VOLUME 22

Allied Acts, Rules & Certificates: Supplement

Caste certificate rules · land & revenue amendments · ordinances · other State and Central Acts

22

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EXTRAORDINARY

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REVENUE & EXCISE DEPARTMENT

NOTIFICATION

The 26th September, 1994

S.R.O. No. 827/94—Whereas the draft of the Orissa Irrigation (Amendment) Rules, 1994, was published as required by section 53 of the Orissa Irrigation Act, 1959 (Orissa Act 14 of 1959) in the extraordinary issue No. 1032 of the *Orissa Gazette*, dated the 25th August, 1994, under the Notification of the Government of Orissa in the Revenue & Excise Department No. 35861-III-W-Legis.-2/94-R., dated 10th August, 1994, as S.R.O. No. 716/94 inviting objections and suggestions from all persons likely to be affected thereby, on the expiry of a period of 30 days from the date of publication of the said Notification in the *Orissa Gazette*;

And whereas, no objection or suggestion has been received during the said stipulated period by the State Government in respect of the said draft;

Now, therefore, in exercise of the powers conferred by Section-53 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Irrigation Rules, 1961, namely :—

1. (*1*) These Rules may be called the Orissa Irrigation (Amendment) Rules, 1994.

(2) They shall come into force from the date of their publication in the *Orissa Gazette*.

2. In the Orissa Irrigation Rules, 1961 (hereinafter referred to as the said rules) in rule 2, for clauses (d), (e) and (f), the following clauses shall be substituted, namely :—

(*d*) "Commercial establishment" means as defined in the Commercial Establishment Act, 1952;

(*e*) "Fee" means a charge levied for supply of water from Government Water Source for industrial and commercial purposes and, other uses from a Government Water Source;

(*f*) "Form" means a form appended to these rules;

(*g*) "Licence" means a permission granted by a competent authority for use of water from a Government Water Source;

(*h*) "Section" means a section of the Act;

(*I*) "Tahasildar" means a Gazetted Officer in charge of day to day revenue administration of an area includes the Sub-Collector where he is in such charge; and

(*j*) All words and expressions used in these rules but not defined herein shall have the same meaning as are respectively assigned to them in the Act."

3. In the said rules, after rule 23, the following rule shall be inserted, namely :—

"23-A. (1) When an industrial organisation, commercial establishment propose to draw or lift water from a Government Water Source—

(*a*) the Tahasildar may earmark the bed and off-shore lands of the said water source free from encumbrances and set it apart for the purpose;

(b) the Tahasildar shall order to install a flow meter at the cost of the industrial and commercial establishment to measure the quantum of water to be drawn from the water source and flow meter shall be installed under the supervision of an Engineer of Public Health Engineering Organisation including Rural Water-Supply and Sanitation;

(c) the flow meter will be certified and checked about its accuracy from time to time by the Weights and Measures organisation of the State Government to ensure proper collection of fee;

(d) the Industrial Commercial establishments shall be responsible for smooth maintenance and up-keeping of the flow meter system under the general supervision of the Tahasildar.

(2) The Tahasildar shall be the competent authority to grant licence under the provisions of the Orissa Irrigation (Amendment) Act, 1993 to an industrial or commercial or other establishment on application in the following manner, namely :—

(a) The application shall be filed by the industrial or commercial establishment before the Tahasildar for drawing and lifting of water from Government Water Source in Form 'S'.

(b) The application shall be submitted before the Tahasildar at least two months before the date from which supply of water is applied for. If the application is received less than two months before the date of supply of water and the Tahasildar is satisfied about the reasons for delay, he may also accept such application by condoning the delay.

(c) The application shall be submitted personally or sent by registered post. Printed application forms will be supplied to intending applicants on payment of Re. 0·50 paise at the Tahasil Office.

(d) On receipt of the application, the Tahasildar shall make or cause to be made such summary inquiry as he considers necessary. The report of inquiry shall as far as practicable be recorded in Form 'S-1'.

(e) The Tahasildar may by order allow the application or refuse to sanction supply of water from such Government source if such supply of water in his opinion would be detrimental to the environment of the locality or would affect the riparian rights of the villagers or if it is in any way detrimental to the people and agriculture at large. Application may be allowed with such conditions or restrictions as may be stated in the said order.

(f) The order shall be communicated in writing to the applicant. Where the application is allowed the applicant shall be asked to execute an agreement in Form 'T' within the date specified in the said order. The agreement shall be binding on both the licencing authority and the licensee and same shall be executed at the cost of the licensee. Drawing and lifting of water from Government Water Source shall be made only after execution of the agreement.

(g) Licence fees shall be charged and collected at the rates per unit or quantity of water drawn or lifted as specified in Form 'U'. The State Government may, in the public interest, by notification in the official gazette, revise such rate of fees as and when considered appropriate.

(h) The State Government may grant concession as considered necessary, to the industrial or commercial establishments as per the Industrial policy resolutions from the payment of licence fees.

(i) The Tahasildar shall assess the fees to be charged as per unit/quantity of water drawn or lifted and accordingly issue demand notice within the first week of every month in Form 'U'. The assessee shall make payment within the said month and on default monthly compound interest @ 2% shall be charged.

(3) Any industrial or commercial establishment using diverting collecting or consuming water from Government Water Sources prior to the commencement of the Orissa Irrigation (Amendment) Act, 1993 shall be treated as a licensee under the said Act and shall be liable to pay the licence fees specified in these rules for a period of three months from the date of commencement of the said Act within which time such or industrial commercial establishment shall have to file an application in Form 'S' and obtain a fresh licence.

(4) When a person is reasonably suspected of having committed an offence by unauthorised use of water from a Government Water Source punishable under the Act, the Tahasildar may, after making an inquiry forward the case to the court of the competent jurisdiction.

(5) (a) The State Government may in any case or class of cases grant total or partial exemption from payment of licence fee for any specified period in the interest of industrial or commercial developments in the State.

(b) An application for total or partial exemption of licence fees shall be made to the Tahasildar having jurisdiction.

(c) The Tahasildar on receipt of the application, may after making such inquiry as he considers necessary furnish a report along with the application to the Collector of the district. While forwarding the report, the Tahasildar shall specifically state the justification, if any, for granting any exemption or the extent to which such exemption may be granted. The Collector after recording his opinion on the application shall forward the case to the State Government for taking final decision in the matter.

FORM 'S'

[*See* rule 23-A, (2) (a) and (3)]

Application for drawing/lifting of water from Government Water Source to be used for Industrial/Commercial purposes.

1. Name of village ...
2. Name of source required for use of water ..
3. Particular place with Plot No. from which water is required to be drawn. ...
4. If any adjoining land in which it is required to install pump and lay pipe lines, etc. (Khata No. Plot No., Kissam and extent of land with a trace map).
5. Purpose for which water is required ..
6. Approximate volume of water required ..
7. Date from and period for which water is required.
8. Name of the applicant

1. Name of village
2. Name of source required for use of water
3. Particular place with Plot No. from which water is required to be drawn.
4. If any adjoining Government land is required to install pump and lay pipe lines (Khata No. Plot No. Kissam and extent of land with a trace map).
5. Purpose for which water is required
6. Approximate volume of water required
7. Date from and period for which water is required.

UNDERTAKING

I, the undersigned require water for the purpose noted above and agree to pay the required licence fee for it at the rate specified for the purpose. I understand that water will be issued at such times and in such quantities as the Tahasildar may by order direct and that any sum due from me shall be recoverable as arrears of land revenue. I also know that no suit for compensation lies either against the State Government nor its officers in connection with my application for supply of water and any order passed thereon.

The water so taken for use will not be in any way detrimental to the interest of general public and their riparian rights and to the environment.

I agree to abide by the conditions that may be imposed by the Tahasildar regarding drawal and use of water from Government source.

Signature/Thumb Impression
of the applicant.

FORM 'S'-1

[*See* rule 23-A (2) (d)]

1. Name of village
2. Name of source required for use of water
3. Particular place with Plot No. from which water is required to be drawn.
4. If any adjoining land in which it is required to install pump and pipe lines etc. (Khata No. Plot No; Kissam and extent of land with trace map).
5. Purpose for which water is required
6. Approximate volume of water required
7. Date from and period for which water is required
8. Date of submission of application

REPORT OF THE ENQUIRING OFFICER

1. Whether the supply of water will not be in any way detrimental to the interest of villagers, riparian rights and invironment.....

2. Whether the source capable of supply of volume of water required by the applicant.....

3. If the source is not capable of supply of required volume of water, whether the same can be met from some other points of the same Government source.....:

Signature of the Enquiring Officer

FORM 'T'

[*See* Rule 23-A (2) (f)]

AGREEMENT

THIS AGREEMENT IS made on the ..... day of.....Nineteen hundred Ninety-four BETWEEN Shri....., Son of....., resident of village....., P.-S....., district....., by profession....., (hereinafter called the "Applicant") of the first part AND (1) Shri....., Son of....., resident of village....., P.-S....., district.....by profession and (2) Shri....., Son of....., resident of village, ..., P.-S....., district....., by profession.....(hereinafter referred to as the "Sureties") of the second part AND the Governor of Orissa which expression unless repugnant to the context, shall include his successors and assigns (hereinafter called "the Government") of the third part.

WHEREAS the applicant has made an application for supply of water from.....source.....for the period as mentioned in the Schedule ;

AND WHEREAS the sureties have agreed to stand surety for payment of rates charged for such supply in the manner hereinafter appearing and the Government has agreed to supply the water for the purpose specified in the Schedule.

SCHEDULE

Purpose for which water will be supplied	Volume of water, if any	Period of supply	The place of which it will be supplied
1	2	3	4

NOW THIS AGREEMENT WITNESSETH as follows :—

1. In pursuance of the said agreement and in consideration of supply of water to be made to the applicant, the applicant and the sureties hereby jointly and severally covenant with the Government as follows :—

(a) The applicant shall pay Rs..... ..... at the rate of Rs..... ....per..... .. ..on or before .... to.. .. .. ;

(b) The applicant shall make suitable arrangement to take the water from the Government Water Source at which it will be supplied ;

(c) The applicant shall not use the water supplied to him for any purpose other than that which is specified in the Schedule

2. If the sum aforesaid or any part thereof, is not paid on or before the date specified in this agreement it shall become payable at once (unless the Government sanctions for special reason an extension of time) and the applicant and the sureties shall be liable jointly and severally to pay the same with interest at the rate of 2 per cent per mensum from the date of default.

3. IT IS HEREBY EXPRESSLY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO that all amount due to the Government under the terms of these presents shall if not paid in time, be recoverable as a public demand under the Orissa Public Demands Recovery Act, 1962 and shall bear interest at the rate of 2 per cent per mensum from the date such payments fall due up to the date of payment.

4. (i) The applicant shall be liable for Criminal and Civil action if by drawal of water rights of any third party are affected and shall indemnify the Government against all claims for damage preferred by person or persons affected by the permission granted.

(ii) The applicant shall not without prior permission in writing from the Government lay pipe line on Government or Communal lands. If the pipe lines have to pass through Government lands permission of the Government for this shall be taken separately which may be granted subject to the protection of rights of Government or Community, as the case may be.

(iii) The applicant shall not draw or lift water more than the quantity mentioned in the requisition or order and not exceeding the volume mentioned in the Schedule except with the prior approval of the Government.

(iv) The permission granted shall not be deemed to exempt the applicant from liability to payment of water charges lawfully assessable.

(v) Government reserves the right to suspend or cancel the permission in case of violation of any of the conditions

5. The licence fee shall be charged on the applicant at the rate of Rs. 200 per 1,00,000 (One lakh) gallons water so drawn, or lifted by him or at such rates as may be prescribed by the Government from time to time which shall be binding on the applicant. In case of excess use of water by the applicant a penalty shall be levied having regard to the volume of water used and the benefit produced by such use at a rate not exceeding six times the rate so specified.

6. The applicant at his own cost instal a meter/guage for measurement of water drawn or lifted by him from the natural source and an intimation to this effect shall be forwarded to the Tahasildar concerned for assessment of water rate on such drawal and lifting. The Tahasildar shall visit the location of drawal or lifting of water, verify the quantities of water drawn or lifted by the applicant and ensure such control as may be necessary for administering the drawal or lifting of water.

7. The applicant shall construct full proof effluent discharge plant before commissioning of the project. For proper test of such effluent there shall be computerised testing system and the applicant shall give details of effluent discharged in the natural source (in river and nala).

8. The applicant and the sureties shall be jointly and severally liable for the payment of Government dues on account of drawal and lifting of water under this agreement and for penalty for breach of any of the provisions of the Orissa Irrigation Act, 1959 and the Rules made thereunder.

In witness whereof the parties hereto have put their hands and seals the day and year first above written.

In the presence of witnesses

1.
2.

Signature of applicants

1.
2.

In the presence of witnesses

1.
2.

Signature of sureties

1.
2.

In the presence of witnesses

1.
2.

Signature of the Tahasildar acting in the premises for and on behelf of the Governor of Orissa.

FORM U

[*See* rule 21-A (2) (*i*)]

Proposed rate of licence fee for industrial/commercial use of water from Government Water So

Item No.	Purpose of which supply is given	Rate Rs.	Per
1	Bricks or tile making	5·00	1,000 bricks or tiles
2 (*i*)	For water actually used and consumed for industrial/commercial purposes.	200·00	1,00,000 gallons (1 gallon-4·5 litres)
(*ii*)	For water temporarily used for industrial/commercial purposes and discharged back unpolluted or after purification into Government source from which the same was drawn or any other Government source from which water is supplied.	50·00	1,00,000 gallons.
3	For bulk supply to Municipalities and Notified Area Councils and other local authorities for drinking, washing, etc.	25·00	10,000 cft.
4	Construction of building	3·00	100 cft.

FORM V

[*See* rule 23A-(2) (*i*)]

Notice of Demand

Office of the Tahasildar..... No.....
Date.....

To

M/s. (Name of the Industrial/ Commercial Establishment)

Notice is hereby given that you have been drawing/lifting water from the Government Water Sourc as shown in the Schedule below for use in your Industrial/Commercial..... (Specify) Establishment during the month of..... you have consumed gallon litres of water in your Industrial/Commercial Establishment. For such consumption of water you hav been assessed with an amount as shown in the Schedule below towards the licence fees in pursuance of th agreement.

You are hereby directed to deposit the fees so assessed in the office of the Revenue Inspectors note below by ..... failing which action as deemed proper under the provisions of th Act and Rules shall be taken against you.

Name of the Office of the Revenue Inspector.

SCHEDULE

Name of the Government Water Source and village	Khata/ Plot No.	Quantum of water drawn during the month	Rate of licence fee	Total amount assessed	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Seal and Signature of Tahasildar

[No. 43048—III-W/Legis.-2/94-R.]

By order of the Governor

C. HOTA

Commissioner-*cum*-Secretary to Government

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The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 133 CUTTACK, WEDNESDAY, FEBRUARY 2, 1994/MAGHA 13, 1915

LAW DEPARTMENT

NOTIFICATION

The 2nd February, 1994

No. 1769-Legis.—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 25th January, 1994 is hereby published for general information.

ORISSA ACT 3 OF 1994

THE ORISSA IRRIGATION (AMENDMENT) ACT, 1993

AN ACT FURTHER TO AMEND THE ORISSA IRRIGATION ACT, 1959.

Be it enacted by the Legislature of the State of Orissa in the Forty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Orissa Irrigation (Amendment) Act, 1993.

Amendment of long title.

2. In the Orissa Irrigation Act, 1959 (hereinafter referred to as the principal Act), in the long title, the words "AND TO PROVIDE FOR THE REGULATION OF USE OF WATER FROM GOVERNMENT SOURCE" shall be added at the end. Orissa Act 14 of 1959.

Amendment of preamble.

3. In the principal Act, in the first paragraph of the preamble, the words "and to provide for the regulation of use of water from Government source" shall be added at the end.

Amendment of section 4.

4. In the principal Act, in section 4, after clause (6), the following clause shall be inserted, namely:—

"(6-a) "Government water source" means any water source created naturally or otherwise by collection or deposit of water at a fixed place or any sub-soil water or water in a State of running such as rivers, nalas, springs, streams and the alike, which is other than an Irrigation Work and is the property of the Government;".

Insertion of new section 20-A.

5. In the principal Act, after section 20, the following section shall be inserted, namely:—

Regulation and use of water from Government water source.

"20-A. (1) The State Government may, in the public interest, regulate the use, diversion, collection or consumption of water from Government water source for industrial and commercial purposes other than agriculture.

(2) On and after commencement of the Orissa Irrigation (Amendment) Act, 1993, no person shall use, divert, collect or consume water from Government water source for any industry or commercial establishment except in accordance with a licence granted under this Act.

(3) The licence referred to in sub-section (1) shall be subject to such terms conditions, and shall be obtained from such authority, in such manner, and subject payment of such fees, as may be prescribed.

(4) Notwithstanding anything contained in sub-section (1) or in any subsisting contract, any person using, diverting, collecting or consuming water from Government water source for any industry or commercial establishment immediately before the commencement of the Orissa Irrigation (Amendment) Act, 1993 may continue to do so and shall be deemed to have been granted a licence under this Act—

(i) for a period of three months from the date of such commencement ; or

(ii) if an application for the required licence is duly made in the prescribed manner to the appropriate authority within the period specified in clause (i), till the disposal of such application.

(5) Any person who uses, diverts, collects or consumes water from Government water source in contravention of the provisions of this section, shall on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to twenty-five thousand rupees, or with both and where any such person after being convicted under this sub-section for the offence continues to commit the offence or commits it for the second or any subsequent time he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to fifty thousand rupees, or with both.

(6) (a) Where an offence under this Act has been committed by a Company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the Company for the conduct of the business of the Company, as well as the Company, 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, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(b) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company 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 company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) The rules that may be made for the purposes of this section may provide that the State Government may, in any case or class of cases, exempt in part or in full the payment of the required licence fee for any specified period in the interest of industrial and commercial developments in the State.

Explanation:—For the purposes of this section,—

(a) "Commercial establishment" shall have the same meaning as defined in the Orissa Shops and Commercial Establishment Act, 1956;

(b) "Company" means a body corporate and includes a firm or other association of individuals;

(c) "Director" in relation to a firm, means a partner in the firm; and

(d) "Industry" shall have the same meaning as defined in the Industrial Disputes Act, 1947."

By order of the Governor
P. K. PANIGRAHI
Secretary to Government

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Water rate for industrial use from Natural Govt. water

Annexure-III

FORM I U

[See rule 23-A (2) (i)]

Proposed rate of licence fee for industrial/commercial use of water from Government Water S

Item No.		Purpose of which supply is given	Rate Rs.	Per
1		Bricks or tile making	5·00	1,000 bricks or tiles
2	(i)	For water actually used and consumed for industrial/commercial purposes.	200·00	1,00,000 gallons (1 gallon-4·5 litres)
	(ii)	For water temporarily used for industrial/commercial purposes and discharged back unpolluted or after purification into Government source from which the same was drawn or any other Government source from which water is supplied.	50·00	1,00,000 gallons.
3		For bulk supply to Municipalities and Notified Area Councils and other local authorities for drinking, washing, etc.	25·00	10,000 cft.
4		Construction of building	3·00	100 cft.

(As per Revenue Department Notification No.43048-III Legis-2/94-R dt.26.9.1994)

1981

Notified in Orissa Gazette December 10, 1981.

Revenue Deptt. Notification The 7th Dec, 1981

1981

Annexu

Water rate for use of water for industrial purpose

SCHEDULE

Item No. (1)	Purpose for which supply is given (2)	Rate (3) Rs.	Per (4)
1.	Bricks or tile making	0·25	1,000 bricks o
2. (I)	For water actually used and consumed for industrial purpose.	20·03	1,00,000 ga
2. (II)	For water temporarily used for industrial purposes and discharged back unpollented or after purification into Government source from which the same was drawn or any other Government source from which water is supplied for a irrigation.	4·00	1,00,000 gal
3.	For bulk supply to Municipalities and Notified Area Councils and other local authorities for drinking, washing etc.	5·00	10,000
4.	Construction of buildings	0·15	100 C
5.	For filling tanks	5·00	10,000 C
6.	For filling tanks mainly for drinking purposes	2·50	10,000 C

(As per Revenue Department Notification No.72512-IIIW-Legis-2/81-R dt.7.12.1981)

A. Tariff

Date of Enforcement of present water Rates : 24.9.81

Statement-

COMPULSORY BASIC WATER RATE

Sl. No.	Class of Irrigation.	Depth of supply in Inches to be guaranteed	Irrigation rate for flow Irrigation in Rs. per hectare					
			61-62	68-69	73-74	74-75	75-76	81-82 onwards
1.	Class I	28"	19.77	9.88	9.88	9.88	19.77	39.54
2.	Class II	23"	14.83	7.41	7.41	7.41	14.83	29.65
3.	Class III	18"	9.88	4.94	4.94	4.94	9.88	19.77
4.	Class IV	9"	4.94	2.47	2.47	2.47	4.94	9.88

II. RABI WATER RATE

Name of Crop	Irrigation rates in Rs. per hectare				
	1968-69	73-74	74-75	75-76	81-82 onwards
1. Dalua	19.77	39.54	59.30	59.30	89.96
2. Tobacco	37.07	37.07	55.60	55.60	83.40
3. Potato	24.71	24.71	37.07	37.07	55.60
4. Vegetable including Peas	19.77	19.77	29.65	29.65	44.48
5. Onion	24.71	24.71	37.07	37.07	55.60
6. Wheat	4.94	14.83	22.24	22.24	33.36
7. Maize	12.36	12.36	18.53	18.53	27.80
8. Mung	2.47	2.47	3.71	3.71	5.56
9. Groundnut	12.36	12.36	18.53	18.53	27.80
10. Orchards	29.65	29.65	44.48	44.48	66.72
11. Sugarcane	44.59	44.48	66.72	66.72	100.08
12. Jute	7.41	7.41	11.12	11.12	16.68
13. Fodder	12.36	12.36	18.53	18.53	27.80
14. Pulses	4.94	4.94	7.41	7.41	11.12
15. Cotton	24.71	24.71	37.07	37.07	55.60
16. Til(oil seeds)	4.94	4.94	7.41	7.41	11.12
17. Betel leaf	74.13	74.13	111.20	111.20	166.79
18. Arher	12.36	12.36	18.53	18.53	27.80
19. Sunhemp	17.31	17.30	25.95	25.95	38.91
20. Chilly	12.36	12.36	18.53	18.53	27.80
21. Saru	74.13	74.13	111.20	111.20	166.79
22. Rapi	9.88	6.18	9.27	9.27	13.91
23. Mustard	2.47	1.94	7.41	7.41	11.12
24. Ganja	—	123.55	123.55	123.55	185.33

Statement- I

A. Khariff

Date of Enforcement of Last Water Rates : 24.9.81

COMPULSORY BASIC WATER RATE

Sl. No.	Class of Irrigation.	Depth of supply in inches to be guaranteed	Irrigation rate for flow Irrigation in Rs. per hectare						
			61-62	68-69	73-74	74-75	75-76	81-82	July 98 or wa
1.	Class I	28"	19.77	9.88	9.88	9.88	19.77	39.54	100
2.	Class II	23"	14.83	7.41	7.41	7.41	14.83	29.65	75
3.	Class III	18"	9.88	4.94	4.94	4.94	9.88	19.77	50
4.	Class IV	9"	4.94	2.47	2.47	2.47	4.94	9.88	25

B. RABI WATER RATE

Name of Crop	Irrigation rates in Rs.per hectare					
	1968-69	73-74	74-75	75-76	81-82	July'98 onwards.
1. Dalua	19.77	39.54	59.30	59.30	88.96	225.00
2. Tobacco	37.07	37.07	55.60	55.60	83.40	210.00
3. Potato	24.71	24.71	37.07	37.07	55.60	140.00
4. Vegetable including Peas	19.77	19.77	29.65	29.65	44.48	115.00
5. Onion	24.71	24.71	37.07	37.07	55.60	140.00
6. Wheat	4.94	14.83	22.24	22.24	33.36	85.00
7. Maize	12.36	12.36	18.53	18.53	27.80	70.00
8. Mung	2.47	2.47	3.71	3.71	5.56	14.00
9. Groundnut	12.36	12.36	18.53	18.53	27.80	85.00
10. Orchards	29.65	29.65	44.48	44.48	66.72	167.00
11. Sugarcane	34.59	44.48	66.72	66.72	100.08	250.00
12. Jute	7.41	7.41	11.12	11.12	16.68	42.00
13. Fodder	12.36	12.36	18.53	18.53	27.80	85.00
14. Pulses	4.94	4.94	7.41	7.41	11.12	30.00
15. Cotton	24.71	24.71	37.07	37.07	55.60	140.00
16. Til (oil seeds)	4.94	4.94	7.41	7.41	11.12	30.00
17. Betel leaf	74.13	74.13	111.20	111.20	166.79	420.00
18. Arher	12.36	12.36	18.53	18.53	27.80	85.00
19. Sunhemp	17.30	17.30	25.95	25.95	38.91	100.00
20. Chilly	12.36	12.36	18.53	18.53	27.80	85.00
21. Saru	74.13	74.13	111.20	111.20	166.79	420.00
22. Ragi	6.18	6.18	9.27	9.27	13.99	35.00
23. Mustard	2.47	4.94	7.41	7.41	11.12	30.00
24. Ganja	–	123.55	123.55	123.55	185.33	465.00

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REGISTERED No. 0.14

The Orissa Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 760 CUTTACK, FRIDAY, JUNE 12, 1998/JAISTHA 22, 1920

REVENUE AND EXCISE DEPARTMENT

NOTIFICATION

The 18th April 1998

No. 19832—IIE (G)-132/97-R.—In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules to amend the Orissa District Revenue Service (Method of Recruitment and Conditions of Service) Rules, 1983, namely:—

1. (1) These rules may be called the Orissa District Revenue Service (Method of Recruitment and Conditions of Service Amendment Rules, 1998.

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

2. In the Orissa District Revenue Service (Method of Recruitment and Conditions of Service) Rules, 1983 (hereinafter referred to as the said rules), for rule 4, the following shall be substituted, namely:—

"4. (1) Recruitment to the posts in the cadre of Revenue Supervisors shall be made by promotion from amongst the Revenue Inspectors in accordance with rule 12 to the extent of 75 per cent of the vacancies arising in a year and by absorption of job contract employees of the Settlement/Consolidotion Organisation to the extent of 25 Per cent of the vacancies arising in a year on the basis of seniority subject to elimination of unfit.

(2) Recruitment to the posts in the cadre of Revenue Inspectors shall be made by the following methods, namels:—

(*a*) by direct recruitment to the extent of 10 per cent of the vacancies arising in a year in accordance with rules 6 and 7;

(*b*) by absorption of job contract employees of the Settlement/Consolidation Organisation to the extent of 40 per cent of vacancies arising in a year on the basis of seniority subject to elimination of unfit; and

(*c*) by promotion from the cadres of Amins and Collection Moharirs to the extent of 50 per cent of the vacancies arising in a year in accordance with rule 11 :

Provided that if adequate number of candidates suitable for absorption of job contract employees of the Settlement/Consolidation Organisation and for promotion from the cadres of Amins and Collection Moharirs are not available in a particular year, the vacancies earmarked for absorption and promotion, as the case may be, shall be filled up by direct recruitment.

(3) Recruitment to the posts in the cadres of Amins and Collection Moharirs shall be made by the following methods, namely :—

(a) by direct recruitment to the extent of 10 per cent of the vacancies arising in a year in accordance with rules 6 and 7;

(b) by absorption of job contract employees of the Settlement/Consolidation Organisation to the extent of 40 per cent of the vacancies arising in a year on the basis of seniority subject to elimination of unfit; and

(c) by promotion from amongst the Class IV employees of the Collectorate and subordinate offices under the administrative control of the Collector to the extent of 50 per cent of the vacancies arising in a year in accordance with rule 10;

Provided that if adequate number of candidates suitable for absorption of job contract employees of the Settlement/Consolidation Organisation and for promotion from amongst the Class IV employees of the Collectorate and sub ordinate offices under the administrative control of the Collector are not available in a particular year, the vacancies earmarked for absorpion and promotion as the case may be, shall be filled up by direct recruitment."

(4) Absorption of job contract employees of the Settlement and Consolidation Organisation as aforesaid in the preceding sub-rules, in the vacant posts of a particular district shall be made from amongst such employees belonging to that district only in order of their seniority in the gradation list prepared districtwise.

3. In the said rules, in rule 16,—

(i) for clause (a), the following clause shall be substituted, namely :—

" (a) In case of persons appionted by promotion in pursuance of rules 10, 11 and 12 seniority *inter se* shall be determined basing on the position assigned to them in the selection list and in case of absorbed employees seniority *inter se* shall be determined as per the position in the selection list prepared for absorption and the absorbed employees shall enblock rank below the promotees of the year"; and

(ii) in clause (c), after the words " promotees" the words "and absorbed employees" shall be inserted.

4. In the said rules, in rule 22,—

(i) in clause (i), after the words " direct recruitment"', the comma and word ",absorption" shall be inserted; and

(ii) for clause (ii), the following clause shall be substituted, namely :—

"(ii) In direct recruitment, vacancies shall be reserved for women, ex-servicemen and candidates belonging to socially and educationally backward class and orthopaedically handicapped candidates if they have the ability for walking, cycling and writing, as per the policy of the Government".

5. In the said rules, after rule 25, the following rule with its marginal heading shall be added, ly :—

'Relaxation 26—Where the Government are of the opinion that it is necessary or expedient to do o, they may by order and for reasons to be recorded in writing relax any of the provision of iese rules in respect of any class or category of persons in public interest.".

By order of the Governor

J. K. MOHAPATRA

Commissioner-*cum*-Secretary to Government

———

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EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 700 CUTTACK, WEDNESDAY, JUNE 3, 1998/JAISTHA 13, 1920

REVENUE AND EXCISE DEPARTMENT

NOTIFICATION

The 18th April 1998

No. 19828—IIE (G)-33/97-R.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rule further to amend the Orissa District Revenue Service (Method of Recruitment and Conditions of Service) Rules, 1983, namely:—

1. (*i*) This rule may be called the Orissa District Revenue Service (Method of Recruitment and Conditions of Service) (Amendment) Rule, 1998.

(*ii*) It shall come into force on the date of its publication in the Official Gazette.

2. In rule 7 of the Orissa District Revenue Service (Method of Recruitment and Conditions of Service) Rules, 1983, for sub-rule (2), the following shall be substituted, namely:—

"3. In order to qualify in the test of physical fitness a candidate—

(*a*) if a male, must not be less than 160 centimetres (155 centimetres in case of candidates belonging to Scheduled Caste and Scheduled Tribe) in height and 80 centimetres round the chest ;

(*b*) if a woman, must not be less than 150 centimetres (145 centimetres in case of candidates belonging to Scheduled Caste and Scheduled Tribe) in height; and

(*c*) must be knowing cycling and swimming. "

By order of the Governor

J. K. MOHAPATRA

Commissioner-*cum*-Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Orissa, Cuttack-10

Ex. Gaz. 96—174+200—Compose on 20-5-1998—Printed on 25-6-1998

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1496, CUTTACK, TUESDAY, APRIL 21, 2026/BAISAKHA 1, 1948

LAW DEPARTMENT

NOTIFICATION

The 21st April, 2026

No.5969—l-Legis-22/2026/L.— The following ordinance promulgated by the Governor of Odisha on the dated 21st April, 2026 is here by Published for General information.

ODISHA ORDINANCE 02 OF 2026

THE ODISHA STATE TAX ON PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS (REPEAL) ORDINANCE, 2026

AN

ORDINANCE

TO REPEAL THE ODISHA STATE TAX ON PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS ACT, 2000.

WHEREAS, the Legislature of the State of Odisha is not in session;

AND, WHEREAS, the Governor of Odisha is satisfied that circumstances exist which render it necessary for him to take immediate action to repeal the Odisha State Tax on Professions, Trades, Callings and Employments Act, 2000 in the manner hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause(1) of Article 213 of the Constitution of India, the Governor of Odisha is pleased to make and promulgate the following Ordinance in the Seventy-seventh year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Ordinance may be called the Odisha State Tax on Professions, Trades, Callings and Employment (Repeal) Ordinance, 2026.

(2) This Ordinance shall come into force with effect from dated 1st April, 2026.

Repeal and savings.

2. (1) The Odisha State Tax on Professions, Trades, Callings and Employments Act, 2000 is hereby repealed. Odisha Act 7 of 2000.

(2) The repeal of the said Act shall not affect,

(a) its previous operation or anything duly done or action taken including orders passed, returns submitted, notices issued, assessments made, taxes paid and arrear of tax to be realized; or.

(b) Any right, obligation or liability acquired, accrued or incurred thereunder; or

(c) any investigation, legal proceeding or remedy in respect of any such right, obligation or liability and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if the said Act had not been repealed.

HARI BABU KAMBHAMPATI
GOVERNOR OF ODISHA

Dated the 20th April, 2026

PABITRA MOHAN SAMAL
Principal Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Odisha, Cuttack-10
OGP/SBP Ex.Gaz. 186-183+180

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1499, CUTTACK, WEDNESDAY, JUNE 28, 2023 / ASADHA 7, 1945

LAW DEPARTMENT

NOTIFICATION

The 28th June, 2023

No.11755—I-Legis-34/2023/L.— The following Ordinance promulgated by the Governor of Odisha on the 21st June, 2023 is hereby published for general information.

ODISHA ORDINANCE NO.2 OF 2023

THE ODISHA APARTMENT (OWNERSHIP AND MANAGEMENT) ORDINANCE, 2023

AN

ORDINANCE

TO CONSOLIDATE THE LAW RELATING TO OWNERSHIP OF AN INDIVIDUAL APARTMENT IN A BUILDING WITH AN UNDIVIDED INTEREST IN THE COMMON AREAS AND FACILITIES AND TO PROVIDE FOR BETTER MANAGEMENT OF SUCH APARTMENT AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTIAL THERETO.

WHEREAS, the Legislative Assembly of the State of Odisha is not in session;

AND, WHEREAS, the Governor of Odisha is satisfied that circumstances exist which render it necessary for him to take immediate action to enact a new legislation relating to apartment ownership and management in the manner hereinafter appearing;

NOW,THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Odisha is pleased to promulgate the following Ordinance in the Seventy-fourth Year of the Republic of India:-

CHAPTER I
PRELIMINARY

Short title, extent

1. (1) This Ordinance may be called the Odisha Apartment (Ownership and Management) Ordinance, 2023.

(2) It extends to the whole of the State of Odisha.

Applicability.

2. (1) The provisions of this Ordinance shall apply to all apartments or buildings converted into apartments irrespective of whether their construction made before or after the date of commencement of this Ordinance on a free hold land or on a lease hold land, if the lease for such land is for a period of thirty years or more including the sub-lease.

(2) All apartments used or proposed to be used for residence, office, practice of any profession or for carrying on any occupation, trade or business or for any other type of independent use shall be governed by the provisions of this Ordinance.

(3) The provisions of this Ordinance shall not apply to a building used for the purpose of holding office or otherwise of a Department of Government or of a Government undertaking or where the building is owned and used by the owner by himself or for letting it out to others.

Definitions.

3. In this Ordinance, unless the context otherwise requires, ─

(a) “allottee" in relation to an apartment, means the person to whom an apartment has been allotted, sold or otherwise transferred by the promoter, and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise, but does not include a person to whom such apartment is given on rent ;

(b)"apartment" means a part of any property intended for any type of independent use, including one or more rooms or enclosed spaces located on one or more floors or any part or parts thereof, in a building

intended to be used for residence or office or for the practice of any profession or for carrying on any occupation, trade or business or for any other type of use ancillary to the purpose so specified;

(c) "apartment number" means the number, letter or combination thereof designating the apartment in the declaration;

(d) "apartment owner" means the person or persons owning an apartment and an undivided interest in the common area and facilities appurtenant to such apartment and shall include a promoter in respect of the apartments which have not been allotted, sold or otherwise transferred;

(e)"association of allottees" in relation to apartment means an association of allottees formed or deemed to have been formed under section 15 consisting of all the allottees of the project acting as a group in accordance with the provision made in bye-laws for association of allottees;

(f) "Appellate Authority" means the appellate authority appointed under section 25;

(g) "building" means a building constructed on any land containing two or more apartments or two or more buildings in any area designated as a block, pocket or otherwise, each containing two or more apartments in all such buildings;

(h) "bye-laws" means by-laws made by the association of allottees in accordance with the provisions of this Ordinance and the rules;

(i) "common areas and facilities" mean—

(i) the entire land of the project or where the project is developed in phases, the entire land for that phase as approved by the Odisha Real Estate Regulatory Authority constituted under the provisions of the Real Estate (Regulation and Development) Act, 2016; 16 of 2016.

(ii) the stair cases, lifts, staircase and lift lobbies, fire escapes, and common entrances and exits of buildings;

(iii) the common basements, terraces, parks, play areas, open parking areas and common storage spaces;

(iv) the premises for the lodging of persons employed for the management of the property including accommodation for watch and ward staffs or for the lodging of community service personnel;

(v) installations of central services such as electricity, gas, water and sanitation, air-conditioning and incinerating, system for water conservation and renewable energy;

(vi) the water tanks, sumps, motors, fans, compressors, ducts and all apparatus connected with installations for common use.

(vii) all community and commercial facilities as provided in the project;

(viii) all other portion of the project necessary or convenient for its maintenance, safety, etc., and in common use;

(ix) rain water harvesting structures, solid waste management, composting pits, and plantation such other uses as may be notified by the State Government, from time to time;

(j)"common expenses" means –

(i) expenses declared as common expenses by the provisions of this Ordinance or by declaration or by the bye-laws;

(ii) all sums assessed against the apartment owner by the association of allottees or by the Competent Authority;

(iii) expenses of administration, maintenance, repair or replacement of the common areas and facilities; and

(iv) expenses agreed upon as common expenses by the association of allottees;

(k) "common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of common expenses;

(l) "competent authority" means competent authority appointed under section 23;

(m)"declaration" means the declaration submitted under section 9;

(n)"deed of transfer of apartment" means a "deed of transfer of apartment" executed by the promoter or transferor in the manner as may be prescribed;

(o)"Local Authority" means the municipal corporation or municipality or panchayats or any other local body constituted under any law for the time being in force;

(p)"Occupancy Certificate" means the occupancy certificate, or such other certificate by whatever name called, issued by the Local Authority permitting

occupation of any building, as provided under relevant laws, for the time being in force;

(q) “person” includes a company a firm and a joint family and also any association of persons, whether incorporated or not;

(r) "prescribed" means prescribed by rules made under this Ordinance;

(s) “project” means the development of a building consisting of apartments or converting an existing building or a part thereof into apartments, or the development of land into apartment for the purpose of selling all or some of the said apartments and includes the common areas and facilities, the development works, all improvement and structures thereon and all easement, rights and appurtenances belonging thereto;

(t) “promoter” means ─

(i) a person, who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments and where the person who construct or convert is different from the person who owns the property, the term shall include both of them;

(ii) any Development Authority or any other public body in respect of allottees of,—

(a) apartments constructed by such authority or body on lands owned by them or placed at their disposal by the Government; or

(b) any co-operative housing society which constructs apartments for its members or in respect of the allottees of such apartments; or

(iii) any other person who acts himself as a builder, coloniser, contractor, developer, estate developer or by any other name or claims to be acting as the holder of a power of attorney from the owner of the land on which the apartment is constructed; and

(iv) such other person who constructs any apartment for sale to the general public.

(v) “rules” means the rules made under this Ordinance by the Government.

CHAPTER II

OWNERSHIP, HERITABILITY AND TRANSFERABILITY OF APARTMENTS

Apartment to be heritable and transferable.

4. (1) Every person to whom any apartment is allotted, sold or otherwise transferred by the Promoter, whether before or after commencement of this Ordinance, shall, subject to the other provisions of this Ordinance, be entitled to the exclusive ownership and possession of his apartment, and be entitled to such undivided interest in the common areas and facilities as may be specified in the deed of transfer of apartment and such undivided interest shall be computed by taking, as a basis, the built up area of the apartment in relation to the built-up areas of all the apartments in the building:

Provided that in case of mixed use project where a building or an apartment has been allotted, sold or otherwise transferred for non-residential use, the undivided interest in the common areas and facilities of such non-residential building shall be such as may be prescribed.

(2) An apartment together with its undivided interest in common areas and facilities appurtenant to such apartment shall be heritable and transferable immovable property within the meaning of any law for the time being in force and accordingly an apartment owner may transfer his apartment and undivided interest in the common area and facilities appurtenant to such apartment by way of sale, mortgage, lease, gift, exchange or in any other manner what so ever in the same manner, to the same extent and subject to the same rights, privileges, obligations, liabilities, investigations, legal proceedings, remedies and to penalty, forfeiture and punishment as any other immovable property or may make a bequest of the same under the laws applicable to the transfer and succession of immovable property:

Provided that no apartment and undivided interest in common areas and facilities appurtenant to such apartment shall be partitioned or sub-divided for any purpose whatsoever and any covenant to the contrary shall be void.

Compliance with the covenants and bye-laws.

5. Each allotee or apartment owner, as the case may be, shall comply strictly with the bye-laws and with the covenants, conditions and restrictions set

forth in the Deed of Transfer of Apartment and failure to comply with any of them shall be a ground for action to recover sums due for damages, or for injunctive relief, or both, by the association of allotees, or in a proper case, by an aggrieved apartment owner.

Encumbrances against apartments.

6. (1) The owner of each apartment may create any encumbrance, only against the apartment owned by him and the undivided interest in the common areas and facilities appurtenant to such apartment in the same manner and to the same extent as may be created in relation to any other separate parcel of property subject to individual ownership:

Provided that where any such encumbrance is created, the apartment in relation to which such encumbrance has been created shall not be partitioned or sub-divided.

(2) No labour performed or material furnished with the consent, or at the request, of an apartment owner or his agent or his contractor or sub-contractor, shall be the basis for a charge or any encumbrance under the provisions of the Transfer of Property Act, 1882, against the apartment or property of any other apartment owner not expressly consenting to, or requesting, the same, except that such express consent shall be deemed to be given by the other apartment owner in case of emergency repairs thereto. 4 of 1882.

(3) The labour performed and material furnished for the common areas and facilities, if duly authorized by the association of allottees in accordance with the provisions of this Ordinance, or the bye-laws, shall be deemed to be performed or furnished with the express consent of each apartment owner and shall be the basis for a charge or encumbrance under the Act aforesaid against each of the apartments and shall be subject to the provisions of sub-section (4).

(4) In the event of a charge or any encumbrance against two or more apartments becoming effective, the apartment owners of the separate apartments may remove their apartments and the undivided interest in the common areas and facilities appurtenant to such apartments from the charge or encumbrance on payment of the fractional or proportional amounts attributable to each of the apartments affected and on such payment, the apartment and the undivided interest in the common areas

and facilities appurtenant thereto shall be free of the charge or encumbrance so removed:

Provided that such partial payment shall not prevent the person having a charge or any of the encumbrances from proceeding to enforce the rights, in relation to the amount not so paid, against any other apartment and the undivided interest in the common areas and facilities appurtenant to such apartment.

(5) On any such payment, discharge or other satisfaction, referred to in sub-section (4), the apartment and the undivided interest in the common areas and facilities appurtenant thereto shall be free and clear of the charge or encumbrances, so paid, satisfied or discharged.

Ownership of additional built-up area.

7. Any benefit of additional built–up area relevant to the apartment due to change in Development Control Norms or any other reason as the case may be, shall be passed on to the association of allottees.

Execution of deed of transfer:

8. (1) The deed of transfer of apartment, shall be executed by the promoter in the name of the allottee or transferee along with undivided proportionate title in the common areas to the association of allottees, in such manner and with such particulars as may be prescribed, within three months from the date of issue of Occupancy Certificate and shall be registered under the provisions of the Registration Act, 1908: 16 of 1908

Provided that where any allotment, sale or otherwise transfer of any apartment is made by the promoter to the allottee or transferee in respect of project completed before the commencement of this Ordinance and after the commencement of the Real Estate (Regulation and Development) Act, 2016 but no deed of transfer in respect of the common areas and facilities, has been executed, the promoter shall, within six months from the date of commencement of this Ordinance, execute a separate deed of transfer in favour of association of allottees in consonance with the provisions of this Ordinance and rules and the Real Estate (Regulation and Development) Act, 2016. 16 of 2016 16 of 2016

(2) While registering the deed of transfer as mentioned in sub-section (1), the promoter shall attach following documents, namely:—

(i) Occupancy Certificate;

(ii) Odisha RERA registration Certificate, wherever applicable;

(iii) registration of Apartment Owners or Allottees Association Certificate / if any;

(iv) registered declaration and amendment thereto, if any;

(v) Such other documents as may be prescribed.

(3) The deed of transfer of apartment referred to in sub-section(1) shall contain such particulars as may be prescribed.

(4) The promoter or the transferor (in case of subsequent transfer of apartment by the apartment owner) shall submit deed of transfer along with the required documents in duplicate within fifteen days from the date of their execution to the competent authority, who shall, after satisfying himself as to the correctness of the contents thereof make an endorsement thereon and return the same along with the enclosures to the promoter or the transferor, as the case may be for its registration within fifteen days from the date of return, before the registering officer empowered under the Registration Act, 1908. 16 of 1908.

(5) Every deed of transfer along with documents referred to in the preceding sub-section and every endorsement thereon relating to the transfer of apartment shall be deemed to be a document which is compulsorily registrable under the Registration Act, 1908 and shall be registered by registering officer accordingly. 16 of 1908.

(6) Notwithstanding anything contained in the Registration Act, 1908, the registering officer shall forward a certified copy of the deed of transfer with endorsement made thereon to the competent authority to enable him to make necessary entries in the register maintained for the purpose. 16 of 1908

(7) Nothing in sub-section (1) prevent the Apartment owners from enjoying their respective interest in the common areas and facilities.

(8) Association of allottees relating to registration of common areas by transfer deed includes the persons who are owners of the apartments before the date of the commencement of this Ordinance, and the proportionate share of title on the common area transferred in favour of such owners shall be deemed to have been transferred in favour of the association of allottees.

Explanation: For the purpose of sub-section (1) Competent Authority shall mean the Competent Authority as defined under clause(p) of Section 2 of the Real Estate (Regulation and Development) Act, 2016. 16 of 2016

(9) No deed of transfer of apartment in favour of allottees shall be executed before registration of the association of allottees as per Section 15.

CHAPTER III
DECLARATION

Promoter to submit declaration.

9. (1) A declaration shall be submitted by the promoter to the Competent Authority in respect of the building, whether constructed before or after the commencement of this Ordinance, within 30 days of issue of Occupancy Certificate, in such form and manner as may be prescribed.

(2) Where the Apartments have already been handed over to the Apartment owners before commencement of this Ordinance and the promoter of such Apartment is unable to submit the declaration which is beyond his control, the competent authority shall, after giving opportunities of hearing to the promoter and association of the owners, allow the association of allottees to submit the declaration in such form and in such manner with such particulars as may be prescribed.

(3) The declaration referred to in sub-sections (1) and (2) shall contain the following particulars, namely :–

(i) details of the land including the right, title and interest thereon on which the building is constructed and encumbrances, if any, over such land and whether the land is free hold or lease hold;

(ii) approved plan of the project from the Authority competent to approve the said plan;

(iii) description of the building stating the number of storeys and basements, the number of apartments and the principal materials of which it is constructed;

(iv) the apartment number of each apartment, and a statement of its location, its Carpet area, number of rooms, number of bathrooms, number of balconies and sit outs, immediate common area to which it has access, and any other data necessary for its proper identification;

(v) description of the common areas and facilities including number of lifts;

(vi) value of the property of each apartment, and the undivided interest in the common areas and facilities appertaining to each apartment and its owner for all purposes, including voting;

(vii) a statement that the apartment and such undivided interest are not encumbered in any manner whatsoever on the date of the declaration;

(viii) statement of the purposes for which the building and each of the apartments are intended and restricted as to use;

(ix) the name of the person to receive service of process together with the details of residence or place of business of such person and

(x) any other particulars in connection with the property as may be prescribed.

(4) On receipt of the declaration under sub-section (1), the Competent Authority shall after scrutiny of the same, make an entry in the register in the manner as may be prescribed.

(5) The declaration may be amended under such circumstances and in such manner as may be prescribed.

CHAPTER IV

RESPONSIBILITY AND OBLIGATION OF PROMOTERS AND APARTMENT OWNERS

Obligation of Promoters.

10. (1) It shall be the responsibility of every promoter, ─

(a) to handover all original documents related to the project, not limited to all title documents, Lease Certificate (in case of lease property), approved plans, as-is built plans, statutory compliance certificates, insurance documents, encumbrance documents, completed diagram of wiring,

complete plumbing layout, equipment purchase documents, annual maintenance charge documents and any other documents related to the project to the association of allottees within thirty days of issue of Occupancy Certificate and the association of owners shall furnish an acknowledgement to that effect who shall furnish a copy of such acknowledgement to the Competent Authority;

(b) to transfer all unpaid amount collected from the allottees, security deposits, corpus fund, advance collected, if any, along with interest thereon, to the association of allottees within thirty days of issue of Occupancy Certificate; and

(c) to furnish such other information and documents as may be prescribed .

(2) The promoter shall rectify any structural defect or any other defect in workmanship, quality or provision of services or any other obligations without further charge, within a period of five years from handing over of possession to the allottee;

(3) The promoter shall maintain the common area and facilities till the association of allottees is formed in accordance with the condition laid down in Section 15 and shall be entitled to levy proportionate maintenance charge as specified in the declaration.

Rights and responsibilities of allottees

11. (1) The rights and responsibilities of the allottees shall be, for the purpose of this Ordinance, rights and responsibilities as assigned to the allottees under the Real Estate (Regulation and Development) Act, 2016 and any other rights and responsibilities specified under this Ordinance. 16 of 2016

(2) The undivided interest of each apartment owner in the common areas and facilities as expressed in the declaration shall not be altered without the consent of two third of the apartment owners expressed in an amended declaration duly executed and registered as provided in this Ordinance.

Responsibility of Apartment Owners.

12. (1) It shall be the responsibility of every apartment owner, ─

(a) to abide the bye law of the association of allottees;

(b) to use the common areas and facilities in accordance with the purposes for which they are intended without hindering or encroaching upon the lawful rights of the other apartment owners;

(c) not to use the services areas and the basements in any manner whatsoever, other than those earmarked as parking spaces, which is meant for use by the association of allottees for rendering maintenance services or any other use permitted under the law;

(d) to maintain the Apartment at his own cost, in good repair and condition and shall not do or suffer to be done anything in or to the Building, or the Apartment, or the staircases, lifts, common passages, corridors, circulation areas, atrium or the compound or any part of the common areas which may be in violation of any laws or rules;

(e) not to change or alter or make additions to the Apartment;

(f) to keep the Apartment, its walls and partitions, sewers, drains, pipe and appurtenances thereto or belonging thereto, in good and tenantable condition, repair and maintain the same in a fit and proper condition and ensure that the support, shelter, etc. of the Building is not in any way damaged or jeopardized;

(g) not to put any sign-board or name-plate, publicity material or advertisement material, etc. on the face or facade of the Building or anywhere on the exterior of the project, buildings therein or common areas;

(h) not to change the colour scheme of the outer walls or painting of the exterior side of the windows or carry out any change in the exterior elevation or design without the written approval of the association of allottees;

(i) not to store any hazardous or combustible goods in the Apartment or place any heavy material in the common passages or staircase of the Building;

(j) not to remove the outer wall and load bearing wall of the Apartment;

(k) to plan and distribute electrical load of his apartment in conformity with the electrical systems installed by the promoter and thereafter the Association of allottees or maintenance agency appointed by association of allottees;

(l) not to do any work which would be prejudicial to the soundness or safety of the property or would reduce the value thereof or impair any easement or hereditament;

(m) not to add any material structure or excavate any additional basement or cellar; and

(n) not to cause any loss or damages arising out of breach of any of the aforesaid conditions.

(2) The apartment owner shall be responsible for any act of omission or commission by its employees or tenant or employee of the tenant;

(3) No apartment owner may exempt himself from liability for his contribution towards the common expenses by waiver of the use or enjoyment of any of the common areas and facilities or by abandonment of his apartment.

Liability of unpaid common expenses at the time of transfer of apartment.

3. Upon the sale of an apartment, the purchaser of the apartment shall be held liable for all unpaid common expenses.

CHAPTER V
ASSOCIATION OF ALLOTTEES

Formation of Association of Allottees.

14. (1) There shall be an Association of Allottees for carrying out the provisions of Real Estate (Regulation and Development) Act, 2016 and the provisions of this Ordinance. 16 of 2016

(2) Notwithstanding anything contained in any agreement ,deed of transfer or document of any nature, it shall be the joint responsibility of the promoter and allottees to form an Association of Allottees if either 50 % of allottees or 7 allottees, whichever is lower, have been allotted with the apartments in a project.

(3) The promoter shall enable submission of application by allottees for registration of association of allottees to the competent authority in the manner as may be prescribed.

(4) There shall be a single Association of Allottees in the Project:

Provided that if the project has mixed occupancy namely residential apartments, commercial units and units reserved for EWS or any other, separate associations may be formed in the manner as may be prescribed;

Provided further that in every such case where separate associations are proposed to be formed the promoter shall delineate clearly the separate common areas and facilities for each of such associations;

Explanation- For the purpose of this sub-section , the expression "EWS" means a person belonging to the Economically Weaker Section of the society with the annual household income as notified by the State Government from time to time.

(5) An association of allotees formed and registered under this Ordinance shall represent all the allottees, or phase of the project, as the case may be, and shall be body corporate by the name under which it is registered having perpetual succession and a common seal and shall discharge its powers and duties and perform functions in accordance with the provisions of this Ordinance, rules and the bye-laws made thereunder.

(6) The allottee irrespective of the number of apartments booked by him or purchased in the name of his family, or in the case of other persons such as companies or firms or any association of individuals, by whatever name called, booked or purchased in its name or booked purchased in the name of its associated entities or related enterprises, shall be considered as one member of the association of allottees and shall have one voting right.

(7) The promoter shall continue to be the member in relation to an apartment not allotted or transferred , till such apartment is allotted or transferred to a person, who shall become the member of the association and on such allotment or transfer, without any further action on his part, be responsible for paying the annual maintainance charges or any other charges decided by the association.

(8) The promoter shall be considered as one member of the association and shall have one voting right irrespctive of the number of unsold apartments in its possession and shall cease to be member of the association as and when it is not in possession and has transferred all the apartments in the project.

(9) An allottee shall cease to be a Member of the association if-

(a) the allottment letter issued in his favour is cancelled by the Promoter at any point before the execution of the deed of transfer;

(b) the deed of transfer executed in his favour is terminated or cancelled by the Promoter or transferee as the case may be;

(c) any other ground as may be provided under the Bye laws of the association of allottees.

Procedure of forming the Association of Allottees.

15.(1) The application for formation of association of allottees shall, within six months from the date of commencement of this Ordinance, be submitted, to the Competent Authority in such forms and in such manner as may be prescribed for registration of association with the persons who have been allotted, sold or otherwise transferred the apartment, as members:

Provided that any association of apartment owners, whatever named called, which was registered under the previous law or under the Societies Registration Act, 1860 or any other law for the time being in force before commencement of this Ordinance shall be deemed to be the association of allottees for all intent and purposes of this Ordinance and such association of allottees shall bring their bye-laws in consonance with the provisions of the model bye-laws prescribed under this Ordinance, within six months from the date of such commencement. 21 of 1860

(2) On receipt of application under sub-section(1), the Competent Authority , after satisfying himself that the proposed association and its bye-laws is in consonance with provisions of this Ordinance the Real Estate (Regulation and Development) Act, 2016 and he shall register the association of allottees for the purpose of this Ordinance and issue a Registration Certificate, within 60 days from the date of receipt of such application. 16 of 2016

Bye Laws of the Association of Allottees.

16. (1) The association of allottees shall administer the affairs of the apartment and the property appurtenant thereto including the common areas and facilities in accordance with the provisions of this Ordinance and the bye-laws of the association.

(2) No departure from variation of, addition to, or omission from the model bye-law shall be made except with the prior approval of the Competent Authority:

Provided that contain and particulars of the bye-laws of the association of allottees prior to execution of the registered conveyance deed for the apartment shall be such as may be prescribed.

(3) The by-laws framed under sub-section (1) shall provide for the following, among other matters, namely:—

(a) the manner of election of an Executive Committee from among the apartment owners, term of office of the members of the Executive Committee, the number of persons constituting the Executive Committee, the powers and duties of the Executive Committee, method of removal from the Executive Committee, the powers of the Executive Committee to specify the services to be performed the Secretary and other Office-Bearers and specify which of the powers and duties granted under the bye-laws or otherwise may be delegated by the Executive Committee to such officer bearers;

(b) manner of calling meetings of the allottees and the number to constitute a quorum;

(c) election of a President of the Executive Committee who shall preside over the meetings of such Executive Committee and the Association of allottees;

(d) election of a Secretary who shall maintain a minute book wherein all resolutions shall be recorded;

(e) election of a Treasurer who shall keep the financial records and books of accounts and shall be responsible for the audit of accounts;

(f) creation of an Association Fund;

(g) custody of record relating to land of the projects including deed of transfer executed in favour of Association;

(h) maintenance, repair and replacement of the common areas and facilities and payments therefor;

(i) manner of collecting from the apartment owners their share of the common expenses;

(j) engagement and removal of persons employed for the maintenance, repair and replacement of the common areas and facilities;

(k) the method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common areas and facilities;

(l) restrictions with regard to the use and maintenance of the apartments and the use of the common areas and facilities, as may be necessary to prevent unreasonable interference in the use of each apartment and of the common areas and facilities by the several apartment owners;

(m) the percentage of the votes required to amend the bye-laws;

(n) to retain certain areas of the building, subject to the approved plan, grant lease for commercial purposes and to utilise the proceeds of such lease as common expenses for maintaining the building and the common areas and facilities and, if any, surplus is left after meeting such expenses ,distribute such surplus among the apartment owners as income after obtaining prior approval of the competent authority; and

(o) any other matter not inconsistent with the provisions of this Ordinance relating to the audit and accounts and administration of the property and annual and special general meetings, annual reports and the like.

(4) No modification or amendment to the bye-laws shall be valid, unless it is accepted by two third members of the association and with the approval of the competent authority who shall give a time period of one month, to display the modification suggested along with the justification in the Notice Board and in the visible place of the apartment for receipt of objections and suggestions from the apartment owners.

(5) The rights and responsibilities of maintaining the common areas and facilities in the project lies exclusively with the Association of allottees or the agency appointed by the association of allottees, subject to the power of Competent Authority in this regards as mentioned in this section.

(6) The Executive Committee on behalf, or any other person authorised by association of allottees shall have right to access to each apartment, from time to time, during reasonable hours for the maintenance, repair and replacement of any of the common areas and facilities therein or accessible there from, or for making emergency repairs therein to prevent any damage to the common areas and facilities or to another apartment or apartments.

(7) The facilities in common areas, as located within the project, shall have proper signage such as parking spaces and services including but not limited to electric sub-station, transformer, generator set rooms, underground water tanks, pump rooms, maintenance and service rooms,

fire fighting pumps and equipments etc. and other permitted uses as per sanctioned plans.

(8) All charges towards maintenance, security, advance for maintenance, regular maintenance or any other charges as mentioned in the bye- laws shall be collected only in the bank account opened in the name of the Association in a “Schedule Bank”.

Explanation.— For the purpose of this clause, the term "schedule bank" means a bank included in the Second Scheduled to the Reserve Bank of India of India Act, 1934. 2 of 1934

Common expenses to be the first charge.

17. All sums assessed by the association of allottees or the Competent Authority, as the case may be, as the share of the common expenses chargeable in respect of any apartment shall constitute a charge on such apartment and shall have priority over all other charges, if any, on the apartment for payment of Government and municipal dues and taxes and all sums unpaid on first mortgage of the apartment.

Common profits and expenses.

18. (1) The common profits of the property shall be distributed among, and the common expenses shall be charged on, the apartment owners equally irrespective of the undivided interest in the common areas facilities.

(2) Where the apartment owner is not in the occupation of the apartment owned by him, the liability to pay the common expenses payable in respect of such apartment shall be joint and several of the apartment owner and the person in occupation of the apartment.

Association to reduce the utilities or supply of service.

19. (1) If an apartment owner either wilfully violates or evidently threatens to violate the provisions of this Ordinance and the bye-laws, including failure to pay the common expenses, which are payable by him under this Ordinance for a period of more than three months, the general body of the Association of allottees concerned may, after giving notice of not less than seven days to such apartment owner, may pass a resolution to cut off or withhold or in any manner curtail or reduce, any essential supply or service enjoyed by the apartment owner:

Provided that the association of allottees shall not take any action in furtherance of the resolution referred to above unless a certified copy is sent each to the competent authority and to the concerned apartment owner by registered or speed post and fifteen days expired from the date

of its being sent and its copy is displayed at some conspicuous place of the apartment.

Explanation: For removal of doubt, it is hereby clarified that the power to take action under this sub-section shall not prejudice the other rights and remedies of the association of allottees available under this Ordinance or under any other law for the time being in force.

(2) On continuation of default of payment of common expenses for a period of one year, the arrears shall be recovered as arrears of land revenue in the manner provided under the Odisha Public Demands Recovery Act, 1962. Odisha Act,1 of 1963

(3)If an apartment owner is aggrieved by an action under sub- section (1), he may prefer an appeal to the competent authority within a period of thirty days from the date of the receipt of the copy of the resolution and the competent authority shall, after affording sufficient opportunity to the parties, pass such orders, as he deems fit.

Insurance.

20. (1) Without prejudice to the right of each apartment owner to insure his own apartment for his benefit, the association of allottees shall, if so required, by the by-laws or by a majority of the apartment owners, insure the property against fire, flood, cyclone and such other hazards under such terms and for such accounts as shall be required.

(2) The policy of insurance shall be in the name of the association of allottees as trustee for each of the apartment owner in the percentage specified in the deed of transfer and the premium payable under such policy of insurance shall be included in the common expenses.

Verification of Structural stability of old building.

21. (1) Upon completion of thirty years of age of the building, the Secretary as the Trustee of the association of allottees or any other office bearer as may be authorised in writing by the Executive Committee shall get the structural stability tested by a certified and a registered Structural Engineer and if he, on inspection of the apartment, is of the opinion that the said building is,-

(a) safe for continued occupation, he shall give a certificate to that effect; or

(b) unsafe for continued occupation even after modification or repair is undertaken, he shall declare that the building is unsafe for living and accordingly he shall intimate the Secretary of the association of allottees

simultaneously to the Competent Authority concerned as well as the Local Authority having jurisdiction over the area within which the said building is situated.

(2) where the building has been declared as safe for continued occupation under clause (a) of sub-section (1), the association of allottees shall , once in every five years, obtain a structural Stability Certificate from the certified and registered structural stability engineer and if the association of allottees is aggrieved by the opinion of the structural stability engineer communicated under clause (b) of sub-section (1), the secretary of the association of allottees may, within thirty days from receipt of such opinion, prefer an appeal before the Competent Authority whose decision, subject to further appeal, shall be final.

(3) The provision regarding disposition of property, destruction or damage provided in Section 22 shall, mutatis mutandis, apply where it is required to repair the building or demolish the building under this section.

Disposition of Property, destruction or damage.

22. (1)If within sixty days of the date of damage or destruction of whole, or any part of the property, or within such further time as the Competent Authority may, having regard to the circumstances of the case, allow and the association of allottees does not proceed to repair, reconstruct or rebuild, then in that event,–

(a) the property shall be deemed to be owned in common by the apartment owners;

(b) the undivided interest in the property owned in common which shall appertain to each apartment owner, shall be the percentage of the undivided interest previously owned by such owner in the common areas and facilities;

(c) any encumbrances affecting any of the apartments shall be deemed to be transferred in accordance with the existing priority to the undivided interest of the apartment owner in the property as provided therein; and

(d) the property shall be subject to partition in a suit filed by any apartment owner, in which event, the net proceeds of sale together with the net proceeds of the insurance on the property, if any, shall be considered as one fund and shall be divided among all the apartment owners in equal to the percentage of undivided interest of each apartment owner in the

property after paying out all the respective shares of the apartment owners to the extent sufficient for the purpose and all charges on the undivided interest in the property owned by each apartment owner.

(2) In the event of damage caused to any service or utility line of an apartment or of any other sort of damage that may be a cause of concern to other apartment owners or to the association of allottees, the owner of the apartment where such damage is caused shall repair or rectify or replace or make good such event within five days in case of minor repair and within one month in case of major repair.

(3) The magnitude of damage shall be as mutually agreeable between the owners of the apartment and in case of any difference of opinion; the decision of the Executive Committee of the association shall stand final.

(4) The liability of making good the damage lies with the apartment owner where the damage has occurred and if the apartment owner fails to rectify the damage within the time prescribed in sub-section (2), the Executive Committee of the association of allottees shall proceed to rectify the same immediately and the cost of same shall be recovered from the owner of the apartment where the damage had occurred.

CHAPTER VI
COMPETENT AUTHORITY AND APPELLATE AUTHORITY

Competent Authority and its powers and functions.

23.(1)The State Government may, by notification, appoint one or more officers, not below the rank of Deputy Collector, as the Competent Authority to exercise the powers conferred on it and to perform the functions within the local limit as assigned to it under this Ordinance.

(2) The Competent Authority shall have the following powers, namely:–

(a) on a complaint, or suo-motu, call upon any promoter or association of allottees or apartment owner to furnish in writing such information and explanation, and if he considers necessary, hold an inquiry or direct any person to hold an inquiry into the affairs of the project including constitution, working and financial condition of the association of allottees;

(b) at any time, but at reasonable hours, without notice enter into any apartment and property appurtenant thereto in order to satisfy himself as to whether any provision of this Ordinance or the bye-law has been complied or not;

(c) to issue direction and pass orders consistent with provisions of this Ordinance and rules;

(d) to hear appeal preferred under sub-section (2) of section 21;and

(e) to exercise such powers as may be prescribed.

(3) The competent authority shall have the following functions namely:-

(a) register the association of allottees along with bye-laws on receipt of such application from the promoters, allottees or apartment owners, as the case may be;

(b) scrutinize and maintain register of the a declarations as per Section 9 including amendments thereto;

(c) approve the amendment to bye-laws as provided under sub-section (4) of Section 16 ;

(d) ensure compliance by promoter and association of allottees, the provisions of this Ordinance, rules and the bye-laws by issuing suitable direction;

(e) resolve any other dispute which may arise under the provisions of this Ordinance, rules and the bye-laws; and

(f) to perform any other functions as may be prescribed.

(4) The Competent Authority shall, for the purpose of its powers and functions under this Ordinance have the same power as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely :— 5 of 1908

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents ;

(c) issuing commissions for examination of witness;

(d) any other matter which may be prescribed;

(5) all proceedings before the competent authority shall be deemed to be judicial proceedings within the meaning of Section 193 and 228 and for the purpose of Sections 196 of the Indian Penal Code, 1860 and the competent authority shall be deemed to be a civil court for the purpose of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 45 of 1860 2 of 1974

Functions of the Association to be discharged by the Competent Authority:

24. Where more than two-third of the apartment owners suggest in writing in the prescribed manner that the competent authority may discharge the functions of the Association of allottees as laid down in this Ordinance and the bye–laws, the Competent Authority with prior approval of the Appellate Authority may discharge the functions of the association of allottees for such period as may be directed by the Appellate Authority:

Provided that every apartment owner, as soon as may be practicable, be intimated by the Competent Authority by registered letter issued to the address of such apartment owner.

Appointment and powers of the Appellate Authority:

25.(1) The State Government may, by notification, appoint any officer not below the rank of Collector as the Appellate Authority to exercise the powers conferred on it and to perform the functions assigned to it under this Ordinance.

(2) Any person aggrieved by an order passed or direction issued by the Competent Authority under this Ordinance or the rules or bye-laws, may prefer an appeal, in such form and in such manner and accompanied by such fees, as may be prescribed, before the appellate authority, within thirty days from the date of such order or direction, as the case may be, within such further period as may be allowed by the Appellate Authority on sufficient grounds being shown.

(3) The appellate authority may, after giving an opportunity to be heard to the parties, pass such order, as it deems fit, either confirming, modifying or setting aside the order or direction of the Competent Authority and the order of the Appellate Authority shall be final.

(4) The appeal under this section shall, as far as possible, be disposed of by the Appellate Authority within a period of ninety days from the date of filing and if an appeal is not disposed of within the aforesaid period, the Appellate Authority shall record reasons therefor.

CHAPTER VII
OFFENCES AND PENALTY

Penalty.

26.(1) If any promoter, ─

(a) has failed to submit the declaration under section 9 or any amendment thereto; or

(b) has failed to form the association of allottees as per Section 15;

(c) has failed to execute the deed of transfer of apartment under section 8; or

(d) has handed over the possession of the apartment without obtaining Occupancy Certificate,

he shall, at the instance of the Secretary of the association of allottees or any official duly Authorised by the Executive Committee by the association of allottees or an aggrieved apartment owner or in a proper case the cCmpetent Authority, on conviction, be liable to be punished with fine which may extend to five lakh rupees and a further fine which may extend to two thousand rupees for every day during which such contravention continues after the conviction.

(2) If any promoter, except the offence as provided in sub-section (1), or an association of allottees or an apartment owner contravene any provisions of this Ordinance or rules or any provision of the bye-law or commit breach of any provision of bye-law or of any covenant, condition or restriction set forth in the deed of transfer or declaration or does anything detrimental to the health and safety of public, the competent authority may issue, either *suomotu* or on application from any person affected, a notice to such promoter or association of allottees or an apartment owner to show cause why penalty should not be imposed and if no sufficient cause is shown, the competent authority may impose for each contravention or

for breach, a penalty which may extend to twenty thousand rupees and further sum which may extend to one thousand rupees for each day till the breach or contravention continues.

(3) The penalty under sub-section (2) may be recovered as an arrear of land revenue in case promoter or association of allottees or an apartment owner on whom such penalty is imposed fails to pay such penalty within the time as directed by the Competent Authority.

Offences by company.

27.(1) Where an offence under this Ordinance has been committed by a company, every person who, at the time of the offence was committed, was in charge of or was responsible to, the company for the conduct of the business of the company as well as the company 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, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1),where an offence under this Ordinance has been committed by a company 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, manger, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.–For the purposes of this Section,–

(a) “Company” means anybody corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm, means a partner in the firm.

CHAPTER VIII
MISCELLANEOUS

Separate assessment.

28. Notwithstanding anything to the contrary in any law for the time being in force, each apartment of a property (including its percentage of undivided interest in the common areas and facilities appurtenant to such apartment) shall be deemed to be a separate unit for the purpose of assessment of tax on Land, municipal rate and taxes, and for this purpose, a Local Authority shall make all suitable rules to carry out the provision of this section.

Redevelopment.

29. In case of redevelopment, the share of each owner shall be in percentage equal to the percentage of undivided interest of each owner in the property.

Act to be binding on apartment owners, tenants, etc.

30.(1) All promoters, apartment owners, tenants of such owners, employees of owners and tenants, or any other person who may in any manner use property or any part thereof shall be subject to the provisions of this Ordinance and to the declaration and the bye-laws of the association of allottees adopted pursuant to the provisions of this Ordinance.

(2) All agreements, decisions and determinations lawfully made by the association of allottees in accordance with the provisions of this Ordinance, declaration and bye-laws shall be deemed to be binding an all apartment owners.

Competent authority and Appellate Authority to be public servants..

31. The competent authority and Appellate Authority shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860. 45 of 1860

Protection of action taken in good faith.

32. No suit, prosecution or other legal proceedings shall lie against the competent authority or Appellate Authority for anything which is in good faith done or intended to be done under this Ordinance or the rules or the bye-laws made thereunder.

Powers to make rules.

33. (1) The State Government may make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers they may make rules in respect of all matters expressly required or allowed by this Ordinance to be prescribed.

Power to remove difficulties.

34.(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Ordinance as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this Section after expiry of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before State Legislature.

Powers to exempt.

35. If the State Government, is of the opinion that the operation of any provision of this Ordinance causes any undue hardship, it may exempt, by a general or special order, any class of person or areas from the provisions of this Ordinance.

Ordinance to override other .

36. (1) The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom, usage or agreement or decree or order of a court, tribunal or other Authority.

(2) Save as otherwise provided in sub-section (1), the provisions of this Ordinance, shall be in addition to and not in derogation of, any other law for the time being in force.

Removal of Doubt.

37. (1) For the removal of doubt, it is hereby declared that the provisions of the Transfer of Property Act, 1882, shall in so far as they are not inconsistent with the provisions of this Ordinance, apply to every apartment together with its undivided interest in the common areas and facilities appurtenant to such apartment as those provisions apply in relation to any immovable

4 of 1882

property, and the provisions of this Ordinance shall take effect, notwithstanding anything to the contrary contained in any contract.

Repeal and saving.

38. (1) The Orissa Apartment Ownership Act, 1982 is hereby repealed; Odisha Act 1 of 1984.

(2) Notwithstanding such repeal but without prejudice to the application of section 5 of the Odisha General Clauses Act, 1937, anything done or any action taken or any order or notification issued or purported to have been done or taken under or in pursuance of the Ordinance so repealed shall insofar as it is not inconsistent with the provisions of this Act be deemed to have been issued, done or taken under or in pursuance of the corresponding provisions of this Ordinance. Odisha Act 1 of 1937.

PROF.GANESHI LAL
GOVERNOR OF ODISHA

Dated the 21st June, 2023

DHANESWAR MALLICK (I/c)
Principal Secretary to Government

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LAW DEPARTMENT

NOTIFICATION

The 10th June, 2026

[No.8292–IV/2 LR-210/26/L.]

Sub.: STANDARD OPERATING PROCEDURE (SOP) FOR ENSURING TIMELY FILING OF AFFIDAVITS IN COURTS AND TRIBUNALS

BACKGROUND

It has come to notice of the Government that due to non-compliance of the orders/directions of the Hon'ble Supreme Court of India, Hon'ble High Court of Orissa, Tribunals and other Courts established in the State of Odisha, adverse orders are being passed against the Government Departments / Secretaries / Directors and orders for personal appearances of the Secretaries and departmental authorities have become a day to day affair;

And, whereas, in cases where the deadline is fixed by the Hon'ble Courts for compliances or implementations of orders or directions, affidavits are not filed within the time directed or are filed in the eleventh hour in rather hush-hush manner as a result of which adverse orders are passed or contempt proceedings are initiated against the Secretaries or Heads of Office that often result in passing of orders for personal appearances before the Courts or attachment of assets of the Office or establishment causing embarrassment to Government;

And, whereas, the Hon'ble High Court of Orissa in their order dated 24th March, 2026 in CONTC No 1011/26 arising out of WP(C) No 18177/2025 taking into account the casual approach adopted by the State Authorities in filing affidavits/ instructions resulting in unwarranted delays in disposal of Court Cases, had directed as follows:

"the Law Secretary, Government of Odisha to file a comprehensive affidavit indicating the Standard Operating Procedure(SoP), if any, governing the filing of counter affidavits, rejoinder affidavits, and any other additional affidavits before all Courts and Tribunals in the State. In absence of any such SoP, the affidavit shall clearly set out the concert steps proposed for the formulation and implementation of a uniform SoP to ensure timely filing of such affidavits across all Courts and Tribunals within the Sate by the Government Departments. The aforesaid affidavit shall be filed within a period of four weeks from today i.e 24.03.2026.

Now, therefore with the objective intended to ensure timely filing of affidavits before all Courts and Tribunals, to eliminate last-minute filings and avoidable adjournments, to fix clear accountability of responsible officers at each stage and for establishment of an uniform, efficient, and transparent system for litigation management and in compliance of the order of Hon'ble High Court of Orissa, the State Government do hereby formulate the following Standard Operating Procedure(hereinafter referred to as '**SoP**' to ensure timely filing of counter affidavits, rejoinder affidavits and any other additional affidavits before all Courts and Tribunals in the State.

STANDARD OPERATING PROCEDURE

(1) Applicability of the SoP.— This SoP shall apply to all Departments of the Government of Odisha, Directorates, Heads of Department, Heads of Office, District Offices and subordinate offices in the State and all establishments/ organizations under the direct control of the State Government including the Office of the Advocate General Odisha. Cuttack and the offices of all Government Pleaders and Public Prosecutors appointed by the Government in the different District Courts from time to time.

(2) Institutional Framework—

2.1 **Establishment of Legal Cell:** All Departments/Directorates/Heads of Department/Heads of Office of District Offices and subordinate offices in the State shall establish a Legal Cell as defined in clause 51 of the State Litigation Policy 2024 within a period of one month from the date of the Notification of this SoP and the senior most officer of the cell shall be the Nodal Officer for implementing this SoP.

2.2. **Functions of the Legal Cell—**

2.2.1. All Notices and Communication in connection with any case or institution of litigation against any Departments shall be immediately sent to the legal cell for taking further action in the matter.

2.2.2 The Legal Cell shall maintain the Case Register (CR) in physical and digital form and provide all assistance to the branches in filing of affidavits and compliance of orders/directions of the Courts.

2.2.3 The Legal Cell shall coordinate with Standing Counsel / Additional Standing Counsel / Advocate General's Office and ensures that affidavits are filed in the Courts with all necessary annexures/, proper tagging, indexing, and without any defects.

3. Duties and Responsibilities of the Officers:—

3.1. **Responsibilities of the Nodal Officer:**

3.1.1.The Nodal Officer shall be responsible for marking the Notices/Communications made in case matters to the Branch Officer of the Section/Branch to which the subject matter of the Litigation is related, monitoring all court cases and litigation matters pertaining to the concerned Department and for ensuring strict adherence to timelines prescribed under this SoP.

3.1.2. He /She shall function as the Central Authority for Litigation Management in respect of all case matters in which the concerned Department is a party or the subject matter of the litigation is related to that Department.

3.1.3. He 'She shall coordinate with the Branch Officer, Legal Cell and AORs/Government Counsel and authorize the case matter to the other Department if the subject matter closely relates to such Department for taking necessary action at their end.

3.1.4. He /She shall be responsible for the operation of the Litigation Management System and ensure that all instructions and correspondence of the Department with the Office of Advocate General are uploaded in the LMS (Litigation Management System) Portal.

3.1.5. He /She must bring to the notice of the Authorities any lapses on part of concerned branches or failure to file counter affidavit or comply with the instructions issued by the Hon'ble Courts or Tribunals or noncompliance of request made by the Officer of Advocate General Office for giving instructions by due date.

3.2. **The Nodal Officer shall assign the case to the Branch Officer**

Responsibilities of the Branch Officer:

3.2.1. Handling subject-specific issues relating to the case and to ensure that the detailed Para-wise Comments (PWC)/Instructions/Affidavits are submitted to the Office of Advocate General within the time frame mentioned in the SoP.

3.2.2. Collection of all relevant records, speaking orders and documents related to the case and also preparing draft date wise event charts and probable reply in the Case.

3.2.3. Prepare *Annexures* and also see that conditional orders if any passed by the Courts/Tribunals are implemented or challenged immediately in higher forums if the concerned Departments /Office decide to challenge the same in any higher forum.

3.2.4. It shall also be the responsibility of the Branch Officer to get stay order vacated as and when necessary and apprise the authorities about reasons for continuity of stay orders or long pendency of litigations or non-implementation of conditional orders.

4. Time-Bound Workflow.—The following chronological steps shall be strictly adhered to for management of Litigations in which the Department is concerned:

4.1. **Immediate Case Intimation (Within 24 Hours) :**

Upon receipt of any notice/order, the Legal Cell shall make an entry in the case register and immediately place the matter before the Nodal Officer for taking further action.

4.2. **Marking and Assignment of Responsibility (On the Same Day/ Within 24 Hours/Next Working Day)**

The Nodal Officer shall mark the Notice/Communication to the Branch Officer of the Department to which the subject matter of the case relates on the same day or in exceptional circumstances on the next working day after recording details in the case register for taking necessary steps at their end.

4.3. **Collection of Records and preparation of Parawise Comments (Within 7 Days):**

4.3.1 After receiving the Notice/Communication from the Nodal Officer. the Branch Officer shall take immediate steps for procurement of all files, records and relevant documents relating to the Case from the subordinate officer/office who is the custodian of the same and direct the officer of the branch well conversant with the facts and circumstances of the case for preparation of a concise factual brief containing the date wise event chart and probable reply to the contention made in the Case in the Plaint or Petition within a period of 7 days.

4.3.2 The Branch Officer after procuring the concise factual brief containing the date wise event chart and probable reply to the contention made in the Case /Plaint or Petition, from the officer well conversant in the matter within the aforesaid time period shall instantly transmit the same to the Nodal Officer with other relevant documents, speaking orders, rules, regulations supporting the stand of the Government in the Case.

4.3.3 The Nodal Officer after receving the factual brief, reply and records/document mentioned in the above paragraph shall send the same to the Assistant Director Law of the Legal Cell immediately for vetting and opinion to ensure that the factual brief, reply and records/documents and chronology of events are in order. The Assistant Director Law shall check the event chart, replies and documents to ensure that the factual and legal ground taken for preparation of the replies are justified, documents submitted are relevant to the case and the stand of the Department/Government can be defended in the Court.

4.3.4 The Assistant Director Law of the Legal Cell shall examine the factual brief containing the Date wise event chart and probable reply to the contention made in the Plaint and checking the documents shall prepare the Para wise Comments affixing annexures within a period of four (4) days and resubmit the same before the Nodal Officer for onward transmission to the concerned Branch Officer.

4.4. **Discussions with Government Advocates/Counsels and Preparation of the Draft Counter Affidavit (Five Days):**

4.4.1. The Branch Officer after getting the Para-wise Comments and *annexures* from the Legal Cell on the same day shall either directly or through the Nodal Officer

contact the Nodal Officer of Office of Advocate General. Odisha or directly contact the Government Advocate in case of non-appointment or non-availability of Nodal Officer in such office, for fixing a suitable date and time for discussion with the Government Advocate/Standing, Counsel/Government Pleaders/Public Prosecutors and finalization of draft affidavits.

4.4.2 The Branch Officer shall proceed to the Office of the Government Advocate/ Standing Counsel/ Government Pleaders/ Public Prosecutors as the case may be with any officer or employee well conversant with the facts and circumstances of the case on the date and time fixed and carry with him all relevant record regarding the case and requisite documents for preparing the draft affidavits and *annexures*. The Branch Officer may also discuss with the Government Advocate virtually and all necessary support and assistance shall be provided to the Branch Officer by the office and Legal Cell. The process of discussion and finalization of draft affidavit shall be completed within a period of 5 days.

4.4.3. After discussion and finalization the draft affidavit, the Branch Officer shall on the same day send the same to the Competent Authority for getting final approval and authorization for filing before the court.

4.4.4. The Branch Officer after obtaining approval and authorization shall file the affidavit on the date and time fixed by the Office of Advocate General Odisha.

4.4.5 It shall be the responsibility of the Legal Cell to upload all communications, documents, instructions and affidavits in the Odisha Litigation Management System(CMGI) and also provide all assistance and coordination to the Branch in disposal of cases. The Legal Cell shall also be responsible for monitoring and tracking of Court cases and for ensure that, proper steps are either taken for compliance of orders or the orders are challenged before Higher Forums within reasonable time.

TIME BOUND WORKFLOW CHART

Receipt of Notice by Legal Cell and Intimation to Nodal Officer

(24 Hours)



Authorization or Assignment by Nodal Officer to the Branch

(24 Hours)



Preparation of Date Wise Event Chart/ Probable Reply/ Procurement of Documents by the Branch Officer/ Branch and Transmission to Legal Cell

(7 Days)



Preparation of Parawise Comments, Vetting and Finalization of Draft Reply and Instructions, Indexing of Annexures and transmission to Nodal Officer by Assistant Director Law

(4 Days)



Nodal Officer contacting the Nodal Officer of Office of Advocate General or Government Advocate for fixing time for discussion and finalization of Draft Affidavit (24 Hours)



Discussing and Finalization of Draft Affidavit

(5 Days)



Approval of Competent Authority and Filing of Affidavit

(24 Hours)

5. Exceptional Circumstances or Emergency Situations.—

Filing of affidavits on the last date or at the eleventh hour shall not be allowed and strictly prohibited . However, in case of urgency where strict timeline/date is mentioned in the direction of the Hon'ble Court itself for filing, timeline mentioned in the order must be adhered to instead of the timeline provided in the SoP, to ensure compliance of the Orders and to address the urgency.

6. Accountability Mechanism and Fixation of Responsibility.—

6.1. Review shall be conducted by the Secretary/ Head of Department at Least once in a month in the last week to ascertain the Status of Cases, disposal of representations pending in respect any particular case, stay order and steps taken for vacation by the concerned officers and branches and to ascertain the reason of delay/lapses for non-compliance with the directions of the Courts or any other matter incidental thereto.

6.2. In the review, if it is ascertained that any officer or employee of the Legal Cell, Branch or Establishment is responsible for delay in fling affidavits, non-compliance of the directions of the courts or delay in providing necessary information or documents resulting in delay, the erring Officer or Employee shall be liable for recovery of financial losses caused to the Government due to his lapses or withholding of increments or any other penalty as prescribed in the *Odisha Civil Services (Classification, Control and Appeal) Rules 1962.*

This SoP shall be in addition and not in contravention to the provisions of any rules, regulations, notifications or orders made by State Government on the subject from time to time.

By Order of the Governor
PABITRA MOHAN SAMAL
Principal Secretary to Government

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Guardians and Wards Act, 1890

An Act to consolidate and amend the law relating to Guardian and Wards.

WHEREAS it is expedient to consolidate and amend the law relating to guardian and ward;

It is hereby enacted as follows:-

Statement of Object

"This Bill to consolidate and amend the law relating to Guardians and Wards is based on opinions elicited by a reference to Local Governments and High Courts on the subject of certain defects in the law relating ' to the Guardianship of minors, and its object is to provide a law of Guardian and Ward applicable as far as possible to all classes of Her Majesty's subjects in British India. Among the enactments which the Bill will supersede are Act 40 of 1858 and portions of the Madras Code, relating to minors in the Presidencies of Bengal and Madras who are not European British subjects and are not under the superintendence of a Court of Wards Act 20 of 18M. relating to minors in the Presidency of Bombay who are not European British subjects; Act 9 of 1861, relating to the custody and guardianship of minors who are not European British subjects; and Act 13 of 1874, relating to the guardianship of European British minors in territories beyond the jurisdiction of the chartered High Courts.

The Bill, which follows generally the frame of Act 13 of 1874, is drawn as applicable to all District Courts and High Courts (including the chartered High Courts) and to minors of all creeds and races. But it does not take away any of the powers at present possessed by the chartered High Courts, and it provides that, in the selection of guardians and other matters; regard shall be had to the personal law of the minor.

The Jurisdiction and authority of the Court? of Wards are expressly saved and will not be in any way affected by the proposed law. One effect of the assimilation of the law will be to do away with the rule, which obtains in the Presidencies of Bengal and Bombay, that no person shall be entitled to institute or defend any suit connected with a minor'? estate of which he claims the charge until he has obtained a certificate of administration. It is proposed that suits by and against minors shall be regulated by Chapter XXXI of the Code of Civil Procedure (now Civil P. C., 1908, Order XXXII), and that in a Bill which is to be introduced to amend that Code, provision be inserted conferring, among other privileges, on a guardian who has been appointed, or whose title has been declared, under the Guardians and Wards law, a preferential right to be appointed next friend or guardian for the suit.Acts 40 of 1858 and 20 of 1864 provide, in Sections 27 and 31, respectively, that nothing in those Acts shall authorise the appointment of any person other than a female as the guardian of the person of a female.

The cases reported at ILR 10 Cal 15 and ILR 11 Cal 574. and the remarks at pages 213-14 of Sayyid Amir Ali's Personal Law of Mohammedans, seem to render the re-enactment of the provision inexpedient. Section 15 of the Bill specifies the matters by which the Court is to be guided in appointing a guardian, and one of those matters is the law to which the minor is subject.The provision of Act 20 of 1864, that the legal heir of a minor, or the person next in succession to his property, may not be appointed guardian of the person of the minor, has not been repeated. It Is considered that the appointment of such persons .should not be absolutely prohibited.

This was the opinion of the Supreme Council when Act 40 of 1858 was about to be enacted (Proceedings of Legislative Council, 1858. pages 576-77). and is the opinion of the Hon'ble Mr. Melvill. If the Bill becomes law in its present form, Article 10 of Schedule I of the Court, fees Act, 1870, which applies only to the Presidencies of Bengal and Bombay, will become obsolete. It has, therefore, been included in the schedule of enactments to be repealed.

1 . Title, extent and commencement.- (1) This Act may be called the Guardians and Wards Act, 1890.

(2) It extends to the whole of India (except the State of Jammu and Kashmir).

(3) It shall come into force on the first day of the July, 1890.

2 . .- (Repealed by the Repealing Act, 1938 (1 of 1938), sec. 2 and Schedule).-

3 . Saving of jurisdiction of Courts of Wards and Chartered High Courts.- This Act shall be read subject to every enactment heretofore or hereafter passed relating to any Court of Wards by (any competent Legislature, authority or person in any state to which this Act extends and nothing in this Act shall be construed to effect or in any way derogate from, the jurisdiction or authority of any Court of Wards, or to take away any power possessed by (any High Court).

4 . Definitions.- In this Act, unless there is something repugnant in the subject or context-
(1) "Minor" means a person who, under the provisions of the Indian Majority Act, 1875 (9 of 1875) is to be deemed not to have attained his majority.

2. "Guardian" means minor for whose person or property or both there is a guardian.

3. "Ward" means a minor for whose person or property or both there is a guardian.

4. "District Court" has the meaning assigned to that expression in the code of Civil Procedure, 1882 (14 of 1882), and includes a High Court in the exercise of its ordinary original civil jurisdiction,

5 . "The Court" means.-

(a) The District Court having jurisdiction to entertain an application under this Act for an order appointing or declaring a person to be a guardian, or

(b) Where a guardian has been appointed or declared in pursuance of any such application-

(i) The Court which, or the Court of the officer who, appointed or declared the guardian or is under this Act deemed to have appointed or declared the guardian, or

(ii) In any matter relating to the person of the ward the District Court having jurisdiction in the place where the ward for the time being ordinarily resides, or

(a) In respect of any proceeding transferred under Section 4-A, the Court of the officer to whom such proceeding has been transferred.

(1) "Collector" means the chief officer in charge of the revenue-administration of a district

and includes any officer whom the State Government, by notification in the official Gazette may, by name or in virtue of his office, appoint to be a Collector in any local area or with respected to any class of persons, for all or any of the purposes of this Act.

(2) "Prescribed" means prescribed by rules made by the High Court under this Act.

4A. Power to confer jurisdiction on subordinate judicial officers and to transfer proceedings to such officers.

(1) The High Court may, by general or special order, empower any officer exercising original civil jurisdiction subordinate to a district court, or authorise the Judge of any District Court to empower any such officer subordinate to him, to dispose of any proceedings under this Act transferred to such officer under the provisions of this section.

2. The Judge of a district court may, by order in writing, transfer at any stage any proceeding under this Act pending in his Court for disposal to any officer subordinate to him empowered under sub-section (1).

3. The Judge of a district court may at any stage transfer to his own Court or to any officer subordinate to him empowered under sub-section (1) any proceeding under this Act pending in the Court of any other such officer.

4. When any proceedings are transferred under this section in any case in which a guardian has been appointed or declared, the Judge of the District Court may, by order in writing, declare that the Court of the Judge or officer to whom they are transferred shall, for all or any of the purpose of this Act, be deemed to the Court which appointed or declare the guardian.

5. Power of parents to appoint in case of European British subjects-(Rep. By the Part B States (Laws) Act, 1951 (3 of 1951), sec. 3 and Schedule.

6 . Saving of power of appoint in other cases.- In the case of a minor, nothing in this Act shall be construed to take away or derogate from any power to appoint a guardian of his person or property or both, which is valid by the law to which the minor is subject.

7 . Power of the Court to make orders as to guardianship.- (1) Where the Court is satisfied that it is for the welfare of a minor that an order should be made- Appointing a guardian of his person or property or both, or declaring a person to be such a guardian the Court may make an order accordingly.

An order under this section shall imply the removal of any guardian who has not been appointed by will or other instrument or appointed or declared by the Court.

Where a guardian has been appointed by will or other instrument or appointed or declare by the Court, an order under this section appointing or declaring another person to be guardian in his stand shall not be made until the powers of the guardian appointed or declare as

aforesaid have ceased under the provision of this Act.

8 . Persons entitled to apply for order.- An order shall not be made under the last foregoing section except on the application of the person desirous of being, or claiming to be, the guardian of the minor, or any relative of friend of the minor, or the Collector of the district or other local area within which the minor ordinarily resides or in which he has property, or the Collector having authority with respect to the class to which the minor belongs.

9 . Court having jurisdiction to entertain application.- (1) If the application is with respect to the guardianship of the person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides.

If the application is with respect of the guardianship of the property of the minor, it may be made either to the District Court having jurisdiction in the place where the minor ordinarily resides or to a District Court having jurisdiction in the place where he has property.

If an application with respect to the guardianship of the property of a minor is made to a District Court other than that having jurisdiction in the place where the minor ordinarily resides, the Court may return the application if in its opinion the application would be disposed of more justly on conveniently by any other District Court having jurisdiction.

10 . Form of application.- (1) If the application is not made by he Collector, it shall be by petition signed and verified in manner prescribed by the Code of Civil Procedure, 1882 (14 of 1882), for the signing and verification of a plaint, and stating, so far as can be ascertained- the name, sex, religion, date of birth and ordinary residence of the minor, where the minor is a female, whether she is married and if so, the name and age of her husband, the nature, situation and approximate value of the property, if any, of the minor, the name and residence of the person having the custody or possession of the person or property of the minor, what near relations the minor has and where they reside, whether a guardian of the person or property or both, of the minor has been appointed by any person entitled to claiming to be entitled by the law to which the minor is subject to make such an appointment whether an application has at any time been made to the Court or to any there Court with respect to the guardianship of the person or property or both, of the minor and if so, when, to what Court and with what result, whether the application is for the appointment or declaration of a guardian of the person of the minor, or of his property, or of both.

Where the application is to appoint a guardian, the qualifications of the proposed guardian.

Where the application is to declare a person to be a guardian, the grounds on which that person claims,

The cause which have led to the making of the application, and

Such other particulars, if any, as may be prescribed or as the nature of the application

renders it necessary to state.

If the application is made by the Collector, it shall be by letter addressed to the Court forwarded by post or in such other manners as may be found convenient, and shall state as far as possible the particulars mentioned in sub-section (1).

The application must be accompanied by a declaration of the willingness of the proposed guardian to act, and the declaration must be signed by him and attested by at least two witnesses.

11 . Procedure on admission of application.- (1) If the court is satisfied that there is ground for proceeding on the application, it shall fix a day for the hearing thereof and cause notice of the application and of the date fixed for the hearing.

To be served in the manner directed in the Code of Civil Procedure, 1882 (14 of 1882) on the parents of the minor if they are residing in (any State to which this Act extends) the person, if any, named in the petition or letter as having the custody or possession of the person or property of the minor the person proposed in the application or letter to be appointed or declared guardian, unless that person is himself the applicant, and any other person to whim, in the opinion of the Court special notice of the applicant should be given, and to be posted on some conspicuous part of the court-house and of the residence of the minor, and otherwise published in such manner as the Court, subject to any rules made by the High Court under this Act, thinks fit.

The state Government may, by general or special order, require that when any part of the property described in a petition under sec. 10, sec-section (1) is land of which a Court of Wards could assume the superintendence, the Court shall also cause a notice as aforesaid to be served on the Collector in whose district the minor ordinarily resides and on every Collector in whose district any portion of the land is situate, and the Collector may cause the notice to be published in any manner he deems fit.

No charge shall be made by the Court or the Collector for the service or publication of any notice served or published under sub-section (2).

12 . Power to make interlocutory order for production of minor and interim protection of person and property.- (1) The Court may direct that the person if any, having the custody of the minor, shall produce him or cause him to be produced at such place and time and before such person as it appoints, and may make such order for the temporary custody and protection of the person or property of the minor as it thinks proper.

If the minor is a female who ought not to be compelled to appear in public, the claiming to be her guardian on the ground of his being her husband, unless she is already in his custody with the consent of her parents, if any, or

Any person to whom the temporary custody and protection of the property if a minor is entrusted to dispossess otherwise than by due course of law any person in possession of any of the property.

13 . Hearing of evidence before making of order.- On the day fixed for the hearing of the application or as soon afterwards as may be, the Court shall hear such evidence as may be adduced in support of or in opposition to the application.

14 . Simultaneous proceedings in different Courts.- (1) If proceedings for the appointment or declaration of a guardian of a minor are taken in more Courts than one, each of those courts shall, on being apprised of the proceedings in the order Court or Courts, stay the proceedings before itself.

In any other case in which proceedings are stayed under sub-section (1), the Courts shall report the case to and to guided by such orders as they may receive from their respective State Governments.

15 . Appointment or declaration of several guardians.- (1) If the law to which the minor is subject admits of his having two or more joint guardians of his person or property or both, the Court may, if it thinks fit, appoint or declare them.

Separate guardians may be appointed or declared of the person and of the property of a minor.

If a minor has several properties, the Court may, if it thinks fit, appoint or declare a separate guardian for any one or more of the properties.

16 . Appointment or declaration of guardian for property beyond jurisdiction of the Court.- If the Court appoints or declares a guardian for any property situate beyond the local limits of its jurisdiction, the court having jurisdiction in the place where the property is situate shall, on production of a certified copy of the order appointing or declaring the guardian accept him as duly appointed or declared and give effect to the order.

17 . Matter to be considered by the Court in appointing guardian.- (1) In appointing or declaring the guardian of a minor, the Court shall, subject to the provisions of this section, be guided by what, consistently with the law to which the minor is subject, appears in the circumstances to be for the welfare of the minor.

In considering what will be for the welfare of the minor, the Courts shall have regard to the age, sex and religion of the minor, the character and capacity of the proposed guardian and his nearness of kin to the minor, the wishes, if any, of a deceased parent, and any existing or previous relations of the proposed guardian with the minor or his property.

If the minor is old enough to form an intelligent preference, the Court may consider that preference.

The Court shall not appoint or declare any person to be a guardian against his will.

18 . Appointment or declaration of Collector in virtue of office.- Where a Collector is appointed or declared by the Court in virtue of his office to be guardian of the person or property or both, of a minor, the order appointing or declaring him shall be deemed to authorize and require the person for the time being holding the office to act as guardian of

the minor with respect to his person or property or both, as the case may be.

19 . Guardian not to be appointed by the Court in certain cases.- Nothing in this Chapter shall authorise the Court to appoint or declare a guardian of the property of a minor whose property is under the superintendence of a Court of Wards or to appoint or declare a guardian of the person of a minor who is married female and whose husband is not, in the opinion of Court, unfit to be guardian of her person, or of a minor whose father is living and is not in the opinion of the Court, unfit to be guardian of the person of the minor, or of a minor whose property is under the superintendence of a Court of Wards competent to appoint a guardian of the person of the minor.

20 . Fiduciary relation of guardian to ward.- (1) A guardian stands in a fiduciary relation to his ward, and, save as provided by the will or other instrument, if any, by which he was appointed, or by his act, he must not make any profit out of his office.

The fiduciary relation of a guardian to his ward extends to and affects purchases by the guardian of the property of the ward, and by the ward of the property of the guardian, immediately or soon after the ward has ceased to be a minor and generally all transactions between them while the influence of the guardian still lasts or is recent.

21 . Capacity of minor to act as guardians.- A minor is incompetent to act as guardian of any minor except his own wife or child or where he is the managing member of an undivided Hindu family, the wife or child of another minor member of that family.

22 . Remuneration of guardian.- (1) A guardian appointed or declared by the Court shall be entitled to such allowances, if any, as the Court thinks fit for his care and pains in the execution of his duties.

23 . Control of Collector as guardian.- A Collector appointed or declared by the Court to be guardian of the person or property or both, of a minor shall, in all matters connected with the guardianship of his ward, be subject to the control of the State Government or of such authority as that Government, by notification in the official Gazette, appoints in this behalf.

24 . Duties of guardian of the person.- A guardian of the person of a ward is charged with the custody of the ward and must look to his support, health and education, and such other matters as the law to which the ward is subject requires.

25 . Title and guardian to custody of ward.- (1) if a ward leaves or is removed from the custody of a guardian of his person, the Court, if it is of opinion that it will be for the welfare of the ward to return to the custody of his guardian, may make an order for his return and for the purpose of enforcing the order may cause the ward to be arrested and to be delivered into the custody of the guardian.

For the purpose of arresting the ward, the Court may exercise the power conferred on a Magistrate of the first class by section 100 of the Code of Criminal Procedure, 1882 (10 of 1882).

26 . Removal of ward from jurisdiction.- (1) A guardian of the person appointed or

declared by the Court, unless he is the Collector or is a guardian appointed by will or other instrument, shall not, without the leave of the Court by which he was appointed or declared, remove the ward from the limits of its jurisdiction except for such purposes as may be prescribed.

The leave granted by the Court under sub-section (1) may be special or general and may be defined by the order granting it.

27 . Duties of guardian of property.- A guardian of the property of a ward is bound to deal with as carefully as a man of ordinary prudence would deal with it, if it were his own and subject to the provisions of this Chapter, he may do all acts which are reasonable and proper for the realization, protection or benefit of the property.

28 . Power of testamentary guardian.- Where a guardian has been appointed by will or the other instrument, his power to mortgage or charge, or transfer by sale, gift, exchange or otherwise, immovable property belonging to his ward is subject to any restriction which may be imposed by the instrument, unless he has under this Act been declared guardian and the Court which made the declaration permits him by an order in writing, notwithstanding the restriction, to dispose of any immovable property specified in the order in a manner permitted by the order.

29 . Limitation of powers of guardian of property appointed or declared by the Court.- Where a person other than a Collector, or than a guardian appointed by will or other instruments, has been appointed or declared by the Court to be guardian of the property of award, he shall not, without the previous permission of the Court,- Mortgage or charge or transfer by sale, gift, exchange or otherwise, any part of the immovable property of his ward, or lease any part of that property for a term exceeding five years or for any term extending more than one year beyond the date on which the ward will cease to be a minor.

30 . Violability of transfers made in contravention of section 28 or section 29.- A disposal of immovable property by a guardian in contravention of either of the two last foregoing sections is violable at the instance of any other person affected thereby.

31 . Practice with respect to permitting transfer under section 29.- (1) Permission to the guardian to do any of the acts mentioned in section 29 shall not be granted by the Court except in case of necessity or for an evident advantage to the ward.

The order granting the permission shall recite the necessity or advantage, as the case may be, describe the property with respect to which the act permitted is to be done, and specify such conditions, if any, as the Court may see fit to attach to the permission, and it shall be recorded, dated and signed by the Judge of the Court with his own hand, or when from any cause he is prevented from recording the order with his own hand, shall be taken down in writing from his dictation and be dated and signed by him.

The Court may in its discretion attach to the permission the following among other conditions, namely:- That a sale shall not be completed without the sanction of the Court.

That a sale shall be made to the highest bidder by public auction before Court or some person specially appointed by the Court for that purpose, at a time and place to be specified by the Court, after such proclamation of the intended sale as the Court subject to any rules made under this Act by the High Court, directs,

That a lease shall not be made in consideration of a premium or shall be made for such term of years and subject to such rents and convenience as the Court directs.

That the whole or any part of the proceeds of the act permitted shall be paid into the Court by the guardian, to be disbursed therefrom or to be invested by the Court on prescribed securities or to be otherwise disposed of as the Court directs.

Before granting permission to a guardian to do an act mentioned in section 29, the court may cause notice of the application for the permission to be given to any relative or friend of the ward who should, in its opinion, receive notice thereof, and shall hear and record the statement of any person who appears in opposition to the application.

32 . Variation of powers of guardian of property appointed or declared by the Court.- Where a guardian of the property of a ward has been appointed or declared by the Court and such guardian is not the Collector, the Court may, form time to time, by order, define, restrict or extend his powers with respect to the property of the ward in such manner and to such extend as it may consider to be for the advantage of the ward and consistent with the law to which the ward is subject.

33 . Right of guardian so appointed or declared to apply to the Court for opinion in management of property of ward.- (1) A guardian appointed or declared by the Court may apply by petition to the Court which appointed or declared him for its opinion, advice or direction on any present question respecting the management or administration of the property of his ward.

If the Court considers the question to be proper for summary disposal, it shall cause a copy of the petition to be served on, and the hearing thereof may be attended by, such of the person interested in the application as the Court thinks fit.

The guardian sitting in good faith the facts in the petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have performed his duty as guardian in the subject-matter of the application.

34 . Obligations on guardian of property appointed or declared by the Court.- Where a guardian of he property of a ward has been appointed or declared by the Court and such guardian is not the Collector, he shall,- If so required by the Court, give a bond, as nearly as may be in the prescribed form, to the Judge of the Court to ensure for the benefit of the Judge for the time being, with or without sureties, as may be prescribed engaging duly to account for what he may receive in respect of the property of the ward.

If so required by the Court, deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such other time as the Court directs, a

statement of the immovable property belonging to the ward, of the money and other movable property which he has received on behalf of he ward up to the date of delivering the statement, and of the debts due on that date to on from the ward.

If so required by the Court, exhibit his accounts in the Court at such times and in such form as the Court form time to time directs.

If so required by the Court, pay into the Court at such time as the Court directs the balance due from him on those accounts, or so much thereof as the Court directs, and

Apply for the maintenance, education and advancement of the ward and of such person as are dependent on him, and for the celebration of ceremonies to which the ward or any of those persons may be party, such portion of the income of the property of the ward as the Court from time to time directs, and , if the Court so directs, the whole or any part of that property.

34A.Power to award remuneration for auditing accounts-When accounts are exhibited by a guardian of the property of a ward in pursuance of a requisition made under clause (c) of section 34 or otherwise, the Court may appoint a person to audit the accounts, and may direct that remuneration for the work be paid out of the income of the property.

35 . Suit against guardian where administration-bond- was taken.- Where a guardian appointed or declared by the Court has given a bond duly to a account for what he may receive in respect of the property of his ward, the Court may, on application made by petition and on being satisfied that the engagement of the bond has not been kept, and upon such term as to security, or providing that any money received by paid into the Court, or otherwise as the Court thinks fit, assign the bond to some proper person, who shall thereupon the entitled to sue on the bond in his own name as if the bond had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon, as trustee for the ward, in respect of any breach thereof.

36 . Suit against guardian where administration-bon- was not taken.- (1) Where a guardian appointed or declared by the Court has not given a bond as aforesaid, any person, with the leave of the Court, may, as next friend, at any time during the continuance of the minority of the ward, and upon such terms as aforesaid, institute a suit against the guardian, or, in case of his death, against his representative, for an account of what the guardian has received in respect of the property of the ward, and may recover in the suit, as trustee for the ward, such amount as may be found to be payable by the guardian or his representative, as the case may be.

The provisions of such-section (1) shall, so far as they relate to a suit against a guardian, be subject to the provisions of section 4400 of the Code of Civil Procedure as amended by this Act, 1882 (14 of 1882).

37 . General liability of guardian as trustee.- Nothing in either of the two last foregoing sections shall be construed to deprive a ward or his representative of any remedy against his guardian, or the representative of the guardian, which, not being expressly provided in either of those sections, any other beneficiary or his representative would have against his trustee

or the representative of the trustee.

38 . Right of survivorship among joint guardians.- On the death of one of two or more joint guardians, the guardianship continues to the survivor or survivor until a further appointment is made by the Court.

39 . Removal of guardian.- The court may, on the application of any person interested, or of its own motion, remove a guardian appointed or declared by the Court, or a guardian appointed by will or other instrument, for any of the following causes, namely :- For abuse of his trust for continued failure to perform the duties of his trust, for incapacity to perform the duties of his trust, for ill-treatment, or neglect to take proper care, of his ward, for contumacious disregard of any provision of this Act or of any order of the Court, for conviction of an offence implying, in the opinion of the Court, a defect of character which unfits him to be the guardian of his ward.

For having an interest adverse to the faithful performance of his duties.

For ceasing to reside within the local limits of the jurisdiction of the Court.

In the case of a guardian of the property, for bankruptcy or insolvency, By reason of the guardianship of the guardian ceasing, or being liable to cease, under the law to which the minor is subject.

Provided that a guardian appoint by will or other instrument, whether he has been declared under this Act, or not, shall not be removed- For the cause mentioned in clause (g) unless the adverse interest accrued after the death of the person who appointed him, or it is shown that person made and maintained the appointment In ignorance of the existence of the adverse interest, or for the cause mentioned in clause (h) unless such guardian has taken up such a residence as, in the opinion of the Court, renders it impracticable for him to discharge the functions of guardian.

40 . Discharge of guardian.- (1) If a guardian appointed or declared by the Court desires to resign his office, he may apply to the Court to be discharged.

If the court finds that there is sufficient reason for the application, it shall discharge him, and if the guardian making the application is the Collector and the State Government approves of his applying to be discharged, the Court shall in any case discharge him.

41 . Cessation of authority of guardian.- (1) The powers of a guardian of the person cease.- By his death, removal or discharge by the Court of wards assuming superintendence of the person of the ward, by the ward ceasing to be a minor in the case of a female ward, by her marriage to a husband who is not unfit to be guardian of her person or, if the guardian was appointed or declared by the Court, by her marriage to a husband who is not, in the opinion of the Court, so unfit, or in the case of a ward whose father was unfit to be guardian of the person of the ward, by the father ceasing to be so or, if the father was deemed by the Court to be so unfit, by his ceasing to be so in the opinion of the Court.

The powers of a guardian of the property cease- by his death, removal or discharge, by the Court of Wards assuming superintendence of the property of the ward, or by the ward ceasing to be a minor.

When for any cause the powers of a guardian cease, the Court may require him of, if he is dead, his representative to delivers as it directs any property in his possession or control belonging to the ward or any accounts in his possession or control relating to any past of present of the ward.

When he has delivered the property or accounts as required by the Court, the Court may declare him to be discharged from his liabilities save as regards any fraud which may subsequently be discovered.

42 . Appointment of successor to guardian dead, discharged or removed.- When a guardian appointed or declared by the Court is discharged, or, under the law to which the ward is subject, ceases to be entitled to act, or when any such guardian or a guardian appointed by will or other instrument is removed or dies, the Court, of its own motion or on application under Chapter II, may, if the ward is still a minor, appoint or declare another guardian of his person or property, or both, as the case may be.

43 . Orders for regulating conduct or proceedings of guardians, and enforcement of those orders.- (1) The Court may, on the application of any person interested or of its own motion, make an order regulating the conduct or proceedings of any guardian appointed or declared by the Court.

(2) Where there are more guardians than one of a ward and they are unable to agree upon a question affecting his welfare, any of them may apply to the Court for its direction, and the Court may make such order respecting the matter in difference as it thinks fit.

(3) Except where it appears that the object of making an order under sub-section (1) or sub-section (2) would be defeated by the day, the Court shall, before making the order, direct notice of the application therefor or of the intention of the Court to make it, as the case may be, to be given, in a case under sub-section (1), to the guardian or, in a case under sub-section (2), to the guardian who has not made the application.

(4) In case of disobedience to an order made under sub-section (1), or sub-section (2), the order may be enforced in the same manner as an injunction granted under section 492 or section 493 of the Code of Civil Procedure, 1882 (14 of 1882), in a case under sub-section (1) as if the ward were the plaintiff and the guardian were the defendant or, in a case under sub-section (2), as if the guardian who made the application were the plaintiff and the other guardian were the defendant.

(5) Except in a case under sub-section (2), nothing in this section shall apply to a Collector who is, as such, a guardian.

44 . Penalty for removal of ward from jurisdiction.- If, for the purpose or with the effect of preventing the Court from exercising its authority with respect to a ward, a guardian appointed or declared by the Court removes the ward from the limits of the jurisdiction of

the Court in contravention of the provisions of section 26, he shall be liable, by order of the Court, to fine not exceeding one thousand rupees, or to imprisonment in the civil jail for a term which may extend to six months.

45 . Penalty for contumacy.- (1) In the following cases, namely :- If a person having the custody of a minor fails to produce him or cause him to be produced in compliance with a direction under section 12, sub-section (1), or to do his utmost to compel the minor to return to the custody of his guardian in obedience to an order under section 25, sub-section (1),or

If a guardian appointed or declared by the Court fails to deliver to the Court, within the time allowed by or under clause (b) of section 34, a statement required under that clause, or to exhibit accounts in compliance with a requisition under clause (C) of that section, or to pay into the Court the balance due from him on those accounts in compliance with a requisition under clause (d) of that section.

If a person who has ceased to be guardian, or the representative of such a person, fails to deliver any property or accounts in compliance with a requisition under section 41, sub-section (3).

The person, guardian or representative, as the case may be, shall be liable, by order of the Court, to fine not exceeding one hundred rupees, and in case of recusancy to further fine not exceeding ten rupees for each day after the first during which the default continues, and not exceeding five hundred rupees in the aggregate, and to detention in the civil jail until the undertakes to produce the minor or cause him to be produced, or to compel his return, or to deliver the statement, or to exhibit the accounts, or to pay the balance, or to deliver the property or accounts, as the case may be.

If a person who has been released from detention on giving an undertaking under sub-section (1) fails to carry out the undertaking within the time allowed by the Court, the Court may cause him to be arrested and recommitted to the civil jail.

46 . Reports by Collectors and subordinate Courts.- (1) The Court may call upon the Collector, or upon any court subordinate to the court, for a report on any matter arising in any proceeding under this Act and treat the report as evidence.

For the purpose of preparing the report the Collector or the Judge of the subordinate Court, as he case may be, shall make such inquiry as he deems necessary, and may for the purposes of the inquiry exercise any power of compelling the attendance of witnesses to give evidence or produce a document which is conferred on a Court by the Code of Civil Procedure, 1882 (14 of 1882).

47 . Orders appeasable.- An appeal shall lie to the High Court from an order made by a Court- under Section 7, appointing or declaring or refusing to a appoint or declare a guardian, or under Section 9 sub-section (3) returning an application, or under section 25, making or refusing to make an order for the return of a ward to the custody of his guardian, or under section 26, refusing leave for the removal of a ward from the limits of the jurisdiction of the Court, or imposing conditions with respect thereto, or under Section 28

or section 29, refusing permission to a guardian to do an act referred to in the section, or under section 32, defining, restricting or extending the powers of a guardian, or under section 39, removing a guardian, or under section 43, regulating the conduct or proceedings of a guardian or settling a matter in difference between joint guardians or enforcing the order, or under section 44 or section 45, imposing a penalty.

48 . Finality of others orders.- Save as provided by the last foregoing section and by section 622 of the Code of Civil Procedure, 1882 (14 of 1882) an order made under this Act shall be final, and shall not be liable to be contested by suit or otherwise.

49 . Costs.- The costs of any proceeding under this Act, including the costs of maintaining a guardian or other person in the civil jail, shall, subject to any rules made by the High Court under this Act, be in the discretion of the court in which the proceeding is had.

50 . Power of High Court to make rules.- (1) In addition to any other power to make rules conferred expressly or implied by this Act, the High Court may from time to time make rules consistent with this Act- As to the matters respecting which, and the time at which, reports, should be called for from Collectors and subordinate Courts.

As to the allowances to be granted to, and the security to be required from, guardians, and the cases in which such allowances should be granted.

As to the procedure to be followed with respect to applications of guardians for permission to do acts referred to in section 28 and 29.

As to the circumstances in which such requisitions as are mentioned in clause (a), (b), (c) and (d) of section 34 should be made.

As to the preservation of statements and accounts delivered and exhibited by guardians.

As to the inspection of those statements and accounts by persons interested.

As to the audit of accounts under Section 34-A, the class of persons who should be appointed to audit accounts, and the scales of remuneration to be granted to them.

as to the custody of money, and securities for money, belonging to wards,

As to the securities on which money belonging to wards may be invested.

As to the education of wards for whom guardians, not being Collectors, have been appointed or declared by the Court, and

Generally, for the guidance of the Courts in carrying out the purposes of this Act.

Rules under clauses (a) and (I) of sub-section (1) shall not have effect until they have been approved by the (State Government) nor shall any rule under this section have effect until it has been published in the official Gazette.

51 . Applicability of Act to guardians already appointed by Court.- A guardian appointed by, or holding a certificate of administration from, a Civil Court under any enactment repealed by this Act shall, save as may be prescribed, be subject to the provisions of this Act, and of the rules made under it, as if he had been appointed or declared by the Court under Chapter II.

52 . Amendment of Indian Majority Act.- Amendment of Indian Majority Act.- (Rep. By the Repealing Act, 1938 (1 of 1938) section 2 and Schedule).

53 . Amendment of Chapter XXXI of the Code of Civil Procedure.- (Rep. By the code of Civil Procedure, 1908 (5 of 1908) section 156 and Sch. VI).

Sch.1 . SCHEDULE.- THE SCHEDULE.-

Enactment repealed.- (Rep. By the Repealing Act, 1938 (1 of 1938), section 2 and Schedule).

THE CENSUS ACT, 1948

(Act No. 37 of 1948)

As amended in 1994

[3rd September, 1948]

An act to provide for certain matters in connection with the taking of Census

WHEREAS it is expedient to provide for the taking of census in [1]*** India or any part thereof whenever necessary or desirable and to provide for certain matters in connection with the taking of such census;

It is hereby enacted as follows: -

Short title and extent.

1. (1) This Act may be called the Census Act, 1948.

[2][(2) It extends to the whole of India. [3]* * *]

Definitions.

[5][2. In this Act, unless the context otherwise requires,-

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

Rule of construction respecting enactments not extending to Jammu and Kashmir.

2. Any reference in this Act to the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973 shall, in relation to the State of Jammu and Kashmir, be construed as a reference to the corresponding enactment in force in that State.] 45 of 1860 1 of 1872 2 of 1974

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1. The Act has been extended to:-
   Goa, Daman and Diu by Reg. 11 of 1963, S.3 and Sch. with modifications to the whole of the Union Territory of Lakshadweep vide Reg.8 of 1965, S.3 and Sch.(w.e.f. 1-10-1987).
   The State of Sikkim vide Notification No. 3465 dated 21-9-1976 (w.e.f. 13-9-1976).
2. The words "the Provinces and Acceding States of" rep. by A.O. 1950.
3. Subs. ibid. for the former sub-section.
4. The words "except the State of Jammu and Kashmir" omitted by Act 22 of 1959, S.2.
5. Subs. by Act 11 of 1994, S.2, for S.2.

Central Government to take Census.

3. The Central Government may, by notification in the Official Gazette, declare its intention of taking a census in the whole or any part of the territories to which this Act extends, whenever it may consider it necessary or desirable so to do and thereupon the census shall be taken.

Appointment of Census staff.

4. (1) The Central Government may appoint a Census Commissioner to supervise the taking of the census throughout the area in which the census is intended to be taken, and [5][Directors of Census Operations] to supervise the taking of the census within the several States.

(2) The State Government may appoint persons as census-officers [2][with such designations as that Government may deem necessary] to take, or aid in, or supervise the taking of, the census within any specified local area and such persons, when so appointed, shall be bound to serve accordingly.

(3) A declaration in writing, signed by any authority authorised by the State Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(4) The State government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (2).

Staff of every local authority to be made available for taking census.

[3][4A. Every local authority in a State shall, when so directed by a written order by the Central Government or by an authority appointed by that Government in this behalf, make available to any Director of Census Operations such staff as may be necessary for the performance of any duties in connection with the taking of census.]

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Status of Census authorities as public servants.

5. The Census Commissioner, all [4][Directors of Census Operations] and all census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code. 45 of 1860

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1. Subs. by Act 56 of 1974, S.3 and Sch.II for "Superindent of Census Operation" (w.e.f. 20-12-1974)
2. Ins. by Act 11 of 1994, S.3.
3. Ins. by S.4 ibid.
4. Subs. by Act 56 of 1974, S.3 and Sch II "Superintendent of Census Operations" (w.e.f. 20-12-1974).

Discharge of duties of census officers in certain cases.

6. (1) Where the District Magistrate, or such authority as the State Government may appoint in this behalf, by a written order so directs –

(a) every officer in command of any body of men belonging to the naval, military or air forces, or of any vessel of war, of India,

(b) every person (except a pilot or harbourmaster) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution,

(d) every keeper, secretary or manager of any sarai, hotel, boarding-house, lodging-house, emigration depot or club,

(e) every manager or officer of a railway or any commercial or industrial establishment, and

(f) every occupant of immovable property wherein at the time of the taking of the census persons are living,

shall perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property or are employed under him as may be specified in the order.

(2) All the provisions of this Act relating to census-officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code. 45 of 1860

Power to call upon certain persons to give assistance.

7. The District Magistrate, or such authority as the State Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon –

(a) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents,

(b) all members of the district, municipal, panchayat and other local authorities and officers and servants of such authorities, and

(c) all officers and members of staff of any factory, firm or establishment, to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the premises of factories, firms and other establishments, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code. 45 of 1860

Requisitioning premises, of vehicles, etc., for taking of a census.*

[1][7A. (1) If it appears to the Central Government that, in connection with taking of a census, -

(a) any premises are needed or are likely to be needed, or

(b) any vehicle, vessel or animal is needed or is likely to be needed,

that Government may by order in writing requisition such premises, or vehicle, vessel or animal, as the case may be, and make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Central

* 1. Ins. by Act 11 of 1994, S.5

Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Payment of compensa-tion.

7B. (1) Whenever in pursuance of section 7A the Central Government requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely: -

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(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Central Government to an arbitrator appointed in this behalf by that Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation – In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 7A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 7A the Central Government requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Central Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Central Government in this behalf may decide.

Power to obtain information.

7C. The Central Government may, with a view to requisitioning any property under section 7A or determining the compensation payable under section 7B, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

Power of entry into and inspection of premises, etc.

7D. Any person authorised in this behalf by the Central Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 7A should be made in relation to such premises, vehicle, vessel or animal, or with a view to securing compliance with any order made under that section.

Eviction from requisitioned premises.

7E. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 7A may be summarily evicted from the premises by any officer empowered by the Central Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

Release of premises from requisition.

7F. (1) When any premises requisitioned under section 7A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the Central Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the Central Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 7A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the Central Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the Central Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

Delegation of functions of the Central Government with regard to requisition-ing.

7G. The Central Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on that Government by any of the provisions of sections 7A to 7F shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be specified.

Penalty for contravention of any order regarding requisitioning.

7H. If any person contravenes any order made under section 7A or section 7C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.]

Asking of questions and obligation to answer.

8. (1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the [1][Central Government] and published in the Official Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge or belief :

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to permit access and affixing of numbers.

9. Every person occupying any house, enclosure, vessel or other place shall allow census-officer such access thereto as they may require for the purposes of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier or manager to fill up schedule.

10. (1) Subject to such orders as the [2][Census Commissioner] may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the [2][Census Commissioner] may direct regarding the inmates of such house or part thereof, or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

1. Subs. by Act 11 of 1994, S.6.
2. Subs. by S.7, ibid.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

Penalties.

11. (1) [1][(a) Any census-officer or any person lawfully required to give assistance towards the taking of census who refuses to perform any duty imposed upon him by this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty, or

(aa) any census-officer or any person lawfully required to give assistance towards the taking of a census who neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or obeying any such order, or;]

(b) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Central Government or the State Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

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(c) any sorter, compiler or other member of the census staff who removes, secretes, damages or destroys any census document or deals with any census document in a manner likely to falsify or impair the tabulations of census results, or

1. Sub. by Act 11 of 1994, S.8

[1][(ca) any local authority which fails to comply with an order made under section 4A, or;]

(d) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section 8 to answer, or

(e) any person occupying any house, enclosure, vessel or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 9 to allow, or

(f) any person who removes, obliterates, alters, or damages any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(g) any person who, having been required under section 10 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder, or

(h) any person who trespasses into a census office,

shall be punishable with fine which may extend to one thousand rupees and in case of a conviction under part [1][(a), (b) or (c) shall also be punishable with imprisonment which may extend to three years.]

(2) Whoever abets any offence under sub-section (1) shall be punishable with fine which may extend to one thousand rupees.

Sanction required for prosecutions.

12. [2][Without prejudice to the provisions of section 197 of the Code of Criminal Procedure, 1973, no prosecution under this Act shall be instituted except with the previous sanction, - 2 of 1974

(a) in the case of a person who is employed or was at the time of commission of the alleged offence employed –

(i) in a company, as defined in section 3 of the

1. Subs. by Act 11 of 1994, S.8

Companies Act, 1956, in which not less than fifty-one percent of the paid-up capital is held by the Central Government or any company which is a subsidiary thereof within the meaning of that Act, or 1 of 1956

(ii) by a corporation or a local authority established by or under a Central Act which is owned or controlled by the Central Government,

of the Central Government or of an authority authorised in this behalf by that Government; and

(b) in the case of a person other than referred to in clause (a) of the State Government.]

Operation of other laws not barred.

13. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act :

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 12.

Certain offences to be cognizable and triable summarily.

[1][13A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no police officer or court shall take cognizance of any offence under part (a), (b) or (c) of sub-section (1) of section 11, except upon information received from or on a complaint made by, as the case may be, the Director of Census Operations or any officer authorised by him in this behalf. 2 of 1974

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under part (a), (b) or (c) of sub-section (1) of section 11 may be tried summarily.] 2 of 1974

[2] 2. Subs. by S.9, ibid.

1. [1] Ins. by Act 11 of 1994, S. 10

Jurisdiction.

14. No Court inferior to that of a [1][Metropolitan Magistrate or a Judicial Magistrate of the first class], shall try, whether under this Act or under any other law, any act or omission which constitutes an offence under this Act.

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Records of census not open to inspection nor admissible in evidence.

15. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such, or any schedule delivered under section 10, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act. 1 of 1872

Protection of service interests of members of census staff.

[2][15A. No member of the census staff shall suffer any disability in service by reason of his being on census duty and the period spent by him on such census duty shall be deemed to be the duty under his lending employer and any duty performed under this Act shall not in any manner affect the right of promotion or other advancement in his original service.

Protection of action taken in good faith.

15B. No suit, prosecution or other legal proceeding shall lie against the Census Commissioner or any Director of Census Operations or any census-officer or any member of the census staff for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.]

Temporary suspension of other laws as to mode of taking census in municipalities.

16. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority, in consultation with the [3][Director of Census Operations] or with such other authority as the State Government may authorise in this behalf, shall, at the time appointed for the taking of any census cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

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1. Subs. by Act 11 of 1994, S.11
2. Ins. by S.12, ibid.
3. Ins. by Act 56 of 1974 S.3 and Sch II "Superintendent of Census Operations" (w.e.f. 20-12-1974).

Grant of statistical abstracts.

17. [1][Subject to the provisions of section 15, the Census Commissioner or any Director of Census Operations] may, if he so thinks fit, at the request and cost to be determined by him of any local authority or person, cause abstracts to be prepared and supplied containing any such statistical information as can be derived from the census returns for [2][India or any State] as the case may be, being information which is not contained in any published report and which in his opinion it is reasonable for that authority or person to require.

Power to extend the provisions of Act to other operations.

[3][17A. The Central Government may, by notification in the Official Gazette, extend the provisions of this Act, with such restrictions and modifications as it thinks fit, to pre-tests, pilot studies, census of houses which precede the population count and post enumeration check and evaluation studies or statistical surveys or any other operation as may be deemed necessary for the purpose of census.]

Power to make rules.

18. (1) The Central Government may make rules by notification in the Official Gazette for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules providing for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons [4][and providing for the manner of service of orders regarding requisitioning of premises, or vehicle; vessel or animal and the time within which the application may be made to it by any interested person aggrieved by the amount of compensation determined under section 7 B for referring the matter to an arbitrator.]

(3) [5][Every rule made under this Section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of 30 days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session

1. Act 11 of 1994, S.13
2. Subs. by the AO 1950, for "the Provinces of India or the Province".
3. Ins. by Act 11 of 1994, S.14
4. Added by S.15, ibid.
5. Ins. by Act 4 of 1986, S.2 & Sch. (w.e.f. 15-3-1986).

immediately following the session or the successive sessions aforesaid, both Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

MINISTRY OF HOME AFFAIRS
(Office of the Registrar General, India)
NOTIFICATION
New Delhi, the 31st December, 1990.
(As amended on 19.7.94)

S.O. 967(E). – In exercise of the powers conferred by sub – section (1) of section 18 of the Census Act, 1948 (37 of 1948), the Central Government hereby makes the following rules, namely: -

1. (1) Short title and commencement. - These rules may be called the Census Rules, 1990.

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

2. Definitions. - In these rules unless the context otherwise requires :-

(a) " Act" means the Census Act, 1948 (37 of 1948);

(b) "Census Commissioner" means the Census Commissioner appointed under sub-section (1) of section 4 of the Act;

(c) "Census Schedule" means the schedule containing questions referred to in sub-section (1) of section 8 of the Act;

(d) "Charge Officer" "Additional Charge Officer" and "Sub Charge Officer" mean the census officers appointed as such under sub-section (2) of section 4 of the Act and includes Tehsildar, Mamlatdar, Block Development Officer, Chief Administrative Officer of a town, executive officer and other officers;

(e) "Director of Census Operations" means the Director of Census Operations appointed under sub- section (1) of section 4 of the Act to supervise the taking of census within a State or Union Territory;

(f) "District Census Officer", "Sub- divisional Census Officer" and "Additional District Census Officer" mean the census officers appointed under sub-section (4) of section 4 of the Act;

(g) "Enumerator" means an officer appointed under sub-section (4) of section 4 of the Act;

(h) "Joint Director of Census Operations", "Deputy Director of Census Operations" and "Assistant Director of Census Operations" mean officers assisting the Director of Census Operations;

(i) "Principal Census Officer" means a census officer designated as such under sub-section (2) of section 4 of the Act;

(j) "Supervisor" means an officer appointed under sub- section (4) of section 4 of the Act;

[(k) All other words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in Act.][1]

3. Appointment of Census Officers :- The State Governments and the Union territory Administrations in order to aid the taking of the census within their States or Union territories, may appoint officers from against the category mentioned in column 2 as census officers within their jurisdictions with such designation mentioned in column 1 of the Table below.

TABLE

	Designation	Officers to be appointed
	1	2
1.	Principal Census Officer	District Collectors/ Magistrates/ Commissioners or administrative heads of Corporations or any nominated Officer.
2.	District/Additional district/ Deputy district/Sub-divisional district/City/Additional City Census, Officer.	District Collectors/ Magistrates/ Officers assisting District Collectors/ Magistrates/ Commissioner/ District Sub-divisional Officers or Revenue Divisional Officers.
3.	Charge Officer/ Assistant Charge Officer/ Additional Charge Officer and Sub-Charge Officer.	Tehsildars/ Additional Tehsildars/ Mamlatdars/ Block Development Officer/ Chief Administrative Officer of towns/ Executive Officers and other Officers.
4.	Supervisor	Officers generally of a rank higher than enumerators or any person.
5.	Enumerator	Teachers, Clerks or any official or any person.

4. Designating of Officers .- The [Central Government][2] may designate the Director of Census Operations, the Joint Director of Census Operations, the Deputy Director of Census Operations and Assistant Director of Census Operations as the Chief Principal Census Officer, Joint Chief Principal Census Officer, Deputy Chief Principal Census Officer and Assistant Chief Principal Census Officer [for the States and the Union Territories][3].

1:- Inserted by notification dated 19.7.94.
2:- Replaced the earlier words "State Govts. & the Union Territory Administrations". By notification dated:- 19.7.94.
3:- Replaced the earlier words "within the jurisdiction of the State or Union Territory concerned". By notification dated 19.7.94.

5. Functions of the Census Officers. -

(1) The Census Commissioner shall,-

(a) take, aid in and supervise the taking of the census within the country;

(b) cause the Directors of Census Operations to be appointed for each State or Union territory, as the case may be;

(c) devise the census schedules or questionnaires and provide to the State Governments or Union territory Administrations for publication in their respective Gazette in order to canvass in the census;

(d) compile and provide guidance to the Directors of Census Operations of States and Union territories in taking the census and computation of results; and

(e) publish the census statistics through publications or magnetic media.

(2) The Director of Census Operations shall, -

(a) take, aid in and supervise the taking of the census within the limit of his State or Union territory;

(b) prepare village or hamlet lists, classify places as towns according to demographic criteria, group places to form urban agglomeration, standard urban areas, etc. according to instructions from the Census Commissioner and coordinate the field work of house numbering and houselisting as per instructions from the Census Commissioner;

(c) provide provisional population figures to the Census Commissioner, India through the District Census Officers within such time as is specified;

(d) compile and provide assistance to Census Commissioner in compilation of the statistical data as per procedures laid down by the Census Commissioner;

(e) publish statistics collected and computed during the census relating to the State or Union territory, as the case may be with the approval of the Census Commissioner;

(f) provide the census material required in taking the census to census-officers in accordance with the guidelines provided by the Census Commissioner in this regard;

(g) arrange to provide necessary publicity to census at the appropriate time; and

(h) coordinate the work of appointment of census–officers and arrangements for their training.

(3) The Principal Census Officer shall, -

(a)cause the required number of District or Sub-Divisional Census Officers or Charge officers to be appointed for taking census in the district or municipal corporation or panchayat area, etc.;

(b) take, aid in and supervise the houselisting and taking of the census within the limit of the district or municipal corporation or panchayat areas, town area committee/notified areas and the like and forward the result alongwith the filled in schedules and blank forms to the Director of Census Operations within the period specified by him;

(c) arrange for the training to Enumerators, Supervisors and Charge Officers so as to enable them to perform their duties efficiently and within the time specified by the Director of Census Operations; and

(d) take action and prosecute any defaulting person with the previous sanction of the State Government or of an authority authorised in this behalf by the State Government.

(4) The District/Additional District or Sub-Divisional Census Officer shall, -

(a)(i) cause the required number of Charge Officers and other census officers in a district or sub-division to be appointed;

(ii) cause the entire area of a district to be divided into well demarcated census divisions, namely, charges, supervisor's circles and enumerator's blocks as per instruction issued in this behalf by the Director of Census Operations;

(iii) cause the upto date list of villages and towns to be compiled and their jurisdictional maps prepared;

(iv) assist the Director of Census Operations in compiling the related statistical data as per his requirement;

(v) give proper publicity to census programmes from time to time so as to get proper responses from the public;

(b) impart training to Charge Officers and cause proper training to be imparted to Supervisors and Enumerators through Charge Officers so as to enable them to perform their duties efficiently and to assist the Principal Census Officers to take, aid in and supervise the houselisting and taking of census within the limits of the districts, municipal corporations, panchayats etc.;

(c) collect the filled in and blank forms of the various schedules alongwith abstracts or any other statement that may be required to be prepared by the Enumerators;

(d) consolidate the summary of enumerator's abstract or statement for the entire district;

(e) forward the filled in or blank forms of each schedule alongwith the consolidated summary of enumerator's abstract or statement for district and similar collected abstracts for each Charge Officer or census-officer, through the Principal Census Officer to the Director of Census Operations for the State or Union territory Administration; and

(f) carry out such other jobs necessary for the successful taking of the census;

(5) The Charge Officer shall, -

(a) cause the required number of Supervisors and Enumerators to be appointed within the jurisdiction of his charge;

(b) prepare basic documents like general village registers and charge registers as per instructions from the Director of Census Operations within the time schedule;

(c) familiarise himself with the enumeration instructions and cause the Supervisors and Enumerators to be trained so as to enable them to perform their duties efficiently;

(d) ensure that the work goes on according to the time schedule;

(e) ensure full coverage, accuracy and timelines in taking census;

(f) collect the filled in and blank forms of the various schedules from all the Supervisors in the charge;

(g) provide provisional population figures to the Census Commissioner, through the Director of Census Operations within a week on completion of census operations;

(h) consolidate the summary of enumerator's abstract of various enumeration blocks and statements and forward these to the District Census Officers or Sub-divisional Officers alongwith the filled in and blank schedules; and

(i) carry out such other tasks as may be necessary for the successful taking of the census.

(6) The Supervisor shall, -

(a) help the Enumerators under his jurisdiction and ensure that work is done as per schedule and the coverage is complete; and

(b) collect the filled in and blank forms and statements from each Enumerator and forward the documents alongwith such statements he may be required to prepare, duly signed to the Charge Officer within two days of completion of census operations.

(7) The Enumerator shall, -

(a) prepare Notional Map and layout sketch of the allotted enumeration block;

(b) update the housenumbering;

(c) fill up the various schedules according to instructions issued to him;

(d) undertake revisional round and updating of records;

(e) prepare enumerator's abstract which shall consist of the location particulars of the enumeration block alongwith the total population by various characteristics asked for in the schedules and such other statements he may be required to compile; and

(f) hand over all documents, filled in and blank, to the Supervisors.

6. Census schedules and questionnaires,- The census schedules or questionnaires shall be notified by the [Central][1] Government through Official Gazette under sub-section (1) of section 8 of the Act.

[6A. Declaration of the date and duration of Census.- The Central Government may by a notification published in the Official Gazette declare the date for the commencement of the census and the period during which the houselisting operations and population census shall take place.

6B. Manner of serving the order of requisition of premises and vehicles. - An order of requisition under section 7A, shall be served -

(a) where the person to whom such order is addressed is a corporation or firm -

in the manner provided for the service of summons in rule 2 of order XXIX or rule 3 of order XXX, as the case may be, in the first Schedule to the Code of Civil Procedure, 1908 (Act V of 1908); and

(b) where the person to whom such order is addressed is an individual -

(i) personally by delivering or tendering the order, or

(ii) by registered post, or

(iii) if the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

6C. Time for application for reference to arbitration under section 7B. - The time within which any interested person, who is aggrieved by the amount of compensation determined under section 7B may make an application for referring the matter to arbitration shall be fourteen days from the date of determination of the amount of such compensation or where the amount of such compensation has been determined in the absence of the person interested or, as the case may be, the owner, fourteen days from the date on which the intimation of such determination is sent to that person or owner.][2]

1: - Replaced the earlier “State” by notification 19.7.94.
2: - Inserted by notification dated. 19.7.94.

7. Census data. - The Census Commissioner shall decide the items on which data may be released.

8. Notifications, Orders and Instructions to be issued by State Government - The State Governments and the Union territory Administrations shall, -

(i) republish the intention of taking a census notified by the Central Government in their State or Union territory Gazettes;

[(ia) republish the census schedules and questionnaires notified by the Central Government in their States or Union Territory Gazettes.][1]

(ii) publish a notification directing the public to cooperate in furnishing accurate and unambigous information in respect of the questions that may be put to them through census alongwith an extract of penalties prescribed under section 11 of the Act;

(iii) [republish][2] in the gazette the reference date for the census and the period during which houselisting operations and population census will take place under section 3 of the Act;

(iv) freeze the administrative boundaries of districts, tehsils, towns, etc. from the date to be intimated by the Census Commissioner which shall not be earlier than one year from the census reference date and till the completion of the census;

(v) nominate a senior officer of the State Government at State Head Quarters as Nodal officer to liaise between Director of Census Operations and other Officers in Census work;

(vi) impose restrictions on the Head of Department/ Officer on the transfer of officers/ officials once appointed as Supervisor/ Enumerator, without the proper consent of Principal/District Census Officer; and

(vii) give wide publicity of the census through radio, audiovisuals, posters etc.

9. Custody of census schedules and connected papers, - After the completion of the taking of the census the canvassed census schedules shall be kept in the office of the Director of Census Operations or at such other place the Director of Census Operations may direct for processing the data collected.

1:- Inserted by notification dated. 19.7.94.
2:- Replaced the earlier word "publish" by notification dated.19.7.94.

10. Canvassed schedules. - The canvassed schedules shall after processing is over be preserved at the office of the Director of Census Operations or at such other place the Director of Census Operations may direct.

11. Disposal of census schedules and other connected papers. - The schedules and other connected papers shall be disposed of totally or in part by the Director of Census Operations a year before the next census in accordance with the general or special directions as may be given by the Census Commissioner in this behalf.

12. General or special instructions. - The Census Commissioner and the Director of Census Operations may issue from time to time general or special instructions or such directions, to the Principal Census Officers and other census officers appointed under the Act, as may be necessary for the efficient conduct and timely completion of the census operations.

[No. A 27021/1/88 – Ad. I]

A.R. NANDA,
Registrar General &
Census Commissioner, India.

The Orissa Offices of Profit (Removal of Disqualifications) Act, 1961

Act 26 of 1961

Keyword(s):
Compensatory Allowance, Non-Statutory Body, Statutory Body

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ORISSA ACT 26 OF 1961

[1][THE ORISSA OFFICES OF PROFIT (REMOVAL OF DISQUALIFICATIONS) ACT, 1961]

[*Received the assent of the Governor on the 21st December 1961, first published in an extraordinary issue of the* Orissa Gazette, *dated the 29th December 1961*]

AN ACT TO DECLARE CERTAIN OFFICES OF PROFIT UNDER THE GOVERNMENT OF INDIA OR GOVERNMENT OF ANY STATE NOT TO DISQUALIFY THEIR HOLDERS FOR BEING CHOSEN AS OR FOR BEING MEMBERS OF THE ORISSA LEGISLATIVE ASSEMBLY

BE it enacted by the Legislature of the State of Orissa in the Twelfth Year of the Republic of India as follows :—

Short title and extent.

1. (*1*) This Act may be called the Orissa Offices of Profit (Removal of Disqualifications) Act, 1961.

(*2*) It extends to the whole of the State of Orissa.

Definitions.

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

(*a*) "compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance [such allowance not exceeding (*i*) in the case of Committees set up by or bodies under the Central Government, the amount of daily allowance to which a member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954, and (*ii*) in the case of Committee set up by or bodies under the State Government, the amount of daily allowance to which a member of the Orissa Legislative Assembly is entitled under the Orissa Legislative Assembly Members' Salaries

30 of 1954

1. For the Statement of Objects and Reasons, see *Orissa Gazette*, Extraordinary, dated the 4th October 1961 (No. 681).

and Allowances Act, 1954], any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office ; Orissa Act 19 of 1954.

(*b*) "non-statutory body" means any body of persons other than a statutory body ;

(*c*) "statutory body" means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force.

Certain offices of profit not to disqualify.

3. It is hereby declared that none of the following offices in so far as it is an office of profit under the Government of India or the Government of any State, shall disqualify the holder thereof for being chosen as, or for being a member of the Orissa Legislative Assembly, namely :—

(*a*) any office held by a Minister [1][,Minister of State] or Deputy Minister for the Union or for any State, whether *ex officio* or by name ;

(*b*) the office of the Speaker or the Deputy Speaker of the Orissa Legislative Assembly or of Parliament and Legislative Assembly of any other State ;

(*c*) the office of the Chief Whip, Deputy Chief Whip or Whip in any Legislative Assembly or in Parliament or the Office of a Parliamentary Secretary;

(*d*) the office of a member of any force raised or maintained under the National Cadet Corps Act, 1948, the Territorial Army Act, 1948, or the Reserve and Auxiliary Air Forces Act, 1952 ; 31 of 1948 56 of 1948 62 of 1952

(*e*) the office of a member of a Home Guard constituted under any law for the time being in force in any State ;

1. Inserted by the Orissa Offices of Profit (Removal of Disqualifications) (Amendment) Act, 1974 (Or. Act 3 of 1974), s. 2.

(*Sec. 3—contd.*)

(*f*) the office of Chairman or member of the Syndicate, Senate, executive committee, council or court of a University or any other body connected with a University ;

(*g*) the office of a member of any delegation or mission sent outside India by the Government of India or of any State or sent outside the State of Orissa by the Government of the said State for any special purpose ;

(*h*) the office of Chairman or member of a Committee (whether consisting of one or more members), set up temporarily for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into, or collecting statistics in respect of, any such matter, if the holder of such office, is not entitled to any remuneration other than compensatory allowance ;

(*i*) the office of Chairman, Director or member of any statutory or non-statutory body other than any such body as is referred to in clause (*h*), if the holder of such office is not entitled to any remuneration other than compensatory allowance but excluding (*i*) the office of Chairman of any statutory or non-statutory body specified in Part I of the Schedule, and (*ii*) the office of Chairman or Secretary of any statutory or non-statutory body specified in Part II of the Schedule ;

(*j*) the office of village revenue officer, whether called a lambarder, Gauntia, Karjee, Karanam, Sarvarakar or by any other name, whose duty is to collect land revenue and who is remunerated by a share of, or commission on, the amount of land revenue collected by him, but does not discharge any police functions.

Temporary suspension of disqualification in certain cases.

4. If a person being a member of the Orissa Legislative Assembly who immediately before the commencement of this Act held an office of profit declared by any law repealed by this Act not to disqualify the holder thereof for being such member, becomes so disqualified by reason of any of the provisions contained in this Act, such office shall not, if held by such person for any period not extending beyond a period of six months from the commencement of this Act, disqualify him for being a member of the Orissa Legislative Assembly.

Repeal

5. The Orissa Offices of Profit (Removal of Disqualifications) Act, 1951 and any provision in any other enactment which is inconsistent with this Act are hereby repealed. Orissa Act 35 of 1951.

SCHEDULE

[*See* section 3 (*i*)]

PART I

BODIES UNDER THE CENTRAL GOVERNMENT

Air-India International Corporation established under section 3 of the Air Corporations Act, 1953 (27 of 1953).

Air Transport Council constituted under section 30 of the Air Corporations Act, 1953 (27 of 1953).

Board of Directors of the Expert Risks Insurance Corporation (Private) Limited

Board of Directors of the Heavy Electricals (Private) Limited

Board of Directors of the Hindustan Cables (Private) Limited

Board of Directors of the Hindustan Insecticides (Private) Limited

Board of Directors of the Hindustan Machine Tools (Private) Limited

Board of Directors of the Hindustan Shipyard Limited

Board of Directors of the Nangal Fertilisers and Chemicals (Private) Limited

Board of Directors of the National Coal Development Corporation (Private) Limited

Board of Directors of the National Development Corporation (Private) Limited

Board of Directors of National Instruments (Private) Limited

Board of Directors of the National Small Industries Corporation (Private) Limited

Board of Directors of the Neyveli Lignite Corporation (Private) Limited

Board of Directors of the Sindri Fertilisers and Chemicals (Private) Limited

Board of Directors of the State Trading Corporation of India (Private) Limited

Central Warehousing Corporation established under section 17 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956).

Coal Board established under section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952).

Coal Mines Labour Housing Board constituted under section 6 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947).

Commissioners for the Port of Calcutta

Committee for the allotment of land in the township of Gandhidam

Company Law Advisory Commission constituted under section 410 of the Companies Act, 1956 (1 of 1956).

Cotton Textiles Fund Committee constituted under the Textile Funds Ordinance, 1944 (34 of 1944).

(*Sch.—contd.*)

Dock Labour Board, Bombay, established under the Bombay Dock Workers (Regulation of Employment) Scheme, 1956 made under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).

Dock Labour Board, Calcutta, established under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 made under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).

Dock Labour Board, Madras, established under the Madras Dock Workers (Regulation of Employment) Scheme, 1956 made under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).

Forward Markets Commission established under section 3 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952).

Indian Air Lines Corporation established under section 3 of the Air Corporations Act, 1953 (27 of 1953).

Industrial Finance Corporation of India established under section 3 of the Industrial Finance Corporation Act, 1948 (15 of 1948).

Licensing Committee constituted under rule 10 of the Registration and Licensing of Industrial Undertakings Rules, 1952, made under the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Mining Boards constituted under section 12 of the Mines Act, 1952 (35 of 1952).

National Co-operative Development and Warehousing Board established under section 3 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956).

Rehabilitation Finance Administration constituted under section 3 of the Rehabilitation Finance Administration Act, 1948 (12 of 1948).

Tariff Commission established under section 3 of the Tariff Commission Act, 1951 (50 of 1951).

Trustees of the Port of Bombay.

Trustees of the Port of Madras.

Trustees of Commissioners of any major Port as defined in the Indian Ports Act, 1908 (15 of 1908) other than the Port of Calcutta, Bombay or Madras.

BODIES UNDER THE GOVERNMENT OF ORISSA

Appeal Committee under the Board of Secondary Education.

Orissa Board of Communications and Transport.

Regional Transport Authority constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939).

State Transport Authority constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939).

Board of Directors of the Orissa Mining Corporation Limited.

Board of Directors of the Orissa State Warehousing Corporation.

PART II

BODIES UNDER THE CENTRAL GOVERNMENT

Advisory Committee for the Air-India International Corporation appointed under section 41 of the Air Corporations Act, 1953 (27 of 1953).

Advisory Committee for the Indian Air Lines Corporation appointed under section 41 of the Air Corporations Act, 1953 (27 of 1953).

Central Silk Board constituted under section 4 of the Central Silk Board Act, 1948 (61 of 1948).

Coffee Board constituted under section 4 of the Coffee Act, 1942 (7 of 1942).

Coir Board constituted under section 4 of the Coir Industry Act, 1953 (45 of 1953).

Development Council for Acids and Fertilisers established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Alkalis and Allied Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Bicycles established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Drugs, Dyes and Intermediates established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Food Processing Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Heavy Electrical Engineering Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Internal Combustion Engines and Power Driven Pumps established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Light Electrical Engineering Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Machine Tools established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Non-ferrous Metals including alloys established under Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for oil-based and Plastic Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Sugar Industry established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

(Sch.—contd.)

Development Council for Textiles made of artificial silk including artificial silk yarn established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Textiles made of wool, including woollen yarn hosiery, carpets and druggets established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Durgah Committee, Ajmer, constituted under section 4 of the Durgah Khawaja Saheb Act, 1955 (36 of 1955).

Indian Central Arecanut Committee.

Indian Central Coconut Committee constituted under section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944).

Indian Central Cotton Committee constituted under section 4 of the Indian Cotton Cess Act, 1923 (14 of 1923).

Indian Central Jute Committee.

Indian Central Oil-seeds Committee constituted under section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946).

Indian Central Sugarcane Committee.

Indian Central Tobacco Committee.

Indian Lac Cess Committee constituted under section 4 of the Indian Lac Cess Act, 1930 (24 of 1930).

Rubber Board constituted under section 4 of the Rubber Act, 1947 (24 of 1947).

Tea Board constituted under section 4 of the Tea Act, 1953 (29 of 1953).

BODIES UNDER THE GOVERNMENT OF ORISSA

Board of Wakfs constituted under the Muslim Wakfs Act, 1954 (29 of 1954).

Board of Secondary Education constituted under the Orissa Secondary Education Act, 1952 (Orissa Act 10 of 1953).

Regulated Market Committee.

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. Date : 13th December 1954

Orissa Act No. 19 of 1954

*The Orissa Legislative Assembly Members' [1][Salary, Allowances and Pension] Act, 1954

[Received the assent of the Governor on the 3rd December 1954, first published in an extraordinary issue of the Orissa Gazette, dated the 13th December 1954.]

AN ACT TO PROVIDE FOR THE SALARY, ALLOWANCES & PENSION OF THE MEMBERS OF THE ORISSA LEGISLATIVE ASSEMBLY.

WHEREAS it is expedient to provide tor the Salary, Allowances & Pension of the Members of the Orissa Legislative Assembly :

It is hereby enacted by the Legislature of the State of Orissa in the Fifth Year of the Republic of India, as follows :-

1. Short title and Commencement:- (1) This Act may be called the Orissa Legislative Assembly Members [1][Salary, Allowances & Pension] Act, 1954.

(2) It shall come into force at once.

2. Definitions:- In this Act unless the context otherwise requires "

(a) "Assembly" means the Orissa Legislative Assembly;

[2][(a-1)"Chief Whip" and "Deputy Chief Whip" shall respectively mean those Members of the Assembly who are for the time being the Government Chief Whip and the Government Deputy Chief Whip;]

(b) "Committee" means a Select Committee or other Committee of the Assembly and includes any Committee appointed by Government for a purpose connected with the business of the Assembly and declared by Government to be a Committee of the Assembly;

[3][(b-1) "Leader of the Opposition" means that Member of the Assembly

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* *Published in Orissa Gazette Extraordinary No. dated 13.12.1954*

1. *Substituted vide Orissa Act 3 of 1977*

2. *Inserted vide Orissa Act 10 of 1969*

2. *Substituted vide Orissa Act 7 of 1992*

who is for the time being, the Leader in the Assembly of the Party in Opposition to the Government having the greatest numerical strength not being less than one-tenth of the total membership of the Assembly and recognised as such by the Speaker.

Explanation-When there are two or more Parties in Opposition to the Government in the Assembly having the same numerical strength, the Speaker shall, having regard to the status of the parties, recognise any one of the Leaders of such parties as the Leader of the Opposition for the purpose of this Act and such recognition shall be final and conclusive.]

(c) "Member" means a Member of the Assembly, who has taken his seat therein, other than the Speaker or Deputy Speaker of the Assembly or a Minister or a Parliamentary Secretary of the Government of Orissa; and

(d) "Place of residence" means the place where a Member ordinarily resides within the State.

3. Salary:- There shall be paid and delivered a salary;

(a) at the rate of [1][thirty five thousand rupees] to every Member, other than the Leader of the Opposition, the Chief Whip and the Deputy Chief Whip;

(b) at the rate of [1][forty thousand rupees] to the Leader of the Opposition and the Chief Whip and

(c) of [1][thirty six thousand rupees] to the Deputy Chief whip;

Provided that a Member may, if he so desires, forgo either in full or in part, his salary for any period not less than three consecutive months at a time during the tenure of his office, communicating the intention forthwith so to do the Secretary of the Assembly.

4. Allowances:- There shall be paid to every member the following allowances, except the allowances mentioned in [2][clauses (a), (d), (e), [3][(f) and (g)] in case of the Leader of the Opposition, the Chief Whip and the Deputy Chief Whip, at the rates specified against each :-

[3][(a) Constituency Allowance and Secretarial Allowance at the rate of [1][twenty thousand rupees] per mensem for all members not otherwise provide for by or under the provisions of this Act.]

[4][(b) Daily allowance of "

(i) [1][one thousand and five hundred rupees] a day for each day of actual residence at the place where the Assembly or a Committee meets or at a place to make an oath or affirmation as required by Article 188 of the Constitution of India; and

(ii) [1][two thousand rupees] a day for going out-side the State to

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1. *Substituted vide O.A. No. 14 of 2017, O.G.E. No. 1681 dated 18.10.2017.*
2. *Substituted vide O.A. No. 4 of 2003, O.G.E. No. 163 dated 1.2.2003.*
3. *Substituted vide O.A. No. 4 of 2011, O.G.E. No. 1120 dated 12.05.2011*
4. *Substituted vide O.A. No. 12 of 1998, O.G.E. No. dated 08.10.1998*

attend Conferences and Meetings and on Study Tours.

(c) Travelling Allowance for the journey each way between the member's place of residence and the place of meeting of the Assembly, or a Committee, or between such place of residence and the place where the Member makes an oath or affirmation as aforesaid;

(i) in case of a journey by railway double the fare of the Air-conditioned, two tier and in case of journey by steamer double the second class fare; and

(ii) in case of journey by road [2][one rupee and fifty paise] per each kilometer travelled:

[1][Provided that if a Member performs the journey in his own car or hired car, he shall draw road mileage at the rate of fifteen rupees per kilometer if the jorney is made inside the State and twenty rupees per kilometer, if jorney is made outside the State.]

(d) Conveyance Allowance at the rate of [1][fifteen thousand rupees] a month.

[3][(e) Books, journals and periodicals allowance at the rate of [1][two thousand rupees] per month.

(f) Electricity consumption allowance at the rate of [1][five thousand rupees] per month.]

[4][4A. [5][Fixed allowance for travel not connected with duty:-** There shall be paid to each Member, other than the Leader of the Opposition, the Chief Whip and the Deputy Chief Whip, a sum of [2][rupees four thousand] per mensem to defray the cost of travelling which is not connected with the business of the Assembly or a Committee thereof or a Committee or Body constituted Jay the State or Central Government by a Resolution or an order.]

[6][4AA. Advance for purchase of a Jeep, Motor Cycle, Scooter or a like vehicle:-** (1) A Member shall be entitled to an advance not exceeding [7][one lakh rupees] for purchase of a jeep, motor cycle, scooter or a like vehicle to be recovered with interest within a period not exceeding five years from the date of its sanction or before the expiry of his office as a Member of the Assembly during the term of which the advance is sanctioned, whichever is shorter.

(2) The terms and conditions governing the sanction of the advance under Sub-section (1) including the rate of interest to be charged and. the manner of sanction and recovery thereof, shall be such as may be prescribed by rules made by the State Government in that behalf.]

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1. *Substituted vide O.A. No. 14 of 2017, O.G.E. No. 1681 dated 18.10.2017.*
2. *Substituted vide O.A. No. 4 of 2003, O.G.E. No. 163 dated 1.2.2003.*
3. *Inserted vide O.A. No. 4 of 2003, O.G.E. No. 163 dated 1.2.2003.*
4. *Inserted vide O.A. No. 20 of 1976.*
5. *Substituted vide O.A. No. 14 of 1979.*
6. *Substituted vide O.A. No. 11 of 1986.*
7. *Substituted vide O.A. No. 12 of 1998, O.G.E. No. dated 08.10.1998*

[1]**[4B. Pension:-** [5][(1). With effect from the commencement of the-Orissa Legislative Assembly Members' Salary, Allowances and Pension (Amendment) Act, [2][2017], there shall be paid a pension of [2][thirty thousand rupees] per mensem to every person who has held office for a period of [4][one years], whether continuous or not, as a Member of the Assembly :

Provided that where any person has held office for a period exceeding five years, there shall be paid to him an additional pension of [2][two thousand rupees} per mensem for every year in excess of five years so, however, that, in no case the total amount of the additional pension together with the pension, to be so paid, shall exceed [2][seventy thousand rupees] per mensem] ;

Provided further that where any person has held office as a Member of Assembly twice for its duration as provided in clause (1) of article 172 of the Constitution, whether consecutively or not, and who is not entitled to any pension under the foregoing provisions of this Sub-section, he shall, with effect from the commencement of the Orissa Legislative Assembly Members' Salary, Allowances and Pension (Amendment) Act, [2][2017] be entitled to a pension of [2][thirty thousand rupees] per mensem;

Explanation - (i) The period for which a person has held office as a Member of the Assembly shall mean "

(a) where such person is elected in General Election held for the purpose of constituting a new Assembly, the period beginning with the date of publication of the notification of the Election Commission under Section 73 of the Representation of the People Act, 1951; or

(b) where such person is elected in a bye-election to the Assembly, the period beginning with the date of his election referred to in Section 67-A of the said Act; and ending with, in each case, the date on which his seat becomes vacant.

(ii) in computing the aforesaid period, the period preceding the 26th day of January, 1950 for which a person has held such office, shall not be taken into account;

[3][(iii) where such person has held office for a part of the year exceeding six months, it shall be treated as one year for the purpose of calculation of pension.]

(2) Where any person entitled to pension under Sub-section (1) "

(i) is appointed to the office of the Governor of any State or the Administrator of any Union Territory; or

(ii) becomes a Member of the Council of States or the House of the People or of any Legislative Assembly; or

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1. *Inserted vide O.A. No. 3 of 1977.*
2. *Substituted vide O.A. No. 14 of 2017, O.G.E. No. 1681 dated 18.10.2017.*
3. *Inserted vide O.A. No. 7 of 2007, O.G.E. No. 1484 dated 23.8.2007.*
4. *Substituted vide O.A. No. 12 of 1999.*

(iii) is employed on a salary under the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government or under any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority;

such persons shall not be entitled to any pension under Sub-section (1) for the period during which he continues to hold such office or as such member or is so employed, or continues to be entitled to such remuneration :

Provided that where the salary payable to such person for holding such office or being such member or so employed, or where that remuneration referred-to in clause (iii) payable to such person, is in either case, less than the pension payable to him under Sub-section (1), such person shall be entitled only to receive the balance as pension under that Sub-section.

(3) Where any person entitled to pension under Sub-section (1) is entitled to any other pension, such person shall be entitled to receive the pension under Sub-section (1) in addition to such other pension; and

(4) In computing the number of years for the purpose of Sub-section (1), the period during which a person has served as Minister or Speaker or Deputy Speaker as defined in the Orissa Ministers, Salaries and Allowarices Act, 1952 or the Orissa Legislative Assembly Speaker's Salary and Allowances Act, 1960 or the Orissa Deputy Speaker's Salary and Allowances Act, 1959 respectively by virtue of his membership in the Assembly shall also be taken into account.]

(5)(a) In the event of the death of member who was eligible for pension or already in receipt of pension under Sub-section (1), his/her spouse shall be entitled to receive as family pension a sum equivalent to such pension till his/her death or remarriage whichever is earlier.

(b) In the event of the death of member while continuing in office as such, whose spouse is not entitled to receive family pension under clause (a) his/her spouse shall be entitled to receive as family pension till his/her death or remarriage, whichever is earlier, a sum equivalent to an amount which the member would have received had he held office for a period of one year as member :

Provided that the conditions laid down in Sub-sections (2) and (3) shall mutatis mutandis apply to holders of family pension.

5. Amenities:- (1) A member shall be entitled to such medical facilities for himself and for members of his family and to such housing, telephone and postal facilities as may be prescribed by rules under Section 7 :

Provided that a member who is Leader of the Opposition shall, so long he continues to be such leader and for a period of fifteen days immediately thereafter, be entitled without payment of rent to the use of residence.

Explanation - For the purpose of this provision 'residence' includes the

staff quarters and other buildings appurtenant thereto.

(2) The Chief Whip and the Deputy Chief Whip shall, throughout the period they continue in office as such and for a period of fifteen days thereafter, each be entitled without payment of rent, to the use of a furnished residence or in lieu thereof to a house rent allowance of one hundred rupees per month and no charge shall fall on them personally in respect of the maintenance of such furnished residence provided to them.

Explanation - For the purpose of this Sub-section 'residence' includes the staff quarters and other buildings appurtenant thereto and 'maintenance' in relation to a residence shall mean only the payment of Municipal tax and the installation of electricity and water taps.

6. Accommodation in inspection Bungalows etc.:- Notwithstanding anything contained in any other law, rules or orders for the time being in force and subject to rules to be made by the State Government; member shall be entitled to free accommodation in Inspection Bungalows, Dak Bungalows, Circuit Houses or Rest Houses maintained by the State Government or Local Authority within the State.

7. Power to make rules:- (1) The State Government may make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rule may provide "

(a) for determining the period during which daily allowances and travelling allowances are to be drawn;

(b) for deductions from such allowances and the salary fixed under Section 3 under such circumstances as they consider fit;

(c) for medical, housing, telephone and postal facilities;

(d) for determining the staff and the privileges of the Leader of the, Opposition, the Chief Whip; and the Deputy Chief Whip; and

(e) for regulating the payment of pension.

(3) All rules made under this Act shall be laid as soon as possible after they are made before the Orissa Legislative Assembly for a total period of fourteen days which may be comprised in one Session or in two or more Sessions and shall be subject to such modifications as the Assembly may make during the said period.

8. Continuance of the existing rules:- Notwithstanding anything contained in this Act but subject to the provisions of Section 4 thereof, the rules made under the provisions of Section 5 of the Orissa Legislative Assembly Member's Salaries and Allowances Act, 1938, shall continue in force until such rules are made in this behalf under this Act.

9. Interpretation:- Except as otherwise provided, if any question arises as to the interpretation of this Act or of the rules made there under or rules

referred to in Section 8, the matter shall be referred to the State Government and their decision shall be final.

10. Repeal:- The Orissa Legislative Assembly Member Salaries and Allowances Act, 1938 is hereby repealed.

THE ORISSA FIRE-WORKS AND LOUD SPEAKERS (REGULATION) RULES, 1965

[1]THE ORISSA FIRE-WORKS AND LOUD SPEAKERS (REGULATION) RULES, 1965

PREAMBLE

In exercise of the powers conferred by Section 8 of the Orissa Fire-works and Loud Speakers (Regulation) Act, 1958 (Orissa Act 30 of 1958), the State Government do hereby make the following rules, namely:

Rule - 1. Short title, extent and commencement.

(a) These rules may be called the Orissa Fire-works and Loud Speakers (Regulation) Rules, 1965.

(b) They shall come into force at once and apply to those areas of the State to which the Orissa Fire-works and Loud Speakers (Regulation) Act, 1958 has been extended under Sub-section (3) of Section 1 of the Act.

Rule - 2. Definitions.

(a) Unless the context otherwise requires, "Act" shall mean the Orissa Fire-works and Loud Speakers (Regulation) Act, 1958.

(b) All other words and expressions used in the these rules but not defined herein shall have the respective meanings assigned to them in the Act.

Rule - 3.

(a) No person shall display any explosive fire-works or use and play loud speaker at any place.[2][the compound] within a radius of 400.40 metres from a hospital, Court House or educational institution. Crackers and explosives shall not be displayed on public roads but may be displayed on road sides or on vacant areas.

(b) The prescribed authority referred to in Sections 3 and 4 shall be the District Magistrate, the[3][Sub-divisional Officer][4][Tahasildar] and Executive Officers of Municipalities and Notified Area Councils within their respective jurisdictions. Appeals shall lie to the District Magistrate against the orders of the permitting authority and appeal shall lie with the Revenue Divisional Commissioner against the orders of the District Magistrate and such appeal shall be filed within two weeks from the date of the order.

Rule - 4.

An application for permission to display any explosive fire- works or use and play a loud speaker shall be submitted in Form 'A' appended to these rules to the prescribed authority at least one week before the display of explosive fireworks or use and play of loud speaker.

Rule - 5.

The written permission shall be granted in Form 'B' appended to these rules which shall be surrendered to the suing authority within a week after the expiry of the date/period for which permission was given.

Rule - 6.

The person to whom or whose favour written permission as aforesaid is issued shall produce or arrange to produce the same for inspection of demand by any Police Officer not below the rank of an A.S.I. of Police or any Magistrate.

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[1] Published vide Notification N0.9126-P/29.3.1965.

[2] Substituted vide Orissa Gazette Part-III of 1967-Notification No. 26467-P/27.9.1967.

[3] Substituted vide Orissa Gazette Part-III of 1967-Notification No. 26467-P/27.9.1967.

[4] Substituted vide Orissa Gazette Part-III of 1967-Notification No. 26467-P/27.9.1967.

MINISTRY OF PETROLEMUM & NATURAL GAS
Notification

New Delhi, the 13th march, 2002
G.S.R. 204 (E) :- WHEREAS a draft of the Petroleum Rules 2001 was published as required by sub-section (2) and (3) of section 29 of the Petroleum Act 1934 (30 of 1934), by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. GSR 357(E) dated the 15th May, 2001 in the Gazette of India Extraordinary Part II Section 3 sub-section (i) dated the 15th May, 2001 inviting objections or suggestions from all persons likely to be affected thereby before the expiry of 45 days from the date on which the Notification was made available to the public;
AND WHEREAS, the said notification was made available to the public on the 19th June, 2001;
AND WHEREAS, except certain suggestions, no objection to the draft rules were received by the Central Government;
AND WHEREAS the Central Government have duly considered all the suggestions received by it on the draft rules;
NOW, THEREFORE, in exercise of the powers conferred by sections 4, 5,14, 21, and 22 and sub-section (1) of Section 29 of the Petroleum Act 1934 (30 of 1934), the Central Government hereby makes the following rules, namely **:-**

CHAPTER I
PRELMINARY

PART I – short title and definitions

1. Short title and commencement-
(1) These rules may be called the Petroleum Rules, 2002.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions** –
(1) In these rules, unless the context otherwise requires: -
(i) “Act” means the Petroleum Act, 1934 (30 of 1934);
(ii) “Adequate” –
(a) in relation to ventilation, means where the concentration of the inflammable gas in a gas-air mixture does not reach the lower inflammable limit, or
(b) where applied to provision of facilities for fire-fighting, means the facilities so provided are in accordance with the prevalent recognized standards or codes of safety;
(iii) ”Approved” -
(a) Where applied to a specification, means that the specification is authorised by the Chief Controller including the following Oil Industry Safety Directorates Standards: OISD -105, OISD-116, OISD- 117, OISD-118, OISD-141 and OISD –156;
(b) where applied to an appliance or fitting, means that the appliance or fitting bears a label of a designated testing organization certifying conformity with a specification approved by the Chief Controller or with a laboratory test report accepted by the Chief Controller; or
(c) where applied to any facility for petroleum, means that it conforms to these rules;
(iv) “Chief Controller” means the Chief Controller of Explosives
(v) “Controller” means Controller of Explosives and includes Joint Chief Controller of Explosives, Deputy Chief Controller of Explosives and Deputy Controller of Explosives;
(vi) “Competent person” means a person recognized by the Chief Controller to be a competent person, or a person who holds a certificate of competency for the job in respect of which competency is required from an institution recognized by the Chief Controller in this behalf;
(vii) “Conservator ” includes any person acting under the authority of the officer or body of persons appointed to be Conservator of a port under section 7 of the Indian Ports Act, 1908 (15 of 1908);
(viii) “Container ” means a receptacle for petroleum not exceeding 1,000 litres in capacity;

(ix) “Defence Forces of the Union” includes General Reserve Engineering Forces under the Director-general Border Roads, Assam Rifles, Central Reserve Police Force, Border Security Force and National Security Guard under the Ministry of Home Affairs and Special Security Bureau under the Cabinet Secretariat;
(x) “District Authority ” means -----
(a) in towns having a Commissioner of Police, the Commissioner or a Deputy Commissioner of Police;
(b) in any other place, the District Magistrate;
(xi) “District Magistrate” means and includes an Additional District Magistrate and in the States of Punjab and Haryana and in the Karaikal, Mahe and Yenam areas of the Union Territory of Pondicherry, also includes a Sub-divisional Magistrate;
(xii) “Electric Apparatus” includes motors, starters, lamps, switches, junction boxes, fuses, cut-outs or any other appliance, equipment or fitting which operates on electricity;
(xiii) “Form” means a form in the First Schedule;
(xiv) “Hot work’ means any work which involves welding, burning, soldering, brazing sand blasting, chipping by spark-producing tools, use of certain power driven tools, non-flame proof electrical equipment or equipment with internal combustion engines and including any other work which is likely to produce sufficient heat, capable of igniting inflammable gases;
(xv) “Inspector” means an officer authorized by the Central government under subsection (1) of section 13 of the Act;
(xvi) “Installation ” means any premises wherein any place has been specially prepared for the storage of petroleum in bulk, but does not include a well-head tank or a service station;
(xvii) “OISD” means “Oil Industry Safety Directorate” a technical body assisting the Safety Council constituted under the Ministry of Petroleum and Natural Gas;
(xviii) “OISD Standard” means technical standards formulated by OISD and approved by Safety Council constituted under the Ministry of Petroleum and Natural Gas to ensure safety in Oil and Gas Industry (as amended from time to time).;
(xix) “Petroleum in bulk” means petroleum contained in a tank irrespective of the quantity of petroleum contained therein;
(xx) “Protected Area” means the area necessary for the maintenance of the distance required under the conditions of the licence to be kept clear between any installation, service station or storage shed and any protected works;
(xxi) “Protected works” include-
(a) buildings in which persons dwell or assemble, docks, wharves, timber and coal yards, furnace, kiln or chimney and buildings or places used for storing petroleum or for any other purpose but does not include buildings or places forming part of an installation;
(b) any public road or a railway line which is used exclusively as an oil siding; and
(c) overhead high-tension power lines;
(xxii) “Sampling Officer” means an officer authorized by the Central Government under sub-section (1) of section 14 of the Act;
(xxiii) “Schedule” means a schedule annexed to these rules;
(xxiv) “Service Station” means any premises specially prepared for the fuelling of motor vehicles and includes such places within the premises which have been specially approved by the licensing authority for the servicing of motor vehicles and for other purposes;
(xxv) “Storage Shed” means a building used for the storage of petroleum other wise than in bulk whether forming part of an installation or not, but does not include a building used for the storage of petroleum exempt from licence under sections 7,8 or 9 of the Act;
(xxvi) “Tank” means a receptacle for petroleum exceeding 1,000 litres in capacity;
(xxvii) “Tank cart” means a hand-drawn or animal-drawn vehicle equipped with a tank;
(xxviii) “Tank semi-trailer” means a tank trailer constructed in such a manner that when it is drawn by a tractor by means of fifth wheel connection, some part of the load rests on the towing vehicle;
(xxix) “Tank trailer” means a vehicle with a tank mounted thereon or built as integral part thereof and constructed in such a manner that it has at least two axles and all its load rests on its own wheels;
(xxx) “Tank truck” means a single self-propelled vehicle with a tank mounted thereon;

(xxxi) “Tank Vehicle” means any vehicle, including a tank wagon with a tank of a capacity exceeding 1,000 litres mounted thereon and also includes refueller used for refuelling of air crafts or onsite fuelling of heavy vehicles/machineries/stationery equipments.
(xxxii) “Tank wagon” means a railway carriage with a tank mounted thereon.
(xxxiii) “Testing Officer” means an officer authorized by the Central Government to test petroleum under section 17 of the Act;
(xxxiv) “Vehicle” means all carriages, including animal-drawn carriages for the transportation of petroleum either in bulk or otherwise than in bulk;
(xxxv) “Well-head tank” means a tank into which crude petroleum flowing or being pumped from an oil well is first discharged;
(2) The words and expressions used in these rules but not defined in sub-rule (1), shall have the respective meanings assigned to them in the Act.

PART II
GENERAL PROVISIONS

3. Restriction on delivery and dispatch of petroleum. –
(1) No person, shall deliver or dispatch any petroleum to anyone in India other than the holder of a storage licence issued under these rules or his authorized agent or a port authority or railway administration or a person who is authorized under the Act to store petroleum without a licence.
(2) The petroleum delivered or dispatched under sub-rule (1) shall be of the class, and shall not exceed the quantity, which the person to whom it is delivered or dispatched is authorized to store with or without a licence under the Act.
(3) Notwithstanding anything contained in sub-rule (2), petroleum Class B not exceeding 15,000 litres in quantity packed in sealed airtight approved containers may be dispatched to a person not holding a storage licence provided that the person dispatching the petroleum has satisfied himself that prior arrangements have been made by the person to whom the petroleum is dispatched for the immediate disposal in the original sealed packages or such quantity as in excess of 2,500 litres : Provided that a dry chemical powder fire extinguisher as a means of fighting fire in emergency shall be carried in the case of the containers with more than 2,500 litres.
(4) Nothing in sub-rules (1) and (2) shall apply to the delivery or dispatch of petroleum to the Defence Forces of the Union and to the delivery or dispatch of kerosene (petroleum Class B) to the person holding licence in form XVIII for decantation into containers from tank vehicle: Provided that the person dispatching the Kerosene has satisfied himself that prior arrangements have been made by the person to whom the kerosene is dispatched for the immediate disposal into containers in lots of 2,500 litres or less.

4. Approval of containers. –
(1) Containers exceeding one litre in capacity for petroleum Class A and five litres in capacity for petroleum Class B or petroleum class C, shall be of a type approved by the Chief Controller.
(2) Where the approval of the Chief Controller is sought to a type of container not previously approved, an application together with copies of drawings thereof to scale showing the design, materials to be used, the method of construction and capacity of the container together with two samples containers and a fee of **rupees one thousand** for scrutiny shall be submitted to the Chief Controller.
(3) Nothing in sub-rules (1) and (2) shall apply to containers in the possession of the Defence Forces of the Union.

5. Containers for petroleum Class A.-
(1)Containers for petroleum Class A shall be constructed of tinned, galvanized or externally rust proofed sheet iron or steel and be of a type approved by the Chief Controller: Provided that glass bottles of a capacity not exceeding 2.5 litres and of a type approved by Chief Controller can be used as a container for laboratory chemicals classified as petroleum Class “A”.
(2) The containers shall be so constructed and secured as not to be liable except under circumstances of gross negligence or extraordinary accident to become defective, leaky or insecure in transit and they shall be kept in proper repair.

(3) The containers shall have well-made filling aperture which shall be fitted with well-fitting and secure airtight screw plugs or screw caps or other caps.
(4) Containers made of sheet iron or steel shall have the following thickness of metal, namely: -

Capacity of Container exclusive of the free space Minimum thickness in mm. Prescribed in sub-rule (6) of sheet iron or steel
Not exceeding 10 litres 0.443(27BG)
Exceeding 10 but not exceeding 25 litres 0.63 (24BG)
Exceeding 25 but not exceeding 50 litres 0.80 (22BG)
Exceeding 50 but not exceeding 200 litres 1.25 (18BG)
Exceeding 200 but not exceeding 300 litres 1.59 (16BG)
(5) The capacity of any container, other than those approved by the Chief Controller for specific purposes, shall not exceed 300 litres.
(6) An air space of not less than 5 percent of its capacity shall be kept in each container.
(7) The container shall bear a stamped, embossed or painted warning exhibiting in conspicuous characters the words “Petrol” or “Motor Spirit” or an equivalent warning of the highly inflammable nature of the petroleum.
(8) Nothing in sub-rules (1), (3), (4), (5), (6) and (7), shall apply to containers in the possession of the Defence Forces of the Union.

6. Containers for petroleum Class B and Class C
(1) Containers for petroleum class B or petroleum class C shall be constructed of steel or iron and be of a type approved by the Chief Controller.
(2) An air space of not less than 5 percent of its capacity shall be kept in each container for petroleum Class B and not less than 3 percent of its capacity in each container for petroleum Class C.
(3) Nothing in this rule shall apply to containers in the possession of the Defence Forces of the Union.

7. Empty receptacles. –
All empty tanks which had petroleum Class A or petroleum Class B and empty containers which had petroleum Class A shall, except when they are opened for the purpose of filling or cleaning and rendering them free from petroleum vapour, be kept securely closed until they have been thoroughly cleaned and freed from petroleum vapour.

8. Repairs to receptacles. –
(1) No person shall cause to be repaired or repair by the use of hot work any tank or container which had petroleum unless it has been thoroughly cleaned and freed from petroleum and petroleum vapour or otherwise prepared for safely carrying out such hot repair and certified, in writing, by a competent person to have been so repaired.
(2) The certificate required under sub-rule (1) shall be preserved by the repairer for a period of atleast three months and produced to an inspector on demand.

9. Prevention of escape of petroleum. –
All due precautions shall be taken at all times to prevent escape of petroleum into any drain, sewer, and harbour, river or watercourse or over any public road or railway line.

10. Prohibition of employment of children and intoxicated persons. –
No child under the age of eighteen years and no person who is in a state of intoxication shall be employed on the loading, unloading or transport of petroleum or in any premises licensed under these rules.

11. Prohibition of smoking, fires, lights, etc..-
Unless expressly provided in these rules, no person shall smoke and no matches, fires, lights or articles or substances capable of causing ignition of petroleum shall be allowed, at any time in

proximity to a place where petroleum is refined, stored or handled or in a vehicle's carriage or vessel in which petroleum is transported.

12. Special precautions against accident. –
(1) No person shall commit or attempt to commit any act, which may tend to cause a fire or explosion in or about any place where petroleum is refined, stored or handled, or any vehicle's carriage or vessel in which petroleum is transported.
(2) Every person storing petroleum and every person in charge of or engaged in the storage, handling or transport of petroleum shall at all time. -
(a) comply with the provisions of these rules and conditions of any licence relating thereto;
(b) observe all precautions for prevention of accident by fire or explosion; and
(c) prevent any person from committing any act referred to in sub-rule (1)

13. Payment of fees. –
(1) All fees payable under these rules to the Chief Controller shall be paid by a crossed bank draft drawn in favour of the Chief Controller of Explosives, Nagpur. The bank draft shall be drawn on any nationalized bank, payable at Nagpur. Fees upto rupees one hundred in each case may be paid in cash at the office of the Chief Controller.
(2) Fees payable to a Controller shall be paid by a crossed bank draft drawn in favour of the Controller of Explosives to whom the payment is made. The bank draft shall be drawn on any nationalized bank payable at the station where the office of the Controller to whom payment is to be made is located. Fees upto rupees one hundred in each case may also be paid in cash at the office of the Controller concerned.
(3) Fees payable to District Authority or any other authority under these rules shall be paid in such a manner as may be specified by that authority.
(4) (i) If an application for the grant, renewal or amendment of the licence is rejected, the fees paid by the applicant shall be refunded to him;
(a) by the licensing authority, if the fee has been paid in cash or by bank draft; or
(b) if the fee has been paid into a treasury, by that treasury on the production of signed order from the licensing authority directing such refund.
(ii) The fees shall be refunded by the licensing authority preferably within six months of the realisation.
(5) Fees payable under these rules for purposes other than the grant, renewal, or amendment of licences shall not be refundable.

CHAPTER II
IMPORTATION OF PETROLEUM

PART I
General

14. Licence for import of petroleum. –
Petroleum, other than petroleum, which may be stored without a licence under sections 7, 8 and 9 of the Act, shall not be imported into India except under a licence granted under these rules: Provided that, such Petroleum products may also be imported by a person not having a licence if adequate advance arrangements are made by such person to receive and store the imported petroleum product s in licensed premises.

15. Petroleum exempted. –
(1) Nothing in this chapter applies to petroleum Class B or petroleum Class C comprising in a ship's stores and manifested as such;
(2) Nothing in rules 14,19 and 26 shall apply to petroleum imported by the Defence Forces of the Union.

PART II
IMPORTATION BY SEA

16. Ports into which petroleum may be imported. –
(1) Petroleum shall not be imported into India by sea except through the ports which are duly approved for this purpose by the Ministry of Shipping, Government of India, in consultation with the Chief Controller and declared as Custom's ports by the Commissioner of Customs.
(2) Notwithstanding anything contained in sub-rule (1), the Commissioner of Customs may, on the recommendation of the Chief Controller, allow import of petroleum Class B or petroleum Class C, otherwise than in bulk, through any other port.
(3) Adequate fire fighting facilities as per OISD Standard-156 shall be provided at the ports handling petroleum.
(4) Person(s) desirous of seeking approval in respect of proposed facilities for unloading of petroleum for the purpose of import under sub-rule(1) or of making modifications in the existing facilities shall submit to the Chief Controller an application alongwith -
(a) specification and plans drawn to scale in quadruplicate, clearly indicating-
(i) surroundings and all protected works within 500 metres of the unloading facilities on all sides showing therein the location, available draft, navigation channel, turning circle, route of transfer pipeline(s),
(ii) mooring or berthing facilities, service platform/berth, mode of unloading , fire fighting facilities, illumination arrangements, navigational facilities, control room, spill collection/ containment arrangements etc., and
(iii) piping and instrumentation diagram of the petroleum pipeline(s) at the unloading area;
(b) comprehensive project report elaborating the scheme and methodology of import, safety and security features including those mentioned in (a) (i), (ii) and
(iii) of this sub-rule;
(c) Environment Impact Assessment and Risk Analysis Report indicating qualitative and quantitative risks, probable failure scenarios, LFL distances and consequent hazards and damages with damage distances and remedies recommended;
(d) scrutiny fee of rupees two thousand, and
(e) copies of clearances obtained from the following authorities. -
(i) Ministry of Shipping or State Maritime Board as the case may be.
(ii) Ministry of Environment and Forests or State Pollution Control Board, as the case may be, and
(iii) Commissioner of Customs.

(5) Unloading of petroleum in bulk shall be either by mechanized arm or by armoured hose as approved by Chief Controller. All hoses, pipes and other appliances used in unloading of petroleum shall be electrically and mechanically continuous and duly tested as per codes/standards.

17. Declaration by the master of the ship carrying petroleum or by the ship's agent. –
(1) The master of every ship carrying petroleum shall deliver to the pilot before entering any port approved under sub-rule (1) of rule 16, a written declaration in Form I under his signature: Provided that no such declaration is necessary if the agent of the ship deliver such a declaration signed by him to the Conservator before the arrival of such ship.
(2) The pilot shall make over the said declaration to the Conservator without delay and the Conservator shall forward the declaration to the Commissioner of Customs of the port with all convenient dispatch.

18. Anchorage of ships carrying petroleum. –
(1) Every ship having petroleum on board shall be anchored at such anchorage as the Conservator shall specify in this behalf and shall not leave such anchorage without the general or special order of the Conservator and subject to such conditions as may be specified in such order.
(2) The anchorage shall in no case be the same as that for vessel laden with explosives and shall be at such distance from the anchorage for vessels laden with explosives as to render it impossible for a fire originating at the former anchorage to affect vessels at the latter: Provided that nothing in this rule shall apply to ships having on board petroleum Class C.

19. **Production of certificate and licence for import. –**
(1) Every person desiring to import petroleum shall furnish personally or through his agent to the Commissioner of Customs. -
(a) certificate of storage accommodation in Form II signed by such person or his agent; and
(b) the licence or an authenticated copy of the licence for the import and storage of such petroleum: Provided that nothing in this rule shall apply to the importation, otherwise than in bulk of petroleum exempted under sections 7, 8, 9 and 10 of the Act: Provided further that the furnishing of a licence under clause (b) shall not be necessary for the importation of petroleum class C in bulk in quantity exempted under section 7 of the Act.
(2) Notwithstanding anything contained in sub-rule (1) a person may import petroleum Class A in bulk, even if -
(i) he is not holding a licence for storage at the port of importation; or
(ii) the storage accommodation in the premises licensed in his name is not sufficient to hold the quantity of petroleum intended to be imported: Provided in both cases adequate advance arrangements to the satisfaction of the Conservator are made by the importer to distribute the petroleum from the post of import to premises licensed to store such petroleum.

20. Permission of Commissioner of Customs to land petroleum. –
(1) No imported petroleum shall be landed except with the permission of the Commissioner of Customs.
(2) If the Commissioner of Customs after receiving-
(a) of the testing officer's report on the petroleum;
(b) the certificate of storage accommodation in Form II if required under rule 19; and
(c) the licence or an authenticated copy of the licence if required under rule 19, 18 and after making such further inquiries, as he deems necessary, is satisfied that the petroleum can be lawfully imported and that there is suitable accommodation for it, he shall permit it to be landed.
(3) If the Commissioner of Customs is satisfied that any petroleum imported otherwise than in bulk is not intended to be stored in India but is intended to be dispatched immediately after landing to any place outside India, he may waive the requirements of rules 14 and 19 and by written order permit subject to such conditions as he may specify such petroleum to be landed for the purpose of immediate dispatch to that place. The Commissioner of Customs shall ensure that

the goods are immediately moved to destination country. In the event of road breaches etc. occurring maximum time of 30 days may be allowed from the date of landing of the goods upto the date of dispatch to the destinations outside of India.
(4) Nothing in this rule shall affect the power of the Commissioner of Customs to detain the petroleum under any other law or rule for the time being in force.

21. Landing of petroleum Class B or petroleum Class C in anticipation of the testing officer's report. –
(1) Not with standing anything contained in Rule 20 where the consignee furnishes a guarantee to re-ship the petroleum if the testing officer's report proves unfavourable, the Commissioner of Customs may in anticipation of the testing officer's report permit any petroleum which he believes to be petroleum Class B or petroleum Class C to be discharged into boats or to be landed.
(2) The permission granted under sub-rule (1)shall be subject to the conditions that the boats into which the petroleum is discharged shall remain at such place as the Conservator may specify or that the petroleum shall be landed at a landing place duly specified for the purpose by him and stored in an installation licensed under these rules.

22. Unloading of petroleum in bulk. –
Subject to the provisions of Part II of Chapter III, petroleum imported in bulk shall be discharged into storage tanks on shore either 19 directly or by means of barges or lighters specially constructed for carrying petroleum in bulk and only at such places as the Conservator may by general or special order direct.

23. Unloading of petroleum otherwise than in bulk. –
(1) Subject to the provisions of Part II of Chapter III, petroleum imported otherwise than in bulk shall be landed either at jetties provided for the purpose, or in barges or lighters and only at any such places as the Conservator shall direct.
(2) No petroleum contained in containers shall be landed unless such containers are free from leakage and are of such strength or construction as not to be liable to be broken or to leak except in cases of gross negligence or extraordinary accident: Provided that petroleum contained in containers, which do not satisfy the requirements of this sub-rule, may subject to provisions of Part II of Chapter III and to such conditions as the Conservator may impose, be landed at separate landing place approved for the purpose.

24. Transshipment of petroleum. –
Petroleum may be transshipped from one ship to another for conveyance to any other port, whether within or beyond the territory of India subject to the provisions of Part II of Chapter III.

PART III
IMPORTATION BY LAND

25. Petroleum to be imported by land only at authorized places. –
No petroleum shall be imported into India by land except at places specially authorized for the purpose by the Central Government.

26. Declaration and certificate to be furnished and licence to be produced before importing petroleum by land.-
Every person desiring to import petroleum by land shall furnish to the Commissioner of Customs20
(a) a declaration in Form I signed by him or his agent;
(b) a certificate of storage accommodation in From II signed by him or his agent; and
(c) the licence or an authenticated copy of the licence held for the importation and storage of such petroleum : Provided that nothing in this rule shall apply to the importation of petroleum exempted under sections 7,8 and 9 of the Act: Provided further that the furnishing of licence under clause

(c) shall not be necessary for the importation of petroleum class C, in bulk, in quantity exempted under section 7 of the Act.

27. Permission of the Commissioner of Customs to unload petroleum. –
(1) No petroleum shall be unloaded except with the permission of the Commissioner of Customs.
(2) If the Commissioner of customs, after receiving:-
(a) the testing officer's report on the Petroleum;
(b) the certificate in Form II, if required by rule 26; and
(c) the licence, if required by rule 26; and after making such further inquiries as he deems necessary, is satisfied that the petroleum can be lawfully imported and that there is suitable accommodation for it, he shall permit it to be unloaded.
(3) If the Commissioner of Customs is satisfied that any petroleum imported is not intended to be stored in India but is intended to be dispatched immediately after unloading to any place outside India, he may waive the requirements of rules 14 and 26 and by written order permit, subject to such conditions as he may specify, such petroleum to be unloaded for the purpose of immediate dispatch to that place.
(4) Nothing in this rule shall affect the power of the Commissioner of Customs to detain petroleum under any other law or rule for the time being in force.

CHAPTER III
TRANSPORT OF PETROLEUM
PART I

General

28. Restriction on leaky receptacles. –
No leaky tank or container containing petroleum shall be tendered for transport..

29. Loading of containers. –
Barrels, drums and other containers filled with petroleum shall be loaded with bung upwards.

30. Restriction on passengers, combustible and inflammable cargo. –
Save as provided in rules 38,39 and 52 and clause, (b) of rule 60, no ship, vessel or vehicle shall carry petroleum petroleum Class A or petroleum Class B and Class C in bulk if it is carrying passengers or any combustible cargo other than petroleum: Provided that nothing in this rule shall prohibit the use of dunnage for packing purposes in the case of coastwise transport of petroleum Class A otherwise than in bulk.

31. Prohibition of smoking, fires, lights. –
No person while engaged in loading or unloading or transporting shall smoke or carry matches, lighters or other appliances capable of producing ignition or explosion.

32. Restriction on loading and unloading by night. –
Petroleum shall not be loaded into, or unloaded from, any ship, vessel or vehicle between the hours of sunset and sunrise, unless.-
(a) adequate electric lighting is provided at the place of loading or unloading and the provisions of Chapter IV are complied with; and
(b) adequate fire-fighting facilities with personnel are kept ready at the place of loading for immediate use in the event of a fire.
(2) Nothing in this rule shall apply to the refueling of an aircraft by vessels or vehicles licensed under these rules in accordance with the provisions of the Indian Aircraft Rules, 1937, or to the refueling of an aircraft by the Defence Forces of the Union.
Explanation - For the purposes of this rules the Chief Controller shall determine the adequacy or otherwise of the electric lighting and fire-fighting facilities.

PART II
TRANSPORT BY WATER

33. Conditions of carriage of petroleum in bulk by water. –
(1) Petroleum in bulk shall not be carried by water, except in a ship or other vessel licensed for the carriage of petroleum in bulk by an officer appointed by the Central Government in this behalf (hereinafter in this part referred to as the, licensing authority) and the petroleum shall be stored in such part of the ship or other vessel and in such manner as may be approved by general or special order by the licensing authority after consultation with the Chief Controller,:
Provided that -
(a) nothing in this rule shall apply to vessels registered in a country other than India importing petroleum
(b) petroleum in tank vehicles may, with the permission, in writing, of the Chief Controller and subject to such conditions as he may specify, be transported across a river by a ferry.
(2) The licence referred to in sub-rule (1) shall be granted in Form III, and shall remain in force for a period of one year from the date of its issue.

33. Requirement as to the construction of vessels. –
Every ship or other vessel carrying petroleum in bulk, other than a ferry permitted to transport tank vehicles under clause (b) of the provisio of sub-rule (1) of rule 33, shall be made of iron or steel well and substantially constructed with scantlings of ample dimensions in proportion to the size of the vessel:Provided that the licensing authority may, in special circumstances, allow use of such ships or other vessels constructed of materials other than iron or steel under such conditions as it may, in consultation with the Chief Controller, specify.

35. Tank fittings on ships or vessels. –
The following provisions shall apply for the transport of petroleum other than petroleum Class C in ship or other vessels, namely: -
(a) All tanks shall be fitted with independent approved filling and suctions pipes and valves, or with stand pipes with blank flanges, all pipes being carried down nearly to the bottom of the tanks, and no petroleum in bulk shall be taken on board or discharged except through such pipes and valves, unless otherwise permitted by the Chief Controller in writing;
(b) All tanks shall be fitted with manholes having screw-down cover with petroleum-tight joints and, in the case of tanks intended for use with petroleum class A, with ventilators or relief valves of approved pattern properly protected with wire gauge of a mesh not less than 11 meshes to linear centimeter; and
(c) Ventilators similarly protected shall be fitted to all spaces, around tanks.

36. Self propelled barges. –
The following conditions shall be observed in self propelled barges transporting petroleum other than petroleum class C, namely: -
(a) The whole of the machinery shall be at the stern of the barge and shall be entirely separated from the cargo by a cofferdam consisting of two transverse petroleum-proof bulkheads separated by a space of atleast 75 centimetres;
(b) each exhaust outlet from the machinery shall be fitted with an approved type of spark arrester;
(c) no petrol-driven engine shall be used either as main engine or for the purpose of driving any auxiliary machinery or pumps.
(d) a quick-action closing valve which can be operated from outside the machinery space, shall be fitted to each fuel feed pipe at its junctions with the fuel service tank;
(e) the barge shall be provided with a heavy wood belting; and
(f) suitable ventilators shall be fitted to the cargo space.

37. Petroleum in bulk on barges and flats. –
Petroleum in bulk shall not be transported in a barge or flat unless the barge or flat is self-propelled or is in tow of, or otherwise, attended by, a steamer or tug and carries:
(a) at least four fire extinguishers suitable for extinguishing oil fires and a covered sand box, on deck, containing at least 0.20 cubic metres of dry sand;
(b) a suitable hammer of non-sparking metal; and
(c) a red flag.

38. Restriction on cargo or passengers. –
(1) No ship or other vessel shall carry petroleum in bulk if it is carrying passengers, or any inflammable cargo other than petroleum or coal.
(2) This rule shall not apply to petroleum Class C used as fuel and carried in cellular double bottoms under engine and boiler compartments and under ordinary holds; such fuel oil tanks and installations connected therewith shall comply with the provisions of the Indian Merchant Shipping (Construction and Survey of Passenger Steamers) Rules, 1956.

39. Petroleum carried as cargo in unberthed passenger ships. –
Petroleum class A shall not be transported as cargo by an unberthed passenger ship as defined in the Merchant Shipping Act, 1958 (44 of 1958): Provided that the certifying officer referred to in section 243 of the Merchant Shipping Act, 1958 (44 of 1958), may in cases where he is satisfied

that no other means of transporting the petroleum are available, permit petroleum Class A in quantity not exceeding 1,250 litres to be transported otherwise than in bulk by an unberthed passenger ship subject to :
(a) the condition that no more persons shall be carried in the ship than can with safety be accommodated in the ship's life-boats in case of an accident; and
(b) such other conditions as the certifying officer may, after consultation with the Chief Controller, impose : Provided further that clause (a) of the first provisio shall not apply in the case of unberthed passenger ships engaged on voyages in the course of which they do not go beyond 32 kilometres from land.

40. Prohibition of transport of petroleum Class A by country craft. –
No country craft shall carry petroleum class A if it is carrying passengers.

41. Restrictions on steamers or tugs employed in towing or attending a petroleum vessel. –
(1) No steamer or tug employed in towing or otherwise attending a barge, flat or lighter carrying petroleum, other than petroleum class C in bulk, shall at the same time tow or otherwise attend any other vessel carrying an inflammable cargo other than petroleum or coal.
(2) No such steamer or tug shall carry any inflammable cargo other than petroleum or coal.
(3) All such steamers or tugs shall be fitted with efficient spark arresters.

42. Ventilation and cleaning of holds and tanks. –
(1) Before any petroleum is discharged from a ship or vessel, the holds of such vessels shall be thoroughly ventilated: Provided that nothing in this sub-rule shall apply to any vessel carrying petroleum Class A not exceeding 30 litres or petroleum Class B not exceeding 2,500 litres or petroleum Class C.
(2) After all petroleum has been discharged from any such vessel, the holds, tanks and bilge's of the vessel shall be rendered free from inflammable vapour.
(3) Sub-rule (2) shall not apply to the tanks of a ship importing petroleum which leaves the port without delay after unloading of cargo or remains only for the purpose of taking on board bunkers, stores or ballast or for such other purpose as may be approved by the Conservator, if the tanks of every such ship are securely fastened down immediately after the discharge of the cargo.
(4) Sub-rule (2) shall not apply to barges or lighters continuously engaged in the transport of petroleum in bulk, if -
(a) an interval of not more than 72 hours is likely to elapse between an operation of unloading and the next loading operation; and
(b) the tanks are securely fastened down immediately after unloading.
(5) Sub-rule (2) shall not apply to specially constructed steel tank motor vessel approved by the Chief Controller which are engaged in the transport of petroleum in bulk on such rivers and on such ports thereof as may be approved by him in areas outside port limits, or by the Conservator within port limits, if the tanks of such vessels are securely fastened down immediately after unloading and the vessels depart not later than 12 hours after completion of unloading for their next place of loading.
(6) All ships or other vessels which by sub-rule (3) or sub-rule (4) or sub-rule (5) are exempted from the application of sub-rule (2), shall until their holds and tanks have been rendered free from inflammable vapour, comply with all the rules applicable to ships or other vessels when carrying petroleum in bulk.

43. Master of vessels specially responsible. –
The Master or other officer incharge of any vessel which had carried petroleum on board whether as a cargo or as a fuel, or any vessel licensed under rule 33 shall be responsible to see that -
(a) all due precautions are taken for the prevention of accidents due to ignition of petroleum or petroleum vapour;
(b) so long as there is petroleum or petroleum vapour in a tank, all openings from the tank to the atmosphere except the gas escape line are kept closed and locked or otherwise securely fastened; and when it is necessary to take dips or samples, the sludge plugs or sighting ports are

closed immediately after such dips or samples are taken: Provided that subject to the provisions of clause (c) the master or officer incharge may cause the necessary openings to be opened or unlocked for the purpose of taking on board or unloading petroleum Class B or petroleum Class C for cleaning the tanks or for other sufficient reason;
(c) no person enters a tank or an enclosed space which had, or is suspected to have contained petroleum without wearing a breathing apparatus of a type approved by the Chief Controller unless an officer appointed by the Central Government in this behalf has examined the tank or space with the aid of an approved petroleum vapour-testing instrument and has been certified by him in writing that the said tank or space is free from petroleum vapour.
(d) the vessel does not undergo repair by hot work to any of its tanks, part of fittings which are likely to contain petroleum vapour or petroleum unless each such tank, part of fittings, as the case may be, has been examined by an officer appointed under clause (c) with the aid of an approved petroleum vapour-test instrument and has been certified by him in writing that the tank, part or fittings is free from petroleum vapour or petroleum;
(e) the vessel used for the carriage of petroleum in bulk as a cargo is not taken among other ships or to a dry dock unless-
(i) the vessel is proceeding to an oil berth, or
(ii) a certificate from an officer appointed under clause (c); to the effect that he has examined all the tanks, cofferdams, pump rooms and such other parts as are deemed necessary with the aid of an approved petroleum vapour-testing instrument, and that such tanks, cofferdams, pump rooms and other parts are free from petroleum vapour; and declaration from the Master that to the best of his knowledge there is no petroleum vapour, present in other parts of the vessel not covered by the above certificate are produced.
(f) the officer granting certificate under clause (c) or clause (d) or clause (e) may specify such conditions and make such recommendations as are necessary to maintain gas-free conditions of tanks, space or parts certified;
(g) the certificate referred to in clause (c), (d)and (e) shall be granted only on receipt of fee fixed by the Central Government from time to time;
(h) the vessel or any steamer or tug towing or otherwise attending on such vessel exhibits conspicuously .-
(i) from sunrise to sunset a red flag not less than 90 centimetres square with a white circular centre 15 centimetres in diameter if petroleum class A is carried and a red flag not less than 90 centimetres square if petroleum Class B is carried; and
(ii) from sunset to sunrise such warning lights as may be required by the Conservator;

Note : The port authority concerned shall be the authority for the issue of final permission for the purpose of clauses (c), (d) and (e) even though Gas Free Certificates have been obtained from the officer concerned under clause (c) of this rule.

[2][43-A. Agency undertaking ship breaking specially responsible.—The Agency, which owns vessels meant for breaking or beaching, before undertaking breaking of such vessels, called ship breaking, shall be responsible to see that—

(*a*) all due precautions are taken for the prevention of accidents due to ignition of petroleum or petroleum vapour;

(*b*) so long as there is petroleum vapour in a tank, all openings from the tank to the atmosphere except the gas escape line are kept closed and locked or otherwise securely fastened; and subject the provisions of clause (*c*), the

2. Inserted by G.S.R. 61(E), dated 2-2-2007 (w.e.f. 2-2-2007).

agency undertaking the ship breaking activities may cause the necessary openings to be opened or unlocked for cleaning the tanks or for making the tank free from petroleum vapour or for other sufficient reason;

(*c*) no person enters a tank or an enclosed space which had, or is suspected to have contained petroleum without wearing a breathing apparatus of a type approved by the Chief Controller unless an officer appointed by the Central Government in this behalf has examined the tank or space with the aid of an approved petroleum vapour-testing instrument and has been certified by him in writing that the said tank or space is free from petroleum vapour;

(*d*) the vessel does not undergo breaking by hot work to any of its tanks, part of fittings which are likely to contain petroleum vapour or petroleum unless each such tank, part of fittings, as the case may be, has been examined by an officer appointed under clause (*c*) with the aid of an approved petroleum vapour-test instrument and has been certified by him in writing that the tank, part of fittings are free from petroleum vapour or petroleum;

(*e*) the vessel is not taken to ship breaking yard unless a certificate from an officer appointed under clause (*c*), to the effect that he has examined all the tanks, cofferdams, pump rooms and such other parts as are deemed necessary with the aid of an approved petroleum vapour-testing instrument, and that such tanks, cofferdams, pump room and other parts are free from petroleum vapour; and declaration from the agency undertaking the ship breaking activities that to the best of its knowledge there is no petroleum vapour, present in other parts of the vessel not covered by the above certificate are produced;

(*f*) the officer granting certificate under clause (*c*) or clause (*d*) or clause (*e*) may specify such conditions and make such recommendations as are necessary to maintain gas free conditions of tanks, space or parts certified;

(*g*) the certificate referred to in clauses (*c*), (*d*) and (*e*) shall be granted only on receipt of fee fixed by Central Government from time to time.

Note.—The port authority concerned shall be the authority for the issue of final permission for the purpose of clauses (*c*), (*d*) and (*e*) even though Gas Free Certificates have been obtained from the officer concerned under clause (*c*) of this rule.

44. Loading and unloading of bulk petroleum. –

(1) Petroleum in bulk shall not be loaded or unloaded into or from any ship/ barge at any place unless-
(a) the location is notified or permitted by the Central Government and the facilities are approved by Chief Controller under rule 16, in case of import, or
(b) the location and facilities for loading or unloading are approved by the Chief Controller, in cases other than import
(2) Persons(s) seeking approval under sub-rule 1 (b) of this rule shall submit to Chief Controller-
(a) Specification and plans drawn to scale in quadruplicate, indicating32
(i) surroundings and all protected works within 500 metres of the loading or unloading facilities on all sides showing therein the location, size of the ship, available draft, navigation channel, turning circle, route of transfer pipeline(s),
(ii) mooring or berthing facilities, service platform/berth, mode of loading or unloading, fire fighting facilities, illumination arrangements, control room, spill collection/containment arrangements etc., and
(iii) piping and instrumentation diagram of the petroleum pipeline(s) at the loading or unloading area:

(b) Comprehensive project report elaborating the scheme and methodology of loading or unloading of petroleum, safety and security features including those mentioned in (a) (i), (ii) and (iii) of this sub-rule;
(c) Risk Analysis Report indicating qualitative and quantitative risks, probable failure scenarios and consequent hazards and damages with damage distances etc, and remedies recommended;
(d) Scrutiny fee of rupees two thousand, and
(e) Copies of clearances obtained from the following authorities
(i) Ministry of Shipping or State Maritime Board as the case may be.
(ii) Ministry of Environment and Forests or State Pollution Control Board as the case may be.
(3) Loading or unloading of petroleum in bulk shall be either by merchandised arm, or armoured hose metal pipe as approved by Chief Controller.
(4) All hoses, pipes and other appliances used in loading or unloading of petroleum shall be electrically and mechanically continuous and duly tested as per codes/standards.
(5) The hose and metal pipes used for loading and unloading of petroleum in bulk shall be subjected to periodic testing.

45. Precautions on suspension of loading or unloading. –
When the loading or unloading of petroleum has commenced, such loading or unloading shall proceed with due diligence and, if it is discontinued, the tanks, and holds of the ships or other vessels concerned and all loading or unloading valves shall be closed immediately.

46. Prohibition of naked lights, fire and smoking on board a vessel. –
No fire, naked light, fuses, matches or other appliances for producing ignition or explosion and no smoking shall be allowed on board any barge, flat or lighter carrying petroleum in bulk or on board any vessel used for the transport of petroleum class A otherwise than in bulk or for the transshipment of petroleum to or from any vessel within the limits of any port: Provided that nothing in this rule shall prevent the use on a self propelled barge of the machinery or propulsion.

47. Prohibition of smoking, fire and lights, during loading or unloading. –
At all times during loading or unloading of a ship or other vessel and until such time as all petroleum shall have been loaded into or unloaded from the holds or tanks and the holds or tanks shall have been securely closed down and, in the case of unloading rendered free from inflammable vapour, there shall be no fire or artificial light or smoking on board such ship or other vessel or within 30 metres of the place where the petroleum is being loaded or unloaded: Provided that nothing in this rule shall apply: -
(i) to the use of lamps, cookers or similar apparatus, electric or otherwise so designed, constructed and maintained as to be incapable of igniting inflammable vapour or in the case of petroleum Class C the use of gally fires.
(ii) to the unloading or loading of a ship under conditions approved by the conservator by means of steam from her own boilers or power generated by electric motors or internal combustion engines placed in a position away from cargo holds and pump rooms or by means of electric motors, so designed, constructed and maintained as to be incapable of igniting inflammable vapour and maintained in accordance with the requirements specified by Lloyds or other ship surveyors approved by Central Government.

48. Fire-extinguishing appliances to be ready for use. –
Vessels unloading or loading petroleum shall have adequate fire-extinguishing appliances so disposed that they can be put into immediate use.

49. Restriction on the simultaneous conveyance of different classes of petroleum. –
(1) Petroleum Class A shall not be conveyed to the shore from, or loaded into the same vessel simultaneously with petroleum Class B or petroleum Class C.
(2) The Chief Controller may, by written order exempt specially any particular operation from the provisions of sub-rule(1) if separate and distinct pipelines and pumps are provided for loading or unloading of petroleum Class A simultaneously with petroleum Class B or petroleum Class C.

50. Transport by sea of petroleum which has not been tested. –
Petroleum which has been imported into any port approved under sub-rules (1) and (2) of rule 16 and which has not been tested at such port in accordance with the rules contained in Chapter X, shall not be transported to any port other than a port at which importation is permitted under sub-rule (1) of rule 16 and in accordance with the provisions of all the rules in Chapter II.

PART III
Coastwise Transport of Petroleum Class A otherwise than in Bulk

51. Application. –
(1) The rules in this Part apply only to the transport coastwise of petroleum class A otherwise than in bulk.
(2) Unless otherwise expressly provided in this part, nothing contained in Part II of this Chapter shall apply to any petroleum transported in accordance with this Part.

52. Conditions of transport by unberthed passenger ships. –
Petroleum Class A may be transported otherwise than in bulk by an unberthed passenger ship as defined in the Merchant Shipping Act, 1958 (44 of 1958), in accordance with the provisions of rules 29, 30, 39 and 54 to 60 (both inclusive).

53. Maximum quantity allowed to be carried. –
Petroleum Class A may be transported otherwise in bulk by a country craft or steam or motor vessel other than unberthed passenger ship as defined in the Merchant Shipping Act, 1958 (44 of 1958), subject to the provisions of rules 29, 30, 39 and 54 to 60 (both inclusive), if the quantity of petroleum does not exceed –
(a) in the case of country craft, the licensed carrying capacity of the vessel after taking into account the weight of barrels or tins in which the petroleum is carried; or
(b) in the case of steam or motor vessels, 15 tonnes.

54. Carriage below decks. –
(1) Petroleum Class A shall not be carried below deck in decked vessels unless there are efficient ventilators in the hold.
(2) Half of the ventilators referred to in sub-rule (1) shall be carried down nearly to the bottom of the holds and the other half of such ventilators terminated only a short distance below the deck; the short ventilators shall be labelled “Outlet or to Leeward” and the long ventilators shall be labelled “Inlet or to Windward”, such ventilators shall have large cowl heads, the openings being covered with double copper or noncorroding metal gauze not less than 11 meshes per linear centimeter.

55. Provisions of bulkhead. –
In all vessels other than country craft, a solid gas-tight bulkhead without openings, and in country craft a solid bulkhead without openings, shall be between the hold and the afterdeck where the crew are accommodated, and in vessels fitted with a poop the bulkhead shall be placed immediately in front of the poop. In decked vessels the bulkhead shall reach upto the deck; in all other vessels it shall reach to within 15 centimetres of the gunwale.

56. Prohibition of fire, lights and smoking. –
(1)No fire, naked light of any description and smoking shall be allowed on any part of the vessel transporting petroleum Class A except abaft the solid bulkhead.
(2) The navigational lights on any such vessel shall be carried abaft the bulkhead.

57. Provisions of fire extinguishers. –
Fire extinguishers suitable for fighting oil fires shall be placed at convenient points on any vessel transporting petroleum Class A. Not less than two such fire-extinguishers shall be placed on the afterdeck.

58. Construction of steam or motor-vessels. –
Steam or motor-vessels not specially constructed for the carriage of petroleum shall not carry petroleum unless they are constructed of iron or steel or any other material approved by the Chief Controller.

59. Transport in steam or motor-vessels. –
On steam or motor vessels not specially constructed for the carriage of petroleum-
(a) any petroleum shall either be carried in separate compartments which shall be gas-tight and shall be effectively sealed, or in a hold in which there are efficient ventilators in accordance with sub-rule (2) of rule 54 or on deck in accordance with rule 60;
(b) Petroleum Class A shall be packed in containers complying with the provisions of rules 4 and 5.
(c) Special precautions shall be taken against smoking and the use of lights or fire of any kind while cargo is being loaded or unloaded or while the hatches are off, or any deck openings are uncovered; before any lights are used in compartment which contains petroleum, precautions shall also be taken to ensure that the space is clear of vapour and all empty containers which have contained petroleum class A are kept securely closed.

60. Transport of deck. –
Petroleum may be carried in deck in steamer or motorvessels not specially built for the carriage of petroleum, subject to the following conditions, namely:
(a) in cargo ships petroleum Class A shall not occupy more than 50 per cent of the open deck area and shall be so stowed as not to interfere with the navigation of the ship or make it unseaworthy.
(b) in passenger ships a limited quantity of petroleum Class A may be carried provided that proper precautions are taken regarding stowage and keeping the packages away from passengers, promenade or deck space;
(c) the petroleum shall be protected from the direct rays of the sun by the use of canvas awnings or otherwise; and
(d) Conspicuous notices shall be posted up, drawing attention to the danger arising from smoking or striking matches near the deck cargo.

61. Conditions of transport by country craft. –
No petroleum Class A shall be transported in a country craft unless the following conditions are satisfied, namely:
(a) the petroleum shall be carried –
(i) in 200 litres capacity steel barrels, the screw bungs of such barrels being well fitting and sealed; or
(ii) in 200 litres capacity sealed steel drums, not more than three tiers of which may be carried on any single vessel; or
(iii) in 10 litres capacity sealed tins, not more than six tiers of which may be carried on any single vessel; or
(b) all barrels or tins shall be carefully examined and no leaky barrel or tin shall be taken on board the craft.
(c) no barrels, drums or tins shall be placed within 1.2 metres of afterdeck where the crew are accommodated in the case of an undecked vessel or on deck in the case of a decked vessel; and
(d) no passengers shall be carried on board the craft.

PART – IV
TRANSPORT ON LAND BY VEHICLES

62. Application. –
The provisions of this part shall apply to the transport of petroleum on land by vehicles except transport of –
(a) Petroleum Class A in quantity not exceeding 100 litres and petroleum of any other class, otherwise than in bulk, subject to the provisions of rule 67.
(b) Petroleum of any class transported by the Defence Forces of the Union.

63. Tank Vehicles. –
(1) every tank vehicle used for the transport of petroleum, in bulk on land shall be built, tested and maintained in accordance with the requirements laid down in the Third Schedule and be of a type approved in writing by the Chief Controller : Provided that the Chief Controller may under exceptional circumstances to be recorded in writing, waive any of the requirements of the Third Schedule. This will, inter alia, include approvals for trials of better quality vehicles that will contribute to enhancement of safety of petroleum transportation by road under Indian conditions.
(2) The tank shall be fabricated and mounted on the vehicle chassis by a manufacturer approved by the Chief Controller. Such a manufacturer shall apply to the Chief Controller for approval with particulars of facilities and competent persons available with him and a scrutiny fee of **rupees five hundred**. The tank fabrication and mounting drawings in quadruplicate for each type of tank vehicle, along with scrutiny fee of rupees one hundred shall be submitted to the Chief Controller for approval. Such approval shall be valid for three years from the date of issue of approval and renewable for further period of 3 years on payment of fee of **rupees five hundred**.
(3) If the Chief Controller, after receipt of the drawing under sub-rule (2) and after making such further inquiries as he may deem necessary, is satisfied that the tank vehicle or the special safety fittings, as the case may be, meet with the requirements laid down in the Third Schedule, he shall approve the drawing and return to the applicant one copy thereof duly endorsed.
(4) Nothing in this rule shall apply to tank wagons for the carriage of petroleum by rail.

64. Tank Capacity. –
(1) In this part, "the tank forming part of a tank vehicle" shall be deemed to include any number of tanks on the same chassis and any limitation herein specified on the capacity of a tank shall be construed so as to permit of the tank containing the quantity specified under varying degrees of temperature.
(2) The net carrying capacity of a tank shall be 97 percent of its gross carrying capacity in the case of petroleum Class A and petroleum Class B and 98 percent, in the case of petroleum Class C.
(3) The net carrying capacity of a tank truck or a tank semi-trailer shall not exceed 25 kilolitres of petroleum except in case of air-craft refueller in which case it should not exceed 50 kilolitres and the net carrying capacity of any tank trailer should not exceed 5 kilolitres of petroleum.
(4) The maximum safe carrying capacity in weight of petroleum that can be carried in a tank vehicle shall not exceed the difference between the unladen weight of the vehicle and the maximum gross weight permitted for the class of vehicle under the appropriate transport regulations.

65. Restriction on other use. –
Tank vehicle meant for the carriage of petroleum in bulk shall not be used for any other purpose except when so authorised by the Chief Controller in writing.

66. Trailers. –
(1) A tank trailer not exclusively used for transporting petroleum shall not be attached to any vehicle for transporting petroleum.
(2) A tank trailer transporting petroleum shall not be attached to any vehicle other than a vehicle used exclusively for transporting petroleum and not more than one trailer

shall be so attached.
(3) A tank trailer shall not be attached to a tank semi-trailer or a trailer.
(4) A tank trailer or tank semi-trailer shall have reliable brakes and all wheels which shall be capable of efficient operation from driver's seat of the vehicle towing the trailer.
(5) The width of the tank trailer or a tank semi-trailer shall be less than the overall width of the towing vehicle
(6) A tank trailer shall be so connected to the towing vehicle as to cause the trailer to follow substantially the path of the towing vehicle and to prevent the tank trailer from whipping or swerving side to side dangerously.
(7) If a tank trailer carrying petroleum Class A is attached to a vehicle carrying petroleum Class B or petroleum Class C, the towing vehicle shall comply with all the provisions of these rules relating to a vehicle for the transportation of petroleum Class A.
(8) A trailer other than a tank trailer shall not be attached to any tank truck.
(9) Where a tank trailer is attached to a tank truck, the total quantity of petroleum transported in the tank trailer and the tank truck shall not exceed 15 kilolitres.
(10) No tank trailer shall be attached to a tank truck having a net carrying capacity exceeding 12 kilolitres of petroleum.
(11) No tank trailer attached to a tank truck shall be operated within a thickly populated area without the written permission of the district authority.

67. Vehicle for transport otherwise than in bulk. –
(1) Every vehicle on which petroleum otherwise than in bulk is transported shall be strongly constructed and with sides and back of adequate height, and shall be maintained in good condition.
(2) In the case of animal-drawn vehicles, push carts and pedal carts, the requirements of sub-rule (1) regarding the sides and back of the vehicle shall not apply if the load is securely fastened to the vehicle.
(3) All containers shall be so packed as not to project beyond the sides or back of the vehicle.
(4) Petroleum Class A otherwise than in bulk shall not be transported in a trailer, attached to any vehicle.

68. Composite vehicles. –
Petroleum in cans or in other containers shall not be transported by road on any tank vehicle used for transport of petroleum unless the vehicle is so constructed as to comply with the rules applicable to the transport of petroleum otherwise than in bulk as well as with the rules applicable to the transport of petroleum in bulk.

69. Carriage of other articles prohibited. –
No vehicle shall carry any other article while it is carrying petroleum except when specifically authorised in writing by the Chief Controller.

70. Engines of mechanically propelled vehicles. –
(1) In every mechanically propelled vehicle used for the transport by road of petroleum other than petroleum Class B otherwise than in bulk or petroleum Class C.
(i) the engine shall be diesel engine or an internal combustion engine.
(ii) the exhaust shall be wholly in front of the tank or the load, as the case may be and shall have ample clearance from fuel-system and combustible materials and shall not be exposed to leakage or spillage of the fuel or product or accumulations of grease or oil;
(iii) the exhaust pipe shall be fitted with an approved spark arrestor;
(iv) the muffler or silencer shall not be cut off from the exhaust system;
(v) the engine air intake shall be fitted with an effective flame-arrester, or an air cleaner having effective flame-arrester, characteristics, substantially installed and capable of preventing emission of flame from the side of the engine in the event of back firing;
(vi) the cab of the vehicle shall be of all-metal construction and its rear window, if provided , shall be fully covered with wired glass; alternatively, the cab and the engine shall be separated from the tank or the load, as the case may be, by a fire-resisting shield which shall fully cover the tank

or load.
(2) The fuel tanks of every such vehicle, if installed behind the cab of vehicle, shall be-
(a) so designed, constructed and installed as to present no unusual hazard, and shall be so arranged as to permit drainage without removal from their mountings; and
(b) protected against blows by stout steel guards and provided with a lock in the filling caps.
(3) In every engine running on petroleum Class A, quick action cut-off valve shall be fitted to the fuel feed pipe in an easily accessible position which shall be clearly marked.
(4) Notwithstanding any thing contained in this rule, provisions of sub-rules (1) to (3) except Clauses (i) and (iii) of sub-rule (1) shall not apply for transportation of petroleum Class A otherwise than in bulk exclusively used by helicopters and aeroplanes for aerial crops-spraying purpose only.

71. Electrical installation. –
If electric light or instrument or any other electricallyoperated equipment is employed on any vehicle including a trailer used in the transportation by road of petroleum other than petroleum Class C-
(i) the pressure of the electric circuit shall not exceed 24 volts.
(ii) electrical wiring shall-
(a) be heavily insulated and be adequate for maximum loads to be carried.
(b) be provided with suitable over-current protection in the form of fuses or automatic circuit breakers and installed so as to be protected from physical damage and contact with possible product spill either by location or by being encased in metal conduit or other oil resistant protective covering, and
(c) have all junction boxes sealed;
(iii) the generator, battery, switches, fuses and circuit brackets shall be carried in the cab of the vehicle or in the engine compartment and the battery shall be in an easily accessible position with a heavy-duty switch close by to cutoff the battery;
(iv) generators and motors and switches thereof which are not installed within the engine compartment shall be of the approved flame-proof type: Provided that where such generators or motors or switches thereof are installed in an enclosed space, adequate provision shall be made for air circulation to prevent overheating and possible accumulation of inflammable vapours: Provided further that the provisions of this rule except clause (i) and subclause (a) of clause (ii) shall not apply for transportation of petroleum Class A otherwise than in bulk exclusively used by helicopters and aeroplanes for aerial crop spraying purposes only.

72. Means of extinguishing fire to be carried. –
A portable fire extinguisher (10 kg, dry chemical powder or equivalent) suitable for extinguishing petroleum fire shall be carried in an easily accessible and detachable position and away from the discharge faucets on every vehicle transporting petroleum by road. Additionally, one dry chemical powder type fire extinguisher of 1Kg. capacity shall be carried in the driver's cabin of the vehicle.

73. Vehicles to be constantly attended. –
(1) Every vehicle which is engaged in the transport of petroleum by road shall be constantly attended to by at least one person who shall be familiar with the rules in this Part Provided that such a vehicle, if its tanks or compartments are empty, but not free from Petroleum vapour, may be left unattended in places previously approved for the purpose in writing by the Chief Controller.
(2) Every vehicle in which more than 5 kilolitres of petroleum, other than petroleum Class C, is being transported by road, or which, while transporting petroleum, other than petroleum Class C, by road is being trailed by another vehicle, shall, so long as it is in motion, be attended to, by the driver and at least one more person both of whom shall be familiar with the rules in this Part.

74. Prohibition as to parking. –
No vehicle carrying petroleum by road shall be parked on a public road or in any congested area or at a place within 9 metres of any source of fire.

75. Licence necessary for the transport in bulk of Petroleum Classes A and B.-
(1) No person shall transport petroleum Class A or petroleum Class B in bulk, by road except under and in accordance with the condition of a licence granted under these rules.
(2) Nothing in this rule shall apply to the transport by railway administration of petroleum which is in its possession in its capacity as a carrier or to the transport of petroleum in the refueller, licensed under these rules between places within the same aerodrome.

76. Restriction against loading and unloading of tank vehicles. –
(1) No person shall load or unload a tank vehicle with any class of petroleum except at a place which is situated within premises licensed under these rules and is approved in writing, for loading or unloading of such class of petroleum, by the Chief Controller: Provided that petroleum Class C may be loaded or unloaded at a place where such Petroleum is allowed to be stored without licence under sections 7 and 10 of the Act: Provided further that-
(a) a tank wagon may be loaded or unloaded at railway sidings earmarked for the purpose; and
(b) a tank vehicle may be unloaded at any other place with all due precautions against fire and under adequate supervision if such unloading is necessitated by an accident or breakdown.
(2) Every tank vehicle, while it is being loaded or unloaded and until its valves have been shut and filling pipe and discharge faucets closed, shall be attended to by a person who is familiar with the rules in this part.
(3) No person shall under any circumstances allow filling or replenishment of the fuel tank of any motor vehicle or internal combustion engine directly from a tank vehicle: Provided that nothing in this sub-rule shall restrict filling or replenishment of the fuel tank of an aircraft in accordance with the rule framed under Aircraft Act, 1934 (22 of 1934).

77. Prohibition of loading of leaky or defective tank vehicles or unlicensed tank vehicles. –
No person shall load -
(i) any class of petroleum in tank vehicle if any tank, compartment, valve, pipes or any safety fitting thereof becomes leaky or defective and until such leaks are repaired and defects rectified and, in the case of any leak in a tank or a compartment until all the tanks or compartment are re-tested in the manner laid down in para 5 of the third Schedule and pass the test;
(ii) Petroleum Class A or petroleum Class B in any tank vehicle other than a tank wagon which is not licensed under these rules.

78. Precautions against static charges. –
(1) All petroleum pipelines entering any tank vehicle loading or unloading area shall be electrically continuous and be efficiently earthed.
(2) An earth boss with a flexible cable having robust clamping device shall be provided adjacent to the loading point.
(3) Sound and electrically continuous hoses or metal pipes shall only be used for loading or unloading of a tank vehicle. Where stand pipes or metallic loading arms are provided, swivel joints shall be electrically continuous.
(4) The tank, filling pipe and the chassis of the tank vehicle shall, during loading of a tank vehicle, be efficiently bonded and connected with the earth boss referred to in sub-rule (2) by means of a flexible metal wire or tape.
(5) The bonding and earthing connections shall not be broken until loading of the tank vehicle has been completed and the filling and dip pipes thereof have been securely closed.
(6) Dip rod, if used, shall be lowered into the tank or compartment before loading of petroleum starts; such a rod shall not be completely raised above the liquid level during or within one minute of the completion of such loading.
(7) No tank vehicle shall be loaded at a rate exceeding one metre per second at the delivery end of the filling pipe until the filling pipe is completely submerged in petroleum and thereafter the loading rate may be gradually increased but it shall at no time exceed six metres per second at the delivery end of the filling pipe: Provided that the Chief Controller may specify a faster loading rate in respect of crude petroleum and petroleum products which have a relative higher conductivity rate.
(8) No tank or compartment of any tank vehicle which has last carried petroleum Class A, shall be

filled with petroleum of any other class if the interior thereof has any floating non-conducting loose object or water. No tank vehicle shall be subjected to splash loading.

79. Precautions against electrical hazards and hazard of a running engine. –
No mechanically propelled vehicle for the petroleum shall be loaded or unloaded until its engine has been stopped and battery is isolated from the electrical circuit. The engine shall not be restarted and the battery shall not be connected to the electrical circuit until tanks and valves have been securely closed: Provided that this rule shall not apply in the case of unloading of a tank vehicle into the fuel tank of aircraft in accordance with the rules framed under the Aircraft Act, 1934 (22 of 1934) or in any other case as may be authorized, in writing, by the Chief Controller subject to such conditions as he may specify in that behalf.

80. Precautions against movements of vehicles during loading or unloading. -
Petroleum shall not be loaded into or unloaded from a vehicle until its wheels have been secured by efficient brakes or by scotching and in the case of animal-drawn vehicle until the animals have been unhitched and removed.

81. Precaution against product contamination. –
(1) No person shall load or unload any tank vehicle unless he has selected the correct filling hose and otherwise satisfied himself that such loading or unloading will not result in any dangerous contamination of one class of petroleum with another class of petroleum.
(2) A tank or compartment which carried petroleum Class A shall not be filled with any other class of Petroleum until such tank or compartment has been completely drained of residual oil and its discharge faucet and emergency control valve have been closed firmly.

82. Filling discharge faucet and dip pipes to be kept close. -
Except during the operation of loading or emptying a tank vehicle, the filling pipe, discharge faucet and dip pipe shall be kept securely closed. Where the filling pipes are not provided with a liquid seal, the covers shall be locked or sealed except during the operation of loading a tank vehicle and the keys shall not be carried on the vehicle or the trailer.

83. Restrictions on loading and unloading of Petroleum at night. –
Except where approved electric lights as specified in Chapter IV are exclusively used, the loading or unloading of tank vehicles carrying petroleum shall be performed between the hours of sunrise and sunset.

84. Prohibition of fires and smoking. –
(1) No fire or other artificial light capable of igniting inflammable vapour shall be allowed on any vehicle containing petroleum Class A otherwise or petroleum Class B and class C in bulk.
(2) No person shall smoke while on or attending such a vehicle.
(3) No article or substance capable of causing fire or explosion shall be carried on such a vehicle.

85. Repair of tank. –
(1) No tank which has carried petroleum shall be repaired by welding, brazing, soldering or hot-riveting unless it has been examined by a competent responsible person and certified in writing by such person to be free from inflammable vapour or oil.
(2) The certificate issued by the competent and responsible person under sub-rule (1) shall be preserved by the repairer for a period of at least three months and shall be produced for examination on demand by an inspector.
(3) All repairs to tanks which have contained petroleum shall be carried out by qualified and experienced persons.
(4) All the compartments of the tank shall be tested after each repair in the manner laid down in para 5 of the Third Schedule.

86. Special provisions for motor conveyances. –
(1) No motor conveyance carrying passengers on hire shall carry petroleum other than -
(a) Petroleum in the tank incorporated in the conveyance, and

(b) Petroleum not exceeding 100 litres in quantity intended to be used to generate motive power for the conveyance of that vehicle kept in the manner provided in sub-section (2) of section 8 of the Act.
(2) During the filling or replenishment of the fuel tank of a motor conveyance licensed for the carriage of more than six passengers on hire the driver or other person in charge of such conveyance shall not allow any passenger to remain therein.
(3) All petroleum containers carried in a motor conveyance carrying passengers on hire shall be free form leaks and be securely closed and shall be placed in a specially prepared receptacle which is not accessible to passengers in such conveyance and is not on the roof.

PART – V
TRANSPORT BY PIPELINES

87. Application. –
The rules in this part apply only to the transport of petroleum by means of pipelines other than those in any area in which operation for the winning of natural petroleum or natural gas or both are carried on or within the limits of refineries and installations.

88. Right of way to be acquired. –
No pipeline and installation connected with a pipeline, shall be constructed without acquiring the necessary land, leasements and right for the construction thereof and for the unhindered access thereto for inspection, maintenance, repairs, replacements and patrolling.

89. Approval of the design and route of the pipeline. –
(1) No pipeline shall be laid without the prior written approval of the Chief Controller of the route of the pipeline, and of the design, construction and working thereof.
(2) Where the approval of the Chief Controller is sought for the laying of a pipeline, the person desirous of laying the pipeline shall submit to the Chief Controller.-
(a) a comprehensive project report, accompanied by all necessary drawings, calculations giving references to recognized code or codes followed, giving full details of the design, construction and testing of the pipeline and its components; the route along which the pipeline will be laid and the manner of laying, the class or classes of petroleum proposed to be transported in the pipeline and provisions proposed to be made for the maintenance and patrolling of the pipeline.
(b) a scrutiny fee of rupees five hundred.

90. Design of pipeline and attachments. –
(1) The pipeline shall be constructed of suitable steel which is safe for the conditions under which it is to be used.
(2) The pipeline and its components shall be designed and constructed in accordance with a code recognized by the Chief Controller or OISD Standard 141 regarding design and construction requirements for cross country hydrocarbon pipelines and shall be capable of withstanding a pressure which shall not be less than the maximum working pressure thereof plus an allowance for surge pressure, as anticipated.
(3) Provision shall be made for thermal expansion or contraction of the pipeline and for the prevention of excessive stresses on the pipeline or its anchorages, guides and connections.
(4) The pipeline shall be protected by a casing of steel pipe or by increasing the thickness of its wall or in any other manner approved by the Chief Controller and any other authority having jurisdiction to prevent damage to the pipeline from usual external conditions which may be encountered in railway crossings, road crossings, river or water course crossings, bridges, long self supported spans, unstable ground, vibrations, weight of special attachments or thermal forces.
(5) By-pass relief valves, pressure limiting stations or automatic shut down equipment of approved design shall be provided in the pipe line to prevent rising at any time of the pressure, in the pipeline to a pressure which exceeds the designed internal pressure by more than ten

percent.
(6) Isolation valves shall be installed at each of the following locations.-
(a) On the suction end and the discharge end of the pump station in a manner that permits isolation of the pump station equipment in the event of an emergency.
(b) On each line entering or leaving the installation in a manner that permits isolation of the installation from other facilities.
(c) On each main line at locations along the pipeline system that will minimize damage from accidental product discharge, as appropriate for the terrain in open country or for the location near cities or other populated areas.
(d) On each lateral take off from a trunk line in a manner that permits shutting off the lateral without interrupting the flow in the trunk line.
(e) On each side of a water crossing that is more than 30m wide from highwater mark to high-water mark.
(f) On each side of a reservoir holding water for human consumption.

91. Laying of Pipe line. –
(1) Pipeline shall be laid in the most favorable route, avoiding as far as possible, known obstructions and areas in which unusual external conditions prevail.
(2) Pipeline shall be laid below the ground level except where laying thereof above the ground level is desirable for topographical economic or other special reasons.
(3) Where an underground Pipeline has to cross any existing underground water or gas line, cable, drain or other services, the pipeline shall be laid at least thirty centimetres below such services in a manner that will not obstruct access to such services for inspection repair, or maintenance.
(4) The number of bends in the pipeline shall be kept to the minimum by proper grading of trenches or supports at crossing and other obstacles.
(5) The route of underground sections of a pipeline shall be a indicated by markers and not less than two such markers shall be visible from any point along the route.

92. Protection against corrosion. –
The pipeline shall be protected against corrosion by suitable coating strapping and where necessary by cathodic protection.

93. Hydrostatic testing of pipeline. –
(1) Before transporting petroleum for the first time, each pipeline or completed sections thereof shall be filled with water and the pressure in the line or section, as the case may be, raised to 1.1 times the design internal pressure and maintained for a period of at least 24 hours or as per procedure laid down in the relevant pipelines design code recognized by Chief Controller. A pipeline or a section thereof showing any significant drop of pressure during the period of testing shall not be used for transporting petroleum until necessary repairs have been carried out and satisfactory retest done.
(2) The test specified in sub-rule (1) shall be carried out atleast once every 12 months in each completed pipeline section which crosses an area where there is danger of water pollution by any leakage : Provided that the Chief Controller may subject to such conditions as may be specified by him in this behalf allow retesting of such sections of the pipelines as are protected by sleeves or otherwise -
(i) to contain or prevent leakage at longer intervals, and
(ii) by filling them with petroleum in place of water for the purposes of test.
(3) The provisions of sub-rule (2) shall not apply to cross-country pipelines, for which new technologies are available.

94. Shut down of pipelines. –
Except when shut down for maintenance work, a pipeline when not in operation shall be shut down under pressure and a careful record made of the pressure during the shut down period. Any significant drop in pressure shall be deemed to render the pipeline unfit for transport of petroleum

until it is repaired and tested in accordance with rule 98 and no significant drop in shut-down pressure is observed and it passes the test specified in rule 93.

95. Patrolling of pipeline. –
(1) The whole of every pipeline shall be efficiently patrolled by the company owning the pipeline.
(2) Telegraph or telephone or radio communication facilities shall be provided at frequent intervals along the pipeline: Provided that one such communication channel shall suffice for a series of parallel pipelines laid close to each other: Provided further that nothing in this sub-rule shall apply to a pipeline if the length thereof does not exceed two kilometres.

96. Checking of gauges. –
Tank gauges or gauges at intermediate or booster pump stations shall be checked atleast once a year.

97. Additions and alterations in the pipeline. –
(1) No addition or alteration to a pipeline shall be carried out without the previous approval of the Chief Controller in writing.
(2) Every person desirous of carrying out any additions or alterations in any pipeline shall submit to the Chief Controller an application alongwith –
(a) three copies of a drawing to scale and a full descriptive note of the proposed additions and alterations and the purpose thereof, and
(b) a scrutiny fee of rupees five hundred.
(3) On receipt of the drawings and fee under sub-rule (2) and after eliciting such additional information as may be required, the Chief Controller shall, if he is satisfied, approve the proposed additions or alterations subject to such conditions as he may deem fit.

98. Repair and maintenance of pipeline. –
No maintenance or repair involving cutting or rewelding of any pipeline shall be carried out except under following conditions, namely: -
(i) an experienced engineer shall inspect the section requiring maintenance or repair before the work is undertaken and issue a written permit specifying therein the precautions to be observed and the procedure to be followed for carrying out the work. The permit so issued shall be preserved by the owner of the pipeline for a period of six months;
(ii) all work involving cutting or welding shall be carried out by an experienced person in accordance with the permit referred to in clause (i);
(iii) the section of the pipeline shall be isolated and drained before starting repairs or maintenance.
(iv) only mechanical cutters shall be used for cutting the pipeline or any connection thereof unless the section of the pipeline and its connections have been purged with an inert gas.
(v) no hot work shall be carried out on any pipeline until the section thereof requiring repair has been isolated drained and purged with inert gas or steam or kept filled with water or until such section has been prepared in a manner approved in writing by the experienced engineer.
(vi) the section of the pipeline in which repairs or maintenance work has been carried out shall not be used for transporting petroleum until such sections are replaced with hydro statically pretested sections and the repaired weld joints pass the radiography test;
(vii) no section of any pipeline and no valve fitted to it shall be separated until an efficient electrical bond has been established between the parts to be so separated which shall not be broken until the separated parts have been rejoined.

99. Relaying or repairs to a pipeline in public interest. –
Where the Chief Controller is of the opinion that it is in the interest of public safety to do so, he may, by a notice in writing given to the owner of the pipeline, require such owner, to relay, renew or repair such pipeline in accordance with such requirements as may be specified in such notices.

100. Power of inspection and examination. –
The Chief Controller or Controller may at any time inspect and examine any pipeline, and the owner thereof or persons operating or using the pipeline and the person on whose land such pipeline is situated or his representative shall facilitate such inspection and examination and answer all inquiries put by the Chief Controller or Controller in regard to such pipeline.

101. Reports of fire or major leakage. –
The occurrence of any fire or major leakage in a pipeline and connected facilities thereof shall be reported immediately by the person for the time being incharge of the pipeline to the nearest Magistrate or officer-incharge of the nearest police station and to the Chief Controller by telephone/fax and also by telegram at his telegraphic address, namely “Explosives Nagpur”.

CHAPTER IV
ELECTRIC INSTALLATION

102. Restriction on electric installation and apparatus. –
Save as provided in this chapter, no electric wiring shall be installed and no electric apparatus shall be used in any refinery, installation, storage shed, service station or in any other place where petroleum is refined, blended, stored, loaded or unloaded.

103. Hazardous area. –
For the purpose of this chapter, an area shall be deemed to be a hazardous area, where –
(i) petroleum having flash point below 650 C or any inflammable gas or vapour in a concentration capable of ignition is likely to be present.
(ii) Petroleum or any inflammable liquid having flash point above 650 C is likely to be refined, blended, handled, stored at above its flash point.

104. Classification of hazardous area. –
(1) A hazardous area shall be deemed to be.-
(i) a zone "0" area, if inflammable gas or vapours are expected to be continuously present in the area; or
(ii) a zone "1" area, if inflammable gases or vapours are likely to be present in the area under normal operating conditions; or
(iii) a zone "2" area, if inflammable gases or vapours are likely to be present in the area only under abnormal operating conditions or failure or rupture of an equipment.
(2) If any question arises as to whether hazardous area is a zone "0" area or a zone "1" or a zone "2"area, the decision thereon of the chief controller shall be final.

105. Extent of hazardous area. –
The extent of hazardous area shall be as laid down in the fourth Schedule.-
Provided that the Chief Controller may, increase or reduce the extent of hazardous area where there are special circumstances which, in his opinion, warrant such increase or reduction, and the persons affected shall be informed of his decision .

106. Fixed electric apparatus. –
(1) No electric apparatus shall be allowed in a zone "0" area: Provided that this sub-rule shall not prohibit the use in a zone "0" area of an intrinsically safe apparatus of a type approved in writing by the Chief Controller and in connection with an intrinsically safe circuit, where use of such apparatus cannot be completely excluded.
(2) All electric apparatus installed or used in a zone "1" area shall be either. –
(i) a flame proof or intrinsically safe apparatus of a type or types approved in writing by the Chief Controller or
(ii) an industrial-type apparatus housed in an enclosure or a room which has been made safe by pressurizing or purging with a plenum of atmosphere free from significant concentration of any inflammable gas or vapour and so arranged and inter blocked that in case of failure of the pressurizing or purging agent, the electricity supply is automatically cut off or a warning is automatically given to a person in attendance who shall take suitable measures to prevent a hazard.
(3) All electric apparatus installed or used in a zone "2' area shall, be either60
(i) a non-sparking apparatus of a type approved by the Chief Controller; or
(ii) an apparatus of any of the types permitted under sub-rule (2).
(4) Where the approval of the Chief Controller is sought for any type of electric apparatus for use in hazardous area, the person desirous of manufacturing the apparatus shall submit to the Chief Controller;
(i) a comprehensive report accompanied by all necessary drawings, calculations giving references to recognized code or codes followed, full details of design and construction and

necessary test certificates from the recognized bodies in respect of the apparatus and its components.
(ii) a scrutiny fee of rupees five hundred.

107. Fixed electric wiring. –
(1) All conductors of an intrinsically safe circuit in connection with an intrinsically safe apparatus installed in any hazardous area shall be so laid as to prevent invasion of such circuit by current arising from contact or electrostatic or electromagnetic induction from any other circuit. Conductors of intrinsically safe circuits shall be effectively protected against mechanical damage.
(2) All electric wiring in a hazardous area, other than the conductors of an intrinsically safe circuit, shall be effectively sealed at all joints, mechanically protected and adequately supported throughout its length and shall consist of –
(i) approved armoured cable with correctly designed terminations, complete with armour clamps, the armouring being carried and electrical clamps to provide mechanical support to the cable and electrical continuity; or
(ii) approved metal sheathed cable with correctly designed and installed terminations; or
(iii) single or multicored insulated cables accommodated in solid drawn heavy gauge screwed galvanized conduits used in conjunction with approved flameproof fittings, the conduit being sealed at both ends and installed in such a manner as to permit internal condensation to drain to a point or points from which it may be removed; where a conduit runs from a zone "1' area to a zone "2" area or an area which is not a hazardous area, an adequate seal shall be provided outside the boundary of zone "1' area;
(iv) single or multicored mineral insulated cable of approved type in conjunction with approved flame-proof type glands at all joints and terminations;
(v) bare conductors contained in an approved flameproof or forming part of an intrinsically safe circuit.
(3) Insulated cables without metallic sheathing or armouring but accommodated in a conduit shall not be buried in the open ground in any hazardous area;
(4) The electric supply circuits of each electric pump in a hazardous area shall be -
(i) separately protected by a fuse or circuit breaker set to operate when the current in the circuit so exceeds the rated current for such a period of time as to involve danger; and
(ii) provided with an individual isolating switch at the main supply point for each electric pump including its integral lighting system, if any.
(5) If the Chief Controller is satisfied that the requirements of sub-rules (1) and (2) may be modified or relaxed in any class of electric wiring, he may authorize such modification or relaxation for such period and subject to such conditions as he may think fit.

108. Earthing and bonding. –
(1) All electrical systems and equipments and all structures, plants and other non-current-carrying metallic parts of major electric apparatus or any major metallic object in any place where petroleum is refined, blended, stored, loaded or unloaded shall be efficiently earthed; the resistance value of and earthing system to the general mass of the earth, shall not be more than-
(a) 4 ohms in the case of electrical systems and equipment or a valve that ensures the operation of the protective device in the electrical circuit, whichever is lower, and
(b) 10 ohms in the case of all non-current carrying metallic parts of major electric apparatus or any major metallic object.-
(2) All joints in pipelines, valves, plants, storage tanks and associated facilities and equipments for petroleum shall be made electrically continuous by bonding or otherwise; the resistance value between each joint shall not exceed 1ohm.
(3) A piping which is not in electrical contact with the associated tank or vessel shall be efficiently connected to such tank or vessel by a flexible conductor and earthed.

109. Cathodic protection. –
(1) Cathodic protection system where employed shall be designed and installed in accordance with the current recognized practice and so maintained as -
(a) not to affect adversely metallic bodies in the zone of protection; and

(b) to eliminate the danger of sparking in a hazardous area.
(2) The metallic structures, pipelines, valves, plants and associated equipment under cathodic protection shall not be broken for repair or maintenance unless a heavy gauge conducting cable is clamped to each side of the intended break for establishing between them an electrical bond and the cable shall remain clamped until repair or maintenance work is completed and the break rejoined.

110. Protection against stray current. –
(1) Where high values of stray currents are likely to exist, both the rails of spur lines shall be insulated from a railway siding which is used for the loading or unloading of tank wagons.
(2) On electrified railway systems, live-contact rails and overhead electric lines shall be terminated outside the area where tank wagons are loaded or unloaded, such rails or overhead lines shall not be allowed with in a refinery or an installation.
(3) No joint in a pipeline or associated equipments shall be broken save as provided in sub-rule (2) of rule 109.

111. Portable electric apparatus.-
(1) No person shall install or use in a hazardous area any portable electric lamp or apparatus other than a portable lamp or apparatus of a type approved by the Chief Controller after such examination and test and for such application as he may specify.
(2) No mains operated portable lamp shall be operated at a voltage exceeding 25 volts above the earth : Provided that the Chief Controller may, at his discretion, allow higher operating voltage not exceeding 55 volts above earth.
(3) All portable lamps or apparatus other than a self-contained lamp or apparatus shall be connected to the mains in such a manner and used under such conditions as the Chief Controller may specify.

112. Maintenance of approved electric apparatus and wiring. –
All electric apparatus and wiring in a hazardous area shall at all times be so maintained as to retain the characteristic on which their approval has been granted.

113. Repair and test work. –
(1)No flame-proof or intrinsically safe apparatus shall be opened and no work likely to impair the safety characteristics of such apparatus or electric wiring connected thereto shall be carried out until all electrical supply has been cut off from the said apparatus or wiring. The power supply shall not be restored thereto until the work has been completed and the safety characteristics provided in connection with the apparatus and wiring have been fully restored.
(2) Notwithstanding anything contained in this rule, use of soldering apparatus or other means involving flame, fire or heat or use of industrial type apparatus in a zone “1” area shall be permitted for the purposes of effecting repairs and testing and alternations, provided that the area in which such apparatus or wiring has been installed, has first been made safe and certified by a competent person after testing with an approved gas-testing apparatus to be safe and free from inflammable vapours, gases or liquids and is maintained in such conditions, so long as the work is in progress.

114. Certificate of electric installation. –
(1) Before engineering any electric circuit and any electric apparatus in hazardous area for the first time and after each repair maintenance or alteration work carried out in such circuit or apparatus, a competent person shall issue a certificate under his signature to the effect that the circuit and the apparatus have the safety characteristics upon which their use in such area has been approved.
(2) The certificate referred to in sub-rule (1) shall be preserved by the occupier of the premises and shall be produced to the Inspector on demand : Provided that the certificate issued for each repair and maintenance work need not be preserved for a period exceeding six months.

115. Precautions against corrosion. –
(1) Where necessary, all electric apparatus and equipments and conduits carrying electric wiring in a hazardous area shall be regularly treated with a suitable protective paint.
(2) The certification label indicating the flame-proof or intrinsically safe nature of the apparatus or equipment shall not be painted over or treated in any manner to impair the legibility of the particulars written stamped or embossed on such label.

CHAPTER V
STORAGE OF PETROLEUM REQUIRING LICNECE

116. Licence for storage. –
Save as provided in sections 7, 8 and 9 of the Act , no person shall store petroleum except under and in accordance with a licence granted under these rules : Provided that no licence shall be necessary.-
(i) for the storage of petroleum in well-head tanks; or
(ii) for the storage of petroleum as transit cargo within the limits of a port subject to such conditions as may be specified by the Conservator.

117. Precautions against fire. –
(1) No person shall smoke in any installation, storage shed or service station save in places specifically authorized by the licensing authority for the purpose.
(2) No person shall carry matches, fuses or other appliances capable of producing ignition or explosion in any installation or storage shed, which is used for the storage of petroleum.
(3) No fire, furnace or other source of heat or light capable of igniting inflammable vapour shall be allowed in any installation, storage shed or service station save in places specially authorized by the licensing authority for the purpose.
(4) (i) An adequate number of portable dry chemical powder or any other fire extinguisher capable of extinguishing oil fires shall always be kept in every storage shed and small class B or C installations at strategic point and all persons employed at such locations shall be conversant with the use of such fire extinguishers.
(ii) Scale of fire fighting provided in other areas of installation should be as per the requirement given in OISD Standard -117 for all installations approved by the Chief Controller after publication of the original standard OISD-I17. For Installations existing prior to the publication of this standard the fire fighting facilities shall be improved to the extent feasible (keeping this standard in mind) and approved by the Chief Controller.

118. Supervision of operations within an installation, service station or storage shed. –
All operations within an installation, service station or storage shed shall be conducted under supervision of an experienced responsible agent or supervisor who is conversant with the terms and conditions of the licence held for the installation, service station or storage shed as the case may be and those persons should have proper safety training.

119. Cleanliness of installation, service station or storage shed. –
The ground in the interior of an installation or service station and the protected areas surrounding any installation, service station or storage shed shall be kept clean and free from all vegetation, waste material and rubbish.

120. Drainage. –
(1) All enclosures surrounding above ground tanks in an installation shall be provided with proper drainage facilities in such a way that no water is allowed to accumulate in the enclosures.
(2) No part of the enclosure referred to in sub-rule (1) shall be below the level of the surrounding ground within the protected area.
(3) Where drainage is effected by means of a pipe, the pipe shall be fitted with a valve which is capable of being operated from the outside of the enclosure or with any other arrangements approved in writing by the Chief Controller.
(4) All valves and other opening for draining off water shall be kept closed except when water is being drained off.
(5) The nature of the drainage arrangements and the position of all openings and valves therein shall be shown in the plan submitted with the application for a licence.

121. Exclusion of unauthorized persons. –
(1) The protected area surrounding every installation and storage shed shall be surrounded by a wall or fence of at least 1.8 metres in height.
(2) In case of service station 1.2 metre high boundary wall or fence on sides other than the drive way shall be provided.
(3) Precautions shall be taken to prevent unauthorized persons from having access to any storage shed or installation.

122. Petroleum only to be stored. –
No installation, service station or storage shed shall, without permission in writing from the Chief Controller be used for any purpose other than the storage and distribution of petroleum and for purpose directly connected therewith.

123. Marking of Capacity of Tanks. –
The capacity in litres or kilolitres of every above ground tank in an installation shall be conspicuously marked on the tank
.
124. Construction of tanks. –
(1) Every tank or receptacle for the storage of petroleum in bulk other than a well-head tank shall be constructed of iron or steel in accordance with the codes or specification approved by the Indian Standards Institution or any other code or specifications approved in writing by the Chief Controller. Provided that if the properties of petroleum to be stored so required or for any other reason it is necessary to do so, tanks or other receptacles may be built of materials other than iron or steel.
(2) The tanks or other receptacles shall be erected on firm foundations or supports of non-combustible material in accordance with sound engineering practice.
(3) The height of a storage tank shall not exceed one and a half times its diameter or twenty metres, whichever is less.
Explanation :– For the purpose of this sub-rule, the height of a tank shall be the height from its bottom to top curb angles .
(4) An air space of not less than five percent of the total capacity of the tank or the space prescribed in the code or specification referred to in sub-rule (1), whichever is less, shall be kept in each tank.

125. Protection against corrosion. –
All tanks or other receptacles for the storage of petroleum in bulk, other than well-head tanks installed on the ground or below the ground, shall be protected against corrosion by the use of protective coatings or cathodic protection or by any other means approved by the licensing authority.
126. Testing of tanks. –
(1) Storage tanks or other receptacles for the storage of petroleum-in bulk, other than well-head tanks, after being installed and secured in the final position or after undergoing re-installation or any major repair, shall, before being put into use, be tested by water pressure by a competent person.
(2) The water used for testing shall be free from petroleum and shall not be passed through any pipe or pump ordinarily used for the conveyance of petroleum: Provided that where the licensing authority is satisfied that it is not reasonably possible to convey water by pipes or pumps other than those ordinarily used for conveyance of petroleum, he may permit use of a petroleum pipe or pump for the conveyance of water subject to such conditions as he may impose.
(3) The competent person carrying out the test as required under sub-rules (1) shall issue a certificate in the proforma given below; the certificate so issued shall be submitted to the licensing authority along with the application for the grant or amendment of a licence, or, in the case of any major repair, after each repair.

Proforma of Certificate of Tank Testing
[See Rule 126]

In respect of ……of size…….. (number of tanks) (diameter and height or length of each tank)…… …… and capacity …… respectively, installed with in the installation service station of …… (delete words not applicable) (full name of occupier of installation/service station as the case may be) …… at…… …… …… (Name of place, police station, District State) covered by licnece No. …… (To be filled in the case of amendment of licence or repair of tank) Certified that I have in accordance with rule 126 of the Petroleum Rules, 2002, tested the tanks described above by water pressure after they had been installed and secured in the final position/repaired and found them free from leak and suitable for the storage of Petroleum(delete words not applicable) Date of test Full signature of the competent person issuing the certificate ……... His recognized qualification……. His full name and postal address ……..……..

127. Earthing of tank. –
(1) Every tank or other receptacle for the storage of Petroleum in bulk, other than a well head tank or tanks of less than 50,000 litres capacity containing petroleum Class C shall be electrically connected with the earth in an efficient manner by not less than two separate and distinct connections placed at the opposite extremities of such tank or receptacle. The roof and all metal connections of such tank or receptacle shall be in efficient electrical contact with the body of such tank or receptacle.
(2) The connections and contacts required under sub-rule (1) shall have a few joints as possible. All joints shall be riveted, welded or bolted and also soldered to ensure both mechanical and electrical soundness.
(3) The resistance to earth shall not exceed 7 ohms and the resistance to any part of the fitting to the earth plate or to any other part of fitting shall not exceed 2 ohms.

128. Testing of earth connections. –
(1) The connections and contacts of the tank or receptacle required under rule 127 shall be inspected and tested by a competent person at least once in every twelve months by means of a direct reading instrument, such as a Megar.
(2) The testing instrument referred to in sub-rule (1), if capable of producing a spark, shall be so shielded as to be incapable of igniting petroleum vapour.
(3) A record of such inspections and tests shall be maintained by the licensee in the licensed premises and shall be produced on demand by any inspector.

129. Night working. –
No installation storage shed shall be open and no work in any installation or storage shed shall be permitted between sunset and sunrise except where approved electric lights conforming to the provisions of Chapter IV are exclusively used.

130. Certificate of safety. –
(1) A certificate of safety in the proforma given below this rule and signed by a competent person shall be furnished to the licensing authority before any petroleum is stored in an installation or a service station for the first time or whenever any additions or alterations to the enclosure walls and embankments are carried out or when any tank is installed or its position shifted.

Proforma of Certificate of Safety
[See Rule 130]

I ……, hereby certify that I have inspected the petroleum service station/installation described below on … …(date) and it has been constructed as per plan

approved by Chief Controller/Controller, vide letter No. …… dated ……. and the service station/installation, in my opinion is safe for storage of petroleum.
1. Name & Address of occupier ……..
2. Location of the service station/installation …… (Plot No. , Village/Town, District, State)
3. Description of facilities of the service station/installation.

(A) Tanks :-
(i) Aboveground tanks :-
(a) identification No., size, capacity, product, class of petroleum
(b) whether enclosure walls provided –if so, nature of enclosure walls its capacity, provision of drain pipe and valve
(c) nature and description of fittings provided.
(ii) Underground tanks :-
(a) identification No., size, capacity, product, class of petroleum
(b) nature of pit, soil cover, fastening arrangement
(c) nature of top cover (whether soil/RCC)
(d) nature and description of fittings provided.
(B) Filling /storage shed :-
Whether provided as per approved plan
(C) Tank lorry and/or Tank wagon loading/unloading:-
(i) Number of bays and points provided
(ii) Type of loading & unloading facilities:-
(D) Pipelines :-
(i) Size and specification of pipeline(s)
(ii) Test pressure of pipeline …….. kg/cm2
(Tested by ……..on ……)
(E) Electrical fittings/equipment's:-
(i) Pumps (specification, make and CCE approval reference for each)
(ii) Starters
(iii) Junction Box
(iv) Switches
(v) Light fittings
(vi) Others
(F) Earthing, bonding and electrical continuity:-
(i) Earthing of tanks, pumps, bulk loading/unloading facilities
(ii) Bonding of pipeline joints
(iii) Earthing resistance at each point
(G) Nature of Fencing/boundary wall:-
(H) Description of fire fighting facilities provided:-
4. Remarks :
Place :
Date : Signature of the competent person
Particulars of recognition by Chief Controller (2)
(i) Anybody intending to be recognized as competent person shall possess the qualification and experience prescribed in para (A) of Form- XX and shall submit to the Chief Controller an application in the form prescribed in para (B) of the same form. Every application shall be accompanied by a scrutiny fee of rupees five hundred. The Chief Controller shall register such application and within a period of sixty days of the date of receipt of the application, and after having satisfied himself with regard to competence and professional ethics either recognize the applicant as a competent person or reject the application specifying the reason therefor.
(ii) The Chief Controller may after giving an opportunity to such person to be heard revoke the recognition-
(a) if he has reason to believe that such person has violated any condition stipulated in the letter of recognition or has not carried out a test, examination and inspection or has acted, in a manner inconsistent with the intent for the purpose of these rules: or

(b) for any other reason to be recovered in writing.

131. Prior approval of specifications and plans of premises proposed to be licensed . –
(1) Every person desiring to obtain a licence to import and store petroleum in Form XIV, Form XV, Form XVI or in Special Form, as the case may be, shall submit to the licensing authority an application along with.-
(a) specification and plans drawn to scale, in duplicate, clearly indicating.-
(i) the manner in which the provisions prescribed in these rules will be complied with;
(ii) the premises proposed to be licensed, the area of which shall be distinctly coloured or otherwise marked.
(iii) The surroundings and all protected works lying within 100 metres of the edge of all facilities which are proposed to be licensed;
(iv) The position, capacity, materials of construction and ground and elevation view of all storage tanks, enclosures around tanks, all valves, filling and discharge points, vent pipes, dip pipes, storage and filling sheds, pumps, fire-fighting and all other building and facilities forming part of the premises proposed to be licensed;
(v) The areas reserved for different class of petroleum including petroleum exempted under section 11 of the Act; and
(b) a scrutiny fee of rupees four hundred paid in the manner specified in rule 13.
(2) If the Chief Controller, after scrutiny of the specification and plans and after making such enquiries as he deems fit, is satisfied that petroleum may be stored in the premises proposed to be licensed, he shall return to the applicant one copy each of the specifications and plans signed by him conveying his sanction subject to such conditions as he may specify.

132. Pumping. –
No internal combustion engine or electric motor in an installation shall be used for driving pumps for pumping petroleum save in a pump house or pumping area specially constructed for the purpose and approved by the Chief Controller.

133. Identification mark on licensed premises. –
Every installation, storage shed or service station under these rules shall have prominently marked thereon the number of the licence held for it.

134. Posting up of rules and conditions .
-An extract of rules 3 to 12, 102 to 115, 116 to 134 and rules 146 to 148 and 152 to 160 and of the conditions of the licence shall be exhibited in a conspicuous place in every licensed installation, service station or storage shed.

135. Petroleum in the possession of Defence Forces of the Union. –
Nothing in rules 116, 121, 122, 125, 126, 127, 128, 130, 131, 133 and 134 shall apply to petroleum in the possession of the Defence Forces of the Union.

CHAPTER VI
STORAGE OF PETROLEUM CLASS "C" NOT REQUIRING A LICENCE

136. Application. –
(1) The provisions of this chapter shall apply to petroleum Class C stored otherwise than under a license as provided in section 7 of the Act but shall not apply to petroleum Class C in the possession of the Defence Forces of the Union.
(2) The provisions of Chapter V shall not apply to petroleum Class C permitted to be stored without a licence under section 7 of the Act.

137. Restriction of Storage. –
Petroleum Class C shall not be stored together with any other class of petroleum except under and in accordance with a licence granted under these rules.

138. Storage of exempted Petroleum Class C in bulk. –
(1) Petroleum Class C in bulk shall be stored in a tank constructed of iron or steel or any other material approved in writing by the Chief Controller.
(2) The tank referred to in sub-rule (1) shall be properly designed and erected and the tank with all its fittings shall be so constructed and maintained as to prevent any leakage of petroleum.
(3) All tanks of capacity exceeding 5,000 litres for the storage of petroleum Class C shall be surrounded by an enclosure wall or placed inside a pit, so constructed and maintained as to be able to contain without leakage the maximum quantity of petroleum capable of being contained in largest tank within such enclosure or pit.
(4) A drainage pipe with a valve capable of being actuated from outside the enclosure wall shall be provided in the enclosure or pit referred to in sub-rule (3) and the valve shall be kept closed.
(5) A distance of not less than 1.5 metres shall be kept clear between protected works and the edge of such enclosure wall or pit.

139. Storage of Petroleum Class C in non-bulk. –
Petroleum Class C which is not in bulk shall, if the quantity at any one time exceeds 2,500 litres be stored in a storage shed of which either. -
(a) the doorways and openings shall be built up to a height of 30 centimetres above the floor, or
(b) the floor shall be sunk to a depth of 30 centimetres.

140. Prior report of storage of Petroleum Class C. –
Every person intending to store petroleum Class C in quantity exceeding 5000 litres otherwise than under a licence shall submit the following to the Chief Controller before commencing storage-
(i) plans drawn to scale of the storage facilities showing compliance of rule 138 and site plan of the storage premises and surroundings upto 100 metres identifying the locations of premises; and
(ii) a scrutiny fee of rupees five hundred.

CHAPTER VII
LICENCES

141. Grant of licence. –
Licences under these rules may be granted by the licensing authorities set forth in the First Schedule in the forms specified for the purpose and on payment of a fee specified therein.

142. Period for which licences may be granted or renewed. –
(1) A Licence in Form III or Form XVII may be granted for such period as the licensing authority may deem necessary subject to a maximum of one year.
(2) Every other licence granted or renewed under these rules will remain in force until the 31st day of December of the year up to which the licence is granted or renewed subject to a maximum of three years.
(3) Notwithstanding anything contained in sub rule (1) or sub-rule (2), the licensing authority where it is satisfied that a licence is required for a specific work or festival which is not likely to last up to the 31st day of December of the year up to which the licence is granted or renewed, may grant or renew a licence for such period as is actually necessary.

143. Application for licence. –
(1) A person wishing to obtain or renew a licence under these rules shall submit an application in writing to the authority empowered to grant such a licence.
(2) An application for the grant of a licence to transport petroleum in bulk by road in mechanically propelled vehicles shall be in Form VII and to transport petroleum class A/B in bulk on land for onsite fuelling of aircraft's, heavy vehicles/machineries and stationary equipment by a mechanically propelled vehicle viz. Refueller shall be in Form VIII. An application for licence to import and store petroleum shall be in Form IX and to decant kerosene (petroleum class B) from mechanically propelled vehicles containers shall be in Form X.

144. No-objection certificate. –
(1) Where the licensing authority is the Chief Controller or the Controller, as the case may be, an applicant for a new licence other than a licence in Forms III, XI, XVII, XVIII, or XIX shall apply to the District Authority with two copies of the site-plan showing the location of the premises proposed to be licensed for a certificate to the effect that there is no objection, to the applicant receiving a licence for the site proposed and the District Authority shall, if he sees no objection, grant such certificate to the applicant who shall forward it to the licensing authority with his application Form IX.
(2) Every certificate issued by the District Authority under sub-rule (1) shall be accompanied by a copy of the plan of the proposed site duly endorsed by him under his official seal.
(3) The Chief Controller or the Controller as the case may be, may refer an application not accompanied by certificate granted under sub-rule (1) to the District Authority for his observations.
(4) If the District Authority, either on a reference being made to him or otherwise, intimates to the Chief Controller or the Controller as the case may be, that any licence which has been applied for should not, in his opinion, be granted, such licence shall not be issued without the sanction of the Central Government.
(5) The District Authority shall complete his inquiry for issuing NO OBJECTION CERTIFICATE (NOC) under sub-rule (1) and shall complete the action for issue or refusal of the NOC, as the case may be, as expeditiously as possible but not later than three months form the date of receipt of application by him.

145. Particulars of licence. –
(1) Every licence granted under these rules shall be held subject to the conditions specified therein and shall contain all the particulars which are contained in the Form specified under these rules.

(2) One copy of the plan or plans for the licensed premises signed in token of approval by the licensing authority shall be attached to the licence which shall form part 81 of such licence, and an identical copy shall be filed for record in the office of the licensing authority, except in the case of licence in Form XVIII.

146. Prior approval necessary for alterations in the licensed premises. –
(1) No alteration shall be carried out in the licensed premises until a drawing or drawings showing such alteration has been approved in writing by the licensing authority.
(2) A person wishing to carry out any alteration in the licensed premises shall submit to the licensing authority-
(i) three copies of a properly drawn plan of the licensed premises showing in distinct colour or colours the proposed alteration and the reasons and therefore.
(ii) a fee of rupees four hundred for scrutiny of the proposed alteration.
(3) If the licensing authority, after scrutiny of the plan showing the proposed alteration and after making such enquiries as he deems fit, is satisfied that the proposed alteration may be carried out, he shall return to the licensee one copy of the plan signed by him and conveying his sanction subject to such condition or conditions as he may specify.
(4) The holder of the licence, shall apply to the licensing authority for the amendment of the licence as soon as the sanctioned alteration has been carried out.

147. Amendment of licence. –
(1) Any licence granted under these rules may be amended by the authority empowered to grant such a licence.
(2) The fee for amendment of a licence shall be rupees five hundred plus the amount, if any, by which the fee that would have been payable if the licence had originally been issued in the amended form exceeds the fee originally paid for the licence.
(3) A licensee who desires to have his licence amended shall submit to the licensing authority-
(i) an application duly filled in and signed in Form VII if the licence has been granted for transport of petroleum in bulk by road, in Form VIII, if the licence has been granted for refueller in Form XIX, in Form IX if the licence is granted to import and store petroleum and in Form X, if the licence is granted to decant kerosene (Petroleum Class B) from mechanically propelled vehicles in containers.
(ii) the licence sought to be amended together with the approved plans attached to it;
(iii) where any alteration in the licensed premises has been carried out three copies of the properly drawn plan shown in the alteration sanctioned under rule 146 by the licensing authority;
(iv) fee for the amendment of a licence as specified in sub rule (2);
(v) a certificate of testing of the tank or tanks, if required under rule 126;
(vi) a certificate of safety, if required under rule 130.

148. Renewal of licence. –
(1) A licence may be renewed by the authority empowered to grant such a licence. Provided that a licence which has been granted by the Chief Controller may be renewed without alteration by a Controller duly authorized by the Chief Controller.
(2) Every licence granted under these rules, other than a licence in Form III or Form XVII may be renewable for three calendar years where there has been no contravention of the Act or of the rules framed thereunder or of any conditions of the licence so renewed.
(3) Where a licence which has been renewed for more than one year is surrendered before its expiry, the renewal fee paid for unexpired portion of the licence shall be refunded to the licencee provided that no refund of renewal fee shall be made for any calendar year during which-
(a) the licensing authority receives the renewed licence for surrender, or
(b) any petroleum is received or stored on the authority of the licence.
(4) Every application under sub-rule (2) shall be made in Form VII, form VIII, Form IX or Form X as the case may be and shall be accompanied by the licence which is to be renewed together with approved plans attached to the licence, wherever applicable and the renewal fee paid in the manner specified in rule 13.

(5) Every application for the renewal of licence shall be made so as to reach the licensing authority at least thirty days before the date on which it expires, and if the application is so made, the licence shall be deemed to be in force until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused, has been communicated to the applicant.
(6) Where the renewal of a licence is refused, the fee paid for the renewal shall be refunded to the licensee after deducting therefrom the proportionate fee for the period beginning from the date from which the licence was to be renewed up to the date on which renewal thereof is refused.
(7) The same fee shall be charged for the renewal of licence for each calendar year as for the grant thereof: Provided that -
(i) if the application with accompaniments required under sub-rule (4) is not received within the time specified in sub-rule (5), the licence shall be renewed only on payment of a fee amounting to twice the fee ordinarily payable;
(ii) if such an application with accompaniments is received by the licensing authority after the date of expiry but not later than 30 days from the date of expiry, the licence may, without prejudice to any other action that may be taken in this behalf, be renewed on payment of twice the fee ordinarily payable.Provided further that in case of an application for the renewal of a licence for a period of more than one calendar year at a time, the fee prescribed under clause (i) or
(ii) of the first provisio, if payable, shall be paid only for the first calendar year of renewal.
(8) No licence shall be renewed if the application for renewal is received by the licensing authority after thirty days of the date of its expiry.

149. Refusal of no-objection certificate. –
A district authority refusing to grant a noobjection certificate under rule 144 shall record, in writing, the reasons for such refusal and shall furnish to the applicant a copy of such order: Provided that before refusing to grant a no-objection certificate, the applicant shall be given a reasonable opportunity of being heard.

150. Cancellation of no-objection certificate. –
(1) A no-objection certificate granted under rule 144 shall be liable to be cancelled by the District Authority or the state Government, if the District Authority or the state Government is satisfied, that the licensee has ceased to have any right to use the site for storing petroleum : Provided that before cancelling a no-objection certificate, the licensee shall be given a reasonable opportunity of being heard.
(2) A District Authority or a State Government canceling a no-objection certificate shall record, in writing, the reasons for such cancellation and shall immediately furnish to the licensee and to the licensing authority concerned, copy of the order cancelling the no-objection certificate.

151. Refusal of licence. –
A licensing authority refusing to grant, amend, renew or transfer a licence, shall record his reason for such refusal in writing.

152. Suspension and cancellation of licence. –
(1) Every licence granted under these rules shall.-
(i) stand cancelled, if the licensee ceases to have any right to the site for storing petroleum;
(ii) stand cancelled, if the no-objection certificate is cancelled by the District Authority or the State Government in accordance with sub-rule (1) of rule 150;
(iii) be liable to be suspended or cancelled by an order of the licensing authority for any contravention of the Act or of any rule thereunder or of any condition contained in such licence, or by order of the Central Government, if it is satisfied that there are sufficient ground for doing so: Provided that -
(a) before suspending or cancelling a licence under this rule, the holder of the licence shall be given an opportunity of being heard;
(b) the maximum period of suspension shall not exceed three months; and

(c) the suspension of a licence shall not debar the holder of the licence from applying for its renewal in accordance with the provisions of rule 148.
(2) Notwithstanding anything contained in sub-rule (1), an opportunity of being heard may not be given to the holder of a licence before his licence is suspended or cancelled in cases -
(a) where the licence is suspended by a licensing authority as an interim measure for violation of any of the provisions of the Act or these rules, or of any conditions contained in such licence and in his opinion such violation is likely to cause imminent danger to the public: Provided that where a licence is so suspended, the licensing authority shall give the holder of the licence an opportunity of being heard before the order of suspension is confirmed; or
(b) Where the licence is suspended or cancelled by the Central Government, if that Government considers that in the public interest or in the interest of the security of the State, such opportunity should not be given.
(3) A licensing authority or the Central Government suspending or cancelling a licence under sub-rule (1), shall record its reason for so doing in writing.

153. Procedure on expiration, suspension or cancellation of licence. –
(1) A person licensed to store petroleum shall, on the expiration, suspension or cancellation of his licence, forthwith give notice to the District Authority of the class and quantity of petroleum in his possession and shall comply with any directions which the District Authority may, on the recommendation of the Chief Controller, give in regard to its disposal.
(2) The District Authority may grant for a term not exceeding three months from the date of expiration, suspension or cancellation, as the case may be, a temporary licence for the storage of petroleum actually held at the time of the issue of the temporary licence: Provided that where the expired, suspended or cancelled licence was granted by an authority, other than the District Authority, no temporary licence shall be granted without the previous consent of such other authority.
(3) The fee chargeable on a licence granted under sub-rule (2) shall bear the same proportion to the fee charged on the expired or cancelled or suspended licence as the period covered by the temporary licence bears to a full year.

154. Appeals -
(1) An appeal shall lie against any order refusing to grant, amend or renew a licence or cancelling or suspending a licence to-
(i) the Central Government, where the order is passed by the Chief Controller;
(ii) the Chief Controller, where the order is passed by a Controller;
(iii) the immediate official superior to the District Authority, where the order is passed by the District Authority;
(iv) the immediate official superior to officer appointed under rule 33 in the case of vessels licensed for the carriage of petroleum in bulk.
(2) An appeal against any order of the District Authority refusing to grant or cancelling a no-objection certificate shall lie to the authority which is immediately superior to the said District Authority.
(3) Every appeal shall be in writing and shall be accompanied by a copy of the order appealed against and shall be presented within sixty days of the order passed.

155. Supply of rules. –
With every licence granted for the storage of petroleum, an extract of rules 3 to 12, rules 102 to 134, rules 146 to 148 and rules 151 to 159 shall be given free of charge to the licensee.

156. Transfer of licence for storage. –
(1) The holder of a licence, for the storage of petroleum may, at any time before the expiry of the licence, apply to the licensing authority to transfer the licence to another person.
(2) Every application for the transfer of a licence shall be accompanied by-
(i) a letter signed by the holder of the licence indicating the full name and address of the person to whom he wishes to transfer the licence and give complete possession of the licensed premises;
(ii) the licence sought to be transferred together with the approved plan or plans attached to it.

(iii) an application in Form IX duly filled in and signed by the person to whom the licence is sought to be transferred;
(iv) a fee of rupees five hundred paid in the manner specified in rule-13.
(3) The licensing authority on receipt of the documents and fee required under subrule (2) shall, if he approves the transfer, enter upon the licence, under his signature, an endorsement to the effect that the licence has been transferred to the person named.
(4) The person to whom the licence is so transferred shall enjoy the same power and be subject to the same obligations under the licence as the original licensee.

157. Procedure on death or disability of licensee. –
(1) If a licensee dies or becomes insolvent or mentally incapable or is otherwise disabled, the person carrying on the business of such licensee shall not he liable to any penalty or confiscation under the Act or these rules of exercising the powers granted to the licensee during such time as may reasonably be required to allow him to make an application for a new licence in his own name for the unexpired portion of the original licence in respect of the year in which the licensee dies or becomes insolvent or mentally incapable or is otherwise disabled: Provided that nothing in this sub-rule shall be deemed to authorize the exercise of any power under this sub-rule by any person after the expiry of the period of the licence.
(2) An application for a new licence for the unexpired portion of the original licence shall be accompanied by a no-objection certificate issued by the District Authority in favour to the person applying for such licence.
(3) A fee of rupees two hundred shall be charged for a new licence for the unexpired portion of the original licence granted to any person applying for it under this rule.

158. Loss of licence. –
Where a licence granted under these rules is lost or accidentally destroyed, a duplicate may be granted on submission of a copy of plan or plans identical with those attached to the licence and on payment of a fee of rupees two hundred.

159. Production of licence on demand. –
(1) Every person holding or acting under a licence granted under these rules shall produce it, or an authenticated copy of it, at the place to which the licence applies, when called upon to do so by any Inspector.
(2) Copies of any licence may, for the purpose of this rule, be authenticated by the authority which granted the licence -
(a) on payment of a fee of rupees fifty for each authenticated copy, and
(b) on the submission of a copy or copies of the plans identical with the approved plan or plans attached to the licence.

160. Procedure on reports of infringement. –
The District Authority shall inform the Chief Controller of the action taken by him on any report of infringements of the Act or of these rules which the Chief Controller may make to him.

161. Executive control over authorities. –
Every authority other than the Central Government, acting under this Chapter shall perform its duties subject to the control of the Central Government : Provided that nothing in this rule shall be deemed to affect the powers of executive control of the Chief Controller over the officer subordinate to him.

CHAPTER VIII
REFINING OF PETROLEUM

162. Approval of refinery. –
(1) No person shall refine, crack, reform or blend petroleum unless the project report with specifications and plans showing the general arrangements of tanks, stills, furnaces, electrical installations, pump houses, arrangement for drainage treatment and disposal of effluents, arrangement for fighting fire, fencing gates and all plants and buildings at the place where it is proposed to refine, crack, reform or blend petroleum (hereinafter in this chapter referred to as the refinery) has been approved by the Chief Controller.
(2) The design and layout of the various blocks/facilities/process units in new crude oil refineries shall be as per design philosophy given in OISD standard-118. This will apply to new crude oil refineries/gas processing installations approved by the Chief Controller after publication of this rule.
(3) Any person desiring to refine, crack, reform or blend petroleum shall submit to the Chief Controller an application along with -
(i) a copy of the project report and specifications and plans referred to in subrule (1) in triplicate; and
(ii) a scrutiny fee of rupees five thousand paid in the manner specified in rule 13.
(4) The Chief Controller on receiving the project report with specifications and plans may require submission of such further particulars as he may specify after satisfying himself that petroleum can be so refined, crakced reformed or blended, shall return to the applicant one set of the specifications and plans signed by him and conveying his sanction subject to such conditions as he may specify.

163. Retention of plans and specifications. –
A copy each of the approved plans and specifications and containing any alterations sanctioned under rule 164 from time to time shall be kept at the refinery.

164. Alterations. –
(1) No alterations in refinery involving the general arrangements or the design of tanks, stills, furnaces, plants, pump-houses, electric installation or firefighting facilities shall be carried out without the previous sanction in writing of the Chief Controller.
(2) The occupier of a refinery wishing to carry out any of the alterations referred to in sub-rule (1) shall submit to the Chief Controller an application along with -
(i) specifications and plans, in triplicate, showing proposed alterations together with reason therefor, and
(ii) a scrutiny fee of rupees one thousand paid in the manner prescribed in rule 13.
(3) The Chief Controller on receiving the specifications and plans for the alterations and reasons therefor, may require submission of such further particulars as he may specify and after satisfying himself that the proposed alterations can be carried out, return to the applicant one copy of the specifications and plans signed by him and conveying his approval subject to such conditions as he may prescribe.

165. Use of fire-proof materials. –
All buildings and facilities in which petroleum is handled shall be built of fire-proof materials.

166. Situations of storage tanks. –
No storage tanks for petroleum shall be situated nearer than 90 metres to any still, boiler or furnace : Provided that this rule shall not apply to a storage tank containing petroleum Class C for use as a fuel for a boiler and such a storage tank shall not be larger than is necessary to conserve 24 hours fuel for the fire which it services.

167. **Situation of storage tanks and facilities for liquefied petroleum gases. –**
No storage tank or filling facility for liquefied petroleum gases shall be nearer than 90 metres to any still, boiler or furnace or nearer than 30 metres to any storage tank, pump-house or any facility for the blending or filling of petroleum or to any protected work.

168. **Situation of flare. –**
No flare shall be situated nearer than 90 metres to any tank, still, pump-house or any facility for the refining, cracking, reforming, blending, storage or handling of petroleum or liquefied petroleum gas, other than knockout drum and condensate recovery pump attached to such flare.

169. **Drainage. –**
(1) Adequate arrangement shall be made to ensure that effluents and drainage passing from the refinery does not cause pollution of rivers, irrigation channels water reservoirs or foreshore and does not harmfully affect animal or vegetable life in any way.
(2) Effluent drainage from pump-houses and all other points where oil be entrained shall be passed through an efficient oil interceptor system of adequate size.
(3) All chemical waste shall be rendered harmless before they leave the refinery area.
(4) The whole of the sewerage shall be independent of other drainage systems.
(5) All drains shall have adequate capacity to prevent any flooding or backing-up and be of such construction as to prevent leakage from them to the surrounding grounds.
(6) Drains for carrying waste chemicals shall be of a type which is not affected by the chemicals in question.
(7) Trash racks shall be fitted to the drains where there is a possibility of rubbish being carried forward and forming a plug.
(8) Manholes shall be provided in closed drains where there is an abrupt change of directions and also at reasonable intervals in straight sections to permit rodding.
(9) When vents are provided to release gases separated from contaminated effluents in closed drains, they shall be sited where they are unlikely to cause danger or annoyance.
(10) All drains shall be fitted with fire traps/water seals at suitable points to prevent the passage of flame.
(11) Where gas traps are provided in the drains they shall be constructed on the upstream side of the oil interceptors and such gas traps shall be fitted with vents to liberate the gas at such a height that danger or annoyance is not caused.

170. Fire and Smoking. –
(1) No fire furnace, source of heat or light capable of igniting inflammable vapours shall be allowed except in the firing space of stills and boilers.
(2) No smoking shall be allowed except in spaces or buildings specially approved for the purpose by the Chief Controller.

171. Permits to carry out maintenance and repair work. –
(1) No maintenance or repair work and no entry into confined spaces including a closed drain or manhole shall be permitted except under and in accordance with the conditions of a written permit as per OISD standard 105 issued by a competent person authorized by the occupier of the refinery.
(2) The competent person referred to in sub-rule (1) shall, before issuing the permit, satisfy himself by inspection and testing, whenever necessary, that the conditions of the vessel, site or equipment are entirely safe for the work which is to be undertaken and shall specify on the permit the conditions under which the work can be carried out safely.
(3) Permits for carrying out maintenance or repair work shall be issued for limited and stated period during which known conditions will remain safe and such permits shall not be renewed without re-inspection and re-testing of the vessel, site or equipment.
(4) All gas tests for the purpose of issuing a permit shall be carried out by suitably trained persons by an instrument which is calibrated and checked at such intervals as are recommended in this behalf by the manufacturers of such instruments in the manual of instructions pertaining thereto.

(5) In the case of vessels which had contained products blended with leaded fluid, the regulations laid down by the suppliers of the fluid shall be fully observed.

172 Fire Control. –
(1) Every crude oil refinery shall be fully protected against fire by a well organized and trained fire fighting service with necessary materials and fixed, mobile and portable equipments for fighting fires in line with the OISD Standard –116. This will apply to new crude oil refineries/gas processing installation approved by the Chief Controller after publication of this rule.
(2) An adequate supply of water shall be available at all strategic points in the refinery by means of an independent ring main or grid provided with isolating valves. The main shall be kept constantly pressurized by two or more boosting pumps of adequate capacity preferably working automatically as any significant loss of pressure in the main occurs. At least one of the boosting pumps shall be independent of the normal power supply.
(3) All mains shall be fitted with hydrants at convenient places not more than thirty metres apart in hazardous areas and not more than 45 meteres apart in non hazardous area. Such hydrants shall be of design suitable for operating conditions and for connecting mobile pumps.
(4) Static water supply of adequate capacity shall be provided where mains water supply may be subject to interference.
(5) All refinery personnel shall be practiced in the use of first-aid, fire-fighting appliances and selected refinery personnel shall be trained in all aspects of fire-fighting.
(6) The Chief Controller may relax any of the provisions of sub-rule (1) to (5) or require additional fire-fighting provisions to be made if he deems such relaxation or additional fire-fighting provisions necessary in respect of any class of refinery.

173. Removal of Petroleum. –
All petroleum as it leaves the stills with the exception of such quantities as may be pumped direct to service tanks for fuel, shall at once be pumped out into the refinery storage tanks and shall not be stored in the immediate neighbourhood of stills and boilers: Provided that the Chief Controller may permit petroleum to be disposed of otherwise.

174. Prevention of danger from static electricity. –
Adequate provision shall be made to prevent accumulation of dangerous static charges of electricity.

175. Warning notices. –
(1) Warning notices regarding prevention of unauthorized persons, naked lights, smoking and other hazards shall be displayed prominently at strategic locations in the refinery.
(2) No fire works of any kind shall be carried out within a radius of one Kilometre from the refinery except with the prior permission of District Magistrate

176. Marking of pipelines and cables. –
(1) All above-ground pipelines and cables shall be identified by taping, stenciling, colouring distinctively or by any other suitable methods.
(2) All overhead pipelines and cables crossing roads shall be adequately protected against accidental damage.
(3) Pipelines and valves at loading and discharging berths shall be prominently marked to identify the product.
(4) The route of all underground cables shall be marked by prominent markers. At least two such markers shall be visible from any point on the route of the cable.
(5) The route of all underground pipelines shall be marked by prominent markers or by any other effective means to prevent accidental damage to the pipelines.

177. Inspections. –
All plants, instruments and equipment including fire-fighting equipment shall be inspected and tested at intervals, the frequency depending on practical or other relevant factors, and records of all such inspections shall be maintained.

178. Safe operations. –
(1) All operators employed in a refinery shall be adequately trained in the safe operation of plants and equipments.
(2) Written procedures shall be established for operators to start up, shut down and gas-free plants or sections of plants safely and to take safe action under emergency conditions.
(3) Checks shall be made at all stages of the operations by supervisors to ensure that vessels and equipments are properly isolated or connected up, as required, and to ensure that safety facilities are commissioned as the operation proceeds.

179. Report of Fire. –
The occurrence of any fire in the refinery shall be reported immediately by the person in-charge of the refinery for the time being to the Chief Controller and to the nearest police station.

180. Closing of refinery. –
If refinery is closed down, the area within the fence surrounding it shall be cleared of all petroleum having flash point below 93 degree C as soon as possible.

CHAPTER IX
TETRA ETHYL LEAD MIXTURES

181. Additions of Tetra Ethyl Lead Mixtures. –
Tetra Ethyl Lead shall not be blended with petroleum except in an equipment approved in writing by the Chief Controller and in such proportions and under such conditions as may from time to time be determined by him.

182. Additions of Tetra Ethyl Lead Mixture. –
Tetra Ethyl Lead shall not be blended except in an equipment approved in writing by the Chief Controller and in quantities not exceeding the limits specified in the relevant Indian Standards specifications.

183. Prescription of special conditions. –
The Chief Controller may from time to time by a written order prescribe special conditions which shall be observed during mixing of petroleum with ethyl fluid, handling of leaded petroleum or cleaning or repair of storage tanks which have contained leaded petroleum.

184. Colouration of leaded petroleum. –
Every mixture of petroleum and tetra ethyl lead shall be distinctively coloured before being supplied to the public.

185. Marking of receptacles. –
All receptacles other than tank containing a mixture of petroleum and tetra ethyl lead shall, except when they are in possession of the Defence Forces of the Union, bear a warning in the following terms, namely :

WARNING:
THIS SPIRIT CONTAINS LEAD AND SHALL BE USED AS A MOTOR FUEL ONLY

CHAPTER X
TESTING OF PETROLEUM

186. Drawing of Sample. –
(1) In all cases, the sampling officer shall personally superintend the drawing of the sample and the sample shall be drawn in the presence of at least one witness. Where the sample is drawn from an original unopened receptacle containing petroleum otherwise than in bulk the opening shall be sufficient to admit of the sample being rapidly transferred from the receptacle.
(2) Two bottles, each of a capacity of 1 litre shall be filled to nine-tenths of their capacity with the sample and corked. The corks shall be driven home and cut-off level with the neck; and melted sealing wax shall be worked into the corks and the bottles shall be efficiently sealed.
(3) In the case of petroleum imported into India the bottles containing the samples shall, after being sealed, be labelled with the name of the consignee, particulars of the ship or vehicle by which it is imported and such other distinguishing marks as may be necessary.

187. Forwarding and retention of samples. –
One of the bottles referred to in subrule (2) or rule 186 shall be preserved for reference in case of need and the other shall be forwarded to the testing officer.

188. Procedure of delivery of samples. –
(1) When the master of, or the agent for, a ship or the agent of the importer has made the declaration required under rule 17 or rule 26, the sampling officer shall obtain samples of all the petroleum which is intended to land at the port or place of import, If the importer so desires, the sampling officer shall also take samples of all the petroleum which is intended to land at any other port or place of import in India : Provided that no sample need be taken of petroleum if it is declared to be the petroleum Class A.
(2) The master of ship or the person for the time being in-charge of the vehicle by which petroleum is imported shall deliver to the sampling officer, without charge, samples of every variety of petroleum comprised in the petroleum of which samples are to be taken under sub-rule (1). Such samples shall, if the sampling officer so requires, be taken from the particular receptacles indicated by him : Provided that when the petroleum is in cases, samples shall be taken as the landing proceeds.

189. Selection of samples from imported cargo. –
The minimum number of samples to be selected from each brand or quality contained in the cargo to be imported shall be as follows :-
(i) in cases-one sample for every 10,000 cases or part thereof;
(ii) in casks or drums, declared to be uniform quality - one sample for every 600 kilolitres or part thereof;
(iii) in bulk or in tanks - one sample from each tank or tank compartment.

190. Standard test apparatus. –
The Standard test apparatus shall -
(a) agree in every respect with the Indian Standard Specification No. IS-1448 (Part I): (P 20) or (P 21) as applicable and for the time being in force; and 101
(b) have been tested and certified by an officer appointed by the Central Government under sub-section (1) of section 15 of the Act.

191. Certification of apparatus. –
(1) When any apparatus for determining the flash point of petroleum is submitted to the officer appointed under sub-section (1) of section 15 of the Act for comparison with the standard test apparatus, the officer shall examine the apparatus including the thermometres and the barometres or aneroid.
(2) No certificate shall be granted under section 16 of the Act if the apparatus, any thermometres or barometer is in any respect outside the tolerances laid down or variations permitted under the

Indian Standard Specification No. IS-1448 (Part I): (P20) or (P21) as applicable and for the unit being in force.
(3) A certificate in Form IV shall be granted in respect of any apparatus which has been found to agree with the standard test apparatus within the limits specified in IS 1448 (Part I) (P.20) (P.21) was applicable and for the time being in force.
(4) A certificate granted under this rule shall be valid for a period of three years.

192. Register of Certificates . –
A register of all certificates granted under rule 191 shall be maintained in form V by the officer appointed under sub-section (1) of section 15 of the Act.

193. Method of test . –
(1) The testing officer shall test the samples in the manner laid down in the Indian Standard Specification No. IS-1448 (Part I): (P 20) or (P 21) as applicable and for the time being in force.
(2) In all cases at least three samples shall be separately tested, the average of the three readings being corrected for the thermometer correction, if any, and for the barometric correction in case of dispute.
(3) If the average flash point is not lower than 230C, the whole of the petroleum represented by the samples shall be deemed to be petroleum Class B or petroleum Class C according to the average flash point determined by the test.
(4) If the petroleum to be tested is viscous or solid or contains sediments or thickening ingredients, such petroleum shall be tested in accordance with the methods specified in the Fifth Schedule.

194. Procedure when tests show want of uniformity. –
(1) If the testing officer after testing samples taken from an imported cargo, considers further testing necessary to satisfy himself that none of the petroleum is petroleum class A, he shall report to the Commissioner of Customs accordingly.
(2) On receipt of a report under sub-rule (1) -
(a) when the consignment is imported in cases or casks or drums, the Commissioner of Customs shall cause the petroleum in question to be landed and stacked in lots of not more than 1500 cases or casks or drums each, or to be discharged into boats each containing not more than 1500 cases, casks or drums, and the sampling officer shall select and deliver to the testing officer one sample from each lot.
(b) when the consignment is imported in bulk, the sampling officer shall forward a second sample and Commissioner of Customs may, until the receipt of the testing Officer's further report, prevent the landing of any portion of the contents of the tank in question or may permit it to be landed as provided under rule 21.
(c) if the petroleum has already been landed and stored under rule 21:
(i) if it is otherwise in bulk, it shall be divided into lots, and samples of each lot shall be selected as provided in clause (a);
(ii) if it is in bulk, samples shall be drawn from each separate storage tank containing the petroleum.

195. Certificate of tests . –
(1) The testing officer shall, as soon as practicable, and ordinarily within twenty-four hours after receipt of samples make out a certificate in Form VI and shall forward it in the case of samples, of petroleum taken on board a ship or a vehicle by which petroleum is imported to the Commissioner of Customs and in the case of other samples to the officer submitting the sample.
(2) The testing officer shall, at the request of any person concerned, furnish him with a certified copy of the certificate in form VI on payment of a fee of rupees two hundred.

196. Fee for inspection and comparison. –
(1) The fee for each inspection of the standard test apparatus shall be rupees one hundred.
(2) The fee for comparing a privately owned test apparatus with the standard test apparatus shall be as follows:-

(in Rupees) Test apparatus 500 Barometer 200 Thermometer 100

197. Fee for testing . –
(1) The fee for testing each sample of petroleum shall be rupees five hundred:Provided that the aggregate fees chargeable under this sub-rule shall not, in the case of any single consignment of petroleum in any one ship, other vessel, train or place, exceed rupees one thousand.
(2) The fee for re-testing each sample under section 20 of the Act shall be rupees one thousand. It shall be refunded if the original test is proved to be erroneous.

198. Power to enter, inspect, search and seize . –
(1) Any, officer, specified in column (1) of the table below, may within the jurisdiction specified in the corresponding entry in column 2 of the said table:
(a) enter, inspect and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended or is under transport and inspect all receptacles, plants and appliances used in connection therewith in order to ascertain if they are in accordance with provisions of the Act and of these rules:
(b) search for petroleum therein;
(c) take samples for testing of any petroleum found therein and make payments by cash for value of samples taken; and
(d) seize, detain and remove any petroleum or any material suspected to be petroleum or any equipment or appliances used therein together with connected documents thereof in respect of which he has reasons to believe that any of the provisions of the act or of these rules have been contravened.

TABLE
Designation of the Officer Limit of Jurisdiction
(1) (2)
Chief Controller and Controller Whole of India All District Magistrates Their respective Districts All Magistrates sub-ordinate to Their respective Jurisdiction District Magistrate Police Officer not below the The area over which their Rank of an Inspector authority extends (2) Whenever any officer other than the Chief Controller, seizes, detains or removes any petroleum or any material connected therewith or any connected documents thereof under this rule, he shall forthwith report the fact by telegram to the Chief Controller and Controller having jurisdiction over the place where seizure etc. has taken place and whenever any officer not being the District Authority seizes, detains or removes any petroleum or any material connected therewith or any connected documents thereof under this rule, he shall intimate the facts of the case to the Chief Controller or the Controller having jurisdiction.
(3) Whenever any samples are taken in accordance with this rule, they shall be tested in accordance with the relevant provisions of Chapter X of these rules.
(4) Whenever any petroleum is seized under this rule, it shall be stored, under adequate guard until examination by Chief Controller or Controller and receipt of instructions from him as to its disposal.
(5) Whenever searches are made under this rule the same shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974). All officers of the police and district authorities shall assist the Chief Controller in the execution under the Act and rules.
(6) Whenever any person by himself or by any person in his employment voluntarily obstructs or offers any resistance to or otherwise interferes with or refuses or fails to give or willfully gives false or misleading information to the officer duly appointed under this rule who is acting in accordance with his duty thereunder such person shall be deemed to have committed an offence under the Act.

199. Destruction of petroleum . –
The Chief Controller or Controller may destroy any petroleum or any material or equipment connected in respect of which the Chief Controller or Controller has reason to believe that any of the provisions of the Act or of these rules have been contravened or which in his opinion is not

longer fit for storage, transport or use. The petroleum shall be destroyed at the expenses of the licensee or the occupier of the premises, as the case may be.

CHAPTER XI
NOTICE OF ACCIDENT

200. Notice of Accident. –
(1) The notice of an accident required to be given under section 27 of the Act shall be given forthwith-
(a) to the Chief Controller by telephone/fax and also by telegram [telegraphic address- 'Explosive Nagpur'] followed within 24 hours by a letter giving particulars of the occurrence; and
(b) to the officer-in-charge of the nearest police station by the quickest means of communication.
(2) Pending the visit of the Chief Controller or his representative, or until instruction is received from the Chief Controller that he does not wish any further investigation or inquiry to be made, all wreckage and debris shall be left untouched except in so far as its removal may be necessary for the rescue of persons injured and recovery of the bodies of any persons killed by the accident or in the case of Railways for the restoration through communication.

CHAPER XII
EXEMPTION

201. **Power to exempt . -** The Central Government may, on the recommendation of the Chief Controller, in exceptional cases, by order exempt any class or classes of petroleum from all or any of the provisions of these rules, on such conditions, if any, as may be specified in the order.
202. **Repeal and savings . -**
(1) The Petroleum Rules, 1976, are hereby repealed.
(2) Notwithstanding such repeal -
(i) all licences or duplicates granted or renewed under the said rules and all fees imposed or levied shall be deemed to have been granted, renewed or imposed or levied, as the case may be under the corresponding provisions of these rules, and
(ii) all approvals given and all powers conferred by or under any notification or rule shall, so far as they are consistent with the Act and these rules be deemed to have been given or conferred by or under these rules.109

FIRST SCHEDULE

1. Article
2. Form of Licence
3. Purpose for which Granted
4. Authority empowered to grant licence
5. Fee

1. III To carry petroleum in bulk by water An Officer appointed by the Central Govt.
For ships or other Rs. 5000 for Vessels not exce- period of one Eding 100 tonnes year or part the-Gross tonnage reof from the date of issue.
For every Rs. 1000 Additional 50 Tonnes gross tonnage or fraction thereof.
2. XI To carry petroleum by land on mechanically propelled vehicles Controller Rs. 500 for every Calendar year or part thereof
3. XII To import and store petroleum Class A in quantity not exceeding 300 litres District Authority Rs. 200 for every Calendar year or part thereof.
4. XIII To import and store petroleum Class B otherwise than in bulk in quantity not exceeding 25000 litres District Authority Rs. 20 for every 1000 litres or part thereof for a calendar year.
5. XIV To store petroleum in tank or tanks, in connection with pump outfit for fueling motor conveyances. Controller For each class of petroleum Rs. 1000 for the first 50 KL plus Rs. 15 for every additional KL or part thereof, for every calendar year subject to a maximum of Rs. 15,000 per calendar year or part thereof.
6. XV To import and store petroleum in an installation Chief Controller or a Controller authorised in this behalf by the Chief Controller For each class of petroleum Rs. 1000 for the first 50 KL plus Rs. 15 for every additional KL or part thereof, for every calendar year subject to a maximum of Rs. 15,000 per calendar year or part thereof.
7. XVI To import and store other wise than in bulk
(a) Petroleum Class A in quantities exceeding 300 litres
(b) Petroleum Class B in quantities exceeding 25000 litres
(c) Petroleum Class C in quantities exceeding 45000 litres or
(d) partly one class and partly two classes of petroleum Controller For each class of petroleum Rs. 1000 for the first 50 Kl plus Rs. 15 for every additional KL or part thereof, for every calendar year subject to a maximum of Rs. 15,000 per calendar year or part thereof.
8. XVII To store petroleum Class A temporarily in quantities not exceeding 50000 litres for fuelling of aircrafts in connection with crop spraying work only.Controller For each class of petroleum Rs. 1000 for the first 50 Kl plus Rs. 15 for every additional KL or part thereof, for every calendar year subject to a maximum of Rs. 15,000 per calendar year or part thereof.
9. Special Form To import and store petroleum class not provided for in Articles 3,4,5,6 and 7 Controller For each class of petroleum Rs. 1000 for the first 50 Kl plus Rs. 15 for every additional KL or part thereof, for every calendar year subject to a maximum of Rs. 15,000 per calendar year or part thereof.
10. XVIII To decant kerosene (petroleum class B) from mechanically propelled vehicle in containers) Controller Rs. 200 for every Calendar year or part thereof.

11. XIX To transport petroleum Class A/B in bulk on land for on site refuelling of aircrafts, heavy vehicles/machinery and stationery equipments by a mechanically propelled vehicle Viz, Refueller Controller Rs. 500 for every Calendar year or part thereof.

SECOND SCHEDULE
FORM I

(See rules 17 and 26)

Declaration to be made by the Master or agent of ship carrying petroleum by sea before entering port or by the importer or his agent before importing petroleum by land

Name of ship
……
Particulars of the carriage

Name of Petroleum	Total quantity in the ship or carriage	Quantity of petroleum to be landed in India. Name of port or Place of import	Remarks

Petroleum Class A which can be used in an internal combustion engine
Other Petroleum Class A
Petroleum Class B
Petroleum Class C

Signature of Master or agent of the ship

FORM II
(See rules 19 and 26)

Certificate of Storage Accommodation

I here by declare that I propose to store the following consignment of petroleum arriving per ……(name of ship or particulars of carriage) in ……..(name of port or place of Import) on or about……..(date, month, year) at the storage tanks or shed, particulars of which are given in item (i) and (ii) of col. (1) of the statement below and I certify that the capacity as shown as available and shown as available in item (iii) of the said column are duly licensed for the storage of petroleum in question.

Signature of importer or his agent

Dated the……..

STATEMENT

Description of Import and storage capacity (1)	Petroleum Class A (2)	Petroleum Class B (3)	Petroleum Class C (4)
A			
(i) Total licensed capacity of storage tanks.			
(ii) Total capacity available in storage tanks.			
(iii) Capacity to be utilized by present consignment.			
B			
(i) Total licensed capacity of storage sheds.			
(ii) Total capacity available in storage sheds.			
(iii) Capacity to be utilized by present consignment.			

FORM III

(See rule 33 and Art. I of the First Schedule)

Licence for the carriage of Petroleum in bulk by water.

Licence No. …….. Fee Rs. ……

The vessel described below is hereby licensed for the carriage of Petroleum in bulk by water under rule 33 of Petroleum rules 2002 in the vessel described below subject to the provisions of Petroleum Act, 1934 and the rule made thereunder and to the further conditions of this licence.

The licence shall remain in force till the ……..day of ……two thousand*

Licensing Authority

Description of the licensed vessel

Name of vessel …….
Official number ……
Gross tonnage …….
Name and address of owners ……..

The licence is liable to be cancelled if the licensed vessel when inspected is not found to be conforming to the descriptions and conditions attached hereto and contravention of any rules and conditions under which this licence is granted is also punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees, or with both and for every such subsequent offence with simple imprisonment which may extends to three months, or with fine which may extend to five thousand rupees, or with both.

Conditions

The Petroleum shall be Stored only in -

(i) the following** part of the vessel ……..
……..
……
……..
……..
……..
(ii) the following manner** that is to say ……
……
……
……..
……..
……..

* One year from the date of issue

** The parts of the vessel and the manner of storage to be specified in details by the licensing authority in consultation with the Chief Controller of Explosives.

F0RM IV

(See rule 191)

Certificate of Apparatus

…….. Apparatus
Marked No ……
Maker's Name……
SlideNo……

Thermometer No. ……Oil Cup No.……
Water Bath Cup No. …….
The above apparatus including the thermometres been submitted for verification with the Standard Test Apparatus was compared by me on …….. ..and found to agree with it within the prescribed limits.

The following corrections are necessary to the thermometer and barometer or aneroid readings:
Thermometer No. ……
Barometer or Aneroid No. ……
This certificate is valid for a period of three years from the ……
Date……..
Reference…….

Signature and designation of the Officer
appointed under Section 15 (1)
Of the Petroleum Act, 1934

FORM V
(See rule 192)

Register of Certificate of Apparatus

Serial No	Designation of officer by whom the apparatus has been tested	Place at which the apparatus is indented to be used	Number and date engraved on the apparatus	Contents of certificate	Date on which certificate will cease to be valid

F0RM VI
(See rule 195)
Certificate of Tests of Petroleum

Owner ……
Marks……
Test (1)……
(2) ……
(3) ……
Average ……Thermometer
Correction No.. ……
The sample is ……..
Petroleum and (in the case of petroleum Class B) has a flash point of ……
Place: Testing Officer …….
Date……..

F0RM VII
[See rule 143, 147 and 148]

Application for the grant/amendment/renewal/transfer of licence to transport Petroleum Class A and Class B in bulk on land by mechanically propelled vehicles.Documents listed below must be submitted with this application

PART A. To be filled in and signed by the applicant

1. Applicant's name and full postal address ……
……

2. Particulars of the vehicle in which……Petroleum is proposed to be transported

(i) Make and Model ……

(ii) Engine Number ……

(iii) Chassis Number ……

(iv) Registered Number……

(v) ULW and RLW ……

(vi) Date up to which the vehicle is registered ……

(vii) Name and full postal address of the registered owner……

(viii) Number of compartments and certified capacity in kilolitres of each compartment …….. ……

Compartment 1 2 3 4 5 6 7 Total Capacity in Kilolitres No.

Capacity in kilolitress

viii) Class or Classes of petroleum proposed to be transported in the vehicle described above ……

ix) Number and date of approval of the design drawing of the vehicle by the Chief Controller ……

3. Does the tank vehicle described above fully conform to the requirements laid down in third Schedule to the Petroleum Rules 2002 and are the design drawings approved by the Chief Controller? ……

4. Full Postal Address of the Place where the vehicle will be normally stationed. ……

I/We declare that the particulars given above have been checked up by me/us and are correct. I/We undertake of transport petroleum in the tank vehicle/trailer, particulars of which are given above, in accordance with the provisions of the petroleum Act, 1934, and the rules framed there under and any other law or rules for the time being in force. I/We understand that any contravention of the said Act and the Rules framed thereunder is punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both and for every subsequent offence with simple imprisonment which may extend to three months or with fine which may extend to five thousand rupees or with both.

Date ……

Place…… Signature of the applicant.

Part-B To be filled in and signed by the recognized engineer.

I certify that the tank vehicle/trailer, the particulars of which are given in Part A of this form has been examined and tested by me and found to be fully conforming to particulars shown in approved drawing No…… date ……complying with the requirements laid down in the Third Schedule to the Petroleum Rules, 2001.

Date …… Name ……..

Place…… Recognized Qualification ……
……

Full Postal Address ……
……

Signature ……..

Documents required to be submitted with this Application

1. Two copies of drawing approved under sub-rule (3) of rule 63.
2. Expired licence if the vehicle was previously licensed.
3. Required amount of fee paid in the manner specified in rule 13.

FORM VIII

(See rules 143, 147 and 148)

Application for a grant/amendment/renewal of a licence to transport petroleum Class A/B in bulk on land for fueling of aircraft, heavy vehicles/ machineries and stationery equipment by a mechanically propelled vehicle viz. Refueller

Documents listed below must be submitted with this application.

PART-A To be filled in and signed by the applicant

1. Applicant's Name and full postal address……..……
2. Particulars of the vehicle in which…….……. petroleum is proposed to be transported for on-site fuelling of aircraft, heavy vehicles/machineries and stationery equipment.

(i) Make and Model ……
(ii) Engine Number ...……..
(iii) Chassis Number ….……
(iv) Registered Number…….……
(v) ULW and RLW……..….
(vi) Date up to which the vehicle
is registered ……..……..…..……
(vii) Name and full postal address
of the registered owner ……..……
(viii) Number of compartments and certified capacity in
kilolitres of each compartment …..... ……

Compartment 1 2 3 4 5 6 7	Total Capacity in Kilolitres
Capacity in Kilolitres	

(ix) Class or Classes of petroleum proposed to be transported in he vehicle described above.
(x) Number and date of approval of the design drawing of the vehicle by the Chief Controller.
(3) Does the tank vehicle described above fully conform to the requirements laid down in third Schedule to the Petroleum Rules 2002 and the design drawings approved by the Chief Controller.
(4) Full Postal Address of the place where the vehicle will be normally stationed.
(5) Full Postal Address and license number of the installation where the vehicle shall be loaded. In case of service station, number and date of the letter under which the specifically prepared loading area attached to the service station has been approved.
(6) Name and full postal address of users and of the place where the vehicle normally will be transporting petroleum Class A/B for the purpose of the site refueling of aircraft's, heavy vehicles/machineries, stationery/equipment. Particulars of heavy vehicles which are proposed to be refueled by the vehicle.

I/We declare that the particulars given above have been checked up by me/us and are correct. I/We undertake of transport petroleum by the vehicle, particulars of which are given above, in accordance with the provisions of the petroleum Act, 1934 and the rules framed thereunder and any other law or rules for the time being in force. I/We understand that any contravention of the said Act and the Rules framed thereunder is punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both and for every subsequent offence with simple imprisonment which may extend to three months or with fine which may extend to five thousand rupees or with both.

Date :
Place : Signature of the applicant

Part II

To be filled in duly signed by the recognized engineer

I certify that the vehicle, the particulars of which are given in Part A of this form, has been examined and tested by me and found to be fully conforming to the particulars shown in approved drawing no……dated
……..complying with the requirements laid down in the Third Schedule to the Petroleum Rules. 2002.

Name…….
Recognized Qualification …..
Full Postal address……..
……
Signature
Place ……..
Date ……..
Documents required to be submitted with this application
1. Four copies of drawing approved under sub-rule 3 of rule 63.
2. Required amount of licence fee to be paid in the manner specified in rule 13.
3. Original licence (only in case of renewal/amendment).
4. Four copies of site plan showing area of operations (only in case vehicle is used for on-site fuelling of the heavy vehicle/machineries and stationery equipment).
5. List of heavy vehicles/machineries and stationery equipment's whose tanks require filling/replacement.
6. Four copies of the plans of the premises approved for loading the vehicles under rule 76(1).
Authorised carrying capacity Compartment No. 1 2 3 4 Total Capacity in Kilolitres Capacity in Kilolitres

SPACE FOR ENDORSEMENT OF RENEWALS

(The licence shall be renewable without any concession in fee for the maximum period upto three years)

Date of renewal Date of Expiry Signature and office stamp of Licence authority This licence is liable to be cancelled if the licensed vehicle is not found conforming to the specifications given in the Third Schedule or for the contravention of any of the rules and conditions under which this licence is granted and the holder of this licence is also punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees, or with both and for every subsequent offence with simple imprisonment which may extend to three months or with fine which may extend to five thousand rupees, or with both.

FORM IX

(See rules 143, 147,148 and 156)

Application for a grant/amendment/renewal/transfer of a licence to import and store petroleum

Documents listed below must be enclosed with this application, if it is for the grant of a licence in Forms XIV, XV, XVI or in Special Form

The replies to be given in this Column
1. Applicant's Name …… ……
Applicant's calling …… ……
Applicant's full …… ……
Postal Address …… ……
2. Situation of the premises where …… ……
Petroleum is to be stored …… ……
State …… ……
District …… ……
Town and village …… ……
Police Station …… ……
Nearest railway station …… ……
3. Quantity (in litres) of petroleum proposed to be imported and stored :
(i) Petroleum Class A …… ……
(a) In bulk …… ……
(b) Not in bulk …… ……
(c) Total …… ……
(ii) Petroleum Class B …… ……
(a) In bulk …… ……
(b) Not in bulk …… ……
(c) Total …… ……
(iii) Petroleum Class C …… ……
(a) In bulk …… ……

(b) Not in bulk …… ……
(c) Total …… ……

Total of all classes of Petroleum …… ……
4. Quantity in litres of petroleum already stored in the premises:
(i) Petroleum Class A …… ……
(a) In bulk …… ……
(b) Not in bulk …… ……
(c) Total …… ……
(ii) Petroleum Class B …… ……
(a) In bulk …… ……
(b) Not in bulk …… ……
(c) Total …… ……
(iii) Petroleum Class C …… ……
(a) In bulk …… ……
(b) Not in bulk …… ……
(c) Total …… ……

Total of all classes of Petroleum …… ……
5. Number of licence held for the premises and the Full name of the holder of the licence
…… ……
I hereby declare that the statements made above have been checked up by me and are true and I undertake to abide by the terms and conditions oF the licence which will be granted to me.
Date of application Signature and designation of the applicant.
Notes.
1. Where the application is made on behalf of a company, the name and address of the company and the name of the manager or agent should be given and the application should be signed by him. Every change in the name of the manager or agent shall be forthwith intimated to, and his specimen signature filed with, the licensing authority.
2. “In bulk” means in tanks or receptacles exceeding 1,000 litres in capacity “Not in bulk” means in approved containers not exceeding 1,000 litres in capacity.

Documents required to be submitted with this application for a Licence in Forms XIV, XV, XVI or in special Forms.
(i) Four copies of specifications and plans approved under sub-rule (5) of rule 131 or sub-rule (3) of rule 147, as the case may be. (Not required for renewal and transfer or a licence without amendment)
(ii) Licence together with approved plan and specifications attached there to. (Not required for the first grant of licence)
(iii) “No Objection Certificate” from the District Authority. (Not required for renewal, transfer and amendment of a licence without any change in the site of the licensed premises).
(iv) Requisite amount of fees for the grant, amendment, or transfer of a licence paid in the manner specific in Rule 13.
(v) A certificate of tank testing if required under Rule 126.
(vi) A certificate of safety if required under Rule 130.

FORM X

[See rules 143, 147, and 148]

Application for a grant/amendment/renewal of a licence to decant kerosene (petroleum Class B) from mechanically-propelled vehicles in containers Replies to be given in this Column
1. Applicant’s Name …… ……
   Applicant’s calling …… ……
   Applicant’s full …… ……
   Postal Address …… ……
2. Particulars of the vehicle in which kerosene (petroleum Class B) is to be transported.
   1. Registration No. …… ……
   2. Licence No. under the Petroleum Rules, 2002…… ……
   3. Validity of the Licence …… ……

4. Name and address of licensee:…… ……

3. Area of operation for which licence is required:

State (1) …… ……

State (2) …… ……

District/City/Town/Village/Street/Road/Police Station ……

……

4. Location of premises where kerosene container is to be stored: Municipal Corporation/Panchayat

No. …… ……

Name and address of the

occupant: …… ……

5. Has the applicant been appointed agent dealer of oil company.

……

If, yes, please give name of the Oil company and reference no. and

date of appointment. …… ……

I hereby declare that the particulars have been checked up by me and are true and I undertake to abide by the terms and conditions of the licence which will be granted to me.

Date of application Signature of the applicant.

Notes:-

1. When the application is made on behalf of the company, the name of the manager or agent should be given and the application should be signed by him. Every change in the name of the manager or agent shall be forth with intimated to, and his specimen signature filed with, the licensing authority.

2. Application shall be made in respect of not more than two areas of operation and decantation of kerosene will be done in due area at a time.

FORM XI

(See Art. 2 of the First Schedule)

Licence to transport petroleum Class A or petroleum Class B in bulk on land by mechanically propelled vehicles.

Licence No. …….. Fee Rs. …….

Licence is hereby granted to …… ……to transport Petroleum in bulk on land by the vehicle as described below subject to the provisions of Petroleum Act, 1934 and the rules made thereunder and to the further conditions of this licence.

The Licence shall remain valid up to the *……..day of ……20……

Date of issue……..

Controller

DESCRIPTION OF THE VEHICLE

Make and Model ……Engine Number ……..

Chassis Number ……Registration Number……

Name of the Registered Owner……

Class (es) of petroleum authorized to be carried in vehicle ……

Authorised carrying capacity of the tank and compartments.

Compartment 1 2 3 4 5 6 7 Total Capacity in Kilolitres

No.

Capacity in kilolitres

* One year from the date of issue.

SPACE FOR ENDORSEMENT OF RENEWALS

(The licence shall be renewable without any concession in fee for three years in the absence of contravention of the provisions of the Petroleum Act, 1934, or the rules formed thereunder or of the conditions of this licence

Date of renewal Date of Expiry Signature and office stamp of Licensing authority

This licence is liable to be cancelled if the licensed vehicle is not found conforming to the specificationS given in the Third Schedule or for the contravention of any of the rules and

conditions under which this licence is granted and the holder of this licence is also punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees, or with both and for every subsequent offence with simple imprisonment which may extend to three months; or with fine which may extend to five thousand rupees, or with both.

CONDITIONS

1) The licence or its authenticated copy shall at all times be kept in the licensed vehicle and produced on demand by an inspector.
2) Only responsible persons who are conversant with the conditions of this licence shall be employed for driving the licensed vehicle or attending to it.
3) The licensed vehicle shall be constantly attended to by a responsible person and by at least two persons while it is transporting petroleum exceeding 5 kilolitres or towing another vehicle: Provided that the licensed vehicle may, if its tanks and compartments are empty, be left unattended in a place approved for the purpose in writing, by the Chief Controller.
4) The licensed vehicle shall at all times carry
a) a portable fire extinguisher of capacity not less than 9 litres and suitable for extinguishing oil fires. The extinguisher shall be kept unlocked at an easily accessible position which shall be away from the discharge faucets of the vehicle.
b) A separate oil tight and electrically continuous hose for each class of petroleum it is carrying, the hoses shall have at each end oil-light coupling to match the discharge faucet of the licenced vehicle and the inlet pipe into which the petroleum carried in the vehicles is to be unloaded.
c) a strong and flexible cable for electrical bonding; the cable shall be at least 5 metres long and shall have at each and a suitable clamp or clip.
5) The licensed vehicle shall not be loaded or unloaded except in a place approved for the purpose, in writing, by the Chief Controller: Provided that the licensed vehicle may not be unloaded at any other place with all due precautions and under adequate supervision if such unloading is necessitated by an accident or breakdown.
6) Petroleum carried in the licensed vehicle shall not be directly transferred in to any container or into the fuel tank of any motor conveyance or an internal combustion engine.
7) The licensed vehicle shall not be loaded if any tank or compartment, pipe valve, emergency discharge control or any safety fitting becomes leaky, defective or otherwise insecure until necessary repairs have been carried out satisfactorily, and in the event of any leak in the tanks or compartments, until the leak is thoroughly repaired and all the tanks or compartments pass the test specified in clause 5 of the Third Schedule to the petroleum Rules.
8) Before petroleum is loaded into or unloaded from the licensed vehiclea) its engine shall be stopped and the battery shall be isolated by a proper switch or otherwise;
b) its wheels shall be secured by brakes or by scotching and in the case of animal drawn vehicles, animals shall be unhitched and removed;
c) its chassis shall be electrically bonded by a cable with the pipe into or from which it is to be unloaded or loaded;
d) the correct filling or discharge hose shall be selected and connected by oil-tight coupling at both ends;
e) a responsible person shall be in attendance ad remain so until loading or unloading is over and the tanks and compartments have been sealed.
9) Except when called upon the traffic signals or required by an Inspector or a Sampling Officer, the licensed vehicle shall not stop on any road, congested area or a place which is not a place approved in writing, under these rules for loading, unloading or stabling of such vehicles.
10) No smoking and no fire or artificial light or any article capable of igniting inflammable vapour shall be allowed on the licensed vehicle.
11) The licensed vehicle shall not be used for carrying passenger or any article other than petroleum.
12) The licensed vehicle shall not be allowed to be repaired by welding, soldering, brazing, or hot riveting until its tanks, compartments, pipes and valves have been thoroughly cleaned and examined by a competent personand certified by him in writing to be free from inflammable vapour or oil.

13) No alteration in the licensed vehicle or its safety fittings shall be carried out without the previous sanction in writing of the licensing authority. Such alterations so sanctioned shall be endorsed on this licence by an amendment.
14) Every facility shall be given at all reasonable time to any inspector or sampling officer for ascertaining that the rules and the conditions of this licence are dully observed or for drawing samples.
15) Any accident, fire or explosion occurring in the licensed vehicle, which is attended with loss of human life or serious injury to person or property shall be immediately reported to the nearest Magistrate or to the officer-in-charge of the nearest police station having jurisdiction and by telephone/fax and also by telegram to the Chief Controller or Explosives (Telegraphic address "EXPLOSIVES, NAGPUR").

Additional conditions for the carriage of Petroleum Class A along with any other class of petroleum in the same vehicle covered by this licence.

a) Two capital letters "ML" each not less than 10 cm. square shall be printed in a conspicuous colour on each side and the rear of the licensed vehicle.
b) The filling pipe, discharge faucet and the vent pipe of the one compartment shall not be interconnected by manifolding or otherwise with the filling pipe, discharge faucet or vent pipe of any other compartment.
c) A metal band not less than 2.5 cm wide, coloured red and bearing embossed or printed words "MOTOR SPIRIT" shall be securely attached to fill the pipe and discharge faucet of each compartment carrying petroleum Class A. A similar metal band coloured blue and grey and bearing embossed or printed words describing the class of petroleum shall be securely attached to fill the pipe and discharge faucet of each compartment carrying such other class of petroleum.
d) Separate hoses for each calls of petroleum shall at all times be carried in the licensed vehicle. Hoses for each calls or petroleum shall have securely attached to it distinctively coloured and marked identification bands as prescribed under additional conditions No. (c) for filling pipe and discharge faucet.
e) Petroleum carried in the licensed vehicle shall not be unloaded except into the underground tanks of a service station.

Space For Endorsement of Alterations
(See condition 13)
Serial Description of Date of sanctioning Signature of Number alteration alteration licensing authority

FORM XII

(See Art. 3 of the First Schedule)

Licence to import and store Petroleum Class A in quantity not exceeding 300 litres in a storage shed or approved bin

Licence No. …….. Fee Rs. …….
Licence is hereby granted to ……
…….valid only for the importation and storage of
……litres of Petroleum in the premises described below
subject to the provisions of Petroleum Act, 1934 and the ruleS made thereunder and to the further conditionS of this licence.
The Licence shall remain in force up to the 31st day of December20……
The …….. 20……. District Authority.
Description and location of the licensed premises:
The licensed premises consist of Storage Shed …….
An approved bin of type approved by the Chief Controller.
and is situated at ……..

House Number/Name of Street/Village or Town/Police Station/District Space for Endorsement of Renewals

This licence shall be renewable without
any concession in fee for three years
in the absence of contravention of the
provisions of the Petroleum Act, 1934
or of the rules framed thereunder

or of the conditions of this licence.
Date of renewal Date of expiry of
licence
Signature and
Office stamp of the
licensing authority.
This licence is liable to be cancelled if the licensed premises are not found conforming to the description and conditions attached hereto and contravention of any of the rules and conditions under which this licence is granted and the holder of this licence is also punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees, or with both and for every subsequent offence with simple imprisonment which may extend to three months or with fine which may extend to five thousand rupees, or with both.

CONDITIONS

1) Petroleum Class A shall be stored only:-
(i) in a storage shed constructed of suitable non-combustible materials on private ground, the doors and windows may be of wood; or
(ii) in a property ventilated iron bin of a design approved by the Chief Controller and placed on private ground in the open air.
2) The storage shed shall be adequately ventilated near the ground level and also near the roof. The ventilators shall be provided with two layers of noncorroding metal wire gauze having not less than 11 meshes per linear centimeter.
3) The storage shed shall not from part, or be attached to, any building inwhich any person resides or works or where persons assemble for anypurpose unless it is separated therefrom by a substantial roof and partition –wall of masonry construction having no openings therein.
4) The storage shed if in any building, shall not be situated under any staircaseor under any other means of exit likely to be required to be used for escape in case of fire.
5) Any two storage shed or bins or other storage premises not more than six metres apart shall be deemed to one storage shed.
6) No alterations shall be carried out in the storage shed or bin without the previous sanction in writing of the licensing authority.
7) If the licensing authority calls upon the holder of a licence, by a notice in writing to execute any repairs to the storage shed, which are, in the opinion of such authority necessary for the safety of the shed, the holder of the licence shall execute the repairs within such period as may be fixed by the notice.
8) All empty receptacles which have contained petroleum Class A shall except when they are opened for the purpose of cleaning them and rendering them free from petroleum vapour be kept securely closed unless they have been thoroughly cleaned and freed from petroleum vapour.
9) No receptacles shall be repaired on the premises and no person shall repair or cause to be repaired any receptacle in which to his knowledge, any petroleum Class A is or has been kept until he has taken all reasonable precautions to ensure that the receptacle has been rendered free from such petroleum and any inflammable vapour.
10. Adequate precautions shall be taken at all times for the prevention of accident by fire or explosion.
11. Every care shall be taken to prevent any petroleum Class A escaping into any drain, sewer harbour, river or watercourse or a public road.
12. Adequate precautions shall be taken to prevent unauthorized persons having access to a petroleum Class A kept and to the vessel which contains or has contained such petroleum.
13. The licensee shall keep daily records and accounts of all receipts and issues of petroleum in such form as the licensing authority may from time to time prescribe and shall exhibit his stock and records to an inspector or sampling officer on demand.
14. Any accident, fire or explosion occurring in the licensed premises, which is attended with loss of human life or serious injury to person or property shall
be immediately reported to the nearest Magistrate or to the officer-in-charge of the nearest police station and to the Chief Controller of Explosives Nagpur, immediately by telephone/fax and also by telegram or telephone where such means of communication are available. [Telegraphic address:'EXPLOSIVES, NAGPUR']

15. Free access to the licensed premises shall be given at all reasonable times to any inspector or sampling officer and every facility shall be afforded to such officer for ascertaining that rules and the conditions of this licence are duly observed.

FORM XIII

(See Art. 4 of the First Schedule)

Licence to import and store Petroleum Class B otherwise than in bulk in quantity not exceeding 25,000litres.
Licence No. …….. Fee Rs. …….
Licence is hereby granted to ……
……..valid only for the importation and storage of
……litres of Petroleum in the premises described below subject to the provisions of Petroleum Act, 1934 and the rules made thereunder and to the further condition of this licence.
The Licence shall remain force up to the 31st day of …….
The …….. 20……
District Authority

Description and location of the licensed premises:
The licensed premises, consist of storage shed and is situated at ……
(House No. or Plot No.) (Name of Street) (Town or village) (Police Station)
(District)

Space for Endorsement of Renewals
This licence shall be
renewable without
any concession in
fee for three years
in the absence of
contravention of the
provisions of the
Petroleum Act, 1934
or of the rules
framed thereunder
or any of the
conditions of this
licence.
Date of renewal Date of expiry of
licence
Signature and
Office stamp of the
licensing authority.
This licence is liable to be cancelled if the licensed premises are not found conforming to the description and conditions attached hereto and contravention of any of the rules and conditions under which this licence is granted and the holder of this licence is also punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees, or with both and for every subsequent offence with simple imprisonment which may extend to three months; or with fine which may extend to five thousand rupees, or with both.

CONDITIONS
1) Petroleum shall be stored in the licensed storage shed which shall be constructed of suitable non-combustible material but the beams, rafters, columns, doors and windows may be of wood. The floor of the storage shed shall be suitably finished to form a sump or enclosure not more than thirty centimetres deep and capable of receiving and retaining, in case of any accident or emergency, a volume not less than one half of the quantity allowed under the licence.

2) The storage shed shall not from part of , or be attached to any building in which any person resides or works or where persons assemble for any purpose unless it is separated therefrom by a substantial floor or partition – which is constructedof uninflammable material and has no opening in it.
3) The storage shed if in any building, shall notbe situated under any staircase or under any other means of exit likely to be required to be used for escape in case of fire.
4) No alteration shall be carried out in the storage shed or bin without the previous sanction in writing of the licensing authority.
5) If the licensing authority calls upon the holder of a licence, by a notice in writing to execute any repairs to the storage shed, which are, in the opinion of such authority necessary for the safety of the shed, the holder of the licence shall execute the repairs within such period not being less than one month from the date of receipt of the notice, as may be fixed by the notice.
6) Any two storage sheds not more than three metres apart shall be deemed to one storage shed.
7) Petroleum Class B shall be packed in air-tight tins or drums of approved type or in other receptacles not easily broken.
8) The drum or other receptacles containing petroleum shall only be opened in the licensed premises and for the time necessary for drawing off the petroleum and during such drawing off every reasonable precaution shall be adopted for preventing the escape of petroleum or the vapour therefrom.
9) Adequate precautions shall be taken to prevent unauthorized persons having access to a petroleum kept and to any receptacles which contains or has contained such petroleum.
10) Adequate precautions shall be taken at all times for the prevention of accident by fire or explosion.
11) Every care shall be taken to prevent any petroleum escaping into any drain, sewer harbour, river or watercourse or a public road.
12) The licensee shall keep daily records and accounts of all receipts and issues of petroleum in such form as the licensing authority may from time to time prescribe and shall exhibit his stock and records to an inspector or sampling officer on demand.
13) Any accident, fire or explosion occurring in the licensed premises, which is attended with loss of human life or serious injury to person or property shall be immediately reported to the nearest Magistrate or to the officer-in-charge of the nearest police station and by telephone/fax and also by telegram to the Chief Controller oF Explosives (Telegraphic address “EXPLOSIVES, NAGPUR”).
14) Free access to the licensed premises shall be given at all reasonable times to any inspector or sampling officer and every facility shall be afforded to such officer for ascertaining that rules and the conditions of this licence are duly observed.

FORM XIV

(See Art. 5 of the First Schedule)

Licence to store Petroleum in tank or tanks in connection with Pump outfit for fuelling Motor Conveyances

Licence No. ……. Fee Rs. ……..……
Licence is hereby granted to ……..……
……valid only for the storage of ……
……Kilolitres of Petroleum Class A and ……..Kilolitres of Petroleum Class B/C in tank(s) in the premises described below and shown on the plan No. …….. dated……..
hereto attached subject to the provisions of Petroleum Act, 1934 and the rule made thereunder and to the further conditions of this licence.
The licence shall remain in force up to the 31st day of December20…….
The …….. 20……

Controller

Description and location of the licensed premises:

This licensed premises, the boundaries of which are shown in the attached plan, are situated at ……and consist of ……..
a) …… number(s)
underground gas tanks of capacity……..……kilolitres
respectively of petroleum Class A connected with
…….number(s)

electrically/manually operated dispensing pump(s).
b) …… number(s)
underground gas tight tanks of
capacity……..……..kilolitres each respectively of
petroleum Class B/C connected with
…….number(s)
electrically/manually operated dispensing pumps(s).
c) A sales room/kiosk.
d) Servicing facilities consisting of

Space for Endorsement of Renewals

This licence shall be
renewable without any
concession in fee for
three years in the
absence of contravention
of the provisions of the
Petroleum Act, 1934 or
of the rules framed
thereunder or of the
conditions of this licence.
Date of renewal Date of expiry of
licence
Signature and
Office stamp of the
licensing authority.

This licence is liable to be cancelled if the licensed premises are not found conforming to the description given or the approved plan attached hereto or to the conditions under which this licence is granted and the holder of this licence is also punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees, or with both and for every subsequent offence with simple imprisonment which may extend to three months; or with fine which may extend to five thousand rupees, or with both.

CONDITIONS

1) The Petroleum shall be stored only in one or more underground gastight tanks of capacity and in the position shown in the approved plan attached hereto.
2) Every tank shall be outside any building and placed in a masonry or concrete pit and packed around with sand, earth or clay so that no air space is left between the tank and the masonry or concrete pit and the tank is not visible, such a masonry or concrete pit shall not be obligatory if the tank is a welded one and tested up to pressure of 0.25 kg per square centimeter and is buried and is on a private, leased or rented land and no part of the tank is less than 1.5 metres from any point of the marked boundary of the premises in the approved plan attached hereto.
3) The space over the buried tank(s) shall not be used for any purpose other than _____.
4) There shall be no openings in any tank other than those necessary for the introduction or removal of the petroleum or for ventilating or dipping the tank. The filling and dipping pipes shall be carried down nearly to the bottom of the tank.
5) Every tank shall be fitted with an independent vent pipe leading into the open air. The vent pipe shall be securely supported and shall not be less than 4 metres in height and four metres from any adjoining land or property or from the nearest opening of the sales room/kiosk or any other facility in which sources of fire are likely to be present. Vent pipe of any tank shall not be interconnected with the vent pipe of another tank. The open end of every vent pipe shall be covered with two layers of non-corrodible metal wire gauze having not less than 11 meshes per liner centimeter and shall be further protected from rain by hood or by suitably bending it downward.

6) No alteration of the position of a pump or tank and replacement of a tank shall be effected except with the previous sanction in writing of the licensing authority. All alterations sanctioned under this condition shall be shown on an amended plan to be attached to this licence.
7) If the licensing authority calls upon the holder of a licence, by a notice in writing to execute any repairs to the storage shed, which are, in the opinion of such authority necessary for the safety of the premises, the holder of the licence shall execute the repairs within such period note being less than one month from the date of receipt of the notice, as may be fixed by the notice.
8) Every tank before being repaired or exhumed, shall be cleared of all petroleum and of all flammable vapours, when a tank in position is opened for cleaning or repairs, no electric or other lamps, electric cable or electric fans and no articles, appliances or equipment capable of igniting flammable vapour shall be brought near the manhole of the tank until the tank has been certified in writing to be 'gas-free' by a competent person. Where the tank has been so certified as "gas-free" the certificate shall be preserved by the licensee for a period of not less than three months.
9) The petroleum shall enter a tank through close coupled electrically continuous and sound hose.
10) The underground tank or tanks shall not be filled between the hours of sunset and sunrise except in a manner and under conditions specially endorsed on this licence by the licensing authority.
11) No artificial light capable of igniting flammable vapour shall at any time be present in the immediate vicinity of the tank lorry/wagon during the transfer of the petroleum to the tank and no person engaged in such transfer shall smoke. When the underground tank is filled with petroleum from barrels, no such light and no smoking shall be allowed within a distance of 9 metres from barrels.
12) No petroleum shall be removed from a tank except by means of the pump or pumps at the positions marked on the plan hereto attached. Every pump shall together with its connections and fittings be so constructed and maintained as to be gas and petroleum tight. The pipe connection between the tank and a pump shall be placed underground.
13) For the purpose of charging the tanks of motor vehicles the petroleum shall only be supplied by being.-
a) pumped through strong metal piping by means of approved pumps into above ground measuring tanks of a capacity not exceeding 150 litres, fixed in approved positions, and run thence through sound hose fitted with a secure self-closing cock and nozzle, into the tanks of motor vehicles, or
b) pumped through strong metal piping by means of approved pumps into an above ground service tank of approved capacity, fixed in an approved position, and run thence through strong metal piping into measuring tanks of a capacity not exceeding 150 litres, fixed in approved positions, and run hence through sound hose fitted with a secure self-closing cock and nozzle, into the tanks of motor vehicles, or
c) pumped by means of approved measuring pumps, fixed in approved positions, through sound hose fitted with a secure tap and nozzle, into the tanks of motor vehicles.
14) Petroleum may be supplied to a motor vehicle between the hours of sunset and sunrise from the pump provided that-
(i) the pump and the vehicle are adequately illuminated by electric light or failing this by some other from of lighting, and
(ii) no light capable of igniting flammable vapour is situated or brought with in the extent of hazardous area as specified in part B of Fourth Scheduled to the Petroleum Rules, 2002.
15) a) Petroleum shall not be placed in any motor vehicle while the engine is running and, where the vehicle is licensed for the conveyance of more than six passengers on hire, while any assenger remains in the vehicle;
b) person in and engaged in connection with any motor vehicle shall not be permitted to smoke while it is being refueled.
16) Petroleum shall not be filled from the tank or the pump into a container or receptacle other than those securely clamped or fitted to a motor vehicle. The restriction imposed by this condition shall not apply.-
(i) when it is absolutely necessary for the purpose of condition of this licence to clear a tank, or
(ii) for testing the accuracy of the pump's discharge by means of a standard capacity measure, or

(iii) to the filling of an approved container of capacity not exceeding 25 litres when such filling is absolutely necessary for replenishing the fuel tank of a motor vehicle which has run dry and the motor vehicle cannot be brought into the pump.
(iv) to the filling of Petroleum class B in an approved containers of capacity not exceeding 200 litres and no vehicle with its engine running shall be allowed within 4.5 metres of the container and the dispensing pump.
17) (a) This licence shall be held to cover the use of portable kerb side pump outfit for a period of not more than one month in the place of the licensed permanent outfit in the event of the latter being out of orders, provided notice in writing is given to the licensing authority before the portable pump is taken into use and the conditions of this licence which apply to a portable pump are observed. No petroleum shall be allowed above ground (except that actually in the pump) in any case where the underground tanks can be used in connection with the portable pump by making a temporary connection from the portable pump to the underground tank.
(b) In case where portable pumps are used not more than 400 litres of petroleum in reserve shall be kept within 6 metres of the pump. The petroleum so kept shall be in approved containers and none of it shall be kept outside the licensed premises.
18) Every person managing or employed on or in connection with the licensed premises shall abstain from any act whatsoever which tends to cause fire or explosion and which is not reasonably necessary and to the best of his ability shall prevent any other person from doing such act.
19) Every care shall be taken to prevent any petroleum escaping into any drain, sewer or public road.
20) The licensee shall provide for each pump, whether kerb side or portable, a minimum of two tins or drums of dry sand and two portable foam type or dry chemical type fire-extinguishers which shall be kept ready at convenient location for immediate use in the event of any fire.
21) In premises where auto LPG or CNG dispensing facilities are installed, the requirements of Static and Mobile Pressure Vessels(Unfired) Rules 1981, or Gas Cylinder Rules 1981, as the case may be, and condition of the respective licneses granted under those Rules for the above facilities shall also be complied with.
22) Any accident, fire or explosion occurring in the licensed premises, which is attended with loss of life or serious injury to person or property shall be immediately reported to the nearest Magistrate or to the officer-in-charge of the nearest police station and by telephone/fax and also by telegram to the Chief Controller or Explosives (Telegraphic address “EXPLOSIVES, NAGPUR”).
23) Free access to the licenced premises shall be given at all reasonable times to any inspector or sampling officer and every facility shall be afforded to such officer for ascertaining that rules and the conditions of this licence are duly observed.

FORM XV
(See Art. 6 of the First Schedule)

Licence to Import and Store Pet roleum in an Installation
Licence No. …….. Fee Rs. ……..
Licence is hereby granted to ……..…… ……valid only for the importation and storage of …… petroleum of the class and in quantities as herein specified and storage thereof in the place described below and shown on the approved plan No. …… dated…….
Attached hereto subject to the provisions of Petroleum Act, 1934 and the rules made thereunder and to the further conditions of this licence. The licence shall remain force up to the 31st day of December20…… Description of petroleum Quantity
Licensed in Kilolitres
Petroleum Class A, in bulk ……
Petroleum Class A, otherwise than in bulk ……
Petroleum Class B, in bulk ……
Petroleum Class B, otherwise than in bulk ……
Petroleum Class C, in bulk ……
Petroleum Class C, otherwise than in bulk ……
Total

The …… 20 ……
Chief Controller

Description and location of the licensed premises:
This licensed premises, the lay-out boundaries and other particulars of which are shown in the attached approved plan are situated at
……
……
And consists of ……
……
……

Space for Endorsement of Renewals
This licence shall be renewable without
any concession in
fee for three years
in the absence of
contravention of the
provisions of the
Petroleum Act, 1934
or of the rules
framed thereunder
or any of the
conditions of this
licence.
Date of renewal Date of expiry of
licence
Signature and
Office stamp of the
licensing authority.
This licence is liable to be cancelled if the licensed premises are not found conforming to the description and conditions attached hereto and contravention of any of the rules and conditions under which this licence is granted and the holder of this licence is also punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees, or with both and for every subsequent offence with simple imprisonment which may extend to three months; or with fine which may extend to five thousand rupees, or with both.

CONDITIONS
1) The licensed premises shall not without permission in writing from the Chief Controller, be used for any purpose other than the storage and distribution of petroleum and purposes directly connected therewith.
2) The Petroleum shall be kept only in the storage tanks and storage filling sheds or other approved places within the installation specified for the purpose on the plan attached hereto.
3) (i) The tank or tanks shall be supported on well-designed foundations and shall be either buried underground or installed in the open and surrounded by wall or embankment not more than 2 metres high and made of earth, steel, concrete or solid masonry capable of withstanding fully hydrostatic load. Earth wall of over 1m. high shall have not less than 0.6m wide flat section on top:Provided that a wall or embankment higher than 2m may be allowed by the licensing authority where there are special circumstances which, in his opinion warrant such increase.
(ii) The ground within the enclosure shall not be lower than the level of the ground outside the enclosure and shall be finished to form a slope of not less than half a percent from the tank towards the drain or sump. Provided that nothing in this clause shall apply in the case of an enclosure which is connected to and efficient oil interceptor of sample capacity through an underground drainage system having proper slope.
(iii) The drainage from the enclosure shall be controlled by a valve which shall be accessible under fire conditions and be capable of being operated from outside the enclosure. All surface water drainage from the enclosure shall be passed through an efficient oil interceptor.

(iv) Where two or more tanks are installed in one enclosure the total capacity of the tanks in the enclosure shall not exceed 60,000 kilolitres in the case of conventional fixed -roof and 1,20,000 kilolitres in the case of floating roof tank or those of special design (where there is a combinations of fixed and floating roof tanks in the same enclosure then the total capacity of fixed-roof tanks and floating roof tanks shall not exceed 60,000 kilolitres). Such an enclosure shall be sub-divided by masonry channels of ample dimensions or by intermediate wall of not less than 0.6 m in height to prevent spills from one tank endangering any other tank in the same enclosure. Explanation : for the purpose of this clause, a group of small tanks each not exceeding 9m in diameter and in all not exceeding 5,000 kilolitres in capacity shall be treated as one tank.
(v) (a) Where petroleum Class A or petroleum Class B is stored in the enclosure or petroleum Class C is stored along with petroleum Class A or Class B, the capacity of the enclosure shall be hundred percent of capacity of the largest tank in the enclosure after deducting the volume up to the height of the enclosure wall, of all other tanks in the same enclosure.
(b) Where petroleum Class C is only stored in the enclosure the height of the enclosure wall shall be not less than one metre.
(vi) Except for necessary pipes and valves and approved electric lights, the space within and enclosure and not occupied by tank or tanks shall be kept entirely clear and unoccupied.
4) All tanks shall be fitted with vent pipes leading into the open air, the open end being covered with two layers of fine copper or other non corrodible metal wire gauze of not less than 11 meshes per linear centimeter and fitted with a hood or the tank shall be fitted with an approved relief valve or other approved means of preventing dangerous internal or external pressures. The vent pipe and the relief valve of one tank shall not be interconnected with those of any other tank.
5) Cast-iron valves are not permitted on any tank and all valves in an installation must be permanently marked in a manner clearly indicating the direction of opening and shutting the valve.
6) Pumps shall be of a type and placed only in the position shown on the plan attached thereto and they shall together with all connections and fittings be so constructed and maintained as to prevent leakage of petroleum.
7) Storage or filling sheds for containers shall be constructed of suitable uninflammable material. The shed shall rest foundation walls and shall be surrounded by a wall or embankment of substantial construction so as to form a sump or enclosure not less than 0.25m and not more than 1m deep. The sump or enclosure thus formed shall be of sufficient capacity to contain without leakage not less than one-fourth of the maximum quantity of petroleum likely to be present in the shed at any one time. The sumps and enclosures must be kept clean and free from any accumulation of inflammable liquids.
8) Every enclosed shed for the storage or filling of petroleum Class A and Class B otherwise than in bulk shall be adequately ventilated near the ground level immediately above the walls constructed to prevent leakage of petroleum and also near or in the roof.
9) (i) Tank vehicles shall be filled, discharged or stabled only in the positions approved for the purpose and shown on the plan attached hereto. An extract of rules 62 to 86 printed in bold etters in the local language and in Hindi and English shall be prominently displayed at each such position.
(ii) A tank vehicle which does not fully comply with the requirement laid down in Part IV of chapter III of these rules shall not be loaded, unloaded or stabled within the licensed premises.
10) Every facility for the storage, loading, unloading or pumping of petroleum shall at all times maintain from any other facility, building, boundary fencing or protected works the distances specified in the Tables 1, 2 and 3
(a) Table 1 and Table 2 in the case of installation where the total quantity of petroleum Class A and petroleum Class B stored above ground in bulk exceeds 5,000 kilolitres or where the iameter of any tank for the storage of such petroleum exceeds 9 metres or
(b) Table 3 in the case of installation where only petroleum Class C is stored or where the total quantity of petroleum Class A and petroleum Class B stored above ground in the bulk does not exceed 5,000 kilolitres and the diameter of any tank for storing petroleum Class A or petroleum Class B does not exceed 9 metres. The layouts of all new grass root refineries/installations approved subsequent to the publication of this rule, shall conform to the oil Industry Safety Director's Standard 118, as amended from time to time. This shall not apply to refineries/installations existing and/or under construction before the publication of the original OISD standard-118. Not withstanding anything herein to the contrary when petroleum is stored in

an installation at or near wells, pumping stations, petro-chemical plants or refineries, the concessional distances given in the attached Table 2 shall not apply and no storage tank, the capacity of which exceeds 250 kilolitres and no petroleum storage of filling sheds/area shall be placed nearer then 90 metres to any boiler, furnace of fire. In such an installation all tanks shall be situated in a compact area (a) under a single control, (b) enclosed or capable of being enclosed by one continuous fence and (c) on which there shall be no protected works.

TABLE 1

[See condition 10 (a) of Licence Form XV]

Distance to be observed around facilities in an installation where total quantity of petroleum Class A and petroleum Class B stored above ground in bulk exceeds 5000 kilolitres, or where the diameter of any such tank for the storage of petroleum exceeds 9 metres:

1. In this table :-
"D" means diameter of large tank.
"d" means diameter of small tank.
"x" means any distance suitable for constructional or operational convenience.
2. Where alternative distances are specified, minimum there of may be observed.
3. All distances shall be measured between the points in the perimeter of each facility except in the case of tank vehicle loading/unloading area where the distance shall be measured from the centre of each bay for such loading/unloading.

To from	Storage	Storage	Storage	Storage/	Storage/	Tank	Tank	Flame	Non	Office	Boundary fencing around installation
	E tank for petroleum class A	E tank for petroleum class B	E tank for petroleum class C	Filling shed for petroleum class A or class B	Filling shed for petroleum class C	Vehicle loading / unloading area for petroleum class A or class B	Vehicle loading / unloading area for petroleum class A or class B	proof electric pump	flame - proof electric pumps	Office building workshops, stores amenities, fire station, etc. within installation	
	1	2	3	4	5	6	7	8	9	10	11
1. Storage tank for Petroleum Class A 15m	0.5D or d or 15m	0.5D or d or	6m	15m	15m	15m	15m	15m	15m	15m	20m
2. Storage tank for Petroleum Class B 15m	0.5D or d or 15m	0.5D	6m	15m	15m	15m	15m	8m	15m	15m	15m

3. Storage tank for Petroleum Class C	6m	6m	x	15m	x	8m	x	x	x	8m	4.5m
4. Storage /filling shed for Petroleum Class A or class B	15m	15m	15m	x	8m	15m	15m	8m	15m	15m	15m
5. Storage /filling shed for Petroleum Class C	15m	15m	x	8m	x	8m	x	x	x	8m	4.5m
6. Tank vehicle loading/unloading area for Petroleum Class A or class B	15m	15m	8m	15m	8m	x	x	8m	15m	15m	15m
7. Tank vehicle loading/unloading area for Petrol	15m	15m	x	15m	x	x	x	x	x	8m	3m

eum Class A or Class C											
8. Flame Proof Electric pump	8m	8m	x	8m	x	8m	x	x	8m	8m	3m
9. Non Flame proof electric pump	15m	15m	x	15m	x	15m	x	8m	x	3m	x
11. Boundary fencing around installation.	20m	15m	4.5m	15m	4.5m	15m	3m	3m	x	x	x

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TABLE 2

(See condition 10(b) of licence Form XV)

Inter distance Between Storage Tanks

Item	Floating Roof	Fixed Roof Tanks	Class C
	(Class A and B Petroleum)		
All tanks with diametres Upto 50 metres	(D + d)/4	D + d)/4	((D + d)/6
All tanks with diametres Upto 50 metres	(D + d)/4	(D + d)/3	(D + d)/4

Notes :-

1. This table is applicable for installations where aggregate storage capacity of class A and class B petroleum stored above grade exceeds 5000 kilolitres or where the diameter of any such tank for the storage of petroleum exceeds 9 m. 2. Distance given are shell to shell in the same dyke.
3. Notation :
D - diameter of larger tank in metres
d - diameter of smaller tank in metres
4. If the inter distance (for class A and B) calculated as above are less than 15m,then minimum of 15 m or 0.5 D or d shall be followed.

5. Interdistance between class A/B storage tanks and class C storage tanks shall not be less than 6 metres.

TABLE 3

[See condition 10 (b) of Licence Form XV]

Distances to be observed around facilities in an installation where:-
(i) Only petroleum Class C is stored ;
(ii) Total quantity of petroleum Class A and petroleum Class B stored above ground in bulk does not exceeds 5,000 kilolitres;
(iii) The diameter of any tank for storing petroleum Class A or Class B does not exceed 9 metres.
1. In this table "D" means diameter of larger tank and "x" means any distance suitable for constructional or operational convenience.
2. Where alternatives distances are specified, minimum there of may be observed. All alternative distances shall be measured between the nearest points in the perimeter of each facility except in the case of tank vehicle loading/unloading area where the distance shall be measured from the centre of each **bay** for such loading/unloading.

To From	Storage tank for petroleum Class A	Storage tank for petroleum Class B	Storage tank for petroleum Class C	Storage /filling shed for petroleum Class A	Storage /filling shed for petroleum Class B	Storage /filling shed for petroleum Class C	Tank vehicle loading/unloading area for petroleum Class A	Tank vehicle loading/unloading area for petroleum Class B	Tank vehicle loading/unloading area for petroleum Class C	Flame proof electric pump	Non flame proof electric pump	Office building stores amenities Station etc. within installation	Boundary fencing around installation
	1	2	3	4	5	6	7	8	9	10	11	12	13
1. Storage tank for Petroleum Class A	0.5D or 6m	0.5D	0.5D	9m		9m	9m	15m	15m	15m	3m	15m	15m
2. Storage tank for Petroleum Class B	0.5D or 6m	0.5D	0.5D	9m	0.5D	0.5D	9m	4.5m	4.5m	3m	4.5m	D min 4.5m	D Min 4.5m
3. Storage tank for Petroleum Class C	0.5D or 6m	0.5D or 6m	x	9m	0.5D	x	9m	4.5m	x	x	x	D min 3m	D min 3m
4. Storage /filling shed for	9m	9m	9m	x	4.5m	6m	9m	9m	9m	9m	9m	9m	9m

Petroleum Class A													
5. Storage /filling shed for Petroleum Class B	9m	0.5D	0.5D	4.5m	x	1.5m	9m	4.5m	4.5m	1.5m	4.5m	4.5m	4.5m
6. Storage /filling shed for Petroleum Class C	9m	0.5m	x	6m	1.5m	x	9m	4.5m	x	x	x	3m	3m
7. Tank vehicle loading/unloading area for Petroleum Class A	15m	9m	9m	9m	9m	9m	x	9m	9m	3m	9m	9m	9m
8. Tank vehicle loading/unloading area for Petroleum Class B	15m	4.5m	4.5m	9m	4.5m	4.5m	9m	x	4.5m	.5m	4.5m	4.5m	4.5m
9. Tank vehicle loading/unloading area for Petroleum Class C	15m	4.5m	x	9m	4.5m	x	9m	4.5m	x	x	x	3m	3m
10. Flame Proof Electric pump	3m	3m	x	3m	1.5m	x	3m	1.5m	x	x	3m	x	x
11. Non Flame proof electric pump	15m	4.5m	x	9m	4.5m	x	9m	4.5m	x	x	x	3m	3m
12. Office building workshop, stores amenities, fire fire	15m D min 4.5m	0.5D min 3m	9m	4.5m	3m	9m	4.5m	3m	x	x	x	x	

station, etc													
13. Boundary fencing around installation	15m min 4.5m	D min 3m	0.5D	9m	4.5m	3m	9m	4.5m	3m	x	x	x	x

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11) The distances specified in condition 10 may be reduced by the licensing authority in cases where special precautions are taken and where there are special circumstances which, in his opinion, warrant such reduction.

12) No alteration shall be carried out in the installation without the previous sanction in writing of the licensing authority. Such alterations so sanctioned shall be shown on an amended plan to be attached to this licence.

13) If the licensing authority calls upon the holder of a licence, by a notice in writing to execute any repairs to the storage shed, which are, in the opinion of such authority necessary for the safety of the premises, the holder of the licence shall execute the repairs within such period not being less than one month from the date of receipt of the notice, as may be fixed by the notice.

14) The responsible agent or supervisor referred to in rule 118 shall not allow any person to enter a tank, which has contained petroleum unless-

(a) such person wear an approved breathing apparatus of a description approved by the Chief Controller, or

(b) (i) the responsible agent or supervisor has certified in writing in prescribed proforma given in OISD standard 105, as the result of an examination of the tank by him self or by some other competent person that the atmosphere in the tank is fit for the person to enter, and

(ii) atleast one person wear an approved breathing apparatus of a pattern approved by the Chief Controller shall have been kept ready for instant use at the manhole of the tank which is being cleaned or repaired. The certificate referred to in sub-clause (i) of clause (b) of this condition shall be preserved in the licensed premises for a period of three months.

15) No work involving the use of fire, welding or hot reveting, shall be performed in or on any tank or within the safety distance required to be observed from such tanks by building and boundary until the tank has been certified in prescribed proforma given in OISD Standard 105 in the manner laid down in clause (b) of condition 14 to be free from petroleum vapour. When any water is pumped into or withdrawn from the tank no further work of above description shall be done until the tank has been retested and a fresh certificate issued. When a tank is opened for cleaning and repairs, no lamp of any description either ordinary or electric, electric torches, electric cables or fans other than of a flameproof or intrinsically safe type approved by the Chief Controller shall be brought near tank.

16) No person shall repair or cause to be repaired any receptacle or pipe in which to his knowledge, any petroleum is or has been kept until he has taken all reasonable precautions to ensure that the receptacles or pipe has been rendered free from petroleum and any inflammable vapour: Provided that this condition shall not be deemed to prohibit the usual soldering operations connected with the filling and dispatching of receptacles containing petroleum Class B or petroleum Class C.

17) All empty receptacles which have contained petroleum Class A shall except when they are opened for the purpose of cleaning them and rendering them free from petroleum vapour, be kept securely closed unless they have been thoroughly cleaned and freed from petroleum and inflammable vapours.

18) a) Adequate precautions shall be taken at all times for the prevention of accident by fire or explosion.

b) Wherever so specified by the Chief Controller, storage tanks shall be fitted with approved fire foam and/or water sprinkler attachments which shall be maintained in proper order at all times.

19) Every care shall be taken to prevent any petroleum escaping into any drain, sewer, harbor, river or watercourse or a public road and enclosures or sumps must not be permanently connected with any drain or sewer.
20) The licensee shall keep daily records and accounts of all receipts and issues of petroleum in such form as the licensing authority may from time to time prescribe and shall exhibit his stock and records to an inspector or sampling officer on demand.
21) Any accident fire or explosion occurring in the licensed premises, which is attended with loss of human life or serious injury to person or property shall be immediately reported to the nearest Magistrate or to the officer-incharge of the nearest police station and by telephone/fax and also by telegram to the Chief Controller of Explosives (Telegraphic address "EXPLOSIVES, NAGPUR").
22) Free access to the licensed premises shall be given at all reasonable times to any inspector or sampling officer and every facility shall be afford to such officer for ascertaining that rules and the conditions of this licence are duly observed.

FORM XVI

(See Art. 7 of the First Schedule)

Licence to import and store otherwise than in bulk petroleum Class A in quantities exceeding 300 litres or petroleum Class B, in quantities exceeding 25,000 litres or petroleum Class C in quantities exceeding 45,000 litres or petroleum Class A, together with any other class of petroleum in quantities exceeding 300 litres in all.

Licence No. …….. Fee Rs. …….

Licence is hereby granted to …… ……for the importation of petroleum of the classes and the quantities as herein specified and storage thereof in the place described below and shown in the approved plan No. …… dated…….. attached hereto subjectto the provisions of Petroleum Act, 1934 and the rules made thereunder and to the
further condition of this licence.

The Licence shall remain force up to the 31st day of December20…….

Description of petroleum
Petroleum Class A Litres
Petroleum Class B Litres
Petroleum Class C Litres

The …….20
Controller
Circle

Description and location of the licensed premises:

This licensed premises, the lay-out boundaries and other particulars of which are shown in the attached approved plan are situated at
……
……
……
……
……

Space for Endorsement of renewals

This licence shall be
renewable without
any concession in
fee for three years
in the absence of
contravention of the
provisions of the
Petroleum Act, 1934
or of the rules
framed thereunder
or any of the
conditions of this

licence.
Date of renewal Date of expiry of
licence
Signature and
Office stamp of the
licensing authority.

This licence is liable to be cancelled if the licensed premises are not found conforming to the description and conditions attached hereto and contravention of any of the rules and conditions under which this licence is granted and the holder of this licence is also punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees, or with both and for every subsequent offence with simple imprisonment which may extend to three months; or with fine which may extend to five thousand rupees, or with both.

CONDITIONS

1) The licensed premises shall not, without permission in writing from the chief Controller, be used for any purposes other than storage and distribution of petroleum & purposes directly connected therewith.

2) The petroleum shall be stored only in the storage shed which shall be constructed of suitable non-combustible materials, provided that when no petroleum Class A is stored, the beams, rafters, columns, windows and doors may be of wood. one or more underground gaslight tanks of capacity and in the position shown in the approved plan attached hereto.

3) The storage shed shall rest on foundation walls and shall be surrounded by a wall or embankment of substantial construction or the walls and floor shall be suitably finished to form a sump not more than 30 cm deep. A combination of these methods is permissible. The enclosure or sump thus formed shall be of sufficient capacity to contain not less than one half of the total quantity of petroleum for which the licence is granted and be so constructed and maintained as to prevent escape therefrom of any petroleum in the form of liquid whether under the action of fire or otherwise. The sump and enclosure must be kept clean and free from any accumulation of inflammable liquids.

4) The storage shed if used for the storage of petroleum Class A shall be adequately ventilated near the ground level immediately above any walls constructed to form the sumps specified in condition 3 and also near the roof.The ventilators shall be covered with two layers of fine copper or other noncorrodible metal wire gauge of mesh not less than 11 meshes per linear cm.

5) If the licensing authority calls upon the holder of a licence, by a notice in writing to execute any repairs to the storage shed, which are, in the opinion of such authority necessary for the safety of the premises, the holder of the licence shall execute the repairs within such period not being less than one month from the date of receipt of the notice, as may be fixed by the notice.

6) No alteration shall be carried out in the licensed premises without the
previous sanction in writing of the licensing authority. All alterations shall be shown on an amended plan to be attached to this licence.

7) The following distances shall be kept clear at all times from any storage shed to protected works:

Licensed capacity of storage shed of all classes of petroleum stored in the shed	Total Distances to be observed from storage shed for		
	Petroleum Class A	Petroleum Class B	Petroleum Class C
not exceeding 2,500 litres	6m	Not Applicable	Not Applicable
exceeding 2,500 litres but not exceeding 25,000 litres	7.5m	-do-	Not applicable
exceeding 25,000 litres but exceeding 50,000 litres	9m	3m	-donot
exceeding 50,000 litres	12m	4.5m	3m

not exceeding 1,00,000 litres
exceeding 1,00,000 litres 15m 6m 3m
Where more than one class of petroleum is stored together, the entire quantity of petroleum shall for the purpose of this condition deemed to be of the most flammable class thereof.
8) The distances specified in condition 7 may be reduced by the licensing authority where screen walls are provided or other special precautions taken or where there are special circumstances, in his opinion, warrant the reduction.
9) Drums of other receptacles containing petroleum shall only be opened in the licensed premises and for the time necessary for drawing off the petroleum and during such drawing off every reasonable precautions shall be adopted for preventing the escape of petroleum or the vapour therefrom.
10) All empty receptacles which have contained petroleum Class A shall except when they are opened for the purpose of cleaning them and rendering them free from petroleum vapour be kept securely closed unless they have been thoroughly cleaned and freed from petroleum vapour.
11) No person shall repair or cause to be repaired any receptacle in which to his knowledge, any petroleum is or has been kept until he has taken all reasonable precautions to ensure that the receptacle has been rendered free from such petroleum and any inflammable vapour Provided that this condition shall not be deemed to prohibit the usual soldering operations connected with the filling and dispatching of petroleum receptacles when such operations are conducted in and approved place outside the storage shed.
12) Adequate precautions shall be taken at all times for the prevention of accident by fire or explosion. An adequate supply of dry sand together with necessary implement for the convenient application or an adequate member of portable fire-extinguishers suitable for fighting oil fires shall always be kept in easily accessible places immediately outside the storage shed.
13) Every care shall be taken to prevent any petroleum escaping into any drain, sewer, harbour, river or watercourse or a public road.
14) Adequate precautions shall be taken to prevent unauthorized persons having access to a petroleum kept and to any receptacles which contains or has contained such petroleum.
15) The licensee shall keep daily records and accounts of all receipts and issues of petroleum in such form as the licensing authority may from time to time prescribe and shall exhibit his stock and records to an inspector or sampling officer on demand.
16) Any accident, fire or explosion occurring in the licensed premises, which is attended with loss of human life or serious injury to person or property shall be immediately reported to the nearest Magistrate or to the officer-incharge of the nearest police station and by telephone/fax and also by telegram to the Chief Controller of Explosives (Telegraphic address “EXPLOSIVES, NAGPUR”).
17) Free access to the licensed premises shall be given at all reasonable times to any inspector or sampling officer and every facility shall be afforded to such officer for ascertaining that rules and the conditions of this license are duly observed.

FORM XVII

(See Art. 8 of the First Schedule)

Licence to store petroleum Class A and Class B temporarily in quantities not exceeding 50,000 litres for refueling of aircraft’s in connection with crop spraying and fighting forest fire only.
Licence No. …….. Fee Rs. ……..
Licence is hereby granted to ……..…… ……valid only for the storage of …… Kls petroleum Class A at…… subject to the provisions of Petroleum Act, 1934 and the rules made thereunder and to the further condition of this licence.
The licence shall remain valid till …….
Dated ……..
Controller.
Circle

CONDITIONS

1) The licensed premises shall not be used any purpose other than storage and distribution of petroleum & purposes directly connected therewith. 2) The Petroleum shall be stored only in open bounded enclosures observing the required safety distance vide condition (3).
3) The following distances shall be kept clear at all times from any storage shed to protected works. In case of storage for fighting forest fire the storage premises shall be sufficiently away from the forest area so that petroleum products, stored in the premises, under no circumstances, can be affected by the forest fire. Licensed capacity Distance to be kept clear (litres of petroleum) at all times(metres) not exceeding 2,500 litres 12metres Exceeding 2,500 litres 15metres but not exceeding 25,000 litres Exceeding 25,000 litres 15metres but not exceeding 50,000 litres
4) The capacity of the bounded enclosure should be 5 percent more than the maximum quantity of petroleum likely to be stored in the enclosure.
5) The petroleum shall be stored in barrels of a type approved by the Chief Controller.
6) The safety zone required vide condition 3 shall be surrounded by a rope or other suitable fencing.
7) No smoking sign in English and local language shall be prominently displayed on all the four sides of the fenced area.
8) The storage area shall be constantly guarded by providing guard in adequate strength. Guard's shelter, if required, shall be provided just outside the fenced area.
9) The containers containing petroleum shall be covered by a tarpaulin.
10) Any petroleum remaining surplus after the completion of crop spraying operation shall be returned to the depot or stored in premises duly licensed under the Petroleum Rules 2002.
11) Drums or receptacles containing petroleum shall be opened only for the time necessary for drawing off petroleum and during such drawing off every reasonable precautions shall be adopted for preventing the escape of petroleum or the vapour there from.
12) All empty receptacles which have contained petroleum except when they are opened for the purpose of cleaning them and rendering them free from petroleum vapour be kept securely closed unless they have been thoroughly cleaned and freed from petroleum inflammable vapours.
13) No person shall repair or cause to be repaired any container in which to his knowledge, any petroleum is or has been kept until he has taken all reasonable precautions to ensure that the container has been rendered free from such petroleum and any inflammable vapour.
14) Adequate precautions shall be taken at all times for the prevention of accident by fire or explosion. An adequate supply of dry sand together with necessary implements for its convenient application or an adequate number of portable fire-extinguishers suitable for fighting petroleum fires shall always be kept in easily accessible places immediately outside the bounded enclosure.
15) Every care shall be taken to prevent any petroleum escaping into any drain, sewer harbor, river or watercourse or a public road.
16) Adequate precautions shall be taken to prevent unauthorized persons having access to a petroleum and to any container which contains or has contained petroleum.
17) The licensee shall keep daily records and accounts of all receipts and issues of petroleum and present the same to Inspector or sampling officer on demand.
18) Any accident, fire or explosion occurring in the licensed premises, shall be immediately reported to the nearest Magistrate or to the officer-in-charge of the nearest police station and to the licensing authority.
19) Free access to the licensed premises shall be given at all reasonable times to any inspector or sampling officer and every facility shall be afforded to such officer for ascertaining that rules and the conditions of this licence are duly observed

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[FORM XVIII]

(See Art. 10 of the First Schedule)

Licence to Decant Kerosene (Petroleum Class B) From Mechanically-Propelled vehicle in Containers.
Licence No. …….. Fee Rs. ……
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Licence is hereby granted to ……Agent/Dealer of……
…….to deliver kerosene (Petroleum Class B) from the tank vehicle into containers subject to the provisions of Petroleum Act, 1934 and the rule made thereunder and to the further conditions of

this licence. The licence shall remain force up to the 31st day of December20…….The area of operation of the tank vehicle is:
1…….. 2. ……..
The …….. 20…….
Controller of explosives

Space for Endorsement/Renewals
This licence shall be
renewable without
any concession in
fee for three years
in the absence of
contravention of the
provisions of the
Petroleum Act, 1934
or of the rules
framed thereunder
or any of the
Date of renewal Date of expiry of
licence
Signature and
Office stamp of the
licensing authority.
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conditions of this
licence.

This licence is liable to be cancelled if the premises are not found conforming to the conditions attached thereto and for contravention of any of the rules and conditions under which this licence is granted and the holder of this licence is also punishable for the first offence with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees, or with both and for every subsequent offence with simple imprisonment which may extend to three months; or with fine which may extend to five thousand rupees, or with both.

CONDITIONS
1) The licence or its authenticated copy shall at all times be kept available on tank vehicle and produced on demand by an Inspector.
2) The tank vehicle decanting kerosene shall have a valid licence in Form XI under Petroleum Rules, 2002 and the licence or its authenticated copy shall be kept in the licensed vehicle and produced on demand by an Inspector.
3) Not more than two tank vehicle load of kerosene per day will be taken by the licensee for the purpose of decanting into barrels, delivery of kerosene to a retail dealer will be given only once during a day and record to this effect will be maintained by the licensee.
4) Not more than 2,500 litres of kerosene shall be decanted into containers at any one place. Not more than 2,500 kilolitres of kerosene will be delivered to retail dealer at any one time and none of it will be delivered in a receptacle exceeding one thousand litres capacity.
5) The licensee or his authorised representative shall personally supervise decanting kerosene into containers and take all adequate precautions against fire and explosion.
6) 'No Smoking' boards in vernacular and English shall be displayed near the premises where kerosene is being decanted.
7) The decanting hose should be sound, and electrically continuous and shall be provided with suitable reducer for filling containers. Such reducer shall have suitable valve so as to enable the licensee or his representative to stop unloading in case of emergency.
8) The licensee or his authorised representative shall ensure before decanting kerosene from the tank vehicle that the containers are non-leaky.
9) The licensee shall ensure that the containers are not splash filled and the reducer has its open end used for delivery extended right up to the bottom of the container.

10) All precautions to ensure that static electric charge does not accumulate during decanting operation shall be taken.
11) No decanting shall be carried out from the hours of sunset to sunrise.
12) The licensee should ensure that no person shall smoke and there is no matches, fires, light or articles or substances capable of causing ignition of petroleum in the vicinity of the place of decantation.
13) The licensee shall ensure that no unauthorized person is permitted in the vicinity of the place of decantation.
14) The licensee shall not decant kerosene at a time when abnormal conditions prevail in that area.
15) No sale of kerosene by the shop-keeper will be permitted during decantation of kerosene.
16) The licensee or his representative should be fully conversant with rules 72 to 80,82 and 84 of the Petroleum Rules, 2002 and an extract of the above mentioned rules should be prominently displayed at conspicuous place where the decanting into barrels will be done.
17) At least two buckets of dry sand and two dry chemicals or foam type fireextinguishers should be kept available during decanting operation.
18) The tank vehicles shall not decant kerosene into containers to any licence holder under the rules unless approval is obtained from the licensing authority.
19) Any accident, fire or explosion occurring in the licensed premises, which is attended with loss of life or serious injury to person or property shall be immediately reported to the nearest Magistrate or to the officer-in-charge of the nearest police station and by telephone/fax and also by telegram to the Chief Controller or Explosives (Telegraphic address "EXPLOSIVES, NAGPUR").

LICENCE
FROM XIX

(See Article 11 of the First Schedule of the Petroleum Rules, 2001)

LICENCE TO TRANSPORT PETROLEUM CLASS A/B IN BULK ON LAND BY MECHANICALLY PROPELLED VEHICLES VIZ., REFUELLER

(a) PETROLEUM CLASS A OR B FOR REFUELLER OF AIRCRAFTS

OR

(b) PETROLEUM CLASS A OR B FOR ON SITE REFUELLING OF VEHICLES/MACHINERIES/STAIONERY EAUIPMENTS.

Licence No. …….. Fee Rs. ……

Licence is hereby granted to ……..…… …….to transport petroleum Class A/B in bulk on land for on site fuelling of the Aircrafts/ heavy vehicles/Machineries/Stationery Equipments by the refueller as described below subject to the provisions of Petroleum Act, 1934 and the rules made thereunder and to the further condition of this licence.

The licence shall remain valid up to the 31st day of December 200…….

Date of issue …….. Controller

Circle

DESCRIPTION

1) The vehicle is loaded in the specially prepared area described in approved plan No. …….. dated attached hereto or in the storage premises licensed in form XV or special form.
2) The area of operation and the equipments to be filled……..
3) The refueller conforms to the approved drawing no. ……. dated…….attached hereto and to the further particulars given below: Make and Model …… Engine Number ……..Chassis Number …..…… Registered Number…..……
Name of the Registered Owner…..……

CONDITIONS

1) The licence or its authenticated copy shall at all times be kept in the licensed vehicle and produced on demand by an Inspector.
2) Only responsible persons who are conversant with the conditions of this licence shall be employed for driving the licensed vehicle or attending to it.

3) The licensed vehicle shall be attended to by a responsible person during its filling, transport and onsite refueling of the tank of Aircraft, heavy vehicles/machineries and stationery equipment: Provided that the licensed vehicle may, if its tanks and compartments are empty, be left unattended to in a place approved for the purpose in writing, by the Chief Controller.
4) The licensed vehicle shall conform to the design and construction requirements laid down in Third Schedule.
5) The licensed vehicle shall at all times carry:
a) A portable fire extinguisher of capacity not less than 9 litres and suitable for extinguishing oil fires. The extinguishers shall be kept unlocked at an easily accessible position which shall be away from the discharge faucets of the vehicles.
b) An electrically continuous hose having oil-tight coupling to match the discharge faucet of the licensed vehicle;
c) A strong and flexible cable for electrical bonding. The cable shall be at least 5 metres long and shall have at each end a suitable clamp or clip.
6) The licensed vehicle shall be loaded at a storage premises licensed in special form or form XV having tank lorry loading facilities. The vehicle if licensed for petroleum B can be loaded at a specially prepared area attached to a service station licensed in form XIV. This area shall have rigid pipeline drawn from the underground tank in service station, delivery pump and vehicle parking space and shall be segregated by a fencing of least 1.8m high. The parking space and filling a point shall observe at least 4.5m clearance all round within the fencing.
7) The licensed vehicle shall not be loaded if any tank or compartment, pipe valve, emergency discharge control or any safety insecure until necessary repairs have been carried out satisfactory, and in the event of any leak in the tanks or compartments, until the leak is thoroughly repaired and all the tanks and compartments pass the test specified in clause 5 of the Third Schedule to the petroleum Rules.
8) Before petroleum is loaded into the licensed vehicle into the specially prepared area mentioned in conditions;-
(a) its engine shall be stopped and the battery shall be isolated by a proper switch or otherwise;
(b) its wheels shall be secured by brakes or by scotching and in the case of animal drawn vehicles, animals shall be unhitched and removed; its chassis shall be electrically bonded by a cable with the pipe into or from which it is to be unloaded or loaded;
(c) the correct filling or discharge hose shall be selected and connected by oil-tight coupling at both ends;
(d) a responsible person shall be in attendance ad remain so until loading or unloading is over and the tanks and compartments have been sealed.
9) Except when called upon the traffic signals or required by an Inspector or a Sampling Officer, the licensed vehicle shall not stop on any road, congested area or a place which is not a place approved in writing, under these rules for loading, unloading or stabling of such vehicles.
10) No smoking and no fire or artificial light or any article capable of igniting inflammable vapour shall be allowed on the licensed vehicle.
11) The licensed vehicle shall not be used for carrying passengers or for any other purpose except transport of petroleum Class A/B and refueling the Aircrafts/Heavy vehicles/Machineries/Stationery Equipments. Particulars of the area of the operation shall be intimated.
12) Vehicle shall observe minimum 9 metres clearance from any protected works all-round during refueling the tanks of Aircraft, heavy vehicles/ machineries and stationery equipments as the case may be Unauthorized person shall not be permitted within this safety zone during refueling. No smoking board in vernacular and English shall be displayed prominently near the premises of refueling the tanks of Aircraft, heavy vehicles/ machineries and stationery equipments. No person shall smoke or carry matches, fire, lights, articles or substance capable of causing ignition of petroleum in the vicinity of refueling.
13) Before petroleum is unloaded from the licensed vehicle:
a) its wheels shall be secured by brakes or by scotching.
b) its chassis shall be electrically bonded by a cable with the Aircraft, heavy vehicles/ machineries and stationery equipments, as the case may be.
14) Petroleum shall be unloaded only through the pump, viz. Motoring devices mounted on the vehicle.

15) The refueling operation shall be undertaken in the presence of authorised responsible persons of licensee and he will ensure that the tank being refueled is not leaky and is in sound condition.
16) No refueling shall be undertaken during the period of sunset and sunrise without specific approval in writing from the licensing authorities and also when abnormal atmosphere condition prevails in the area.
17) At least two buckets of dry sand and two dry chemicals or foam type fireextinguishers should be kept available during refueling operations.
18) The licensed vehicle shall not be allowed to be repaired by welding, soldering, brazing, or hot riveting until its tanks, compartments, pipes and valves have been thoroughly cleaned and examined by a competent person and certified by him in writing to be free from inflammable vapour or oil.
19) No alteration in the licensed vehicle or its safety fittings shall be carried out without the previous sanction in writing of the licensing authority. Such alternations so sanctioned shall be endorsed on this licence by an amendment.
20) Every facility shall be given at all reasonable time to any Inspector or sampling officer for ascertaining that the rules and the conditions of this licence are dully observed or for drawing samples.
21) Any accident, fire or explosion occurring in the licensed vehicle, which is attended with loss of human life or serious injury to person or property shall be immediately reported to the nearest Magistrate or to the officer-incharge of the nearest police station having jurisdiction and by telephone/fax and also by telegram to the Chief Controller or Explosives (Telegraphic address "EXPLOSIVES, NAGPUR").
+++Space for Endorsement/Renewals
(See condition 19)
Sl. No. Description of
Alteration
Date of
sanctioning
Signature of the
licensing authority
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FORM XX
[See rules 2(v) and 130]
A. Qualification and Experience of Competent Person:

Sl. No.	Rule under which Competency is Recognized	Qualification and other requirements	Experience for the purpose
1.	Rules 126 and 130	1. Degree in any branch of Engineering from a recognized university or equivalent professional qualifications	Minimum experience of 10 years in testing and installation of petroleum tanks and operation and maintenance of petroleum storage installations.
2.	Part B of Forms VII and VIII	2. Physically fit and mentally sound for carrying out tests and examinations.	-Do- Minimum experience of 10 years in testing and fabrication or mounting of petroleum transport

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tanks and operation and maintenance of petroleum tank vehicles.

B. Application for recognition as competent person under rules 126, 130 or part of Forms VII and VIII

1. Name
2. Date of birth
3. If employed or member in any organization, the name of the organization of the applicant
4. Educational qualification (copies of testimonials to be attached)
5. Particulars of professional experience in chronological order.

Name of the Organization | Period of service | Designation | Area of responsibilities

6. Membership, if any, of professional bodies

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7. Purpose for which competency certificate is sought (specify the rules)
8. Whether the applicant has been declared as competent person under any statute (if so details)
9. Any other relevant information
10. Declaration by the applicant

I hereby declare that the information furnished above is true. I undertakea) that in the event of my leaving the aforesaid organization, I will promptly inform the Chief Controller.

b) to fulfil and abide by all the conditions stipulated in the certificate of competency and instructions issued by the Chief Controller from time to time.

Place : Signature of applicant

Date :

I _____ certify that Shri_____ Whose particulars are furnished above, is in our employment and nominate him on behalf of the organization for the purpose of being declared as a competent person under the rules. I also undertake that I will notify the Chief Controller in case the competent person leaves our employment.

201

Place :

Date :

Signature of _____

Name and Designation _____

Telephone No. _____

Fax No. _____

Official Seal

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THIRD SCHEDULE

(See rules 63 and 77)

Design and construction of Tank Vehicles for Transporting Petroleum in Bulk

1. Basic design of tank vehicle:

1) Tank vehicles for the transportation of petroleum in bulk shall be designed and constructed according to sound engineering practice to ensure correct structural relationship between the tank the propulsion equipment and supporting members, ruggedness, safe-road performance and breaking power.

2) In the case of an articulated vehicle, the weight at the ground of the carrying axles of the tank shall not exceed 60 percent of the designed gross laden weight.

3) The maximum width of any tank shall be less than the overall width of the vehicle on which it is mounted or by which it is being towed.

2. Material construction of tank:

1) The tank shall be constructed of iron or steel having the following physical requirements and thickness of metal or of any other material approved by the

Chief Controller.
a) Physical requirements:
Yield Point, minimum …….. 1700 kg/cm2
Ultimate strength minimum …….. 3100 kg/cm2
203
Minimum elongation on standard ……20 percent 5 cm gauge length.
B. Thickness of metal
(a) Minimum thickness of tank ends, partitions, baffles and stiffeners shall not be less than 2mm for having volume capacity up to 21 litres per centimetre 2.7mm for tanks having volume capacity exceeding 21 litres per centimetre: Provided that the thickness of tank ends shall in no case be less than the thickness of the tank as specified in clause (b)
(b) The thickness of the tank shell shall be related to the volume capacity of the tank expressed in litres per centimeter and the distance between partitions, baffles or other stiffeners as well as to the radius of shell curvature as specified in the below table:
204

Distance between attachment of Partition, baffle and stiffeners		
Upto 90 cm	Above 90 cm upto 135 cm	Above 135 cm
1	2	3
I. Minimum thickness for tanks having shell radius up to 175 cm and volume capacity-		
(i) upto 21 litres per centimetre	2.0mm	2.0mm 2.0mm
(ii) above 21 up to 27 litres per cm	2.0mm	2.5mm 2.5mm
(iii) above 27 litres per cm	2.5mm	2.5mm 2.5mm
II. Minimum thickness for tanks having shell radius exceeding 175 cm but not exceeding 225 cm and volume capacity-		
(i) upto 21 litres per centimetres	2.0mm	2.0mm 2.5mm
(ii) above 21 up to 27 litres per cm	2.5mm	2.5mm 2.5mm
(iii) above 27 litres per cm	2.5mm	2.5mm 3.5mm

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III. Minimum thickness for tanks having shell radius exceeding 225 cm and volume capacity-		
(i) upto 21 litres per centimetre	2.5mm	2.5mm 2.5mm
(ii) above 21 up to 27 litres per cm	2.5mm	2.5mm 3.5mm
(iii) above 27 litres per cm	2.5mm	2.5mm 3.5mm
IV. Minimum thickness for tanks having shell radius exceeding 310 cm and volume capacity-		
(i) upto 21 litres per centimetres	2.5mm	3.5mm 3.5mm
(ii) above 21 up to 27 litres per cm	3.5mm	3.5mm 3.5mm
(iii) above 27 litres per cm	3.5mm	3.5mm 3.5mm

Note: If the tank has other than circular cross-section, the radius for the purpose of this table shall be the maximum for that portion of the cross-section under consideration.
3. Joints
206
All joints to tank, its shell, heads, partitions, baffles and stiffeners shall be welded in accordance with recognized good practice and the efficiency of any joint shall not be less than 85 percent of the adjacent metal so joined.
4. **Division of tank into compartment**:
1) Unless expressly permitted in writing by the Chief Controller, a tank having a net capacity exceeding 5 kilolitres shall be divided into compartments by oiltight partitions and no compartment shall have net capacity exceeding 5 kilolitres.
2) Every partition shall be either dished, corrugated, reinforced or rolled. Flat partition without reinforcement shall not be allowed.
5. **Testing of tank**:

1) Every compartment of a tank shall be tested by a responsible competent person by hydrostatic pressure of not less than 0.316 kg/cm2, The pressure shall be maintained for a period of not less than one hour and shall be gauged at the top of the compartment. The compartment under test shall not show any leakage or drop of pressure during the test.
2) Two adjoining compartments of a tank shall not be tested or filled with water simultaneously.

6. Anchoring of tank:

1) The tank shall be securely anchored to the vehicle in a manner that will not-
(i) introduce undue concentration of stresses;
(ii) impair the stability and performance of the vehicle; and
207
(iii) allow any movement between the tank and the vehicle due to starting, stopping and turning.
(2) All stops and anchors used to anchor a tank to the vehicle shall be so installed as to be readily accessible for inspection and maintenance.

7. Discharge faucet;

Each compartment of a tank shall be fitted with a discharge faucet which shall be substantially made and so attached. The discharge end of the faucet shall be threaded or so designed as to permit the hose being tightly coupled to it.

8. Emergency discharge control;

(1) The outlet of each compartment of the tank shall have an efficient and reliable shut-off valve located inside the shell or in a sump forming an integral part of the shell.
(2) The operating mechanism for the shut-off valve shall be provided with a secondary control in an easily accessible position but remote from all fill openings and discharge faucets.
(3) The secondary control required by sub-paragraph (2) shall be provided with a fusible section which will permit the shut-off valve to close automatically in the event of a fire.
(4) A shear section which will break under strain shall be provided between the internal shut-off valve and the discharge faucet. The shear section shall be located as close as possible to the internal shut-off valve.

9. Normal –venting

208
(1) Every compartment shall be fitted with an independent vacuum and pressure operated vent with a minimum effective opening being covered with two layers of non corroding metal wire gauge having not less than 11 meshes per centimetre.
(2) The vent shall be so arranged as to limit the pressure within the compartment to 0.21 kg/cm2 and the vacuum to 5 centimetres water gauge.

10. Emergency venting for fire exposure:

(1) In addition to normal venting required by para 9, every compartment of a tank shall be fitted with an emergency venting facility which shall be of the fusible type so as to provide a minimum fire-venting opening having a net area in square centimetres equal to 8 plus 4.3 times the gross capacity of the compartment in kilolitres.
(2) The emergency vent shall be so designed as to prevent loss of liquid through the vent in the case of vehicle upset except in the case of pressure rise when in the upset position.
(3) Fusible vents shall be actuated by elements which will operate at a temperature not exceeding 930C.

11. Top-filling Pipe:

(1) The inner end of the filling pipe shall be fitted with a proper type of splash defiector and the outer end threaded or so designed as to ensure leak proof connection with the filling hose.
(2) Top filling pipe, if provided, shall be carried down early to the bottom of the tank.

209
(3) The outer end of the filling pipe shall be fitted with an oil-tight locker cap.
12. Tank-gauging arrangements:
(1) Each compartment shall be fitted with a dip pipe or any approved tank gauging device.
(2) The dip pipe, if provided, shall be carried up to the bottom of the tank and all opening in the dip pipe, except the capped top opening shall be covered with two layers of wire gauges having not less then 11 meshes per cm.
(3) The dip pipe shall be fitted with an oil tight locker cap.
13. Tank overturn protection:
(1) All tank top fittings shall be protected from damage in the event of overturning of the vehicle chassis on which it is mounted.
(2) Where protection to tank top fitting are provided by enclosing them within the contour of the shell or with in a rigid coming welded to the tank shell, the area enclosed by such protection shall be adequately drained and provided with plug or cut outs to enable the section to be gas freed completely before repair.
14. Marking:
Every tank vehicle used for the transportation of petroleum shall, whether loaded or empty be conspicuously marked on each side and rear thereof in letters at least 7cm high on a background of sharply contrasting colours with the words "FLAMMABLE " and the common name of the flammable liquid being transported e.g. "MOTOR SPIRIT", "KEROSENE', etc.
210
FOURTH SCHEDULE
[See Rule 105]
A extent of hazardous area in Refineries /Processing/Plants/major installations conforming to condition 10 (a) of licence FORM XIII
Sl. Description of Location of Products Handled Characteristics Extent of Classification
No. the facility the facility stored in the of the facility Areas of Area
Facility (Division)
1 2 3 4 5 6 7
1.Plant, Equipment, Open Air Inflammable liquid Releases inflammable (i) Pits, sumps, trenches 1
Process Vessels above its flash-point products under below the floor or ground or inflammable ABNORMAL level within hazardous vapour or conditions area (**any zone**). gas heavier than air or requires to be opened up for maintenance due to ABNORMAL conditions
(ii) Area above the ground 2 level extending vertically 8m above the source of hazards and horizontally 16m in all directions from such source. Beyond 8m from the source of hazard in the horizontal plane, the
212
1 2 3 4 5 6 7
vertical extent of the hazardous area may be reduced to 8m above

the ground level.
(iii) Where large release
2 of volatile products may
Additional occur, the area in the
horizontal plane beyond
16m upto 32m from
the source of hazard,
extending vertically up to
60cm above the ground
level in all directions.
1.1Plant, Equipment Open Air Inflammable liquid Releases inflammable (i) Pits, sumps, trenches
1
process Vessels above its flash-point products under below the floor or ground
or **inflammable NORMAL** level within
hazardous **vapour or** gas heavier
conditions or Normally area (**any zone**). than air
requires **frequent**
opening up
for maintenance.
(ii) Area above the ground 1
level extending vertically
8m above the source of
213
1 2 3 4 5 6 7
hazards and horizontally
16m in all directions from
such source. Beyond 8m
from the source of hazard
in the horizontal plane, the
vertical extent of the
hazardous area
may be reduced to 8m
above the ground level.
(iii) Where large release
1 of volatile products may
Additional occur, the area in the
horizontal plane
up to 16m beyond the
hazardous area **zone** 1,
extending vertically upto
60cm **above** the ground
level in all directions.
1.2 Plant, Equipment Well- **inflammable liquid** Releases inflammable(i) Pits, sumps, trenches
Process Vessels ventilated **above its flash point** products under below the floor or ground
sheds. **or inflammable vap-** ABNORMAL level within hazardous
our or gas heavier conditions or requires area
(**any zone**). **than air** to be
opened up
for maintenance due
214
1 2 3 4 5 6 7
for maintenance
under ABNORMAL
conditions
(ii) Area
above the ground 1 level
extending vertically 8m above
the source of hazards and

horizontally 16m in all
directions from
such source. Beyond 8m
from the source of hazard
in the horizontal
plane, the vertical extent of the
hazardous
area may be reduced to
8m above the ground
level.
(iii) Where large release
2 of volatile products
may Additional occur, the area in the
horizontal plane
beyond 16m up to
32m from the source of
hazard, extending
vertically upto 60cm above
the ground level in all
directions.
215
1 2 3 4 5 6 7
1.3 Releases inflammable (i) Pits, sumps, trenches
1 products under below the
floor or ground NORMAL conditions
level within hazardous or normally requires
area (zone)
Frequent opening
for maintenance
(ii) Area above the ground
level extending vertically
8m above the
source of hazards and
horizontally 16m in all
directions from such source.
Beyond 8m from the
source of hazard in the
horizontal plane, the vertical extent of the
hazardous
area may be reduced to
8m above the ground
level.
(iii) Where large release
1 of volatile products
may Additional occur, the area in
the horizontal
plane up to
216
16m beyond the hazardous
area zone1,
1 2 3 4 5 6 7
extending vertically upto
60cm above the ground
level in all directions.
1.4 Plant, Equipment Well- Lighter than air, Releases inflammable (a) With in the shed.- 2
Process Vessels ventilated inflammable gases. products under (i) Entire shed above the
sheds. ABNORMAL level of the lowest opening
conditions or requires in the

side wall. to be opened
up for maintenance
ABNORMAL
conditions
(ii) Area above the ground 2
level or a level 4.5m
below the source of hazards, whichever
is higher, extending vertically up to
the level of the lowest
opening in the side wall
of the shed and
horizontally 4.5m from such
source in all directions.
(b) Outside the shed :- 2
Area above the roof of
the shed extending
217
vertically 8m above each
1 2 3 4 5 6 7
opening in the roof
and horizontally
4.5m from such
source in all
directions.
1.5 Plant, Equipment Inadequately Lighter than air, Releases inflammable (a) With in the shed.- 2
Process Vessels ventilated inflammable gases. products under (i) Entire shed above the
sheds. ABNORMAL level of the lowest opening
conditions or requires in the
side wall. to be opened up
for maintenance (ii) Area above ground ABNORMAL
level or a level conditions.
4.5m. below the source of
hazards, whichever is higher, extending
vertically up to the level of the
lowest opening in the side
wall of the shed and
horizontally 4.5m from such
source in all directions.
(b) Outside the shed :-
2 Area above the lowest
in the side walls of
shed extending vertically
218
4.5m above the roof and
1 2 3 4 5 6 7
horizontally 3mtrs.
from the side wall
1.6 Plant, Equipment Inadequately inflammable liquids, Releases inflammable (a) With in the
shed.- 1
Process Vessels ventilated above its flash-point products under (i) Entire area with in shed
sheds. or inflammable ABNORMAL including pits, sumps and
vapour or gas conditions or requires
trenches. heavier than
air to be opened up
for maintenance
ABNORMAL conditions.
(b) Outside the shed :-
2 Area extending vertically

3m above roof and
horizontally
3m beyond shed or
16 meters from the
source of hazard
whichever is
farthest.
Beyond 3meters from
the shed or 8 meters from
the source of hazard,
whichever is farthest,
in the horizontal plane,
219
the vertical extent of the
hazardous area may be
reduced to 8m above
the ground level.
1 2 3 4 5 6 7
Pits, sumps, trenches 1
below the ground
level within zone
2 area (zone).
Where large release -
of inflammable products
occur-
Area with in 2
16cm of the zone area
additional extending vertically up to
60 cm above the
ground level.
Releases inflammable i Entire shed 1
vapours under
NORMAL conditions ii. Taking the top most 1
or Normally requires opening in the shed as
a opening frequently the source of hazard, the
for maintenance. area extending vertically
8m above such source &
horizontally 16m in all
directions from the
220
source. Beyond 8m
from the source of hazard
1 2 3 4 5 6 7
in the horizontal plane, the
vertical extent of the
hazardous area may be
reduced to 8m above
the ground level.
iii. Pits sumps, trenches,
1 within hazardous area.
(iv) Where large release
1 of volatile products may
(Additional) occur, the area within
16meters of the zone1
area extending vertically
upto 60cm above the
ground level.
1.7 Enclosed premises Within No flammable In case of failure of Entire enclosed premises Safe

with purging system. a hazardous products handled in the purging system,
Air intake of fresh of area (any the enclosed electric supply is
the air purging zone) premises. automatically cut off
system not less or a warning is
than 1.5 meters automatically given to
above the hazardous a person in attendance.
area (any zone),
221
1 2 3 4 5 6 7
1.8 Enclosed premises a. Entire shed.
without purging -ditto- -ditto- -dittosystem,
electric
b. Outside the shed. As specified
in the case of for inadeinadequately
quately
ventilated shed ventilated
sheds
1.9 Pipeline with well Well-venti- Any inflammable Releases inflammable (i) Pits below or within 3
1
maintained valves, lated situ- liquid above its flash products under metre of the facility.
metres, fittings. ations or in point or any ABNORMAL ii) Area within 3m of 2
a pit outside inflammable vapour conditions or requires pipeline fittings, valves,
hazardous or gas. to be opened metres, in all directions.
area (any up for maintenance
zone) due to ABNORMAL
conditions.
1.10 Tanks, above Open air Any inflammable liquid -dtto- i) Above the floating 1
ground (floating above its flash points roof, within the shell.
Roof) ii) Within 3m of the shell 2
iii) Space within the tank
222
enclosure up to top level
of the enclosure wall.
1 2 3 4 5 6 7
1.11 Tanks, above Open air Any inflammable Releases inflammable i) Within 1.5m of the vent 1
ground (cone liquid above its flash products under openings
Roof) point. ABNORMAL ii) Within 3m of the 2
conditions or requires tank
shell, ends or roof to be opened up for of the
tank maintenance
due iii) Space within tank 2 to
ABNORMAL enclosure up to top level conditions.
of the enclosure wall.
1.12 Pumps, withdrawals i. In an open Inflammable liquid -ditto- Entire Enclosure 1
fittings. enclosure or gases
ii. In a plat- -ditto- -ditto- Within 1.5m of the edge 2
form in the of the platform in all
open or in a directions extending
shed without Vertically from the ground
walls. level up to 1.5metres above
the top of pumps/withdrawal
fittings.
iii. Within a well -ditto- -ditto- (i) Pits, sumps, trenches 1
ventilated pump below the floor or ground
223
house. level within hazardous
area (any zone).
(ii) Area above the ground

level extending vertically
8m. above the source of
hazards and horizontally
1 2 3 4 5 6 7
16m in all directions from
such source. Beyond 8m.
from the source of hazard
in the horizontal plane, the
vertical extent of the
hazardous area
may be reduced to 8m
above the ground level.
(iii) Where large release
1 of volatile products may
Additional occur, the area in the
horizontal plane beyond
16m up to 32m from
the source of hazard,
extending vertically upto
90m above the ground
level.

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FOURTH SCHEDULE CONTINUED
(See rule 105)
B. Extent of hazardous area in installation conforming to condition 10(a) of Licence in Form XV and storage sheds.

Location	**Classification of the area**	**Extent of Classified area**
1	**2**	**3 4**
1. Tanks above ground:	2	Within 3 metres form shell.
(a) shell, ends or roof ends or roof of tank	Area	and enclosed area inside the enclosure up to top level of enclosure wall.
(b) Vent	1	Within 1.5 metres of open end of vent extending in all directions.
(c) Floating roof	1	Above the roof and within the shell.
2. Tanks underground Fill Pipe	1	Any pit, box or space below grade level, any part of which is

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within zone 1 or zone 2 area.		
2 Up to 45 cms. above grades level		within a horizontal radius of 3 metres from a loose fill connection and within a horizontal radius of 1.5 metres from a tight fill connection.
Vent discharging upward	1	Within 90 cms. or of open end of vent extending in all directions.
2 Area between 90 cms. and 1.5 metres		or of open end of vertical directions.
3. Pits sumps (below grade level)		
a) Without mechanical ventilation	1	Entire area within pit/sump if any part is within zone 1 or 2 area

b) With mechanical 2 Entire area within pit/sump if
ventilation any part is within zone 1 or 2 area.
c) Containing valves, 2 Entire pit/sumps
filling piping and not
within zone 1 or 2 area.
4. Pumps, bleeders withdrawal
fitting, metres and similar devices:
228
a) indoor 1 Pits sumps or trenches below floor
level within zone 2 area.
2 Within 1.5 metres of any edge of
such devices extending in all
directions. Also 90 cms. above
grade level or floor level exceeding
up to 7.5 metres horizontally from
any edge of such devices.
b) Outdoor 1 Pits sumps or trenches below
platform or ground level within zone
2 area.
2 Within 90 cms of any edge of such
devices extending in all directions.
Also 45 cms. above grade level
within 3 metres horizontally from
any edge of such devices.
5. Tank Vehicle 1 Pits sumps or trenches below
within zone 2 area.
a) Bottom loading or 2 Within 90 cms of point of
unloading connection extending in all
directions. Also up to 45 cms. above
grade level within a
horizontal radius of 3
metres from any point of
connection.
229
b) Loading from top 1 Within 90 cms of open end
with atmospheric of vent extending in all
venting directions.
2. Area between 90 cms. and 1.5
metres from open end of vent
extending in all directions. Area
within 90 cms. of the edge of
connection extending in all
directions.
c) Loading from top 2 Within 90 cms of point of
with vapour recovery connection of fill pipe and
vapour recovery pipe,
extending in all directions.
6. Container filling: 1 Pits sumps or trenches below
within zone 1 or 2 area.
a) Outer in a shed 1 Within 90 cms of and fill opening
without wall of the container extending in all
directions.
2 Area between 90 cms. and 1.5
metres from fill/vent opening of the
container extending in all directions.
Also up to 45 cms. above floor/or
grade level within a horizontalradius
of 3 metres from vent/fill opening or

within the filling enclosure,
whichever is higher.
230
b) Indoor in a storage/ 1 Whole of the interior of the
filling shed well shed.
ventilated near 1 Pits sumps or trenches below
roof and floor level and within zone 1 or 2 area.
situated in open area
2 Area within the cone formed by
Joining the top vent level of the
shed to a point 2.5 metres outside
the shed in all directions.
7. Storage and repair garages 1 All sumps or spaces below floor
for tank vehicles level.
2 Area above 45 cms. Above floor or
grade level of entire storage/repair
garages.
8. Drainage, ditches, 1 Area up to 45 cms above ditch
separators, separators or basin.
compounding basis in
2 Also up to 45 cms above grade level
within 4.5 metres horizontally from
any edge.
9. Container Storage 3 As in 6(b)
10. Garages for ordinary If there is any opening to
vehicles, ordinary these rooms within the
231
office, Rest Room extent of an indoor or outdoor
classified area, the facility shall
be classified as if the wall, curb
or partition separating the
classified area did not exist.
C. Extent of hazardous area in service station.
Location of hazard Classification Extent of hazardous area
of the area
1 2 3 4
1. Underground tank
a) Filling point 1 Any pit, sump, box or space grade
level, any part of which is within zone
1 or zone 2 hazardous area. Upto 45
cms. above grade level within
horizontal radius of 3 metres from the
filling point.
b) Vent 1 Within 90 cms. of open end of vent
extending in all directions.
2. Area between 90 cms. And 1.5 mters
of open end of vent extending in all
directions
2. Dispensing pump or unit
232
a) Pits/Sumps 1 Any pit, sump or box below grade level
any part of which is within zone 1 or
zone 2 hazardous area.
b) Pump cabinet or 1 The area 1.2 metres vertically above
dispenser enclosure the base within the cabinet enclosure
and 45 cms. horizontally in all
directions.
c) Outdoor 2 The area between 45cm and 6 metres

of the cabinet/enclosure extending 45
cms. vertically above the grade level.
d) Indoor with 2 -dittomechanical
ventilation
e) Indoor with normal 2 The area 45 metres and 7.5
(gravity)ventilation metres of the cabinet/enclosure
extending 45 cms. vertically
above the grade level.
3. Remote pumps (Outdoor) 1 Any pit, box or space below grade
level of any part within a horizontal
distance of 3 metres from the edge of
the pump.
2 Within 90 cms. of any edge of
pumps, extending in all direction. Also
up to 45 metres above floor or grade
233
level within 7.5 metres horizontally
from any edge of pump.
4. Remote pumps (Indoor) 1 Entire area within any pit.
2 Within 1.5 metres of any edge of
pump, extending in all directions.
Also up to 90 metres above floor or
ground level within 7.5 metres
horizontally from any edge of pump.
5. Lubrication/service room 1 Entire area within a pit.
2 Area up to 45 cms above floor or
grade level within entire lubrication/
service room.
6. Storage bin or enclosure for 1 Entire bin or enclosure
Class A or Class B Petroleum
7. Sales, Storage and Rest room ordinary If there is any opening to these
rooms within the extent of a zone 1
or zone 2 area the entire room
shall be classified as zone 1.

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FIFTH SCHEDULE

(See rule 193)

Methods of testing viscous or solid Forms of petroleum

If the sample of petroleum to be tested is viscous or solid or contains sediments or thickening ingredients, such petroleum shall be tested in the ABEL apparatus in the following manner :-

The solid mixture must be cut into cylinders 38.1mm in diameter by means of a cork borer or other similar cutter having the correct internal diameter. These cylinders are to be placed in the petroleum cup of the testing apparatus in a vertical position in such number as will completely fill the cup. The cylinders must be in contact with one another but must not be so tightly packed and so be deformed in shape.

Five or six of the cylinders in the centre of the cup must be shortened to 127 mm to allow space for the thermometer bulb.

The petroleum which is viscous or contains sediments or thickening ingredient shall be filled in the petroleum cup of the testing apparatus in a vertical position so that it completely fills the cup.

The air bath of the testing apparatus must be filled to a depth of 38.1mm with water. The water bath must then be raised to, and maintained at temperature of about 800F. The cup must then be placed in the air bath, and temperature of the sample must be allowed to rise until the thermometer in the oil –cup show 750F then test flame must be applied.

If no flash is obtained, this temperature must be maintained constant in the oil-cup

for one hour at the expiration of which time the test flame must again be applied.
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If a flash is obtained, the solid mixture will be subject to the provisions of the Petroleum Act, 1934.
****
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FIRST SCHEDULE

Article				
1.	**Form of Licence**	**2.**	**Purpose for which Granted**	**3.**	**Authority empowered to grant licence**	**4.**	**Fee**	**5.**
1. III	To carry petroleum in bulk by water	An Officer appointed by the Central Govt.	For Ship or other Vessels not exce- Eding 100 tonnes Gross tonnage	Rs. 5000 for period of one year or part reof from the date of issue.	For every Rs. 1000 Additional 50 Tonnes gross tonnage or fraction thereof.
2. XI	To carry petroleum by land on mechanically propelled vehicles	Controller	Rs. 500 for every Calendar year or part thereof		
3. XII	To import and store petroleum Class A in quantity not exceeding 300 litres	District Authority	Rs. 200 for every Calendar year or part thereof.		
4. XIII	To import and store petroleum Class B otherwise than in bulk in quantity not exceeding 25000 litres	District Authority	Rs. 20 for every 1000 litres or part thereof for calendar year.		
5. XIV	To store petroleum in tank or tanks	Controller	For each class of petroleum Rs. 1000 for the first 50 KL plus Rs. 15 for every additional KL or part thereof,		

for every calendar year subject to a maximum of Rs. 15,000 per calendar year or part thereof.

6.	XV	To import and store petroleum in an installation	Chief Controller or a Controller authorised in this behalf by the Chief Controller	For each class of petroleum Rs. 1000 for the first 50 KL plus Rs. 15 for every additional KL or part thereof, for every calendar year subject to a maximum of Rs. 15,000 per calendar year or part thereof.
7.	XVI	To import and store other wise than in bulk (a) Petroleum Class A in quantities exceeding 300 litres (b) Petroleum Class B in quantities exceeding 25000 litres (c) Petroleum Class C in quantities exceeding 45000 litres or (d) partly one class and partly two classes of petroleum	Controller	For each class of petroleum Rs. 1000 for the first 50 Kl plus Rs. 15 for every additional KL or part thereof, for every calendar year subject to a maximum of Rs. 15,000 per calendar year or part thereof.

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8.	XVII	To store petroleum Class A temporarily in quantities not exceeding 50000 litres for fuelling of aircrafts in connection with crop spraying work only.	Controller	For each class of petroleum Rs. 1000 for the first 50 Kl plus Rs. 15 for every additional KL or part thereof, for every calendar year subject to a maximum of Rs. 15,000 per calendar year or part thereof.
9.	Special Form	To import and store petroleum class not provided for in Articles 3,4,5,6 and 7	Controller	For each class of petroleum Rs. 1000 for the first 50 Kl plus Rs. 15 for every additional KL or part thereof,

		for every calendar year subject to a maximum of Rs. 15,000 per calendar year or part thereof.
10.	XVIII To decant kerosene (petroleum class B) from mechanically propelled vehicle in containers)	Controller Rs. 200 for every Calendar year or part thereof.
11.	XIX To transport petroleum Class A/B in bulk on land for on site refuelling of aircrafts, heavy vehicles/machinery & Stationery equipments by a mechanically propelled vehicle Viz, Refueller	Controller Rs. 500 for every Calendar year or part thereof.