

GOVERNMENT OF JAMMU AND KASHMIR
Department of Law, Justice and Parliamentary Affairs
(Legislation Section) Civil Secretariat
Jammu/Srinagar

O.M. No: LAW-Leg/89/2024-10 [7602683]
Dated: 23-12-2024

Subject: The Coal Bearing Areas (Acquisition & Development)
Amendment Bill 2024-reg.

The undersigned is directed to forward to Commissioner Secretary to the Government, Department of Mining, copy of letter No. 43015/8/2020-LAIR dated 28th November, 2024 along with draft the Coal Bearing Areas (Acquisition and Development) Amendment Bill, 2024 received from Shri Arvind Kumar, Under Secretary to the Government of India, Ministry of Coal (LA&IR Section) New Delhi regarding the subject cited above. In this connection, it is requested to furnish comments/ views/ requisite information in the matter directly to the concerned Ministry **urgently** under intimation to this Department.

Reyazul
23.12.24

Assistant Legal Remembrancer

Commissioner Secretary to the Government
Department of Mining

Ans
23.12.24

Encls: (As above)

Copy to In-Charge Website section of Department of Law, Justice and Parliamentary Affairs for uploading the same on the official web-site of the Department for inviting comments from the public.

AM
28/11
E/S Code/Ministry
Secy Class 1

Most Immediate
By email and speed post

No. 43015/8/2020-LAIR
Government of India
Ministry of Coal
(LA&IR Section)

Lok Nayak Bhawan, New Delhi-110003,
Dated the 28th November, 2024.

To
The Chief Secretaries of all States Government/Union territories.

Subject:- The Coal Bearing Areas (Acquisition & Development) Amendment Bill 2024 - reg.

Sir/Madam,

I am directed to forward herewith a copy of draft "Coal Bearing Areas (Acquisition & Development) Amendment Bill, 2024" and a table containing proposed amendments for inviting comments on the bill from the public as a part of public consultation exercise. The draft Bill has been uploaded on the website of Ministry of Coal (<https://coal.nic.in>) under 'What's new'.

2. It is requested that wide publicity may be given for seeking comments on the aforesaid draft "Coal Bearing Areas (Acquisition & Development) Amendment Bill, 2024" from the public in your State. The comments from the public and of the State Government, if any, may please be furnished to this Ministry at e-mail: dk.solanki@nic.in and prw.moc@nic.in within 30 days of the date of issue of this letter.

3. The draft "Coal Bearing Areas (Acquisition & Development) Amendment Bill 2024" has the approval of the Hon'ble Minister of Coal and Mines.

Yours faithfully,

Arvind Kumar
(Arvind Kumar)

Under Secretary to the Government of India
Tel. No.011-24650539
Email: arvind.kumar70@nic.in

Encl.: As above.

Copy to :

1. Principal Secretaries/Secretaries of the concerned Department (Mines, Industry & Geology etc.) of all States Government/Union territories.

Copy also to :

1. The Chairman, Coal India Limited, Coal Bhawan, Premises No-04-Mar, Plot-AF-III, Action Area-1A, New Town Rajarhat, Kolkata -700156.

2. CMDs of subsidiaries of CIL

Inviting comments on the draft Coal Bearing Areas (Acquisition and Development) Amendment Bill, 2024

Ministry of Coal invites comments/feedback from the public as a part of the public consultation exercise on the draft amendments proposed in the **Coal Bearing Areas (Acquisition and Development) Amendment Bill, 2024**. Comments on the draft Bill may be sent by email on dk.solanki@nic.in and arvind.kumar70@nic.in latest by 27.12.2024.

	THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) AMENDMENT BILL, 2024
	A BILL further to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957. BE it enacted by the President in the Seventy-second Year of the Republic of India as follows:—
Short title and commencement.	1. (1) This Act may be called the Coal Bearing Areas (Acquisition and Development) Amendment Act, 2024. (2) It shall come into force at once.
Amendment of section 1.	2. In section 1 of the principal Act, in sub-section (2), the words “except the State of Jammu and Kashmir” shall be omitted.
Amendment of section 2.	3. In section 2 of the principal Act,— (i) in clause (b), for the words and figures “section 617 of the Companies Act, 1956”, after the words, brackets and figures “section 617 of the Companies Act, 1956 (1 of 1956)”, the words, brackets and figures “or clause (45) of section 2 of the Companies Act, 2013” shall be inserted; (ii) in clause (c), for the words, brackets and figures “the Mines and Minerals (Regulation and Development) Act, 1948”, the words, brackets and figures “the Mines and Minerals (Development and Regulation) Act, 1957” shall be substituted; (67 of 1957).
Amendment of section 10. Period of mining	6. In section 10 of the principal Act, for sub-section (2), the following section shall be substituted, namely:— 10(2) Notwithstanding anything contained in any other law in force for the time being in force, where the rights under any mining lease [granted or deemed to have been granted by a State Government] to any person

lease be the whole life of the mine.	are acquired under this Act, the Central Government shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Central Government, the period being the whole life of the mine.
Amendment of section 11.	<p>7. In section 11 of the principal Act, for sub-section (2), the following section shall be substituted, namely, namely:—</p> <p>11(2). Notwithstanding anything contained in any other law in force for the time being in force, where the rights under any mining lease acquired under this Act vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Government company, the period of lease thereof being for the whole life of the mine.</p> <p>After sub-section (2) of section 11 of the principal Act, the following sub-sections shall be inserted, namely:—</p> <p>11(3). The Central Government may by notification/order, issue guidelines for leasing of land or the rights in or over the land on such terms and conditions as deemed appropriate.</p> <p>11(4). The Government Company can also assign/lease the land along with rights in or over the land in accordance with the guidelines issued by the Central Government.</p>
Insertion of new section 11A. Denotification.	<p>8 . After section 11 of the principal Act, the following section shall be inserted, namely:—</p> <p>11A. Denotification.— Where it appears to Central Government that land already acquired under CBA(A&D) Act 1957 is no more required, it can de-notify in part or full, as the case may be, by publishing denotification of such land by following the procedure prescribed in the rules made under this Act.</p>

Amendment of section 13	9. In section 13 of the principal Act, sub-sections (5), (5A) and (6) shall be omitted.
Insertion of new section 13A.	10. After section 13 of the principal Act, the following section shall be inserted, namely:— 13A. Compensation for land and Structure, Rehabilitation and Resettlement to land owners & affected persons.— Where land has been acquired under the Act, compensation, rehabilitation & resettlement shall be provided to landowners, affected persons as per Schedule I, II & III of RFCTLARR Act 2013 and rules/orders corresponding to these schedules as issued or amended by the Government from time to time.
Amendment of section 14.	11. In section 14 of the principal Act, in sub-section (7), for the words and figures, “the Arbitration Act, 1940”, the words and figures, “the Arbitration and Conciliation Act, 1996” shall be substituted. (26 of 1996.)
Insertion of new section 14A.	12. After section 14 of the principal Act, the following section shall be inserted, namely:— 14 A. Exemption from Income tax, stamp duty and fees.— No income tax or stamp duty shall be levied on any award or agreement made under this Act.
Amendment of section 17.	13. In section 17 of the principal Act, for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely:— (1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central Government or the Government Company, as the case may be, shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub- section (2). (2) If the persons interested entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof, the Central Government or the Government Company, as the case may be, shall deposit the amount of compensation with the Tribunal: Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount: Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso shall be entitled

	<p>to prefer a claim for compensation before the Tribunal:</p> <p>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.</p> <p>(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government or the Government Company as the case may be shall be liable to pay interest thereon at the prescribed rate of interest per annum from the time the compensation became due until it shall have been so paid or deposited.</p>
Insertion of new section 29.	<p>14. After section 28 of the principal Act, the following section shall be inserted, namely:—</p> <p>29. Transfer/Return/vesting of land, for reuse after closure of mine or for use of land which is unviable for mining: Where it appears to Central Government that any land acquired under this Act is no more required, can transfer/return/vest such land for various uses as it may deem fit, in part or full as the case may be, by following the procedure prescribed in the rules made under this Act and publishing notification of such land.</p>

Statement on proposed amendments

S. No.	Existing sections in the Principal Act	Proposed amendment
1.	This Act may be called the Coal Bearing Areas (Acquisition and Development) Act, 1957.	This Act may be called the Coal Bearing Areas (Acquisition and Development) Amendment Act, 2024.
2.	Section 1(2): It extends to the whole of India, except the State of Jammu and Kashmir.	It extends to the whole of India.
3.	Section 2: Definitions.— In this Act, unless the context otherwise requires,— (b) “Government company” means a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956), in which any land or rights in or over land shall have vested under section 11;	In section 2 of the principal Act, — (i) in clause (b), for the words and figures “section 617 of the Companies Act, 1956”, after the words, brackets and figures “section 617 of the Companies Act, 1956 (1 of 1956)”, the words, brackets and figures “ or clause (45) of section 2 of the Companies Act, 2013 ” shall be inserted;

	(c) “Mineral Concession Rules” means the rules for the time being in force made under the Mines and Minerals (Regulation and Development) Act, 1948 (53 of 1948);	(ii) in clause (c), for the words, brackets and figures “the Mines and Minerals (Regulation and Development) Act, 1948”, the words, brackets and figures “ the Mines and Minerals (Development and Regulation) Act, 1957 ” shall be substituted.
4.	<p>10. Vesting of land or rights in Central Government.—(1) On the publication in the Official Gazette of the declaration under section 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government free from all encumbrances.</p> <p>(2) Where the rights under any mining lease granted or deemed to have been granted by a State Government to any person are acquired under this Act, the Central Government shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Central Government, the period thereof being the entire period for which such a lease could have been granted by the State Government under those rules.</p>	<p>Amendment to Section 10(2) <u><i>Notwithstanding anything contained in any other law in force for the time being in force,</i></u> where the rights under any mining lease [granted or deemed to have been granted by a State Government] to any person are acquired under this Act, the Central Government shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Central Government, the period being the whole life of the mine.</p>
5.	<p>11. Power of Central Government to direct vesting of land or rights in a Government company.—(1) Notwithstanding anything contained in section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in</p>	<p>Amendment in Section 11: Following text may be added to sub-section (2): <u><i>Notwithstanding anything contained in any other law in force for the time being in force,</i></u> where the rights under any mining lease acquired under this Act vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State</p>

<p>the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction.</p> <p>(2) Where the rights under any mining lease acquired under this Act vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Government company, the period thereof being the entire period for which such a lease could have been granted by the State Government under those rules; and all the rights and liabilities of the Central Government in relation to the lease or the land covered by it shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of the Government company.</p>	<p>Government to the Government company, <u><i>the period of lease thereof being for the whole life of the mine.</i></u></p> <p>In Section 11, the following sub-sections may be added:</p> <p>sub-section (3): The Central Government may by notification/order, issue guidelines for leasing of land <u><i>or the rights in or over the land</i></u> on such terms and conditions as deemed appropriate.</p> <p>sub-section (4): The Government Company can also <u><i>assign/lease the land along with rights in or over the land</i></u> in accordance with the guidelines issued by the Central Government.</p> <p>After section 11, following section may be added:</p> <p>Section 11A. Denotification: Where it appears to Central Government that land already acquired under CBA(A&D) Act 1957 is no more required, it can de-notify in part or full, as the case may be, by publishing denotification of such land by following the procedure prescribed in the rules made under this Act.</p>
--	--

<p>6. 13. Compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, etc.</p> <p>(5) Where any land is acquired under section 9, there shall be paid compensation to the person interested the amount of which shall be determined after taking into consideration--</p> <p>(a) the market value of the land at the date of the publication of the notification under sub-section (1) of section 4;</p> <p>Explanation. -The value of any minerals lying in the land shall not be taken into consideration in determining the market value of any land;</p> <p>(b) the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the lime of the taking possession thereof;</p> <p>(c) the damage, if any, sustained by the person interested, at the time of taking possession of the land by reason of severing such land from other land;</p> <p>(d) the damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any other manner, or his earnings;</p> <p>(e) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and</p> <p>(f) the damage, if any, bona fide resulting from diminution of the profits of the land</p>	<p>Section 13(5), 13 (5A), 13(6) may be deleted.</p> <p>Section 13 A to be added as under: Section 13A Compensation for land and Structure, Rehabilitation and Resettlement to land owners & affected persons</p> <p>Where land has been acquired under the Act, compensation, rehabilitation & resettlement shall be provided to landowners, affected persons as per Schedule I, II & III of RFCTLARR Act 2013 and rules/orders corresponding to these schedules as issued or amended by the Government from time to time.</p>
---	---

	<p>between the time of the publication of the notification under sub-section (1) of section 4-and the time of the publication of the declaration under sub-section (2) of section 9.</p> <p>(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.</p> <p>(6) Where any operation carried on by or on behalf of the Central Government in the exercise of any powers conferred by this Act causes or is likely to cause damage to the surface of any land or any works thereon and in respect thereof no provision for compensation is made elsewhere in this Act, the competent authority shall pay or tender payment for all such damage, and, in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it is to be paid or tendered, he shall refer the dispute to the decision of the Tribunal.</p>	
7.	<p>14. Method of determining compensation.</p> <p>(7) Nothing in the Arbitration Act, 1940 (10 of 1940), shall apply to any proceedings under this section.</p>	<p>In sub-section (7), for the words and figures, “the Arbitration Act, 1940”, the words and figures, “the Arbitration and Conciliation Act, 1996” shall be substituted.</p> <p>New Section 14A may be added Section 14 A. Exemption from Income tax, stamp duty and fees – No income tax or stamp duty shall be levied on any award or agreement made under this Act.</p>
8.	<p>17. Payment of compensation.—</p> <p>(1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central Government shall pay it to</p>	<p>Amendment in Section 17 Payment of compensation.—</p> <p>(1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central</p>

	<p>them unless prevented by some one or more of the contingencies mentioned in sub-section (2).</p> <p>(2) If the persons interested entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof, the Central Government shall deposit the amount of compensation with the Tribunal: Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount: 1 [Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested 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.]</p> <p>(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per centum per annum from the time the compensation became due until it shall have been so paid or deposited.</p>	<p>Government or the Government Company, as the case may be, shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub- section (2).</p> <p>(2) If the persons interested entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof, the Central Government or the Government Company, as the case may be, shall deposit the amount of compensation with the Tribunal: Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount: Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested 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.</p> <p>(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government <u>or the Government Company as the case may be</u> shall be liable to pay interest thereon at the prescribed rate of interest per annum from the time the compensation became due until it shall have been so paid or deposited.</p>
9.	New Provision	Section 29: Transfer/Return/vesting of land, for reuse after closure of mine or for use of land which is unviable for mining: Where it appears to Central Government that any land acquired under this Act is no more required, can transfer/return/vest such land for various uses as it may deem fit, in part or full as the case may be, by publishing notification of such land.