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Coal Mines Nationalisation Laws (Amendment) Act, 1978

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 29th May, 1978/Jyaishta 8, 1900 (Saka)

The following Act of Parliament received the assent of the President on the 27th May, 1978, and is hereby published for general information:—

THE COAL MINES NATIONALISATION LAWS
(AMENDMENT) ACT, 1978

No. 22 OF 1978

[27th May, 1978]

An Act further to amend the Coking Coal Mines (Nationalisation) Act, 1972, and the Coal Mines (Nationalisation) Act, 1973.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Coal Mines Nationalisation Laws (Amendment) Act, 1978. Short title.
2. In section 3 of the Coking Coal Mines (Nationalisation) Act, 1972 (hereinafter referred to as the Coking Coal Act),— Amendment of section 3 of Act 36 of 1972.
 - (i) in clause (b), in sub-clause (vi), for the *Explanation*, the following *Explanation* shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1972, namely:—

Explanation.—The expression “current assets” does not include,—

(a) dues representing the sale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day;

(b) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development)

Act, 1952, prior to the repeal of the said Act, with respect to any period before the appointed day; 19 of 1952.

(c) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coke oven plant;

(d) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payment of bills;

(e) earnest money deposited by the owners with the Railways for obtaining contracts;'

(ii) in clause (j), in sub-clause (xi), for the *Explanation*, the following *Explanation* shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1972, namely:—

Explanation.—The expression "current assets" does not include,—

(a) dues representing the sale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day;

(b) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952, prior to the repeal of the said Act, with respect to any period before the appointed day; 19 of 1952.

(c) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coking coal mine;

(d) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payment of bills;

(e) earnest money deposited by the owners with the Railways for obtaining contracts;'

Amend-
ment of
section 20.

3. In section 20 of the Coking Coal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons to also exercise all or any of the powers exercisable by him under this Act, and different persons may be authorised to exercise different powers.

(2A) Any person authorised by the Commissioner to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation."

4. After section 22 of the Coking Coal Act, the following section shall be inserted, namely:—

Insertion of new section 22A.
Validation of certain collections.

“22A. (1) Notwithstanding anything contained in section 3, as amended by section 2 of the Coal Mines Nationalisation Laws (Amendment) Act, 1978, any money collected by the Central Government or the Government company during the period commencing on the appointed day and ending with the date specified under sub-section (3) of section 22 shall be deemed to have been validly collected by the Central Government or the Government company, as the case may be, and any such money shall be applied in accordance with the provisions of section 22.

(2) Any money collected as aforesaid shall not be called in question in any court of law.”

5. In section 23 of the Coking Coal Act,—

Amendment of section 23

(a) in sub-section (1A),—

46 of 1948.

(i) after the words and figures “the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948;”, the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1972, namely:—

16 of 1926.

“and claims in relation to any other matter may be filed on behalf of all or any of the persons so employed or any group of such persons, by any Trade Union, registered under the Trade Unions Act, 1926, or, where no such claim has been filed by any Trade Union, by the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him;”;

(ii) in the proviso, after the words “the Coal Mines Provident Fund Commissioner”, the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1972, namely:—

“or the Trade Union or the Chief Labour Commissioner (Central) or any officer subordinate to him;”;

(b) after sub-section (1A), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of November, 1973, namely:—

“(1AA) Where any claim, not being a claim which was time-barred on the 17th day of October, 1971, was preferred under sub-section (1) within the period specified therefor and was rejected merely on the ground that such claim was time-barred, such claim shall be deemed not to have been rejected and the Commissioner shall restore on his file such claim and shall deal with it in the manner specified in this section.”;

(c) after sub-section (9), the following sub-section shall be inserted, namely:—

“(9A) The Commissioner may, on receipt of a claim,—

(a) elect to settle the claim himself; or

(b) transfer the claim for settlement to a person authorised in this behalf under sub-section (2) of section 20; or

(c) withdraw the claim from the person referred to in clause (b) and either settle the claim himself or transfer it for disposal to any other person who has been authorised in this behalf under sub-section (2) of section 20.”;

(d) in sub-section (10),—

(i) for the words “A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision,” the words “A claimant or owner who is dissatisfied with the decision of the Commissioner may prefer an appeal, within a period of sixty days from the date of the decision,” shall be substituted;

(ii) after the proviso, the following further proviso shall be inserted, namely:—

“Provided further that any appeal which has not been preferred before the date on which the Coal Mines Nationalisation Laws (Amendment) Act, 1978, receives the assent of the President, shall be preferred within a period of sixty days from such date.”.

Insertion of new section 23A.

Application of sections 5 and 12 of the Limitation Act.

Insertion of new section 24A.

Interest on admitted claims.

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Insertion of new section 25A.

Notice to owners of coking coal mines or coke oven

6. After section 23 of the Coking Coal Act, the following section shall be inserted, namely:—

“23A. The provisions of sections 5 and 12 of the Limitation Act, 1963, shall, so far as may be, apply to appeals under section 23.”.

36 of

7. After section 24 of the Coking Coal Act, the following section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1972, namely:—

“24A. Notwithstanding any award, decree or order of any court, tribunal or other authority, passed before the appointed day, in relation to any coking coal mine or coke oven plant, where any amount is payable in respect of a claim admitted under this Act, the interest payable on such amount for any period after the appointed day shall be at such rate not exceeding the rate of interest accruing on any amount deposited by the Commissioner under section 21.”.

8. After section 25 of the Coking Coal Act, the following section shall be inserted, namely:—

“25A. (1) After meeting the liabilities of persons whose claims have been admitted under this Act, the Commissioner shall notify, in such manner as he may think fit, the amount of money available with him and specify in such notification a date within which the owners of the coking coal mines or coke oven plants, the managing contractors and the owners of any machinery, equipment or other property

which has vested in the Central Government or a Government company under this Act and which does not belong to the owners of the coking coal mines or coke oven plants may apply to him for payment.

plants and managing contractors, etc.

(2) Where any application is made under sub-section (1), the Commissioner shall, after satisfying himself as to the right of the applicant to receive the whole or any part of the amount, pay the amount to the person concerned and in the event of there being a doubt or dispute as to the right of the person to receive the whole or any part of the amount, the Commissioner shall deal with the application in the manner specified in sub-section (1) of section 26."

9. In section 27 of the Coking Coal Act, for the words "which remains undisbursed or unclaimed after such payment for a period of three years", the words "which remains undisbursed or unclaimed for a period of three years from the day on which the last order for disbursement was made" shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of March, 1976.

Amendment of section 27.

10. In section 2 of the Coal Mines (Nationalisation) Act, 1973 (hereinafter referred to as the Coal Mines Act), in clause (h), for sub-clause (xii), the following sub-clause shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1973, namely:—

Amendment of section 2 of Act 26 of 1973.

'(xii) all other fixed assets, movable and immovable, belonging to the owner of a mine, wherever situated, and current assets, belonging to a mine, whether within its premises or outside.

Explanation.—The expression "current assets" does not include,—

(a) dues representing the sale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day;

(b) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952, prior to the repeal of the said Act, with respect to any period before the appointed day;

(c) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coal mine;

(d) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payment of bills;

(e) earnest money deposited by the owners with the Railways for obtaining contracts;.

14. In section 23 of the Coal Mines Act,—

Amend-
ment of
section
23.

(a) after sub-section (6), the following sub-section shall be inserted, namely:—

“(6A) The Commissioner may, on receipt of a claim,—

- (a) elect to settle the claim himself; or
- (b) transfer the claim for settlement to a person authorised in this behalf under sub-section (2) of section 17; or
- (c) withdraw the claim from the person referred to in clause (b) and either settle the claim himself or transfer it for disposal to any other person who has been authorised in this behalf under sub-section (2) of section 17.”;

(b) in sub-section (7),—

(i) for the words “A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision”, the words “A claimant or owner who is dissatisfied with the decision of the Commissioner may prefer an appeal, within a period of sixty days from the date of the decision,” shall be substituted;

(ii) after the proviso, the following further proviso shall be inserted, namely:—

“Provided further that any appeal which has not been preferred before the date on which the Coal Mines Nationalisation Laws (Amendment) Act, 1978, receives the assent of the President, shall be preferred within a period of sixty days from such date.”.

15. After section 23 of the Coal Mines Act, the following section shall be inserted, namely:—

Insertion
of new
section
23A.

“23A. The provisions of sections 5 and 12 of the Limitation Act, 1963, shall, so far as may be, apply to appeals under section 23.”.

Applica-
tion of
sections
5 and 12
of the
Limita-
tion Act.

36 of 1963.

16. After section 24 of the Coal Mines Act, the following section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1973, namely:—

Inser-
tion of
new sec-
tion 24A.

“24A. Notwithstanding any award, decree or order of any court, tribunal or other authority, passed before the appointed day, in relation to any coal mine, where any amount is payable in respect of a claim admitted under this Act, the interest payable on such amount for any period after the appointed day shall be at such rate not exceeding the rate of interest accruing on any amount deposited by the Commissioner under section 18.”.

Interest
on
admitted
claims.

Insertion
of new
section
25A.

17. After section 25 of the Coal Mines Act, the following section shall be inserted, namely:—

Notice
to owners
of coal
mines and
managing
contractors,
etc.

“25A. (1) After meeting the liabilities of persons whose claims have been admitted under this Act, the Commissioner shall notify, in such manner as he may think fit, the amount of money available with him and specify in such notification a date within which the owners of the coal mines, the managing contractors and the owners of any machinery, equipment or other property which has vested in the Central Government or a Government company under this Act and which does not belong to the owners of the coal mines may apply to him for payment.

(2) Where any application is made under sub-section (1), the Commissioner shall, after satisfying himself as to the right of the applicant to receive the whole or any part of the amount, pay the amount to the person concerned and in the event of there being a doubt or dispute as to the right of the person to receive the whole or any part of the amount, the Commissioner shall deal with the application in the manner specified in sub-section (2) of section 26.”

Amend-
ment of
section
27.

18. In section 27 of the Coal Mines Act, for the words “three years from the last day on which the disbursement was made”, the words “three years from the day on which the last order for disbursement was made” shall be substituted.

Amend-
ment of
section
30.

19. In section 30 of the Coal Mines Act, in sub-section (2), for the words “with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees”, the words “with imprisonment for a term which may extend to three years and also with fine which may extend to twenty thousand rupees” shall be substituted.

Claims
made
on behalf
of work-
men by
Trade
Union,
etc.,
to have
effect.

20. Every claim made, before the date on which this Act receives the assent of the President, on behalf of all or any of the persons employed by the owner of—

(a) a coking coal mine or group of coking coal mines or a coke oven plant; or

(b) a coal mine or group of coal mines,

or on behalf of a group of such persons, by a Trade Union, registered under the Trade Unions Act, 1926, or the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him, against such owner, and every action taken in relation to such claim shall be deemed to have been made or taken in the case of a coking coal mine or a coke oven plant, in accordance with the provisions

36 of 1972. of the Coking Coal Mines (Nationalisation) Act, 1972, and in the case
of a coal mine, in accordance with the provisions of the Coal Mines
26 of 1973. (Nationalisation) Act, 1973, as amended by this Act, as if the relevant
Act, as amended by this Act, were in force at all material times.

S. HARIHARA IYER,
Secy. to the Govt. of India.