

COKING COAL MINES (NATIONALISATION) ACT, 1972

36 of 1972

[17th August, 1972]

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SCHEDULE 1 :- .

SCHEDULE 2 :- .

COKING COAL MINES (NATIONALISATION) ACT, 1972

36 of 1972

[17th August, 1972]

Act 36 of 1972.-Coking coal is essential for the production of iron and steel but the resources thereof are severely limited and consequently careful conservation of such resources is required in

the long term interest of the steel. industry. Such conservation can be achieved only by ensuring scientific development and efficient conduct of operations in each coalfield and by employing proper techniques of mining. Efforts were made in the past to nationalise and co-ordinate the development and mining of coking coal but these efforts did not succeed. It had, therefore, become urgently necessary to assume, in the public interest, complete responsibility for the reorganisation and reconstruction of the coking coal industry and the connected coke production so that adequate supplies of coal and coke may be ensured to meet the growing requirements of the steel-industry. The Central Government, therefore, decided to nationalise the coking coal mines and coke oven plants as early as possible. At it was found that such nationalisation would take a long time to be effected, the management of 214 coking coal mines and 12 coke oven plants was taken over by the Government, pending nationalisation of such mines and plants, under Coking Coal Mines (Emergency Provisions) Act, 1971. The present Bill seeks to complete the process of nationalisation of the coking coal mines and coke oven plants by providing for the acquisition of the right, title and interest of the owners thereof. S.O.R.- See Gaz. of Ind., 31 -7-72, Pt. II. S.2,Ext..p.648. Act 41 of 1973.- Since the Coking Coal Mines (Nationalisation) Act, 1972 received the President's assent it has come to notice that in certain cases there are minor discrepancies in the description of the various coking coalmines listed in the Schedule to the Act. It is desired to remove these discrepancies, and such other dis-repancies as may be brought to notice hereafter, by issue of suitable notifications if the power In this regard is vested in the Government. In course of the adminstration of the coking coal mines,since the enactment of the 1972 Act. it has been noticed that the previous owners had accumulated large arrears towards workers dues in the shape of contributions to provident fund, wages and other dues. It is proposed to vest the Commissioner of payments appointed under Section 20 of that Act with the authority to deduct arrears of wages, employers share of the provident fund contribution, pension fund, gratuity fund or other funds established for the welfare of workers out of the amount payable to the owners specified in the first and second Schedules of the Coking Coal Mines (Nationalisation) Act, 1972, with priority over all other dues, whether secured or unsecured. The relevant clauses of the Bill or in conformity with similar provisions of the Coal Mines (Nationalisation) Act, 1973. Since it may not be possible for a large

body of workmen or their dependents to make claims before the Commissioner, both the Acts are being amended with a view to empowering the Coal Mines Provident Fund Commissioner to make the claims on behalf of the workmen. It is proposed that any appeal against the decision of the Commissioner of payments shall lie before the High Court of the State in which the coking coal mine is situated and that such appeal shall be heard and disposed of by not less than two Judges of that High Court. (S.O.R.) See Gaz. of Ind.. 16-8-73, Pt. II. S. 2, Ext., p. 731. Act 22 of 1978.- After the nationalisation of coal mines in India under the Coking Coal Mines (Nationalisation) Act, 1972 and Coal Mines (Nationalisation) Act, 1973, it was brought to light that certain provisions of these Acts needed clarification. It is, therefore, necessary to suitably amend these Acts with a view to removing the ambiguities as well as certain practical difficulties which have come to light in the implementation thereof. The main amendments are as follows: (a) As doubts were expressed whether certain amounts like dues on account of the sale of coal and coal products effected before the date of nationalisation of coking coal mines and coal mines, subsidies due for the pre-nationalisation period and earnest monies and security deposits made by the owners of coal mines with the various authorities were covered by the exception to the assets vesting in the Government on nationalisation, it is proposed to clarify in the said Acts that current assets vesting in the Government do not include such amounts. (b) The said Acts do not specify the interest rate admissible on the claimed amounts after the appointed day. In the absence of such a provision, the secured creditors have included in their claims interest at very high rates which, if allowed, will deprive the lower priority creditors, mostly Government organisations and small suppliers. It is, therefore, proposed to insert a new section in each of the said Acts to provide that the interest payable on such amounts shall be at such rate not exceeding the rate of interest accruing on any amount deposited by the Commissioner of Payments with a nationalised bank or in the Public Account of India as required under the said Acts. (c) It is proposed to empower the Commissioner of Payments (i) to authorise the persons appointed to assist him under the Coking Coal Mines (Nationalisation) Act, 1972 to exercise all or any of the powers exercisable by him under the Act. Such a provision already exists in Coal Mines (Nationalisation) Act, 1973; (ii) to transfer cases from one Assistant Commissioner to another or to himself: (iii) to issue a notification inviting the owners, managing

contractors and such other persons who are owners of any machinery, equipment or other property which has vested in the Central Government or a Government company under the Act and which does not belong to the colliery owners to apply for the residuary amount lying with Commissioner of Payments after settling all the claims. (d) It is proposed to legalise joint claims filed by workers through Trade Unions or through the officers under the Chief Labour Commissioner (Central) against the colliery owners. (e) Such of the claims as had not been time-barred on the relevant date when the management of the coal mines was taken over by Government and had been filed before the specified dates but had been rejected merely on the ground that such claim; had become time-barred are proposed to be restored and dealt with. (f) It is proposed to prescribe a period of sixty days within which appeals against the decisions of the Commissioner of Payments have to be filed and to apply the relevant provisions of Limitation Act, 1963, to such appeals. It is also proposed to extend the right of appeal to the colliery owners. (g) it is proposed to provide that the period of three years after which undisbursed amounts shall revert to the general revenue account should be counted from the date on which the last order for disbursement was made by the Commissioner of Payments and not from the date on which the amount was paid by the Government to the Commissioner. (h) With a view to dealing effectively with persons who indulge in illegal mining of coal, it is proposed to amend sub-section (2) of S.30 of the Coal Mines (Nationalisation) Act, 1973, by enhancing the punishment of imprisonment from two years to three years and of fine from ten thousand rupees to twenty thousand rupees. 2. The Bill seeks to achieve the above objects. Gaz.. of Ind., 26-4-1978, Pt. II, S. 2, Ext., p. 445. Act 57 of 1986.- After the nationalisation of coal mines in India under the Coking Coal Mines (Nationalisation) Act, 1972 (Coking Coal Act) and Coal Mines (Nationalisation) Act, 1973, (Coal Mines Act), certain judicial pronouncements in regard to the interpretation of the provisions of the said Acts necessitated a few amendments in the relevant provisions of those Acts. It was also found necessary to remove certain ambiguities and difficulties in implementing those provisions. The Coal Mines Nationalisation Laws (Amendment) Ordinance, 1986 (7 of 1986) was thus promulgated by the President on the 7th October. 1986 to make certain amendments in the above two Acts. Some of the important amendments which the Ordinance proposed were as follows: (a) the definition of "mine" in the Coking Coal Act and the Coal Mines

Act included all coal and coke belonging to the owner of the mine whether in stock or in transit and all coal under production in a mine on a day immediately prior to the date on which the coal mines were nationalised. Accordingly, the amounts specified in the Schedules to the two Acts included the value of the coke and coal instock lying at the mines at the time of nationalisation. The Supreme Court, however, in a recent case, while agreeing with the contention that the coke and coal stocks lying at the mine vested in the Government as a result of nationalisation took the view that the value of coke and coal stocks had to be taken into account for balancing the position of accounts as on the date immediately preceding the date of nationalisation. This would have involved double payment of the amount inasmuch as the value of the coke and coal stocks had already been included in the amounts mentioned in the Schedules to the Acts against each coal mine. In order to make the intention clear, section 10 and S.22 of the Coking Coal Act and sections 5 and S.19 of the Coal Mines Act were amended retrospectively to remove any doubts in the matter and to clarify that the amounts specified in the Schedules to the relevant Acts shall also be deemed to include the amounts required to be paid to the owner in respect of the stock of coke and coal or other assets referred to in the definition of "mine" in the relevant Acts. Necessary provision validating the action taken under the two Acts was also made. (b) With the commencement of the Coal Mines (Nationalisation) Amendment Act, 1976 on 29-4-1976. carrying on of coal mining operation or leasing for mining coal by any private party were prohibited. Thus, S.4(2) of the Coking Coal Act and S.1(2) of the Coal Mines Act became redundant and were omitted with effect from 29-4-1976 with a saving clause to protect action, if any, taken under the existing provisions. A provision for correction of an error, omission or misdescription was also added to S.3 of the Coal Mines Act, on the lines of a similar provision in the Coking Coal Act. (c) Section 25 of both the Acts was amended so as to clarify that any amount in excess of payment over receipts in the statement of accounts prepared by the coal companies shall be deemed to be the amount advanced by the Central Government or the Custodian. (d) Section 26 of both the Acts was also amended to empower the Commissioner of Payments to make apportionment of the amount among the various owners on the basis of the highest annual production in the relevant coal mines during the last 3 years immediately preceding the appointed day. 2. The Bill seeks to replace the abovementioned Ordinance. It also seeks to make

certain further amendments of a clarificatory nature, which have been explained in the memorandum annexed to this Bill.- Gaz. of Ind., 17-11- 1986, Pt. II, S. 2, Ext"p. 12 (No. 48),

CHAPTER 1
PRELIMINARY

1. Short title and commencement :-

2. Declaration as to the policy of the State :-

It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

3. Definitions :-

In this Act, unless the context otherwise requires,"-

(a) "appointed day" means the 1st day of May, 1972'.

CHAPTER 2

ACQUISITION OF THRIGHTS OF OWNERS OF COKING COAL MINES AND COKE OVEN PLANTS

4. Acquisition of right in coking coal mines :-

(1) On the appointed day, the right, title and interest of the owners in relation to the coking coal mines specified in the First Schedule shall stand transferred to, and shall vest absolutely, in the central Government, free from all incumbrances.

5. 5 :-

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[[1]] Acquisition of rights of owners of coke oven plants On the appointed day, the right, title and interest of the owners of each of the coke oven plants specified in the Second Schedule, being the coke oven plants which are situated in or about the coking coal mines specified in the First Schedule, shall stand transferred to, and shall vest absolutely in, the Central Government, free from all incumbrances.

1. Section 10 re-numbered as sub-sec. (1) and sub-sec. (2) inserted by the Coal Mines Nationalisation Laws (Amendment) Act (57 of 1986), S. 4 (w.r.e.C. 1-5-1972)

6. Central Government to be the lessee of the State Government :-

7. Power of Central Government to direct vesting rights in a

Government company :-

8. Properties vesting in Central Government to be freed from mortgages, etc :-

(1) All property which vests in the Central Government or in a Government company under this Chapter shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting it and any attachment, injunction or decree or order of any Court restricting the use of such property in any manner shall be deemed to have been withdrawn.

(2) Every mortgagee of any property which has vested under this Act in the Central Government or in a Government company, and every person holding any charge, lien or other interest in or in relation to any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge lien or other interest.

(3) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (1) or any other person holding any charge, lien or other interest in, or in relation to any such property shall be entitled to claim payment of the mortgage money or other dues, in whole or in part, out of the amount specified in relation to such property in the First Schedule or the Second Schedule, as the case may be, but no such mortgage, charge or lien or other interest shall be enforceable against any such property of the Central Government or the Government company.

9. Central Government not to be liable for prior liabilities :-

(1) Every liability of the owner, agent, manager or managing contractor of a coking coal mine or coke oven plant, in relation to any period prior to the appointed day, shall be the liability of such owner, agent, manager or managing contractor, as the case may be, and shall be enforceable against him and not against the Central Government or the Government company.

CHAPTER 3

PAYMENT OF AMOUNT

10. Payment of amount to owners of coking coal mines :-

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1. Substituted by the Coal Mines Nationalisation Laws (Amendment)

Act (57 of 1986) ,S.6 (w.r.e.f. 1-5-1972)

11. Payment of amount to owners of coke oven plants :-

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1. Substituted by the Coal Mines Nationalisation Laws (Amendment) Act (57 of 1986) ,S.6 (w.r.e.f. 1-5-1972)

12. Payment of further amount :-

(2) In addition to the amount specified in sub-section (1), there shall be given by the Central Government, in cash to the owner of every coking coal mine specified in the First Schedule and the owner of every coke oven plant specified in the Second Schedule, simple interest at the rate of four percent, per annum on the amount specified against such owner in the corresponding entry in the fifth column of the First Schedule or the Second Schedule, as the case may be. for the period commencing on the date of assent and ending on the date of payment of such amount to the Commissioner.

(3) The amounts referred to in sub-section (1) and sub-section (2) shall be in addition to the amount specified in the First Schedule or the Second Schedule, as the case may be.

12A. Workers dues to be paid out of the amount :-

(2) Every employee to whom the whole or any part of the arrears referred to in sub-section (1) is due shall file the proof of his claim to the Commissioner within such time, after the commencement of the Coking and Non-coking Coal Mines (Nationalisation) Amendment Act, 1973, as the Commissioner may fix.

(5) All sums deducted by the Commissioner under sub-section (4) shall, in accordance with such rules as may be made under this Act, be credited by the Commissioner to the relevant fund or be paid to the persons to whom such sums are due, and on such credit or payment the liability of the owner of the coking coal mine or group of coking coal mines or coke oven plant, as the case may be, in respect of the amounts of arrears due as aforesaid shall stand discharged.

(6) The deductions made by the Commissioner under sub-section (4) shall have priority over all other debts, whether secured or unsecured.

(7) Save as otherwise provided in the foregoing sub-sections',

every secured debt due from the owner of a coking coal mine or group of coking coal mines or coke oven plant, as the case may be. shall have priority over all other debts and shall be paid in accordance with the rights and interests of the secured creditors,]

13. Income derived by the owners of coking coal mines and coke oven plants after the appointed day to be refunded to the Central Government :-

(2) If, on examination of the accounts referred to in sub-section (1), any income is found to have been deprived by the owner from the coking coal mine or coke oven plant during the period referred to in that sub-section, such income shall be set-off against the amount specified in the First Schedule or the Second Schedule, as the case may be, against the name of such owner, and the balance of such amount shall be paid to him.

(3) If no account is rendered by the owner of a coking coal mine or coke oven plant within the period referred to in sub-section (1) or if the Central Government or the Government company. has any reason to believe that the account rendered by such owner is incorrect or false in material particulars, the Central Government or the Government company may refer the matter to the Commissioner and thereupon the Commissioner shall determine the income derived by the owner from the coking coal mine or coke oven plant during the period referred to in sub-section (1), and set-off such income against the amount specified in the First Schedule or the Second Schedule, as the case may be, against the name of such owner and pay the balance to such owner.

CHAPTER 4

MANAGEMENT, ETC.. OF COKING COAL MINES AND COKE OVEN PLANTS

14. Management, etc., of coking coal mines and coke oven plants :-

15. Duty of persons in charge of management of coking coal mines or coke oven plants to deliver all assets, etc :-

(1) On the vesting of the management of a coking coal mine or coke oven plant in a Government company or on the appointment of a Custodian, all persons in charge of the management of such coking coal mine or coke oven plant immediately before such vesting or appointment, shall be bound to deliver to the Government company or Custodian, as the case may be, all assets,

books of account, registers or other documents in their custody relating to the coking coal mine or coke oven plant, and any contract, whether express or implied, providing for the management of the coking coal mine or coke oven plant made before the appointed day between such persons and the owners of such coking coal mine or coke oven plant, shall be deemed to have terminated on the date on which the management of the coking coal mine or coke oven plant vests in the Government company or the Custodian so appointed.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company or Custodian as to its or his powers and duties and the Government company or Custodian may, also if it or he so desires, apply to the Central Government at any time for instructions as to the manner in which the management of the coking coal mine or coke oven plant shall be conducted by it, or him or in relation to any other arising in the course of such management.

(3) The Custodian shall receive from the funds of the coking coal mine or coke oven plant, as the case may be, in relation to which he or it is the Custodian, such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

16. Accounts and audit :-

The Custodian of every coking coal mine or coke oven plant shall maintain the accounts of such mine or plant in such manner and under such conditions as may be prescribed.

CHAPTER 5

PROVISIONS RELATING TO EMPLOYERS OF COKING COAL MINES AND COKE OVEN PLANTS

17. Liability of officer or other employee of a coking coal mine or coke oven plant for transfer to any other coking coal mine or coke oven plant :-

Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the services of any officer or other employee employed in coking coal mine or coke oven plant shall be liable to be transferred to any other coking coal mine or coke oven plant and such transfer shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.]

18. Provident fund :-

1 Where a coking coal mine or coke oven plant has established a provident fund for the benefits of its employees, the monies relating to the employees, whose services have become transferred, by or under this Act, to the Central Government or a Government company, shall, out of the monies standing, on the appointed day, to the credit of such provident fund stand transferred to, and vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or a Government company shall be dealt with by that Government or company, as the case may be, in such manner as may be prescribed.

19. Superannuation, welfare and other funds :-

Where a superannuation, welfare or other fund has been established for the benefit of the employees whose services stand transferred to the Central Government or a Government company, the coking coal mine or coke oven plant, by which such employees were employed, shall distribute the amount due to each such employee as if the employee had superannuated, or his services with the coking coal mine or coke oven plant had terminated, on the day immediately preceding the specified date.

CHAPTER 6

COMMISSIONER-OF PAYMENTS

20. Commissioner of payments to be appointed :-

(1) For the purpose of disbursing the amount payable to the owner of each coking coal mine or coke oven plant, the Central Government shall appoint such person as it may think fit to be the Commissioner of Payments.

(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.]

(3) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

21. Payment by the Central Government to the

Commissioner :-

(3) The Commissioner shall open and operate an account in a scheduled bank in respect of each coking coal mine or coke oven plant.

(4) Every amount paid to the Commissioner shall be deposited to the credit of the account, referred to in sub-section (3), of the coking coal mine or coke oven plant to which the payment relates.

(6) References in this section to the owner of a coking coal mine shall, in relation to a group of coking coal mines specified in the first Schedule, be construed as references to the owner of that group of coking coal mines.

22. Statement of accounts in relation to the period of management by the Central Government, etc :-

(2) All amounts received by the Central Government or the Government company after the closure of such accounts shall, where such amounts relate to transactions effected before the appointed day, be included in the said statement of accounts in respect of the coking coal mine or coke oven plant to which the said receipt relates.

(3) The Central Government or the Government company in which the right, title and interest of the coking coal mine or coke oven plant stands vested shall be entitled to receive, up to the specified date, to the exclusion of all other persons, any money, due to the coking coal mine or coke oven plant, as the case may be, realised after appointed day notwithstanding that the realisations pertain to a period prior to the appointed day: Provided that where such realisations have not been included in the statement of accounts as on the 30th day of April, 1972, a supplementary statement of accounts shall be prepared and furnished, at such intervals as may be prescribed, by the Central Government or the Government company to the owner of the coking coal mine or the coke oven plant, as the case may be

(5) A copy of each statement of accounts prepared under this section shall be delivered by the Central Government or the Government company, as the case may be, to the Commissioner and also the owner: Provided that where the number of owners is more than one, only one copy of the statement of accounts shall be given to the owners for the benefit of all of them.

(7) The audit of the statement of accounts shall be conducted in the manner as the Central Government may direct.

22A. Validation of certain collections :-

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

23. Claims to be made to the Commissioner :-

(1) Every person having a claim against the owner of a coking coal mine or coke oven plant shall prefer such claim before the Commissioner within thirty days from the specified date: Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may, on the expiry of the said period of thirty days, entertain the claim within a further period of thirty days, but not thereafter.

(3) The debts specified in sub-section (2) shall rank equally among themselves and be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportions and be paid accordingly,

(4) The Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefits of the disbursements made by the Commissioner.

(5) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in English language and one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(6) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(7) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the owner of the coking coal mine or coke oven plant, as the case may be, an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing admit or reject the claim in whole or in part.

23A. Application of sections 5 and 12 of the Limitation Act

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

24. Disbursement of money by the Commissioner :-

Where the total amount of the claim admitted by the Commissioner does not exceed the total amount of the money credited to the account of a coking coal mine or coke oven plant, every such admitted claim shall rank equally among themselves and be paid in full, and the balance, if any, shall be paid to the owner, but where such amount is insufficient to meet in full the total amount of the admitted claims, every such claim shall abate in equal proportions and be paid accordingly.

24A. Interest on admitted claims :-

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 .]

25. Recovery of excess payments made by Central Government or Custodian :-

Any amount in excess of payments over receipts in the statement of accounts prepared under section 22 shall be deemed to be an amount advanced by the Central Government or the Custodian, as the case may be, for the management of a coking coal mine or a coke oven plant during the period in which the management of such mine or plant remained vested in the Central Government and the Central Government may make a claim to the Commissioner for such excess payment and such claim shall have priority over the claims of all other unsecured creditors of the coking coal mine or coke oven plant.

25A. Notice to owners of coking coal mines or coke oven plants and managing contractors, etc :-

(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's 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 mines or coke oven plants may apply to him for payment.

26. Disputes how to be dealt with :-

(2) In relation to a coking coal mine or coke oven plant, the operations of which were. immediately before the 17th day of October. 1971 under the control of a managing contractor, the amount specified in the first Schedule against such coking coal mine or in the Second Schedule against such coke oven plant shall be apportioned between the owner of the coking coal mine or coke oven plant and such managing contractor in such proportions as may be agreed upon by or between the owner and such managing contractor, and in the event of there being no such agreement, in such proportions as may be determined by the Court.

27. Undisbursed or unclaimed amounts to be deposited to the general revenue account :-

Any money paid to the Commissioner ¹ [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 transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of revenue.

1. Substituted and deemed to have been substituted w.r.e.f. 29-3-1976 for the words "which remains undisbursed or unclaimed after such payment for a period of three years" by the Coal Mines Nationalisation Laws (Amendment) Act (22 of 1978), S. 9.

CHAPTER 7 **MISCELLANEOUS**

28. Effect of Act on other laws :-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any Court, tribunal or other authority.

29. Contracts cease to have effect unless ratified by the Central Government :-

(1) Every contract entered into by the owner or occupier of any coking coal mine or coke oven plant for any service, sale or supply before the appointed day shall, on and from the expiry of one hundred and twenty days from the date of assent cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government and in ratifying such contract the Central Government may make such alterations or modifications therein as it may think fit: Provided that the Central Government shall not omit to ratify a contract unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the coking coal mine or coke oven plant.

(2) The Central Government shall not omit to ratify a contract or make any alteration or modification therein except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract.

30. Penalties :-

Any person who -

(a) having in his possession, custody or control of any property forming part of the undertaking of any coking coal mine or coke oven plant referred to in the First Schedule or the Second Schedule, as the case may be, wrongfully withholds such property from the Central Government, or Government company, or

(b) wrongfully obtains possession of, or retains, any property forming part of the undertaking of any coking coal mine or coke oven plant referred to in the First Schedule or the Second Schedule, as the case may be, or wilfully withholds or fails to furnish to the Central Government or any person specified by that Government any document relating to such coking coal mine or coke oven plant, which may be in his possession, custody or control, or fails to deliver to the Custodian any assets, books of account, registers or other documents in his custody relating to the coking mine or coke oven plant in respect of which a Custodian has been appointed, or

(c) wrongfully removes or destroys any property of any coking coal

mine or coke oven plant or prefers any claim under this Act in relation to such mine or plant, which he knows or has reasonable cause to believe to be false or grossly inaccurate, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

31. Offences by companies :-

(1) 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.

(2) Notwithstanding anything contained in sub-sec. (1) where any offence under this Act 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 be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

32. Mining companies not to be wound up by court :-

No proceeding for the winding up of a mining company, the right, title and interest in relation to the coking coal mine or coke oven plant owned by which have vested in the Central Government or in a government company under this Act or for the appointment of a receiver in respect of such business, shall lie in any court except with the consent of the Central Government.

33. Delegation of powers :-

(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act may also be exercised by any person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-sec. (1), the person to whom such' power has been delegated shall act

under the direction, control and supervision of the Central Government.

34. Power to make rules :-

(1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(3) Every rule made by the Central Government under this Act 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 thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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.

35. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty: Provided that no such order shall be made after the expiry of a period of two years from the date of assent.

36. Coking coal mines to which the Act shall not apply :-

Nothing in this Act shall apply to any coking coal mine -

(a) owned or managed by a Government company or corporation owned or controlled by Government:

(b) owned or managed by a company engaged in the production of iron or steel: Provided that this section shall not extend to such mine or part thereof which, in the opinion of the Central Government, is in excess of the requirements for the production of iron and steel by that company.

SCHEDULE 1

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Containing names of mines, their location, address of owners etc. not printed.
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SCHEDULE 2

