

THE COAL GRADING BOARD ACT, 1925

UNION OF INDIA

India

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Act 31 of 1925

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1. [Repealed by The Coal Grading Board (Repeal) Act, 1959 (Act 17 of 1959) on 9 May 1959]

An Act to provide for the grading of coal and for the grant of certificates for coal intended for export Whereas it is expedient to provide for the grading of coal and for the grant of certificates for coal intended for export; It is hereby enacted as follows.

1. Short title and extent.

(1) This Act may be called the Coal Grading Board Act, 1925. (2) It extends to the whole of India except [Substituted by the Adaptation of Laws (No. 3) Order, 1956, for ?Part B States?]. [the territories which, immediately before the 1st November, 1956, were comprised in Part B States].

2. Definitions.

In this Act, unless there is anything repugnant in the subject or context, (a) Board means the Coal Grading Board constituted under Section 3; (b) Export means the shipment of coal as cargo from a port in [Substituted by the Adaptation of Laws (No. 3) Order, 1956, for ?a Part A State or a Part C State][the territories to which this Act extends]; (c) Graded colliery means a colliery the grade of all or any of the seams or of a part of any seam of which has been determined under the provisions of Section 4 and is entered in the grade list maintained in accordance with the provisions of Section 5; (d) Prescribed means prescribed by rules made under this Act; and (e) Secretary means the secretary of the Board appointed under sub-section (4) of Section 3.

3. Constitution of Coal Grading Board.

(1) As soon as may be after the commencement of this Act, the Central Government shall cause to be constituted a [For Constitution of the Board, see Notification No. 47-T. (57), dated 20-1-1926, Gazette of India, 1926, Part I, p. 148] Board consisting of the following members, namely. (a) the

Chief Mining Engineer to the Railway Board [The words "or, after the establishment of the Federal Railway Authority, to that Authority?", inserted by the A.O. 1937, repealed by the A.O. 1948][* * *]; and (b) four persons nominated respectively by the Indian Mining Association, the Indian Mining Federation, the Bengal Chamber of Commerce and the Bengal National Chamber of Commerce: Provided that, if within the period prescribed in this behalf any such body fails to make any nomination which it is entitled to make under this sub-section, the Central Government may itself appoint a member or members, as the case may be, to fill the vacancy or vacancies. (2) The Board so constituted shall be a body corporate by the name of the Coal Grading Board, having perpetual succession and a common seal with power to acquire and hold property, both moveable and immovable, and to contract and shall by the said name sue and be sued. (3) The Chief Mining Engineer to the Railway Board [The words "or, after the establishment of the Federal Railway Authority, to that Authority?", inserted by the A.O. 1937, repealed by the A.O. 1948.][* * *] shall be ex-officio President of the Board. (4) The secretary of the Board shall be a person, not being a member of the Board, appointed by the Board.

4. Power to grade collieries, to revise grading and to grant certificates.

(1) On the application of any colliery and on payment of the prescribed fee, the Board shall, in such manner as may be prescribed, determine the grade of coal of all or any of the seams or of a part of a seam of such colliery, and shall by notice in writing inform the colliery of the grade so determined. (2) The colliery may, within thirty days from the receipt of the said notice, lodge with the Board an objection to the order passed under sub-section (1) determining the grade of any coal, and the Board shall, on payment of the prescribed fee and after further inspection and analysis, decide such objection; the decision of the Board shall be final and shall not be questioned in any Court. (3) Where the grade of any coal has been determined under the provisions of this section, the Board shall, on the request of the colliery, furnish a certificate in the prescribed form, specifying the grade of such coal.

5. Maintenance and publication of grade list.

(1) The Board shall maintain a grade list, in such form and containing such particulars as may be prescribed, of coal the grade of which has been determined in accordance with the provisions of Section 4, but shall not enter in such list any coal in respect of which the colliery has, after the determination or decision of the Board under sub-section (1) or sub-section (2) of Section 4, given notice in writing that such coal should not be entered in the grade list. (2) The grade list shall be published in such manner as may be prescribed.

6. Grant of export certificate.

(1) On the application of any graded colliery desiring to export coal and on payment of the prescribed fee, the Board shall, if it is satisfied after such inspection as it may deem necessary with the quality and condition of the coal, grant a certificate of shipment in the prescribed form. (2) Such fee shall not exceed one anna per ton of coal.

7. Powers of inspection.

Any member of the Board and any person authorised in this behalf by the Board may, for the purposes of this Act, enter at any time in and upon any colliery, storage bin, truck, vehicle, vessel or other place where there is coal and inspect, test and take sample of such coal.

8. Grant of rebate and preferences.

Notwithstanding anything to the contrary in any law for the time being in force, a rebate of any charges, including freight, fees, tolls, dues or rates, may be granted in respect of coal of which a certificate of shipment has been granted under the provisions of Section 6, and, subject to such restrictions as may be prescribed, preference may be given in the supply of wagons for forwarding coal for export from a graded colliery.

9. Application of fees.

Subject to such conditions as may be prescribed, the proceeds of fees received by the Board shall be applied to meeting the expenses of the Board.

10. Validity of acts of Board.

No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board.

11. Protection for acts done under Act.

No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

12. Power of the Central Government to make rules.

(1)The Central Government may, after previous publication, by notification in the Official Gazette, make rules[For such rules, see Gazette of India, 1925, Part I, p. 1199.] for the purpose of carrying into effect all or any of the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely.(a)for prescribing the time within which nominations shall be made under Section 3, whether in the first instance or on the occurrence of vacancies;(b)for prescribing the term of office of members of the Board;(c)for prescribing the circumstances in which and the authority by which any member may be removed from the Board;(d)for regulating the appointment of officers of, and the keeping and publication of accounts by, the Board;(e)for prescribing the procedure on application under Section 4 and the principles for grading coal;(f)for prescribing the form of and particulars to be entered in and manner of publication of the grade list;(g)for prescribing the procedure of the Board in deciding any objection lodged against any order passed under Section 4 determining the

grade of any coal;(h)for prescribing the form of certificate to be granted under Section 6 and the procedure on application under that section;(i)for prescribing the restrictions subject to which preference may be given under Section 8;(j)for prescribing the fees for any inspection or analysis required for the purposes of this Act or payable under any of the provisions of this Act; and(k)for prescribing the remuneration of members and regulating the expenditure of the Board.