaning of the Code.

23. *Application of other laws.*—The provisions of the Act shall be in addition to and not in derogation of any other law for the time being in force relating to the acquisition of the land and transfer of immovable property in the State.

24. *Transfer of right of user to Corporation subject to Resolution of both Houses.*—(1) Notwithstanding anything to the contrary contained in the Transfer of Property Act, Samvat 1977 or any other law for the time being in force on the subject, the Government may by notification in Government Gazette authorize,—

- (i) right of user of any land in the State in favour of M/s Gujarat State Petronet Ltd. (GSPL) for purposes of laying of pipelines for gas ; and
- (ii) right of user of any land in the State for any utility in favour of any Corporation on passing of Resolution by both Houses of State Legislature to the effect that such authorization is necessary in public interest for any utility.

(2) The Corporation shall have such percentage, not being less than 80%, of technical and non-technical staff from the permanent residents of the State of Jammu and Kashmir as the Government may determine in this behalf in consultation with the Corporation.

(3) The Government may authorize any Corporation mentioned in sub-section (1) to possess and use any premises, constructed by the Government at the expenses of the Corporation for purposes of enabling the Corporation to perform its functions under the Act.

25. *Safety measure for gas pipelines.*—(1) A Corporation shall take all necessary precautions and measures for the safety of humans, property and gas pipelines.

(2) The pipelines are constructed of suitable steel which is safe for the condition under which it is to be used.

(3) No defective pipeline shall be used.

(4) The gas pipelines shall be attended to by the Corporation through its agents, employees or servants.

(5) The Corporation shall take all necessary steps to guard the gas pipelines against any act which is likely to cause injury or loss to public or property.

26. *Penalty.*—(1) Whoever wilfully obstructs any person in doing any of the acts authorized under the Act or rules made thereunder or wilfully fills up, destroys, damages or displaces any trench or mark made under section 3 or wilfully does anything prohibited under the proviso to sub-section (1) of section 9 or fails to fulfil the requirement of section 25 shall be punishable with imprisonment for a term not exceeding one year and fine which may extend to rupees fifty thousand.

(2) Whoever wilfully removes, displaces, damages or destroys any pipeline laid under section 6, shall be punishable with rigorous imprisonment for a term which shall not be less than one year, but which may extend to

three years and shall also be liable to fine which may extend to rupees two lacs but shall not be less than twenty thousand rupees.

27. Offences by Corporations.—(1) Where an offence under this Act has been committed by a Corporation, every person who at the time the offence was committed was in charge of, and was responsible to the Corporation for the conduct of the business of the Corporation, as well as the Corporation, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in the Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Corporation and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any Director, Manager, Secretary or other officer of the Corporation, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

28. Obligations of Corporation(s).— (1) Every Corporation shall—

- (a) maintain such documentary records as may be prescribed ;
- (b) allow inspection of such facilities and documentary records, as may be prescribed ;
- (c) commence operation of activities for which authorization has been granted within such period as may be provided by the Government in the document of authorization ;
- (d) register—
 - (i) agreements with the Government relating to use of pipelines for supply of gas or other utility ; or
 - (ii) any other document which the Government may prescribe ;

- (e) comply with marketing service obligations and retail service obligations ;
 - (f) obtain statutory clearance including the environmental clearance for laying building or operating a gas pipeline in a city or local gas distribution network.
- (2) The Government may call for any information or record from any Corporation including information which is considered necessary for ensuring transparency or ascertaining true ownership of the Corporation.
- (3) The Government or any officer authorised by the Government shall have the power to inspect and obtain information, wherever necessary, from the Corporation(s).
- (4) It shall be the duty of every Corporation to provide information/record as mentioned in sub-sections (2) and (3) of this section to the Government.
- (5) For the effective enforcement of the terms and conditions of authorisation, the Government or any officer authorised by it for that purpose, shall have all the powers of an inspecting officer as provided under section 209A of the Companies Act, 1956.
- (6) The Government shall maintain confidentiality in respect of any information and record received by it from the Corporation(s) and shall not disclose information contained therein to any person or authority except on the grounds of public interest.

29. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order, make such provisions not inconsistent with the provisions of the Act as may appear to be necessary for removing the difficulty :

Provided that no order shall be made under this section after the expiry of two years from the commencement of the Act.

30. *Power to make rules.*—(1) The Government may by notification in the Government Gazette make rules for carrying out the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely :—

- (a) the places at which and the manner in which the substance of the notification may be published under sub-section (1) of section 3 ; and
- (b) the manner in which the amount of compensation shall be deposited under sub-section (1) of section 15.

31. *Transitory provision.*—(1) The pending cases, if any, on the commencement of the Jammu and Kashmir Underground Public Utilities (Acquisition of Rights of User in Land) Ordinance, 2013 shall be decided in accordance with the provisions of this Act.

32. *Repeal and saving.*—(1) The Jammu and Kashmir Underground Public Utilities (Acquisition of Rights in User of Land Ordinance, 2013 (Ordinance No. IV of 2013) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any order issued under the aforesaid Ordinance, shall be deemed to have been done, taken or issued under the corresponding provisions of this Act.

(Sd.) **ACHAL SETHI,**

Additional Secretary to Government,
Department of Law, Justice and Parliamentary Affairs.