

THE COAL BEARING AREAS (ACQUISITION AND
DEVELOPMENT) AMENDMENT AND
VALIDATION ACT, 1971

NO. 54 OF 1971

[11th December, 1971]

An Act further to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957, and to validate certain acquisitions of land or rights in or over land under the said Act.

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

Short
title.

1. This Act may be called the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971.

Amend-
ment of
section 8.

~~2. In sub-section (2) of section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter referred to as the principal Act), for the words "submit the case for the decision of the Central Government together with the record of the proceedings held by him and a report containing his recommendations on the objections", the words, brackets and figures "either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government" shall be substituted.~~ (4) x x x 20 of 1957.

Amend-
ment of
section 9.

3. In section 9 of the principal Act,—

(a) in sub-section (1),—

(i) after the words "made by it to that effect", the following shall be inserted, namely:—

"and different declarations may be made from time to time in respect of different parcels of any land, or of rights

4 Ss. 2 to 7 Repealed by Act 38 of 1978, S. 2 & Sch. I

in or over such land, covered by the same notification under sub-section (1) of section 7, irrespective of whether one report or different reports has or have been made (wherever required) under sub-section (2) of section 8";

(ii) for the words "Provided that, where the declaration", the following shall be substituted, namely:—

"Provided that no declaration in respect of any particular land, or rights in or over such land, covered by a notification under sub-section (1) of section 7, issued after the commencement of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971, shall be made after the expiry of three years from the date of the said notification:

Provided further that, where a declaration";

(b) in sub-section (2), for the words "The declaration", the words "Every declaration" shall be substituted.

4. In section 13 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:— Amendment of section 13.

"(5A) In determining the amount of compensation for any land acquired under section 9, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put shall not be taken into consideration."

5. In section 14 of the principal Act, after sub-section (7), the following sub-section shall be inserted, namely:— Amendment of section 14.

"(8) The Tribunal, in the proceedings before it, shall have all the powers which a civil court has while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

5 of 1908.

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

(ii) requiring the discovery and production of any document;

(iii) reception of evidence on affidavits;

(iv) requisitioning any public record from any court or office; and

(v) issuing commissions for examination of witnesses."

6. In section 17 of the principal Act, in sub-section (2), for the second proviso, the following provisos shall be substituted, namely:— Amendment of section 17.

"Provided further that every person who claims to be an interest-be entitled to prefer a claim for compensation before the Tribunal: or not) including the person referred to in the preceding proviso shall be entitled to prefer a claim for compensation before the Tribunal:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal."

Insertion
of new
section
18A.

Payment
to State
Govern-
ments in
lieu of
royalty.

7. After section 18 of the principal Act, the following section shall be inserted, namely:—

“18A. Notwithstanding anything contained in this Act, where any land or any rights in or over land belonging to a State Government (other than the rights under a mining lease granted or deemed to have been granted by the State Government to any person) vest in the Central Government under section 10 or in a Government Company under section 11, the Central Government or the Company, as the case may be, may pay to the State Government such sum of money as would have been payable as royalty by a lessee had such land or rights been under a mining lease granted by the State Government.”

Validation
of certain
acqui-
sitions.

8. (1) Notwithstanding any judgment, decree or order of any court to the contrary,—

(a) no acquisition of land or of rights in or over land made or purporting to have been made under the principal Act before the commencement of this Act, and no action taken or thing done (including any order made, agreement entered into or notification published) in connection with such acquisition shall be deemed to be invalid or ever to have become invalid merely on the ground—

(i) that one or more competent authorities have performed the functions of competent authority under the principal Act in respect of the land covered by the same notification under sub-section (1) of section 7 of the principal Act;

(ii) that one or more reports have been made under sub-section (2) of section 8 of the principal Act, whether in respect of the entire land covered by the same notification under sub-section (1) of section 7 of the principal Act or rights in or over such land, or in respect of different parcels of such land or of rights in or over such land;

(iii) that one or more declarations have been made under section 9 of the principal Act in respect of different parcels of the land covered by the same notification under sub-section (1) of section 7 of the principal Act or in respect of rights in or over such land,

(b) any acquisition in pursuance of any notification issued under sub-section (1) of section 7 of the principal Act before the commencement of this Act may be made after such commencement and no such acquisition and no action taken or thing done (including any order made, agreement entered into or notification published) whether before or after such commencement, in connection with such acquisition shall be deemed to be invalid merely on the grounds referred to in clause (a) or any of them.

(2) Notwithstanding anything contained in clause (b) of sub-section (1), no declaration under section 9 of the principal Act in respect of any land, or rights in or over such land, which has been notified before the

commencement of this Act, under sub-section (1) of section 7 of the principal Act, shall be made after the expiry of two years from the commencement of this Act.

(3) Where acquisition of any particular land (not being acquisition of rights in or over such land) covered by a notification under sub-section (1) of section 7 of the principal Act, issued before the commencement of this Act, is or has been made in pursuance of any declaration under section 9 of the principal Act, whether made before or after such commencement, and such declaration is or has been made after the expiry of three years from the date of issue of such notification, there shall be paid simple interest, calculated at the rate of six per centum per annum on the market value of such land, as determined under sub-section (5) of section 13 of the principal Act, from the date of expiry of the said period of three years to the date of tender of payment of compensation payable for the acquisition of such land:

Provided that no such interest shall be payable for any period during which the proceedings for the acquisition of any land were held up on account of stay or injunction by order of a court:

Provided further that nothing in this sub-section shall apply to the acquisition of any land where the amount of compensation has been paid to the persons interested before the commencement of this Act.