

F. No. 20011/2/2021-CMPF

Government of India
Ministry of Coal

Shastri Bhawan, New Delhi 110011

Dated: 08th October, 2025

Subject: Public Consultation on Draft of Coal Mines Employees' Provident Fund and Miscellaneous Provisions Bill, 2025, reg.-

The Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 was enacted to make provisions for framing of a Provident Fund Scheme, a Family Pension Scheme and a Deposit Linked Insurance Scheme for the workers employed in coal mines. The Act is a pre-constitution Act and has been amended several times. Considering the significant developments in areas such as industrial disputes resolution, working conditions, social security, wage regulation and digitalization, it is proposed to undertake a comprehensive review and strengthen the provisions of the Act. This will ensure its effectiveness in meeting the present and future needs of the coal sector.

2. In view of the above, Ministry of Coal proposes to repeal the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 and re-enact a new law with necessary modifications including legally institutionalizing CMPFO, to bring parity with Employees Provident Fund and Miscellaneous Provisions Act, 1952 and other social security laws and decriminalization of the existing penal provisions, to bring it in conformity with the current scenario and circumstances. Based on stakeholder consultations, draft Coal Mines Employees' Provident Fund and Miscellaneous Provisions Bill, 2025 has been prepared.


3 To facilitate further consultations, an explanatory note to provide a brief overview of the Bill has also been prepared. The draft Bill and Explanatory note are attached.

4. All the stakeholders are requested to send their comments / suggestions through email in MS-Office Word Format by 07th November 2025 at the email id- "**so-cmpf@gov.in**". The subject of the email should clearly mention "Comments/ suggestions on the proposed CMPF&MP Bill, 2025".

5. Alternatively, comments / suggestions may be addressed to the

Under Secretary, CMPF Section, Ministry of Coal, Government of India, Shastri Bhawan, New Delhi - 110001. The envelope may be superscribed with "Comments/suggestions on the proposed CMPF&MP Bill, 2025".

Encl: As above


(Kunal Prasad)

Under Secretary to the Government of India

Explanatory Note for consultation on Draft Coal Mines Employee's Provident Fund and Miscellaneous Provisions Bill, 2025

BACKGROUND

1.1 The Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 was enacted to make provisions for framing of a Provident Fund Scheme, a Family Pension Scheme and a Deposit Linked Insurance Scheme for the workers employed in coal mines.

1.2 The Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 is administered by the Ministry of Coal through Coal Mines Provident Fund Organization. As the Government of India is reviewing the pre-constitutional Acts to assess their continued relevance in the present context, it has been considered necessary to take remedial actions, including repeal, re-enactment or consolidation of multiple central acts governing similar subject matter into single, streamlined enactment, as the case may be.

1.3 The Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 has been amended 7 times, in the years 1950, 1951, 1965, 1970, 1971, 1976 and 1996. Considering the significant developments in areas such as industrial disputes resolution, working conditions, social security, wage regulation and digitalization, particularly the enactment of four labour codes in the recent past, it has been observed that in order to address the existing shortcomings in the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 and to obviate the difficulties experienced by the Coal industry, it is essential to undertake a comprehensive review and strengthen the provision of the Act. This will ensure its effectiveness in meeting the present and future needs of the coal sector.

1.4 It is, therefore, proposed to repeal the Coal Mines Provident

Fund and Miscellaneous Provisions Act, 1948 and re-enact a new law with necessary modifications including legally institutionalizing the organization, to bring parity with Employees Provident Fund and Miscellaneous Provisions Act, 1952 and other social security laws and decriminalization of the existing penal provisions, to bring it in conformity with the current scenario and circumstances.

Salient features of the Coal Mines Employee's Provident Fund and Miscellaneous Provisions Bill, 2025

2.1 That the structure of the Act has been comprehensively modified.

2.2 That the existing Board of Trustees (BoT) is proposed to be replaced with the Coal Mines Employee's Provident Fund Board, thereby ensuring more robust and accountable regulatory framework. The constitution of the Board has also been modified to ensure efficient governance, adequate representation and effective oversight of the administration of the Provident Fund.

2.3 To promote gender inclusivity and representation, it is proposed that out of six persons representing employees, at least one representative shall mandatorily be a woman.

2.4 That various detailed modes of recovery of dues have been incorporated in the proposed Bill, thereby strengthening the enforcement mechanism and ensuring timely realization of provident fund dues.

2.5 That provisions have been made for the transfer of provident fund amounts to other establishments, thereby facilitating the mobility of employees and ensuring continuity of benefits.

2.6 That the penal provisions of the Act have been proposed to be partially decriminalized, with the substitution of imprisonment by monetary penalties and additional penalties, thereby ensuring a more pragmatic and reformative approach.

2.7 That the appointment of Adjudicating Officers for the determination and imposition of penalties has been proposed, ensuring a fair and expeditious informal adjudication process.

2.8 That a new fund, namely the "Protection of Coal Mines Employees Fund," is proposed to be established, providing mechanism to safeguard the welfare and interests of coal mines employees.

2.9 That an opportunity to prefer an appeal before the Central Industrial Tribunal, constituted by the Central Government under Section 7A of the Industrial Disputes Act, 1947, has been proposed, thereby providing an effective appellate remedy.

2.10 That the proposed Act contains provisions for repeal and savings, thereby ensuring a smooth transition from the existing

legal regime to the new framework without prejudice to rights and liabilities accrued under the repealed enactment.

**THE COAL MINES EMPLOYEES' PROVIDENT FUND AND
MISCELLANEOUS PROVISIONS BILL, 2025**
Or
**BHARTIYA KOYALA KHADAAN KARMACHAAREE BHAVISHYA NIDHI EVAM
VIVIDH PRAAVADHAAN BILL, 2025**

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THE SECOND SCHEDULE—MATTERS TO BE PROVIDED FOR IN THE COAL
MINES EMPLOYEES' PENSION SCHEME.

	<p>THE COAL MINES EMPLOYEES' PROVIDENT FUND AND MISCELLANEOUS PROVISIONS BILL, 2025</p> <p>OR</p> <p>BHARTIYA KOYALA KHADAAN KARMACHAAREE BHAVISHYA NIDHI EVAM VIVIDH PRAAVADHAAN BILL, 2025</p>	
	A	
	BILL	
	to consolidate and amend the laws relating to the Provident Fund and Pension of the persons employed in the coal mines for the purpose of their social security and for other matters connected therewith or incidental thereto.	
	BE it enacted by the Parliament in the Seventy-sixth Year of the Republic of India as follows:—	
	<p>CHAPTER 1</p> <p>Preliminary</p>	
Short title, extent and commencement.	<p>1.(1) This Act may be called the Coal Mines Employees' Provident Fund and Miscellaneous Provisions Act , 2025.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may by notification in the Official Gazette appoint:</p> <p>Provided that different dates may be appointed for the different provisions of this Act and any reference in any such provision to the</p>	

	commencement of this Code shall be construed as a reference to the coming into force of that provision.	
Definitions.	<p>2. (1) In this Act, unless the context otherwise requires,-</p> <p>(a) “appropriate Government”, in relation to a coal mine, means-</p> <p style="padding-left: 40px;">(i) an establishment belonging to, or under the control of, the Central Government;</p> <p style="padding-left: 40px;">(ii) any body established by the Central Act, the Central Government; or</p> <p style="padding-left: 40px;">(iii) any Central Public Sector undertaking or its subsidiaries companies, the Central Government;</p> <p style="padding-left: 40px;">(iv) a major port, the Central Government; or</p> <p style="padding-left: 40px;">(v) in relation to an establishment having departments or branches in more than one State, the Central Government; and</p> <p style="padding-left: 40px;">(vi) any establishment other than under clauses (i) to (v), the State Government;</p> <p>(b) “authorised officer” means the Coal Mines Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the Official Gazette;</p> <p>(c) “Basic wages” means all the emoluments, whether earned while on duty or while on leave with pay including, —</p>	

	<p>(i) variable dearness allowance;</p> <p>(ii) special dearness allowance;</p> <p>(iii) underground allowance, (if applicable) ;</p> <p>(iv) non practising allowance for doctors; and</p> <p>(v) overtime allowance,</p> <p>but does not include all payments for food concession, dearness allowance, house rent and other similar allowances, bonus, commission, presents, or donations;</p> <p>(d) “Board” means the Coal Mines Employees’ Provident Fund Board constituted under section 3;</p> <p>(e)“coal” means a solid, combustible, fossil sedimentary rock and includes anthracite, bituminous coal, lignite, peat and any other forms of carbonaceous matter classified as coking coal or non-coking coal and metallurgical coal;</p> <p>(f) “coal mine” means a place where any excavation or operation for the purpose of searching for or obtaining coal has been or is being carried on or any kind of work whatsoever which is preparatory or incidental to, or connected with, coal mining operations and includes –</p> <p>(i) all borings and bore holes;</p> <p>(ii) all shafts, in or adjacent to and belonging to a coal mine, whether in the course of being sunk or not;</p> <p>(iii) all levels and inclined planes in the</p>	
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	<p>course of being driven;</p> <p>(iv) any open cast working or quarry, not being a shaft or an excavation which extends below superjacent ground;</p> <p>(v) all conveyors or aerial rope-ways or railway freight cargo wagons provided for the bringing into or removal from a coal mine of coal or other articles or for the removal of refuse therefrom;</p> <p>(vi) all adits, levels, planes, machinery, works, railways, tramways and sidings, in or adjacent to and belonging to a coal mine;</p> <p>(vii) all workshops situated within the precincts of a coal mine and under the same management and used for purposes connected with that coal mine or a number of coal mines under the same management;</p> <p>(viii) any office of a coal mine;</p> <p>(ix) all power stations for supplying electricity for the purpose of working in the coal mine or a number of coal mines under the same management;</p> <p>(x) any premises for the time being used for depositing refuse from a coal mine, or in which any operation in connection with such refuse is being carried on, being premises exclusively occupied by the</p>	
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	<p>employer of the coal mine;</p> <p>(xi) all hospitals, canteens, creches and schools maintained for the benefit of the employees of a coal mine or a number of coal mines under the same management;</p> <p>(xii) any coke oven or plant;</p> <p>(xiii) any premises in or adjacent to and belonging to a coal mine, on which any plant or other machinery connected with a coal mine is situated or on which any process ancillary to the work of a coal mine is being carried on;</p> <p>(g) “Commissioner” means the Coal Mines Employees’ Provident Fund Commissioner appointed under section 5 ;</p> <p>(h)"contractor", in relation to coal mines, means any person who undertakes to provide or supply contract employees for any work of the establishment and includes a sub-contractor;</p> <p>(i) “contribution” means the contribution payable in respect of a member under the Coal Mines Employees’ Provident Fund Scheme and Coal Mines Employees’ Pension Scheme made under this Act;</p> <p>(j) “child” means any individual under the age of 18 years.</p> <p><i>Explanation:</i> - For the purposes of this clause, child includes legitimate, illegitimate and legally</p>	
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	<p>adopted child;</p> <p>(k) “dependant” in relation to a deceased employee means-</p> <p>(a) a widow,</p> <p>(b) a minor legitimate or adopted son,</p> <p>(c) an unmarried legitimate or adopted daughter,</p> <p>(d) a widowed mother,</p> <p>(e) a legitimate or adopted son or a daughter who has attained the age of eighteen years and who is infirm, if he or she is wholly dependant on the earnings of the employee at the time of his death;</p> <p>(f) if wholly or in part dependent on the earnings of the employee at the time of his death,—</p> <p>(i) a minor illegitimate son, an unmarried illegitimate daughter,</p> <p>(ii) a minor brother or an unmarried sister or a widowed sister,</p> <p>(iii) a widowed daughter,</p> <p>(iv) widowed daughter-in-law,</p> <p>(v) a minor child of a pre-deceased son,</p> <p>(vi) a minor child of a pre-deceased daughter where no parent of the child is</p>	
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	<p>alive,</p> <p>(vii) a grandparent, if no parent of the employee is alive, and</p> <p>(viii) a parent other than a widowed mother;</p> <p>(l) “employee” means any person who is employed to do any kind of work, any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward or wages whether the terms of employment be express or implied and includes-</p> <p>(i) any person employed by or through a contractor or sub-contractor in or in connection with the coal mine; and</p> <p>(ii) any other person who is employed as a sanitary worker, mali, or teacher in or in connection with a coal mine and who receives wages directly or indirectly from the employer; and</p> <p>(iii) any person engaged or hired by the contractor or sub-contractor in connection with the coal mine for such minimum period as may be specified by the Board;</p> <p>(iv) any person employed by or through a contractor or sub-contractor in or in connection with transportation of the coal from the coal mines; and</p> <p>(v) any person who is not an excluded employee;</p> <p>(vi) any person who is not apprentice or trainee;</p> <p>(m) “employer” means-</p>	
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	<p>(i) any person who is the immediate proprietor or lessee or occupier of the coal mine or of any part thereof; and</p> <p>(ii) in the case of a coal mine, the business whereof is being carried on by an insolvency professional or liquidator or receiver, such professional or liquidator or receiver; and</p> <p>(iii) in the case of a coal mine owned by a company, the business whereof is being carried on by a managing agent, such managing agent;</p> <p>(iv) the person who, or the authority which has ultimate control over the affairs of the establishment and where the said affairs are entrusted to a manager or managing director, such manager or managing director:</p> <p style="padding-left: 40px;">Provided that the employer does not include a person-</p> <p style="padding-left: 40px;">(A) who merely receives a royalty or rent from the coal mine; or</p> <p style="padding-left: 40px;">(B) who is merely the proprietor of the coal mine under any lease, grant or licence for the working thereof; or</p> <p style="padding-left: 40px;">(C) who is merely the owner of the soil and not interested in the coal of the coal mine:</p> <p style="padding-left: 40px;">Provided further that any contractor or sub-contractor for the working of a coal mine or any part thereof shall be subject to the provisions of this Act in like manner as if he were an employer but not so as to exempt the employer from any liability;</p>	
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	<p>(n) “enforcement officer” means an enforcement officer appointed under section 26;</p> <p>(o) “establishment” means any coal mine or a place where activities incidental to coal mining is carried on:</p> <p style="padding-left: 40px;">Provided that where an establishment consists of different departments or has branches, whether situate in the same place or in different places, all such departments or branches shall be treated as parts of the same establishment.</p> <p><i>Explanation.</i>-For the purposes of this clause, the establishment does not include any place where the trading in coal takes place in any manner.</p> <p>(p)“excluded employee” means an employee—</p> <p style="padding-left: 40px;">(i) who, having been a member of the Fund, withdraws the amount of his accumulation in the Fund either in whole or in part on permanent retirement-</p> <p style="padding-left: 80px;">(A) after attainment of the age of 60 years; or</p> <p style="padding-left: 80px;">(B) after attaining such age as is fixed under any contract; or</p> <p style="padding-left: 80px;">(C) on retirement on account of total incapacity due to bodily or mental infirmity acquired after attaining the age of 50 years, or,</p> <p style="padding-left: 40px;">(ii) who is employed by a contractor for construction or building work;</p> <p style="padding-left: 40px;">(iii) who is employed as a security guard by</p>	
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	<p>Directorate General Resettlement;</p> <p>(q) family”, in relation to an employee, means-</p> <ul style="list-style-type: none"> (i) a spouse; (ii) a minor child; (iii) a child who is dependent on the earnings of the employee under clause (k) of this section and who is— <ul style="list-style-type: none"> (A) an unmarried daughter; (B) a widowed daughter; (C) a widowed daughter-in law; (iv) dependent parents including father-in-law and mother-in-law of a woman employee; (v) in case the employee is unmarried and his parents are not alive, a minor brother or sister wholly dependent upon the earnings of the employee; <p>(r) “Fund” means the Coal Mines Employees’ Provident Fund established under the Coal Mines Employees’ Provident Fund Scheme sub-section (1) section 14;</p> <p>(s) “Member” means a subscriber to the Fund;</p> <p>(t) “Pension Fund” means the Coal Mines Employees’ Pension Fund established under sub-section (1) section 22;</p> <p>(u) “Pension Scheme” means the Coal Mines Employees’ Pension Scheme framed under sub-clause (1) of section 21;</p>	
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	<p>(v) “prescribed” means prescribed by rules made under this Act;</p> <p>(w) “Provident Fund Scheme” means the Coal Mines Employees’ Provident Fund Scheme framed under sub-section (1) section 14;</p> <p>(x) “Recovery Officer means an officer of the Board appointed under section 6 as the Recovery officer;</p> <p>(y) “specified” means specified by the Board; and</p> <p>(z) “superannuation”, in relation to an employee who is a member of the Pension Scheme, means the attainment, by the said employee, of such age as is fixed in the contract or conditions of service as the age on the attainment of which such employee shall vacate the employment :</p> <p style="padding-left: 40px;">Provided that where age is not fixed, the superannuation age shall be sixty years.</p> <p>(2) The terms and expressions not defined in this Act shall have the meaning assigned to them in the Provident Fund Act, 1925, the Payment of Wages Act, 1936, Employees Provident Funds and Miscellaneous Provisions Act 1952 and the Coal Mines Act 1952, or any such other laws for the time being in force.</p>	<p>19 of 1925</p> <p>4 of 1936</p> <p>19 of 1952</p> <p>35 of 1952</p>
	CHAPTER 2 COAL MINES EMPLOYEES’ PROVIDENT FUND BOARD	

<p>Constitution of Coal Mines Employees' Provident Fund Board.</p>	<p>3. (1) The Central Government may, by notification in the Official Gazette, constitute, with effect from such date as may be specified therein, the Coal Mines Employees' Provident Fund Board (hereinafter in this Act referred to as the Board).</p> <p>(2) The Board shall consist of the following members, namely: -</p> <p>(a) a Chairperson, to be appointed by the Central Government;</p> <p>(b) the Coal Mines Employees' Provident Fund Commissioner, Member <i>ex-officio</i>;</p> <p>(c) three persons nominated by the Central Government;</p> <p>(d) one officer of the Pension Fund Regulatory and Development Authority, not below the rank of Joint Secretary-<i>ex-officio</i>;</p> <p>(e) not more than six persons representing Governments of such States as the Central Government may specify in this behalf;</p> <p>(f) six persons representing employers of the establishments to which this Act applies, appointed by the Central Government in consultation with the employers of such establishments, as may be recognised by the Central Government in this behalf;</p> <p>(g) six persons representing employees in the establishments to which this Act applies, appointed by the Central Government in consultation with employees' organisations, as may be recognised by the Central Government in this behalf:</p> <p>Provided that at least one of the</p>	
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	<p>representatives of employees shall be a woman.</p> <p>(3) The Board may co-opt any person as a special invitee having special knowledge and experience in the field of law, finance, economics, management or such other field as the Board considers relevant.</p> <p>(4) The Board constituted under section (2) shall be a body corporate, having perpetual succession and a common seal, and shall sue and be sued by the name specified in the notification under that section.</p>		
Terms and Conditions of Chairperson and Members of Board.	<p>4. (1) The term of office of the Chairperson and members (other than <i>ex-officio</i> members) shall be five years or till they attain the age of sixty- five years, whichever is earlier, and they shall be eligible for re-appointment.</p> <p>(2) The other terms and conditions of the Chairperson and members of Board (other than the <i>ex-officio</i> members) shall be such as may be prescribed.</p>		
Appointment of Provident Fund Commissioner, and other officers.	<p>5. (1) The Central Government shall appoint a Coal Mines Employees' Provident Fund Commissioner who shall not be below the rank of Joint Secretary.</p> <p>(2) The Commissioner shall be the Chief Executive Officer of the Board and shall be subject to the general control and superintendence of that Board.</p> <p>(3) The Central Government shall appoint a Financial Adviser and Chief Accounts Officers,</p>		

	<p>Additional Commissioners and Assistant Commissioner to assist the Commissioner in the discharge of his duties.</p> <p>(4) The conditions of service of the Commissioner, Additional Commissioners, Financial adviser, Chief Accounts Officer and Assistant Commissioner shall be such as may be prescribed by the Central Government.</p>		
Appointment of officers and employees by Board.	<p>6. (1) The Board may appoint such number of Recovery Officers and other officers and employees as it may consider necessary for the efficient discharge its functions.</p> <p>(2) The method of recruitment and other conditions of service of the officers and employees appointed by the Board shall be such as may be specified by that Board.</p>		
Meetings of the Board.	<p>7. (1) The Board shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meeting (including quorum at such meetings) as may be specified by the Board.</p> <p>(2) A member of the Board shall cease to be the member, if he fails to attend three consecutive meetings of the Board without obtaining leave of absence from the Chairman of the Board.</p>		
Resignation of Chairperson or a Member of	<p>8. The Chairperson or a Member of the Board may resign his office by notice in writing to the Central</p>		

Board.	Government and his office shall fall vacant from the date on which his resignation is accepted or on the expiry of 30 days from the date of receipt of the letter of resignation whichever is earlier.	
Acts of the Board not to be invalid by reason of defect in constitution of Board.	9. No act of the Board shall be deemed to be invalid by reason of any defect in the constitution of the Board or on the ground that any members thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in the appointment or by reason of such act having been done during the period of any vacancy in the Board.	
Disqualifications of Member of Board.	10. A person shall be disqualified for being appointed as and for being a Member of Board, if – (i) he is declared to be of unsound mind by a competent court; or (ii) he is an undischarged insolvent; or (iii) before or after commencement of the Act, he has been convicted of an offence involving moral turpitude; or (iv) he, as an employer in relation to a coal mine to which the Scheme applies has defaulted in the payment of any dues to the Board or the Fund recoverable from him under the Act or the Scheme, as the case may be.	
	CHAPTER 3 POWERS AND FUNCTIONS OF COAL MINES EMPLOYEES' PROVIDENT FUND BOARD AND COMMISSIONER	

<p>Powers Functions Board.</p> <p>and of</p>	<p>11. (1) The Board shall, subject to the provisions of this Act-</p> <p>(a) administer the Provident Fund vested in it under sub-section (2) of section 14 in such manner as may be specified in the Coal Mines Employees' Provident Fund Scheme.</p> <p>(b) administer the Pension Fund vested in it under sub-section (2) of section 22 in such manner as may be specified in the Coal Mines Employees' Pension Scheme.</p> <p>(c) maintain proper accounts of its income and expenditure in such form and in such manner as the Central Government may, after consultation with the Comptroller and Auditor- General of India, prescribe;</p> <p>(d) transfer, where necessary, the provident fund account of any employee;</p> <p>(e) issue instructions for guidance of officers and recovery of dues as to contribution by the employer.</p> <p>(2) The Board may constitute advisory committee and such number of other Committees as it considers necessary in such manner as may be specified for the purposes of this Act.</p> <p>(3) The Board shall invest the Provident Fund monies in accordance with the directions issued by the Central Government from time to time</p> <p>(4) In particular and without prejudice to the</p>	
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	generality of the provisions of sub-section (1), the Board may perform all or any of the functions as it may be required to perform by or under any provisions of this Act and schemes made thereunder.		
Power to take other temporary casual social Security measures.	12. Where the Board is of the opinion that it is expedient to do so, it may, with the approval of the Central Government, take such other temporary or casual social security measures for the benefit of employees of coal mines which are not provided on the date of the commencement of this Act.		
Powers and functions of Commissioner.	<p>13. (1) The Commissioner shall be responsible for implementing the provisions of this Act and the Schemes framed thereunder.</p> <p>(2) Without prejudice to the provisions of sub-section (1), the Commissioner shall have power to-</p> <p>(a) determine the amount due to the employer or contractor;</p> <p>(b) conduct inquiry for the purposes of determination of amount due in respect of any contribution payable to the Fund or the pensions fund as the case may be, damages recoverable under this Act, accumulations required to be transferred under the provisions of this Act or any charges payable by him under any of the provisions of this Act or of any provisions of the any Scheme;</p> <p>(c) issue Recovery Certificate to the Recovery</p>		

	<p>officer or modify or withdraw the same in the manner as may be specified;</p> <p>(d) authorise officers to exercise powers for the purposes of implementation of the Schemes under this Act;</p> <p>(e) undertake administrative measures for facilitating employees and employers for maintenance of and transfer of their Funds and accounts; and</p> <p>(e) exercise such other powers as may be delegated or required for the efficient administration and implementation of the Schemes under this Act.</p>		
	<p style="text-align: center;">CHAPTER 4</p> <p style="text-align: center;">COAL MINES EMPLOYEES' PROVIDENT FUND SCHEME AND PENSION SCHEME</p>		
Coal Mines Employees' Provident Fund Scheme and Fund.	<p>14.(1) The Board shall, in consultation with the Central Government, by notification in the Official Gazette, frame a scheme to be called the Coal Mines Employees' Provident Fund Scheme for the establishment of a Provident Fund for employees of the coal mines.</p> <p>(2) The Coal Mines Employees' Provident Fund shall vest in the Board.</p> <p>(3) Any scheme framed under the provisions of sub-section (1) may provide for all or any of the matters provided in the First Schedule.</p>		
Employees required to join	<p>15.(1) Every employee in a coal mine shall be required to join the Coal Mines Employees</p>		

the Fund.	<p>Provident Fund and become its member immediately after such period of joining the establishment, as may be specified in the Scheme.</p> <p>(2) An employee shall subscribe to the Provident Fund at such rate as may be specified in the Provident Fund Scheme.</p>	
Compulsory Contributions by employers and employees.	<p>16. (1) The contribution which shall be paid by the employer to the Fund shall be such percentage, as may be specified, of the basic wages for the time being payable to each of the employees (whether employed by him directly or by or through a contractor or sub- contractors in such manner as may be specified in the Scheme.</p> <p>(2) The employees' contribution shall be equal to the contribution payable by the employer under sub-section (1) in respect of such employees.</p>	
Voluntary contribution by members.	<p>17. (1) A member may, if he so desires, contribute in excess of the compulsory contribution specified under section 16, not exceeding such percent of the basic wage, as may be specified in the Scheme.</p> <p>(2) A member desirous of making voluntary contribution under sub-section (1) shall apply to the Commissioner or to any other officer authorised by him in this behalf in such form and manner as may be specified by the Commissioner.</p> <p>(3) The Commissioner or any other Officer so authorised by him may permit a member to discontinue his voluntary contribution at any time.</p>	

	(4) The employer shall not be required to add any matching contribution on the voluntary contribution specified in the Schemes by members in excess of their compulsory contribution.		
Deposit of Coal Mines Employees Provident Fund.	18. All monies belonging to the Coal Mines Employees' Provident Fund shall be deposited in the Coal Mines Employees Provident Fund Account maintained in such bank and in such manner as may be specified by the Board.		
Disposal of the Coal Mines Employees' Provident Fund.	<p>19.(1) The Coal Mines Employees Provident Fund shall not, except with the previous sanction of the Central Government, be expended for any purpose other than the payment of the sums standing to the credit of individual members of the Fund or to their nominees or heirs or legal representatives in accordance with the provision of Coal Mines Employees' Provident Fund Scheme.</p> <p>(2) The amount of the Fund credited to the Reserve Fund, may in accordance with such instructions as the Central Government may issue from time to time be expended for any or all of the following purposes :-</p> <ul style="list-style-type: none"> (i) for providing financial assistance to the nominees or heirs or legal representatives of deceased members; (ii) for financing any Scheme for the benefit of the dependents of employees died or disabled in accidents in coal mines; 		

	<p>(iii) for making payments to outgoing members and to the nominees or heirs or legal representatives of deceased members where Provident Fund contributions or Pension Fund contributions, or both in respect of such members have, either in whole or in part, not been deposited into the Fund by their employers; and</p> <p>(iv) for stabilizing the rate of interest allowed to the members under this Scheme.</p> <p><i>Explanation.</i> - For the purposes of this section, the Coal Mines Employees' Provident Fund shall not include the amount in the Reserve Fund and the Administration Account.</p>	
Withdrawal from Fund.	<p>20. A member, who subscribes to the Provident Fund, may withdraw such amount and in such manner as may be specified in the Provident Fund Scheme from the total amount standing to his credit of the fund.</p>	
Coal Mines Employees' Pension Scheme.	<p>21. (1) The Board, in consultation with the Central Government, shall, by notification in the Official Gazette, frame a scheme to be called the Coal Mines Employees' Pension Scheme providing for-</p> <p>(a) superannuation pension, retiring pension or permanent total disablement pension to the persons employed in any coal mine or class of coal mines to which this Act applies;</p> <p>(b) widow or widower pension, children pension or orphan pension and life</p>	

	<p>assurance benefits, if any, payable to the beneficiaries of such employees;</p> <p>(c) payment of pension amount to-</p> <p>(i) to nominee of single or divorced or widow member as the case may be in the event of death of the member</p> <p>(ii) next kin of widow of member in case of death of widow beneficiary ; and</p> <p>(d) for the administration of the Pension fund.</p> <p>(2) A Scheme framed under the provision of sub-section (1) may provide for all or any of the matters provided in the Second Schedule.</p>	
Coal Mines Employees Pension Fund.	<p>22. (1) The Board, in consultation with the Central Government shall, by notification in the Official Gazette, establish the Coal Mines Employees Pension Fund.</p> <p>(2) The Pension Fund shall vest in and be administered by the Board in such manner as may be specified in the Pension Scheme.</p> <p>(3). There shall be credited into the Pension Fund from time to time -</p> <p>(a) such sums, as may be decided by the Central Government payable it shall come into force on such date as the Central Government may by notification in the Official Gazette appoint:</p> <p>Provided that different dates may be appointed for the different provisions of this Act and any reference in any such provision to the</p>	

	<p>commencement of this Code shall be construed as a reference to the coming into force of that provision as the employer's contribution and such sum as the employee's contribution, as may be specified in the Pension Scheme;</p> <p>(b) such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, specify;</p> <p>(c) the net assets of the Pension Fund as existed immediately before the commencement of the provisions of this Act; and</p> <p>(d) any other contribution which may be made to the Pension Fund with the previous approval of the Central Government.</p>	
	CHAPTER 5 DUTIES AND OBLIGATIONS OF THE EMPLOYERS AND CONTRACTORS	
Duties and obligations of the employers, contractor, etc.	<p>23. (1) (1) It shall be the responsibility of every employer or contractor or sub-contractor, as the case may be, to ensure the payment of subscription of employees and contribution of employers or contractors or sub-contractor, as the case may be, towards provident fund which shall be made in the manner as may be specified by the Board in the Scheme relating to the Fund.</p> <p>(2) The employer, while paying any wages to a member employed by him directly and a contractor while paying any wages to a member employed by or through him, shall deduct from the</p>	

	<p>wages payable to such employee, the member's subscription for the period to which his wages relate in such manner as may be specified in the Scheme.</p> <p>(3) The amount of contribution, and any charges for meeting the cost of administering the Fund paid or payable by an employer in respect of an employee employed by or through a contractor may be recovered by such employer from the contractor, either by deduction from any amount payable to the contractor, under any contract or as a debt payable by the contractor.</p> <p>(4) Notwithstanding any contract to the contrary, no contractor shall be entitled to deduct the employer's contribution or the charges referred to in sub-section (3) from the basic wages payable to an employee employed by or through him or otherwise to recover such contribution or charges from such employee.</p> <p>(5) The contractor or sub-contractor shall furnish to the employer the details of the contribution payable or paid relating to the wage period for which it becomes due in such manner as may be specified.</p> <p>(6) The contractor shall furnish to the employer such other documents and information as the employer may require for the purpose of submitting returns under Provident Fund scheme.</p>	
Employer not to	24. Without prejudice to the liability of any	

reduce wages, etc.	employer for the payment of any contribution and charges under this Act, no employer shall reduce, directly or indirectly, the wages of any employee to whom the Scheme applies or the total quantum of benefits in the nature of old age pension or gratuity or Provident Fund to which the employee is entitled under the terms of his employment, express or implied.		
Grievance Redressal Committee.	<p>25. (1) Every establishment shall have Grievance Redressal Committee for the resolution of grievances of coal mine employees engaged by the employer or contractor or sub-contractor, as the case may be, in such manner as may be specified.</p> <p>(2) The Grievance Redressal Committee shall consist of equal number of members from the employer and the employees as may be specified.</p> <p>(3) The Grievance Redressal Committee shall have have the duty of mediating in and promoting the settlement of grievances between employer and employees..</p>		
	CHAPTER 6 ENFORCEMENT OFFICERS		
Appointment of Enforcement Officer.	26. The Board may, by notification in the Official Gazette, appoint such persons as it thinks fit to be the Enforcement Officers for the purposes of this Act and Schemes made thereunder in such manner		

	as may be specified and may define their jurisdiction.		
Powers and functions of Enforcement Officers.	<p>27. (1) Any Enforcement Officer appointed under section 26 may, in respect of any coal mine within his jurisdiction, require an employer or any contractor or sub-contractor from whom any amount is recoverable under the provisions of this Act-</p> <p>(a) to furnish such information as he considers necessary for the purposes of the Act;</p> <p>(b) to produce in the office of the Enforcement Officer such accounts, books, registers and other documents, relating to the employment of persons in a coal mine as he may consider necessary for the purposes of any scheme framed under this Act;</p> <p>(c) at any reasonable time enter and search any coal mine and require any one found in charge thereof to produce before him such accounts, books, registers and other documents relating to the employment of persons in the coal mine as he may consider necessary;</p> <p>(d) examine, with respect to any matter relevant to any of the purposes under clause (a), (b) or (c) above, the employer or any contractor from whom any amount is recoverable under the provisions of this Act, his agent or servant or any other person found in charge of the coal mine or whom the Enforcement Officer has reasonable cause to believe to be or to have been an employee in the</p>		

	<p>coal mine.</p> <p>(e) make copies of, or take extracts from, any accounts, books, registers or other documents maintained in relation to a coal mine and where he has reason to believe that any non-compliance or contravention under this Act has taken place by an employer or contractor; and</p> <p>(f) exercise such other powers as the Scheme may provide.</p> <p>(2) The Enforcement Officer, for the purposes of inquiring into the correctness of any information furnished by the employer under this Act or for ascertaining compliance of any provision of this Act, exercise all or any of the powers conferred under sub-section (1).</p> <p>(2) Every person required to furnish any information or produce any document under clause (a) or clause (b) of sub-section (1) shall be deemed to be legally bound to do so within the meaning of section 210 of the Bharatiya Nyaya Sanhita, 2023.</p> <p>(3) The provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 shall, so far as may be apply to any search or seizure under sub-section (2) as they apply to any search or seizure made under the authority of a warrant issued under section 97 of the Bharatiya Nagarik Suraksha Sanhita, 2023.</p> <p>(4) The provisions of the Bhartiya Nagarik Suraksha Sanhita, 2023 shall, so far as may be,</p>	<p>45 of 2023.</p> <p>46 of 2023</p>
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	<p>apply to any search or seizure under this section, as they apply to any search or seizure made under the authority of a warrant issued under section 72 of the said Sanhita, 2023.</p>		
	<p style="text-align: center;">CHAPTER 7</p> <p style="text-align: center;">DETERMINATION AND RECOVERY OF DUES</p>		
<p>Determination of the amount due from the employer.</p>	<p>28. (1) The Commissioner or any other officer duly authorised in this behalf by the Central Government may, by order, determine the amount due with interest at such rate as referred to in section 29 from any employer under the provisions this Act or of any scheme framed thereunder and for this purpose may conduct such enquiry as he may deem necessary.</p> <p>(2) No order shall be made under sub-section (1), unless the employer concerned is given a reasonable opportunity of representing his case.</p> <p>(3) Where the employer, employee or any other person required to attend the inquiry under sub-section (1) fails to attend such inquiry without assigning any valid reason or fails to produce any document or to file any report or return when called upon to do so, the officer conducting the inquiry may determine the amount due from any employer, on the basis of the evidence and other documents available on record.</p> <p>(5) Where an order under sub-section (1) is passed</p>		<p>5 of 1908,</p>

	<p>against an employer <i>ex parte</i>, he may, within three months from the date of communication of such order, apply to the officer for setting aside such order and if he satisfies the officer that the show cause notice was not duly served or that he was prevented by any sufficient cause from appearing when the inquiry was held, the officer shall make an order setting aside his earlier order and shall appoint a date for proceeding with the inquiry:</p> <p>Provided that no such order shall be set aside merely on the ground that there has been an irregularity in the service of the show cause notice if the officer is satisfied that the employer had notice of the date of hearing and had sufficient time to appear before the officer.</p>	45 of 2023
Interest on amount due.	<p>29. The employer shall be liable to pay simple interest on any amount due from him at such rate as may be specified in the Scheme but not exceeding the lending rate of interest charged by any Scheduled bank, from the date on which the amount has become so due till the date of its actual payment:</p>	
Power to recover damages.	<p>30. (1) Without prejudice to the provisions of section 28, where an employer makes default-</p> <p>(a) in the payment of any contribution which he is liable to pay in accordance with the provisions of this Act, or any scheme framed thereunder;</p>	

	<p>(b) in the transfer of accumulations required to be transferred by him under this Act; or</p> <p>(c) in the payment of any charges payable under any other provision of this Act or any scheme framed thereunder,</p> <p>the Coal Mines Provident Fund Commissioner, or such other officer as may be authorised by the Central Government, by notification, may by order levy on, and recover from, the employer penalty by way of damages, an amount not exceeding the amount of arrears, in such manner as may be specified in the respective schemes framed by the Board:</p> <p>Provided that before levying and recovering such damages, the employer shall be given an opportunity of being heard.</p> <p>(2) Where an employer or a contractor satisfies the Commissioner or the authorised officer that due to the reasons beyond his control or because of a <i>bonafide</i> error on the part of employees in charge of deducting member's subscription, he could not recover the member's contribution from the wages of the member for the period to which the contribution relates, the Commissioner may, at his discretion, permit the recovery of such arrears from the subsequent wages of the members concerned, in such number of instalments as he may deem proper.</p> <p>(3) Where insolvency proceedings have been initiated against the employer, the provisions of</p>	
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	this section shall be subject to resolution plan or repayment plan, if any submitted under the Insolvency and Bankruptcy Code, 2016.	31 of 2016
Recovery Officer to recover money due.	31. Any amount due from the employer in relation to an establishment to which the provisions of this Act or the schemes made thereunder applies in respect of any contribution payable to the Provident Fund or the Pension Fund as the case may be, damages recoverable under section 30 of this Act, accumulations required to be transferred under the provisions of this Act or any charges payable by him under any of the provisions of this Act or of any provisions of the any Scheme, shall be recovered by the Recovery Officer.	
Mode of Recovery of money due from employers.	<p>32. (1) Where any amount is due from the employer under Section 31, the Commissioner or the authorised officer may issue to the Recovery Officer, a certificate under his signature specifying the amount of arrears.</p> <p>(2) The Recovery Officer, on receipt of certificate under sub-section (1), shall proceed to recover the amount specified therein from the establishment or, as the case may be, the employer in the following manner:-</p> <p>(a) attachment and sale of the movable or immovable property of the establishment or, as the case may be, the employer; and</p> <p>(c) appointing a receiver for the management of the movable or immovable</p>	

	<p>properties of the establishment or, as the case may be, the employer:</p> <p>Provided that the attachment and sale of any property under this section shall first be effected against the proportion of the establishment and where such attachment and sale is insufficient for recovering the whole of the amount of arrears specified in the Recovery certificate, the Recovery Officer may take such proceedings against the property of the employer for recovery of the whole or any part of such arrears as the debt.</p>	
Jurisdiction of Recovery Officer.	<p>33. (1) The Commissioner or the authorised officer may forward the certificate referred to in section 32 to the Recovery Officer within whose jurisdiction the employer—</p> <p>(a) carries on his business or profession or within whose jurisdiction the principal place of his establishment is situate; or</p> <p>(b) resides or any movable or immovable property of the establishment or the employer is situate.</p> <p>(2) Where an establishment or the employer has property within the jurisdiction of more than one Recovery Officers and the Recovery Officer to whom a certificate is sent by the authorised officer—</p> <p>(a) is not able to recover the entire amount</p>	

	<p>by the sale of the property, movable or immovable, within his jurisdiction; or</p> <p>(b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount, it is necessary so to do,</p> <p>he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate and specifying the amount to be recovered to the Recovery Officer within whose jurisdiction the establishment or the employer has property or the employer resides, and thereupon that Recovery Officer shall also proceed to recover the amount due under this section as if the certificate or the copy thereof had been the certificate sent to him by the authorised officer.</p>	
<p>Amendment in Recovery certificate and withdrawal thereof.</p>	<p>34. (1) When Commissioner or the authorised officer issues a certificate to a Recovery Officer under section 32, it shall not be open to the employer to dispute before the Recovery Officer the correctness of the amount and shall not be entertained by the Recovery Officer.</p> <p>(2) Notwithstanding the issue of a certificate to a Recovery Officer, the Commissioner or the authorised officer shall have power to withdraw the certificate or correct any clerical or arithmetical mistake in the certificate by</p>	

	<p>sending an intimation to the Recovery Officer.</p> <p>(3) The authorised officer shall intimate to the Recovery Officer any order withdrawing or cancelling a certificate or any correction made by him under sub-section (2) or any amendment made under sub-section (4) of section 8E.</p> <p>(4) Where a certificate for the recovery of amount has been issued and subsequently the amount of the outstanding demand is reduced as a result of an appeal or other proceeding under this Act, the Commissioner or the authorised officer shall, when the order which was the subject-matter of such appeal or other proceeding has become final and conclusive, amend the certificate or withdraw it, as the case may be.</p>	
Stay or withdrawal of Recovery proceedings.	<p>35. (1) Notwithstanding that a certificate has been issued to the Recovery Officer for the recovery of any amount, the Commissioner or the authorised officer may grant time for the payment of the amount, and thereupon the Recovery Officer shall stay the proceedings until the expiry of the time so granted.</p> <p>(2) Where a certificate for the recovery of amount has been issued, the authorised officer shall keep the Recovery Officer informed of any amount paid or time granted for payment, subsequent to the issue of such certificate.</p> <p>(3) Where the order giving rise to a demand of</p>	

	<p>amount for which a certificate for recovery has been issued has been modified in appeal or other proceeding under this Act, and, as a consequence thereof, the demand is reduced but the order is the subject matter of a further proceeding under this Act, the authorised officer shall stay the recovery of such part of the amount of the certificate as pertains to the said reduction for the period for which the appeal or other proceeding remains pending.</p>	
<p>Other modes of recovery.</p>	<p>36. (1) Notwithstanding anything contained in section 31, 32, 33, 34 and 35 the Coal Mines Provident Fund Commissioner or any other officer authorised by the Board may recover the amount by any one or more of the modes provided in this section.</p> <p>(2) If any amount is due from any person to any employer who is in arrears, the Coal Mines Provident Fund Commissioner or any other officer authorised by the Board in this behalf may require such person to deduct from the said amount the arrears due from such employer under this Act and such person shall comply with any such requisition and shall pay the sum so deducted to the credit of the Coal Mines Provident Fund:</p> <p>Provided that nothing in this sub- section shall apply to any part of the amount exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure,</p>	<p>5 of 1908</p>

	<p>1908.</p> <p>(3) The Coal Mines Provident Fund Commissioner or any other officer authorised by the Board in this behalf may, at any time, by notice in writing, require-</p> <p style="padding-left: 40px;">(a) any person from whom money is due or may become due to the employer or, as the case may be, the establishment; or</p> <p style="padding-left: 40px;">(b) any person who holds or may subsequently hold money for or on account of the employer or as the case may be, the establishment,</p> <p>to pay to the Coal Mines Provident Fund Commissioner either forthwith upon the money becoming due or being held within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due from the employer in such manner as may be specified in the scheme.</p> <p>(4) Where a person, to whom a notice under subsection (3) is issued, he shall be given an opportunity of being heard.</p> <p>(5) The Coal Mines Provident Fund Commissioner or the officer so authorised may, at any time, amend or revoke any notice issued under this sub-clause after recording reasons in writing or extend the time for making any payment in pursuance of such notice.</p> <p>(6) Where a person receiving notice under sub-</p>	
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	<p>section (3) objects by a statement on oath that the sum demanded or any part thereof is not due to the employer or that he does not hold any money for or on account of the employer and if it is discovered that such statement was false in any material particular, such person shall be personally liable to the Coal Mines Provident Fund Commissioner or the officer so authorised to the extent of his own liability to the employer on the date of the notice.</p>		
<p>Payment of amount and Discharge of liability.</p>	<p>37. (1) The Coal Mines Provident Fund Commissioner or the officer so authorised shall grant a receipt for any amount paid in compliance with a notice issued under section 36, and the person so paying shall be fully discharged from his liability to the employer to the extent of the amount so paid.</p> <p>(2) If the person, to whom a notice under section 36 is sent, fails to make payment in pursuance thereof to the Coal Mines Provident Fund Commissioner or the officer so authorised, he shall be deemed to be an employer in default in respect of the amount specified in the notice and further proceedings may be taken against him by the Recovery Officer after the issue of Recovery certificate to the Recovery Officer for the realisation of the amount due and damages in accordance with the provisions of this Act.</p>		
<p>Protection against</p>	<p>38. (1) The amount standing to the credit of any member in the Fund or of any excluded employee in a provident fund shall not in any way be capable</p>		

attachment.	<p>of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the member or the exempted employee, and neither the official assignee appointed under the Presidency-towns Insolvency Act, 1909, nor any receiver appointed under the Provincial Insolvency Act, 1920 ,or under the Insolvency and Bankruptcy Code,2016 shall be entitled to, or have any claim on, any such amount.</p> <p>(2) Any amount standing to the credit of a member in the Fund or of an excluded employee in a provident fund at the time of his death and payable to his nominee under the Scheme or the rules of the provident fund shall, subject to any deduction authorised by the said Scheme or rules, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or the nominee before the death of the member or the excluded employee and shall also not be liable to attachment under any decree or order of any court.</p> <p>(3) The provisions of sub-section (1) and sub-section (2) shall, so far as may be, apply in relation to the family pension or any other amount payable under the Pension Scheme as they apply in relation to any amount payable out of the Fund.</p>	<p>5 of 1920</p> <p>3 of 1909</p> <p>31 of 2016</p>
Priority of payment of contributions over other debts.	<p>39. (1) Where any employer is adjudicated insolvent or, being a company, an order for winding up is made, the amount due from the employer in relation to an establishment to which</p>	

	<p>any Scheme applies in respect of any contribution payable to the Fund or, as the case may be, damages recoverable under this Act, accumulations required to be transferred under or any charges payable by him under any other provision of this Act or of any provision of the Scheme shall, where the liability thereof has accrued before the order of adjudication or winding up is made, be deemed to be included among the debts which-</p> <p>(a) under section 49 of the Presidency-towns Insolvency Act, 1909; or</p> <p>(b) under section 61 of the Provincial Insolvency Act, 1920), or</p> <p>(c) under the provisions of the Insolvency and Bankruptcy Code 2016,</p> <p>are to be paid in priority to all other debts in the distribution of the property of the insolvent or the assets of the company being wound up, as the case may be.</p> <p>(2) Without prejudice to the provisions of sub-clause (1), if any amount is due from an employer whether in respect of the employee's contribution (deducted from the wages of the employee) or the employer's contribution, the amount so due shall be deemed to be the first charge on the assets of the establishment, and shall, notwithstanding anything contained in any other law for the time being in force, be paid in priority to all other debts.</p>	<p>3 of 1909</p> <p>5 of 1920</p> <p>31 of 2016</p>
	CHAPTER 8	

	OFFENCES , PENALTIES AND ADJUDICATION		
Penalty for contravention of the provisions.	<p>40. (1) If any person, contravenes or fails to comply with any provisions of this Act or of any scheme framed thereunder, he shall be liable to penalty which shall not be less than five thousand rupees but which may extend to fifty thousand rupees;</p> <p>(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of ten thousand rupees for every day during which such contravention continues which however, shall not exceed ten lakhs.</p>		
Penalty for contravention by companies.	<p>41. (1) Where any company contravenes any of the provisions of this Act or of any scheme framed thereunder, the company shall be liable to penalty for each such contravention which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.</p> <p>(2) Where any company continues contravention under sub-section (1), the company shall be liable to additional penalty of fifty thousand rupees for every day during which such contravention continues which however, shall not exceed twenty-five lakhs.</p> <p><i>Explanation.</i> —For the purposes of this section, —</p> <p>(a) “company” means any body corporate and includes a firm and other association of</p>		

	<p>individuals; and</p> <p>(b) “director” in relation to a firm, means a partner in the firm.</p>		
<p>Offence for failure to pay penalty or additional penalty.</p>	<p>42. (1) Where any person fails to pay the penalty or additional penalty, as the case may be, under sections 36 and 37 within sixty days of such imposition, he shall be liable for imprisonment which may extend to one year or with fine which may extend to twice the amount of the penalty or with both.</p> <p>(2) Where any offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was directly 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 offence and he shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any person liable to any punishment provided in sub-section (1), if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(3) Notwithstanding anything contained in sub-section (2), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any</p>		

	<p>director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>		
<p>Appointment and powers of Adjudicating officer.</p>	<p>43. (1) The Central Government, for the purposes of determining the contravention or non-compliance and penalties thereof under this Act, may appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer:</p> <p style="padding-left: 40px;">Provided that the Central Government may appoint as many adjudicating officers as may be required.</p>		
	<p>(2) The Adjudicating Officer for the purposes of adjudging any contravention or non-compliance of the provisions of this Act may hold an inquiry in the manner, as may be prescribed and impose penalty.</p> <p>(3) The adjudicating officer may—</p> <p>(a) call upon any person alleged to have contravened or not complied with the provisions of this Act and the rules made thereunder or having the knowledge of the facts and circumstances of the case;</p> <p>(b) require such person to produce any record, register or other document in his possession or any</p>		

	<p>other document, which in the opinion of the adjudicating officer may be relevant to the subject-matter.</p> <p>(4) The adjudicating officer shall, after giving the person a reasonable opportunity of being heard in the matter, and if after conduct of the inquiry, he is satisfied that the person concerned has contravened or has not complied with the provisions of this Act or the schemes made thereunder, he may impose such penalty as he thinks fit in accordance with the provisions of this Chapter.</p> <p>(5) The adjudicating officer, while adjudicating the quantum of penalty under sub-section (4), shall have due regard to the following, namely:—</p> <p>(a) emoluments received by the employee;</p> <p>(b) employee's period of the engagement at coal mine or establishment;</p> <p>(c) Number of dependents of the employee;</p> <p>(d) in case of an establishment or company, number of persons so engaged by the establishment or company.</p> <p>(6) The Adjudicating Officer conducting the inquiry under sub-section (2) shall, for the purposes of such inquiry, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, for trying a suit in respect of the following matters, namely:—</p>	<p>5 of 1908</p>
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	<p>(a) enforcing the attendance of any person or examining him on oath;</p> <p>(b) requiring the discovery and production of documents;</p> <p>(c) receiving evidence on affidavit;</p> <p>(d) issuing commissions for the examination of witnesses;;</p> <p>and any such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 229 and 267, and for the purpose of section 233, of the Bhartiya Nyaya Sanhita, 2023.</p>	
Appeal.	<p>44 . (1) Any person aggrieved by the order, passed by the adjudicating officer under the provisions of this Act or an order passed under section 28 or section 30, may prefer an appeal to the Central Industrial Tribunal constituted by the Central Government under sub-section (1) of section 7A of the Industrial Disputes Act, 1947.</p> <p>(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.</p> <p>(3) The Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.</p> <p>(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the</p>	14 of 1947

	Tribunal twenty-five per cent. of the amount of the penalty imposed by the adjudicating officer.		
Employer's liability for contravention and non-compliance.	<p>45. (1) Where the employer is-</p> <p>(a) a firm or other association of individuals, all, or any of the partners or members thereof; or</p> <p>(b) a company, all or any of the directors thereof,</p> <p>shall be liable for contravention and non-compliance under this Act:</p> <p>Provided that where a firm, association or company has given notice in writing to the Coal Mines Provident Fund Commissioner or any officer specified by the Central Government in this behalf that it has nominated,—</p> <p>(a) in the case of a firm, any of its partners,</p> <p>(b) in the case of an association, any of its members,</p> <p>(c) in the case of a company, any of its directors,</p> <p>to undertake the responsibility of the employer for any contravention and non-compliance under this Act or of any scheme framed thereunder unless a notice in writing stating that he has ceased to be a partner, member or director, as the case may be, is received by the Commissioner or any officer specified by the Central Government in this behalf.</p>		

	(2) Where the employer is a Government, all or any of the officers or persons authorised by such Government to manage the affairs of the coal mine, shall, notwithstanding anything to the contrary contained in any law or contract for the time being in force, be deemed to be the employers or employer in respect of the coal mine and shall be liable for any contravention or non-compliance under the provisions of this Act.		
Bar of Civil Court Jurisdiction.	46. No civil court shall have jurisdiction in respect of any matter in which the Adjudicating Authority is empowered by, or under, this Act to pass any order and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any order passed by such Adjudicating officer under this Act.		
	CHAPTER 9 MISCELLANEOUS		
Special grant by Central Government.	47. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay such further sums as may be determined by it into the Family Pension Fund to meet all the expenses in connection with the administration of the Coal Mines Family Pension Scheme other than the expenses towards the cost of any benefits provided by or under the said Scheme.		
Coal Mines	48. (1) The Central Government shall, by		

Employees Protection Fund.	<p>notification, establish a fund to be called as Coal Mines Employees' Protection Fund.</p> <p>(2) There shall be credited into Coal Mines Employees Protection Fund under sub-section (1)-</p> <p>(a) amount of penalties or additional penalties imposed under this Act;</p> <p>(b) amount of interest incurred on the deposited amount of the Fund;</p> <p>(c) any amount as may be credited by appropriation by any law.</p> <p>(3) The Coal Mines Employees' Protection Fund shall be expended on such matters as may be prescribed.</p> <p>(4) The Coal Mines Employees Protection Fund shall be maintained and operated in such manner and by such officers as may be prescribed.</p>	
Provident Fund to be recognised under Income Tax Act.	<p>49. For the purposes of the Income-tax Act, 1961, the Fund shall be deemed to be a recognised Provident Fund within the meaning of Part A of the Fourth Schedule to the Income Tax Act, 1961 .</p>	<p>43 of 1961</p>
Application of certain provisions of Income-tax Act.	<p>50.(1) For the purposes of recovery of the amount due from the employer or the establishment, as the case may be, the following provisions of the Income Tax Act, 1961 shall apply:</p> <p>(a) the provisions of the Second Schedule except provisions relating to arrest in clause (c) of para 4 of Part I and Part V of that Schedule;</p> <p>(b) provisions of Third Schedule; and</p> <p>(c) the Income-tax (Certificate Proceedings) Rules, 1962 made under section 57, as in</p>	<p>43 of 1961</p>

	<p>force from time to time:</p> <p>Provided that provisions referred to under this sub-section shall apply with necessary modifications as if the said provisions and the rules referred to the arrears of the amount mentioned in section 31 of this Act instead of the income-tax.</p> <p>(2) Any reference in the provisions and rules referred to in sub-section (1) to the “assessee” shall be construed as a reference to an employer as defined in this Act.</p>		
Annual Report and Annual Accounts of Coal Mines Provident Fund.	<p>51.(1) The Commissioner shall place a report on the working of Coal Mines Employees Provident Fund Scheme and Coal Mines Pension Fund Scheme relating to the previous financial year along with audited annual accounts at a meeting of the Board each year and the Board shall submit such report with audited Accounts to the Central Government:</p> <p>(2) The Central Government shall cause a copy of the Annual report, the Audited accounts together with the report of the Comptroller and Auditor-General of India and the comments of the Board thereon to be laid before each House of Parliament every year.</p>		
Audit of accounts of Fund.	<p>52. (1) The accounts of the Fund including the “Administration Account”, shall be audited in such manner as the Central Government may direct.</p> <p>(2) The cost of the audit as determined by the</p>		

	<p>Central Government shall be paid out of the “Administration Account”.</p> <p>(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has, in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, documents and papers and inspect any of the offices of the Board.</p>	
<p>Transfer of Provident Fund and Pension Fund of the employees to other establishment.</p>	<p>53. (1) Where an employee employed in an establishment to which this Act does not apply leaves his employment and obtains re-employment in another establishment to which this Act applies, the amount of accumulations to the credit of such employee in the provident fund of the establishment left by him shall be transferred to the credit of his account in the provident fund of the establishment in which he is re-employed.</p> <p>(2) Where an employee employed in an establishment to which this Act applies leaves his employment and obtains re-employment in another establishment to which this Act does not apply, the amount of accumulations to the credit of such employee in the Fund, or as the case may be, in the provident fund of the establishment left by him shall be transferred, within such time as may be</p>	

	<p>prescribed by the Central Government in this behalf, to the credit of his account in the provident fund of the establishment in which he is re-employed, if the employee so desires and the rules in relation to that provident fund permit such transfer.</p> <p>(3) Where an employee employed in an establishment to which this Act applies leaves his employment and obtains re-employment in another establishment to which this Act applies, the amount of accumulations to the credit of such employee in the Fund, or as the case may be, in the provident fund of the establishment left by him shall be transferred, within such time as may be prescribed by the Central Government in this behalf, to the credit of his account in the provident fund of the establishment in which he is re-employed.</p>	
Protection of action taken in good faith.	54. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or schemes made thereunder.	
Chairperson, officers, etc. to be public servant.	55. The Chairperson, Members, Commissioner, Enforcement Officers, Recovery officer and other officers and employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Code, to be public servants within the meaning of clause (28) of section 2 of the Bhartiya Nyaya Sanhita,	45 of 2023

	2023.	
Office of the Coal Mines Provident Fund, regional offices, etc.	<p>56. (1) The Central Government may by notification, in consultation with the Board, establish the Office of the Coal Mines Employees' Provident Fund headed by the Commissioner for the purposes of administration of the Schemes under this Act.</p> <p>(2) The Office under sub-section (1) shall be known by the name as the Coal Mines Provident Fund Organization.</p> <p>(3) The Headquarter of the office under sub-section (1) shall be at such place as notified by the Central Government.</p> <p>(4) The Board may with the approval of the Central Government open such regional and local offices as it may consider necessary for the implementation of the Schemes framed under this Act.</p> <p>(6) The Board may specify the functions, duties and jurisdiction of the regional and local offices and the officers thereof.</p>	
Delegation of Powers.	57. (1) The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or any	

	<p>scheme framed thereunder shall, subject to such conditions, as may be specified in the notification, be exercisable also by the Commissioner or any officer authorised in this behalf by the Central Government.</p> <p>(2) The Board may delegate to its Chairman or the Commissioner or any other officer or the Board, subject to such conditions and limitations, if any, as the Board may specify, such of the powers and functions of the Board under this Act or any scheme framed thereunder, as the Board may deem necessary for the efficient administration of the schemes and the funds thereof.</p> <p>(3) The Commissioner may delegate, from time to time, the power vested in him under any schemes made under this Act, to any officer under his control to the extent considered suitable by him for the administration of the Scheme:</p> <p style="padding-left: 40px;">Provided, that the exercise or discharge of the power so delegated shall be subject to such restrictions, limitations and conditions, if any, as the Board may impose.</p>	
<p>Power of Central Government to give directions.</p>	<p>58. (1) Without prejudice to provisions of this Act, the Board shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:</p> <p style="padding-left: 40px;">Provided that the Board shall, as far as</p>	

	<p>practicable, be given an opportunity to express its views before any direction is given under this sub-section.</p> <p>(2) The decision of the Central Government whether a question is one of policy or not shall be final.</p>	
Power to makes rules.	<p>59. (1) The Central Government may, subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act:</p> <p>Provided that Central Government may, if it is satisfied that circumstances exist which render it necessary or expedient in the public interest so to do, dispense with the condition of previous publication or reduce the required time period for inviting objections or suggestions on such previous publication to the extent as it may deem fit.</p> <p>(2) Without prejudice to the generality of the provisions of sub-section (1), the Central Government may make rules for any of the following matters, namely:—</p> <p>(a) other terms and conditions of the Chairperson and members of Board under sub- section (2) of section 4;</p> <p>(b) conditions of service of the Coal Mines Provident Fund Commissioner under sub- section (4) of section 5;</p> <p>(c) percentage of basic wage for contribution to the</p>	

	<p>Provident Fund under sub-section (1) of section 16;</p> <p>(d) maximum percentage for voluntary contribution under section 17;</p> <p>(e) manner of appointment of enforcement officer under section 24;</p> <p>(f) manner of recovery of the amount due from the employer under section 31;</p> <p>(g) manner of inquiry by the adjudicating officer under sub-section (2) of section 43;</p> <p>(h) matters on which expenditure to be made from which Coal Mines Protection Fund under sub-section (3) of section 48;</p> <p>(i) manner of maintaining and operating Coal Mines Employees Protection Fund under sub-section (4) of section 48;</p> <p>(j) time period within which transfer of funds to other establishments to be made under sub-sections (2) and (3) of section 53;</p> <p>(k) any other matter which the Central Government considers necessary to make rules to carry out the purposes of the Act.</p>		
Power to make regulations.	<p>60. The Board may, by notification, make regulations consistent with this Act and the rules made thereunder, to carry out the provisions of this Act.</p>		

	<p>(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—</p> <p>(a) method of recruitment and other conditions of service of the officers and employees under sub-section (2) of section 6;</p> <p>(b) place and procedure of transaction of business by the Board under sub-section (1) of section 7;</p> <p>(c) manner of the constitution of the committees under sub-section (2) of section 11;</p> <p>(d) manner of administration of the Fund under sub-section (1) of section 14;</p> <p>(e) form and manner of making voluntary contribution under sub-section (2) of section 17;</p> <p>(f) details of the contribution to be furnished by contractor, etc., to the employer under sub-section (5) of section 23;</p> <p>(g)manner of the deposit of the Coal Mines Provident Fund in the bank under section 18;</p> <p>(h) number of members of the grievance redressal Committee under section 24;</p> <p>(j) manner of issuance of Certificate of Recovery under sub-section (1) of section 13; and</p>	
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	(k) manner of other mode of recovery under section 36.		
Power to make schemes.	61. The Board may, by notification, make Coal Mines Employees Provident Fund Scheme and Coal Mines Employees' Pension Scheme consistent with this Act and the rules made thereunder, providing matters mentioned in First Schedule and the Second Schedule to carry out the provisions of this Act.		
Power to amend Schedule	<p>62.(1) The Central Government may, by notification, add to or alter or amend the First Schedule or the Second Schedule and on any such notification being issued, the First Schedule or the Second Schedule, as the case may be, shall be deemed to be amended accordingly.</p> <p>(2) Every notification issued by the Central Government under sub-section (1) 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 notification, or both Houses agree that the modification should not be made, the notification 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 in pursuance</p>		

	of that notification.		
Laying of rules, schemes, etc.	<p>63. Every rule, scheme, regulations or notifications issued under this Act shall be laid, as soon as may be after it is issued, 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 notification, or both Houses agree that the notification should not be issued, the notification 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 notification.</p>		
Power to remove difficulties.	<p>64. If any difficulty arises in giving effect to the provisions of this Act or any scheme framed thereunder, the Central Government may, by order published in the Official Gazette, make such provision or give such direction not inconsistent with the purposes of this Act, as it appears to it to be necessary or expedient for removing the difficulty:</p> <p>Provided that no order shall be made under this section after the expiry of three years from the date of commencement of this Act.</p> <p>(2) Every order made under this section shall be</p>		

	laid before each House of Parliament.		
Special provisions relating to existing provident funds.	<p>65. (1) Subject to the provisions of this Act, every employee who is a subscriber to any provident fund of an establishment to which this act applies shall, pending the application of a Scheme to the establishment in which he is employed, continue to be entitled to the benefits accruing to him under the provident fund, and the provident fund shall continue to be maintained in the same manner and subject to the same conditions as it would have been if this Act had not been passed.</p> <p>(2) On the application of any Scheme to an establishment, the accumulations in any provident fund of the establishment standing to the credit of the employees who become members of the Fund established under the Scheme shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any deed or other instrument establishing the provident fund but subject to the provisions, if any, contained in the Scheme, be transferred to the Fund established under the Scheme, and shall be credited to the accounts of the employees entitled thereto in the Fund.</p>		
Repeal and Saving.	<p>66. (1) The Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, is hereby repealed.</p> <p>(2) Notwithstanding such repeal,—</p> <p>(a) anything done or any action taken under the enactments so repealed including any rule,</p>		46 of 1948

	<p>notification, scheme, appointment, order or direction made thereunder or any benefit provided or given under any provision of such enactments, rules, notifications or schemes made thereunder for any purpose shall be deemed to have been done or taken or provided for such purpose under the corresponding provisions of this Act including any rule, notification, scheme, appointment, order or direction made thereunder and shall be in force to the extent they are not contrary to the provisions of this Act including any rule, notification, scheme, appointment, order or direction made thereunder till they are repealed under the corresponding provisions of this Act including any rule, notification, scheme, appointment, order or direction made thereunder by the appropriate Government;</p> <p>(b) the Coal Mines Provident Funds Scheme, 1948 and the Coal Mines Pension Scheme, 1998 framed or made under the Coal Mines Provident Funds and Miscellaneous Provisions Act, 1948, shall remain in force, to the extent they are not inconsistent with the provisions of this Act for a period of one year from the date of commencement of this Act;</p> <p>(c) any exemption given under the enactment so repealed shall continue to be in force till its validity expires or it ceases to be in operation or till any direction is made thereunder for such purpose.</p> <p>(3) Without prejudice to the provisions of subsection (2), the provisions of section 6 of the</p>	<p>46 of 1948</p> <p>10 of 1897</p>
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	General Clauses Act, 1897 shall apply to the repeal of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 and schemes made thereunder.		
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THE FIRST SCHEDULE

(See sub- section (3) of section 14)

MATTERS TO BE PROVIDED FOR IN THE COAL MINES EMPLOYEES' PROVIDENT FUND SCHEME

1. The employees or class of employees who shall join the Fund, the contributions payable to the Fund and the conditions under which an employee may be exempted from joining the Fund or from payment of contributions.
2. Payment of contributions to the Fund by employers and by, or on behalf of, employees (whether employed by an employer directly by or through a contractor, the rate, time and manner of such payment and the manner in which such contributions may be recovered.
- 3 The manner in which employees' contribution may be recovered by contractors from employees employed by or through such contractors.
4. The payment by the employer of such sums of money as may be considered necessary to meet the cost of administering the Fund and the rate at which and the manner in which the payment shall be made.
- 5 The constitution of any Committee for assisting the Board.
- 6 The opening of regional and other offices.
7. The manner in which accounts shall be kept, the investment of moneys belonging to the Fund, the preparation of a budget, the audit of accounts and the submission of reports to the Central Government.
8. The conditions under which withdrawals from the Fund may be permitted and any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture and the utilisation of such deducted or forfeited amounts.
9. The fixation of the rate of interest payable to members by the Central Government in consultation with the Board of Trustees.
10. The form in which an employee shall furnish particulars about himself and his family when required.
11. The nomination of a person to receive the amount standing to the credit of a member after his "death and the cancellation or the change of such nomination.
12. The registers and records to be maintained by the employer or contractor and the returns to be furnished by him.
13. The form or design of an identity card or a token or a disc for purposes of identifying any employee and for the issue, custody and replacement thereof.
14. The fees to be levied for any of the purposes specified in this Schedule.
15. The manner in which accumulations in any existing provident fund shall be transferred to the Fund, and the mode of valuation of any assets which may be transferred by the person administering such provident fund.

16. Any other matter which is to be provided for in the Coal Mines Provident Fund Scheme or which may be necessary or proper for the purpose of implementing that Scheme.

THE SECOND SCHEDULE

(See sub-section (2) of section 21)

MATTERS TO BE PROVIDED FOR IN THE COAL MINES EMPLOYEES' PENSION SCHEME

1. The employees or class of employees to whom the Coal Mines Pension Scheme shall apply and the time within which option to join that scheme shall be exercised by those employees to whom the said scheme does not apply.
2. The time within which the employees who are not members of the Family Pension Scheme as it stood before the commencement of the Coal Mines Employees' Provident Fund and Miscellaneous Provisions Act, 2025 shall opt for the Pension Scheme.
3. The portion of employers' contribution and employees' contribution to the Fund which shall be credited to the Pension Fund and the manner in which it is credited.
4. The Central Government contribution and other contributions to the Fund which shall be credited to the Pension Fund and the manner in which it is credited.
5. The minimum qualifying service for being eligible for pension and the manner in which the employees may be granted the benefits of their past service it stood before the commencement of the Coal Mines Employees' Provident Fund and Miscellaneous Provisions Act, 2025.
6. The regulation of the period of service for which no contribution is received.
7. The manner in which employees' interest will be protected against default in payment of contribution by the employer.
8. The manner in which the accounts of the Pension Fund shall be kept and investment of moneys belonging to Pension Fund to be made subject to such pattern of investment as may be determined by the Central Government
9. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.
10. The forms, registers and records to be maintained in respect of employees required for the administration of the Pension Scheme.
11. The scale of pension and pensionary benefits and the conditions relating to grant of such benefits to the employees, the amount of life assurance payable under the Pension Scheme and the manner of such payment.
12. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

13. The manner in which the expenses incurred in connection with the administration of the Pension Scheme may be paid by the Central Government to the Board.

14. Nomination of persons for receiving pension and assurance amounts in the case of death of an employee.

15. Any other matter which is to be provided for in the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension Scheme.