THE COAL MINES LABOUR WELFARE FUND (REPEAL) ACT, 1986

ARRANGEMENT OF SECTIONS

SECTIONS

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THE COAL MINES LABOUR WELFARE FUND (REPEAL) ACT, 1986

ACT NO. 27 OF 1986

[23*rd May*, 1986.]

An Act to repeal the Coal Mines Labour Welfare Fund Act, 1947 and to provide for certain matters incidental thereto.

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

1. Short title and commencement.—(*1*) This Act may be called the Coal Mines Labour Welfare Fund (Repeal) Act, 1986.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "the Act" means the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947);

(*b*) "appointed day" means the date on which this Act comes into force;

(*c*) "Housing Board" means the Coal Mines Labour Housing Board constituted under section 6 of the Act.

3. Repeal of Act 32 of 1947 and dissolution of Housing Board.—On the appointed day, the Coal Mines Labour Welfare Fund Act, 1947 shall stand repealed, and the Coal Mines Labour Housing Board shall stand dissolved.

4. Consequential provisions.—On the dissolution of the Housing Board,—

(*a*) all rights and privileges of the Housing Board shall become the rights and privileges, respectively, of the Central Government;

(*b*) all properties, movable and immovable, including cash balances, reserve funds, investments and moneys lying to the credit of the Housing Board and all rights and interests in, or arising out of, such properties as were immediately before the appointed day, in the ownership, possession, power or control of the Housing Board, and all books of account, registers and records and all other documents of whatever nature relating thereto, shall vest in the Central Government;

(*c*) all the borrowings, liabilities and obligations of the Housing Board of whatever kind and subsisting immediately before the appointed day, shall be deemed on and from such day to be the borrowings, liabilities and obligations, as the case may be, of the Central Government;

(*d*) all contracts entered into, and all matters and things engaged to be done by, with or for, the Housing Board and subsisting immediately before the appointed day shall be deemed, on and from such day to have been entered into or engaged to be done by, with or for, the Central Government;

(*e*) all licences and permits granted to the Housing Board and in force immediately before the appointed day shall be deemed on and from such day to have been granted to the Central Government and shall have effect accordingly.

5. Power of Central Government to direct vesting of rights in a Government company.—Notwithstanding anything contained in section 4, 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 that Government may think fit to impose, direct, by an order in writing, that the right, title and interest of the Housing Board in relation to any property shall, instead of continuing to vest in it, vest in the Government company (hereinafter referred to as the Government company) either on the date of publication of the direction or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the direction, and on such vesting, the liability or obligation, as the case may be, of the Housing Board, in relation to such property shall, instead of continuing to be the liability or obligation of the Central Government, become the liability or obligation, as the case may be, of the Government company.

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1. 1st October, 1986, *vide* notification No. S.O. 681(E), dated 19th September, 1986, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

6. Continuation of suits, etc., against Central Government.—(*1*) if, on the appointed day, any suit appeal or other proceeding of whatever nature in relation to the Housing Board is pending by or against such Board, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the dissolution of the Housing Board; but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Central Government or the Government company, as the case may be.

(*2*) Where, before the appointed day, any cause of action for any suit or proceeding or any right to appeal arose in favour of, or against, the Housing Board, and the institution of any suit or proceeding on such cause of action or the filing of such appeal was not barred before the appointed day, such suit or proceeding may be instituted or appeal may be filed by or against the Central Government or the Government company, as the case may be.

7. Moneys, etc., of the Fund to be credited to the Consolidated Fund of India.—On the appointed day, all moneys and cash balances lying in the credit of the housing account and the general welfare account of the Coal Mines Labour Housing and General Welfare Fund constituted under section 4 of the Act, shall become part of, and be credited to, the Consolidated Fund of India.

8. Collection and payment of arrears of duty.—Notwithstanding the repeal of the Act, the proceeds of duty levied before the appointed day under section 3 of the Act,—

(*i*) if collected by the collecting agencies but not paid into the Reserve Bank of India; and

(*ii*) if not collected by the collecting agencies,

shall be paid or, as the case may be, collected and paid, into the Reserve Bank of India for being credited to the Consolidated Fund of India.

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