

MINISTRY OF STEEL, MINES AND FUEL
(Department of Mining & Fuel)

NOTIFICATION

New Delhi, the 12th June, 1957.

S.R.O. 2042 :- In exercise of the powers conferred by section 27 of the Coal Bearing Areas (Acquisition & Development) Act, 1957 (20 of 1957), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement :- (1) These rules may be called the Coal Bearing Areas (Acquisition and Development) Rules, 1957.

(2) They shall come into force at once.

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

(i) "the Act" means the Coal Bearing Areas (Acquisition & Development) Act, 1957 (20 of 1957);

(ii) "Area" means the coal bearing area which it is intended to prospect or acquire under the provisions of the Act;

(iii) "section" means the section of the Act.

3. Mode of service of notice or order :- (1) Any notice or order required to be served under the Act, if of a general nature or affecting a number of persons, shall be published in the official Gazette and the due publication of such notice or order shall also be given by proclaiming it by beat of drum on or near the area and by affixing a copy of it on some conspicuous place on or near the area.

(2) Any notice or order required to be served under the Act, if directed against an individual :-

(i) shall be served by delivering or tendering a copy thereof duly signed to the person on whom it is to be served or to his duly empowered agent ;

(ii) where the person on whom the notice or order is to be served cannot be found and where such person has no agent empowered to accept service of notice or order, service may be made on any adult member of the family of such person residing with him;

(iii) where the serving officer delivers or tenders a copy of the notice or order to the person to be served with such notice or order personally or to his agent or other person on his behalf, he shall procure the signature of the person to whom the copy is so delivered or tendered in token of the acknowledgment of the service on the original notice or order;

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(iv) where the person to be served with the notice or order or his agent or such other person as aforesaid refuses to sign the acknowledgement, or where the serving officer, after issuing all due and reasonable diligence, cannot find the person to be served with the notice or order, and there is no agent empowered to accept service of the notice or order on his behalf nor any other person on whom service can be made, service may be effected by affixing a copy of the notice or order on the outer door or some conspicuous part of the houses in which the person to be served with the notice or order ordinarily resides, or carries on business or personally works for gain or by affixing a copy of such notice or order to a conspicuous place on or near the area;

(v) the serving officer shall, in all cases in which the notice or order has been served in the manner stated in clause (iv), endorse or annex or cause to be endorsed or annexed, on or to the original notice or order, a return witnessed by two persons living in the neighbourhood stating the date on which and the manner in which the notice or order was so served.

Every such substituted service shall be as effectual as if it has been made on the person concerned personally.

(vi) Notwithstanding anything contained in clauses (i) to (v), the authority ordering the service of a notice or order may, if he thinks fit or when he finds that the service cannot be effected in any of the modes aforesaid, order that the notice or order shall be served by sending a copy thereof, duly signed, by registered post with acknowledgement due to the person on whom such notice or order is to be served at his last known address;

In case of such service an acknowledgement purporting to be signed by such person or his duly empowered agent or an endorsement by a postal employee that such person or the agent refused to take delivery, may be deemed by the authority ordering service of such notice or order to be *prima facie* proof of service; L of

(vii) where the person to be served with notice or order is a minor or a person of unsound mind, the notice shall be served in the aforesaid manner, on the guardian of such minor or person of unsound mind, as the case may be.

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(3) Any notice or order required to be served under the Act, if directed against a Corporation, may be served:-

- (a) on the Secretary, or on any Director, or other principle officer of the Corporation, or
- (b) by leaving it or sending it by post addressed to the Corporation at the registered office, or if there is no registered office then at the place where the Corporation carries on business.

(4) The procedure to be followed after issuance of notification under section 7:- (1) on the Publication in the Official Gazette of a notification under section 7, any person interested in any land in respect of which such notification has been issued, may, within thirty days of the notification, make objection to the competent authority in writing.

(2) Every objection referred to in clause (1) shall contain a statement of the nature of the interest of the objector over the area to be acquired, and shall also contain a statement as to whether the objector is or is not in actual possession of such area. The objection shall be duly verified by the objector or his duly authorised agent. The objector shall submit along with the objection a list of documents, if any, on which he relies for establishing his objection. The objector shall also file along with the objection as many copies of the objection as are required by the competent authority.

(3) The competent authority on receiving the objection, if it complies with the requirements laid down in this rule, register such objection and fix a date for the hearing of the objection and give notice thereof to the objector as well as to all the parties interested in the area in respect of which the objection is filed. With every such notice a copy of the objection filed shall be annexed except in the case of the objector. Any party interested may file at least fifteen days before the date fixed by the competent authority for hearing of the objection, a statement by way of reply to the objection.

(4) On the date fixed for the hearing of the objection or any other date to which the hearing may be adjourned by the competent authority, the competent authority shall examine witnesses, if tendered on behalf of the objector or any other interested party.

(5) The proceeding before the competent authority shall be summary, and only the substance of the statement of parties or the statement of the witnesses, if any shall be recorded.

(6) - The competent authority shall, after hearing the arguments, if any, of the parties concerned and after making such further inquiry as he thinks necessary, submit the case for decision of the Central Government, together with a record of the proceedings held by him and a report containing his recommendations on the objection.

*1(5) Maps, charts, etc. to whom to be delivered:- All maps, charts and other documents referred to in sub-section (7) of section 13 shall be delivered to the Revenue Officer of the National Coal Development Corporation Limited within ninety days from the date of publication of the notice under sub-section (1) of section 4 of the Act.

5-A. Filing of claims for compensation :- Any person interested may file his claim for compensation to the Managing Director, National Coal Development Corporation Ltds, Ranchi, or to such other Officer as the Central Government may notify in that behalf;

a) where the claim is in respect of any matter referred to in sub-section (1) of section 13, within ninety days from the date of publication of the notice under sub-section (1) of section 4;

b) where the claim is in respect of any matter referred to in sub-section (4) of section 13, within ninety days from the date of rescission of the notice issued under sub-section (1) of section 4 or after the expiry of the period of three years specified in sub-section (2) of section 7.

c) where the claim is in respect of any matter referred to in sub-section (2) or sub-section (5) of section 13, within ninety days from the date of publication of the declaration under section 9 ;

Provided that Managing Director, National Coal Development Corporation Limited, Ranchi, or such other officer may admit any claim within thirty days after the expiry of the specified period if he is satisfied that the applicant had sufficient cause for not making the application within the specified period.

*1 Substituted by notification No. S.O. 2589 dated 31.8.1965
See Gazette of India, Part II Section 3(ii) dated 7.9.1965.

*2 (6) Deposit of compensation :- Where the amount of compensation including interest, if any, payable under the Act has to be deposited with the Tribunal such amount shall be deposited into the treasury for credit in the accounts of the Central Government under the head "T-Deposits and Advances -Part-II-Deposits not Bearing Interest -(C) Other Deposit Accounts-Departmental and Judicial Deposits-Civil Deposits-Deposits of Tribunals appointed under the Coal Bearing Areas (Acquisition and Development) Act, 1957.

7. Procedure to be followed by Tribunal -(1) The Tribunal shall fix a date and place for the hearing of the matter which it is empowered to decide under the Act and shall inform the parties of such date and place accordingly.

(2) On the date so fixed or any other date to which the hearing may be adjourned, the Central Government and every person interested in the dispute before the Tribunal shall state in writing what in their respective opinions is a fair amount of compensation.

(3) The Tribunal shall afford reasonable opportunity to the parties to adduce such oral and documentary evidence as they desire to adduce and as may be relevant.

(4) The Tribunal shall record the substance of the statement of the parties and the witnesses, if any.

(5) Any person who has been admitted to be interested and who has accepted the payment of compensation under protest may within six weeks of the date of such acceptance prefer an application to the Tribunal for determining the sufficiency of the amount of compensation :

Provided the Tribunal may entertain an application preferred within thirty days after the expiry of the specified period if it is satisfied that the applicant had sufficient cause for not preferring the application within the specified period.

*2 Substituted by notification No. S.O. 5051, dated 21.8.1964
See Gazette of India, Part II Section 3 (ii) dated 5.9.1964.

* 3. Appeals to Central Government : (1) Every appeal to the Central Government shall be in the form of the memorandum signed by the appellant, and shall be addressed to the Secretary to the Government of India in the Ministry of 3 (Steel Mines and Fuel (Department of Mining and Fuel) and be presented to that officer personally or sent to him by registered post with acknowledgment due. The memorandum shall be accompanied by a certified copy of the order appealed against.

(2) The memorandum of appeal shall set forth, consisely and under district head, the grounds of objection to the order appealed from without any argument or narrative; and such grounds shall be numbered consecutively.

(3) An appeal not filed within the time allowed under the Act or in the manner laid down in this rule shall be rejected by the Central Government; & before rejecting such appeal, shall call upon the party concerned to remove the defects within a particular time, and if he does so, the appeal shall be admitted.

/but if the appeal is defective in form, the Central Government,

(NO. G2.1(4)/56)

R.N. Chopra, Deputy Secretary.

* 3 At present: Steel and Mines (Department of Mines and Metals).