

No.20011/2/2025 - CMPF
Government of India
Ministry of Coal
CMPF Section

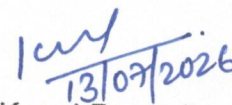
GPOA-3, Netaji Nagar, New Delhi
Dated the 13th July, 2026

OFFICE MEMORANDUM

Subject : Stakeholder Consultation on the Draft Coal Mines Provident Fund and Miscellaneous Provisions (Adjudication of Penalties and Appeal) Rules, 2026 – reg.

The undersigned is directed to state that the Coal Mines Provident Fund Organisation (CMPFO) has forwarded the draft **Coal Mines Provident Fund and Miscellaneous Provisions (Adjudication of Penalties and Appeal) Rules, 2026** for implementation of the provisions of the Jan Vishwas (Amendment of Provisions) Act, 2026 (copy enclosed).

2. In this regard, all the stakeholders are requested to furnish the comments, if any, within two weeks on the aforesaid draft rules. Comments/suggestions may be sent through e-mail to **so-cmpf@gov.in**.
3. The last date to furnish comments/suggestion is **26.07.2026 by 6 PM** and any comments/suggestion received thereafter shall not be considered as part of Pre-Legislation Process.
4. A copy of this OM is also uploaded on Official Website of the Ministry of Coal for wider public notice and for inviting comments/suggestions from all the concerned stakeholders i.e Public, Private or any other entities (directly or indirectly). Any comments/suggestion/objection received after expiry of the threshold period shall not be entertained in any manner and shall also not be hold legally tenable.


13/07/2026
(Kunal Prasad)

Under Secretary to the Govt. of India

To:

1. Chief Secretary of States (All States having Coal Mines).
2. Commissioner, Coal Mines Provident Fund Organisation,
3. Chairman, Coal India Limited **including** all its coal subsidiaries.
4. Chairman, SCCL.

MINISTRY OF COAL

NOTIFICATION

New Delhi, the, 2026

G.S.R.(E).— In exercise of the powers conferred by section 11E of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), and for carrying out the provisions relating to adjudication of penalties and appeal under sections 9, 9A and 9B of the said Act, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement

- (1) These rules may be called the Coal Mines Provident Fund and Miscellaneous Provisions (Adjudication of Penalties and Appeal) Rules, 2026.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

- (1) In these rules, unless the context otherwise requires,—
 - (a) "Act" means the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948;
 - (b) "Adjudicating Officer" means the officer appointed by the Central Government under section 9A of the Act;
 - (c) "Appellate Authority" means the authority appointed by the Central Government under section 9B of the Act;
 - (d) "authorised representative" means a person duly authorised in writing by the person concerned to appear, make submissions and file documents on his behalf before the Adjudicating Officer or the Appellate Authority;
 - (e) "electronic means" includes electronic mail, a designated web-portal or any other digital platform specified by the Central Government or the Coal Mines Provident Fund Organisation;
 - (f) "Form" means a Form appended to these rules;
 - (g) "Inquiry Officer" means an officer designated under rule 4;
 - (h) "inquiry proceeding" means proceedings initiated under section 9A of the Act;
 - (i) "person concerned" means any person, employer, company, person in

charge of a company, establishment, contractor or any other person alleged to have contravened or failed to comply with the provisions of the Act or any Scheme framed thereunder;

(j) "Scheme" means any Scheme framed under the Act.

(2) Words and expressions used herein and not defined in these rules but defined in the Act or in any Scheme framed thereunder shall have the meanings respectively assigned to them in the Act or such Scheme.

3. Holding of inquiry

(1) Where the Adjudicating Officer has reason to believe that any person concerned has contravened or failed to comply with any provision of the Act or any Scheme framed thereunder and such contravention or non-compliance is liable for adjudication, he may, either suo motu or upon receipt of a complaint, inspection report, compliance report or any other report, initiate inquiry proceedings.

(2) For the purpose of conducting an inquiry under sub-rule (1), the Adjudicating Officer may—

(a) call for information, records, books, registers, returns, statements or documents from any person concerned;

(b) require the attendance of the person concerned, the person in charge in case of a company, or any person acquainted with the facts and circumstances of the case;

(c) seek written explanations, statements or compliance details;

(d) obtain inspection reports, compliance reports, technical reports or such other reports from any office of the Coal Mines Provident Fund Organisation, Government agency, coal company, expert body, technical institution or any other relevant source.

(3) The Adjudicating Officer shall record reasons for initiation of proceedings.

4. Inquiry Officer and secretariat assistance to the Adjudicating Officer

(1) For the purpose of inquiry proceedings, the Adjudicating Officer may designate an officer of the Coal Mines Provident Fund Organisation, not below the rank of Enforcement Officer or such other officer as may be authorised by the Central Government, having knowledge of the facts and circumstances constituting the contravention or non-compliance, as the Inquiry Officer to assist the Adjudicating Officer.

(2) The Inquiry Officer may assist the Adjudicating Officer in verification of records, compilation of material, obtaining of reports and such other matters as may be directed by the Adjudicating Officer:

Provided that the power to adjudicate and pass the final order shall vest only in the Adjudicating Officer.

(3) The Central Government or the Coal Mines Provident Fund Organisation, as the case may be, may provide such officers, staff, consultants or agencies as may be necessary to provide secretarial, technical or administrative assistance to the Adjudicating Officer and the Appellate Authority for discharge of their functions under the Act and these rules.

5. Issue of notice

(1) Where the Adjudicating Officer is satisfied that there exists a prima facie case for inquiry, he shall issue a notice in Form-I to the person concerned.

(2) The notice shall contain—

- (a) the nature of contravention or non-compliance alleged;
- (b) the relevant provisions of the Act or the Scheme alleged to have been contravened or not complied with;
- (c) the period to which such contravention or non-compliance relates;
- (d) the material relied upon;
- (e) the records, registers, returns, statements or other documents required to be produced, if any;
- (f) the time within which a written reply is to be furnished; and
- (g) the date, time and place or mode of hearing, if fixed.

(3) The notice shall ordinarily provide a period of not less than fifteen days and not more than thirty days for submission of a reply.

(4) Where the contravention or non-compliance is continuing in nature, the notice may require the person concerned to indicate the steps taken or proposed to be taken for rectification of the default.

6. Service of notices, communications and orders

(1) Any notice, communication or order under these rules may be served by—

- (a) registered post with acknowledgement due;
- (b) speed post;
- (c) electronic means;
- (d) delivery by hand against receipt; or
- (e) any other mode as the Adjudicating Officer or the Appellate Authority, as the

case may be, may deem fit.

(2) Service by electronic means shall be deemed valid where transmitted to the electronic mail address or digital account furnished by the concerned person to the Central Government, the Coal Mines Provident Fund Organisation, an officer appointed under the Act or any other statutory authority.

(3) Where service is effected through more than one mode, service shall be deemed to have been completed on the earliest date on which the notice, communication or order is duly served by any one of such modes.

7. Filing of reply and appearance

(1) The person concerned may file a written reply along with supporting documents within the time specified in the notice.

(2) The person concerned may appear in person or through an authorised representative.

(3) The Adjudicating Officer may permit the filing of additional documents or written submissions upon sufficient cause being shown.

(4) The authorisation in favour of an authorised representative shall be filed before the Adjudicating Officer or the Appellate Authority, as the case may be.

8. Hearing

(1) The Adjudicating Officer shall provide the person concerned a reasonable opportunity of being heard.

(2) The hearing may be conducted physically or through electronic means.

(3) The Adjudicating Officer may, for reasons to be recorded in writing, grant an adjournment where sufficient cause is shown:

Provided that no unnecessary adjournment shall be granted.

(4) In case the person concerned fails to appear or fails to file a reply despite due service of notice, the Adjudicating Officer may proceed ex parte after recording reasons in writing.

(5) Where, during the course of hearing, the Adjudicating Officer considers that further inquiry is required, he may adjourn the proceedings and call for additional material.

9. Powers of Adjudicating Officer

(1) The Adjudicating Officer shall, for the purposes of holding inquiry under these rules, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavit; and
 - (d) issuing commissions for examination of witnesses.
- (2) Every inquiry conducted by the Adjudicating Officer shall be deemed to be a judicial proceeding within the meaning of the Bharatiya Nyaya Sanhita, 2023.

10. Factors for determination of penalty

While adjudging the quantum of penalty under section 9 of the Act, the Adjudicating Officer shall have due regard to the following factors, namely:—

- (a) the nature, gravity and duration of the contravention or non-compliance;
- (b) whether the contravention or non-compliance is continuing in nature;
- (c) the amount involved, wherever ascertainable;
- (d) the number of employees, members, pensioners or beneficiaries affected;
- (e) whether the person concerned has previously committed similar contravention or non-compliance;
- (f) the amount of gain or unfair advantage derived from the contravention or non-compliance, wherever quantifiable;
- (g) the loss or damage caused to public interest, the Fund or the beneficiaries;
- (h) whether the contravention or non-compliance was wilful, fraudulent or mala fide;
- (i) the conduct of the person concerned during the inquiry, including the cooperation extended;
- (j) any steps taken for mitigation or rectification of the default; and
- (k) any other mitigating or aggravating circumstances relevant to the case.

11. Order by Adjudicating Officer and imposition of penalty

- (1) After considering the reply, records, documents, evidence and submissions made during the inquiry, the Adjudicating Officer shall, by a reasoned order,—
- (a) drop the proceedings, if no contravention or non-compliance is established; or
 - (b) impose penalty in accordance with section 9 of the Act, if contravention or

non-compliance is established.

(2) The order shall contain—

(a) brief facts of the case;

(b) issues for determination;

(c) the contravention or non-compliance established, if any;

(d) findings with reasons;

(e) the amount of penalty imposed, if any;

(f) the manner and time within which the penalty is to be deposited; and

(g) the right of appeal under section 9B of the Act.

(3) A copy of the order shall be served upon the person concerned in accordance with rule 6 and shall also be forwarded to the Coal Mines Provident Fund Organisation for necessary action.

(4) Where the contravention or non-compliance is continuing in nature, the Adjudicating Officer may, in addition to imposition of penalty, direct the person concerned to take such corrective action as may be necessary for securing compliance with the Act or the Scheme.

12. Payment and recovery of penalty

(1) The penalty imposed under these rules shall be deposited by the person concerned within the period specified in the order or within such extended period as may be allowed by the Adjudicating Officer or the Appellate Authority, as the case may be, for reasons to be recorded in writing.

(2) The penalty amount shall be deposited through such mode and under such head of account as may be specified by the Central Government or the Coal Mines Provident Fund Organisation.

(3) Where the penalty imposed under section 9 or section 9A of the Act, or by order of the Appellate Authority under section 9B of the Act, is not deposited within the specified period, the same shall be recovered as arrears of land revenue.

13. Form and manner of preferring appeal

(1) Any person aggrieved by an order of the Adjudicating Officer under section 9A of the Act may prefer an appeal before the Appellate Authority appointed under section 9B of the Act.

(2) The appeal shall be preferred in Form-II appended to these rules within thirty days from the date of receipt of the order of the Adjudicating Officer.

(3) The appeal shall be accompanied by—

(a) a copy of the order appealed against;

(b) a statement of facts;

(c) grounds of appeal;

(d) copies of documents relied upon by the appellant;

(e) proof of authority, where the appeal is filed through an authorised representative; and

(f) proof of payment of such amount, if any, as may be required under the Act or under the order appealed against.

(4) The Appellate Authority may admit an appeal after expiry of the period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(5) The appeal may be filed physically or through electronic means, in such manner as may be specified by the Central Government or the Coal Mines Provident Fund Organisation.

14. Procedure for disposal of appeal

(1) On receipt of the appeal, the Appellate Authority may call for the records of the case from the Adjudicating Officer.

(2) The Appellate Authority shall give the parties to the appeal a reasonable opportunity of being heard.

(3) After considering the records of the case and submissions of the parties, the Appellate Authority may pass such order as it deems fit, confirming, modifying or setting aside the order appealed against, or remanding the matter for fresh consideration.

(4) Every appeal shall, as far as practicable, be disposed of within sixty days from the date of filing of the appeal.

(5) A copy of the order passed by the Appellate Authority shall be served upon the appellant and forwarded to the Adjudicating Officer and the Coal Mines Provident Fund Organisation for necessary action.

15. Residual powers

In respect of matters not specifically provided in these rules, the Adjudicating Officer or the Appellate Authority, as the case may be, may regulate its own procedure in a manner consistent with the principles of natural justice and the provisions of the Act and the Scheme framed thereunder.

FORM-I
[See rule 5]
Notice for Adjudication of Penalty

To,

Name: _____

Address: _____

Email ID, if any: _____

1. Whereas the undersigned, being the Adjudicating Officer appointed under section 9A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, upon consideration of the material available on record, is satisfied that a prima facie case exists for initiating inquiry proceedings under the said Act;

2. And whereas, it appears that you have allegedly committed contravention(s) or non-compliance of the following provisions of the Act or the Scheme framed thereunder:

Sl. No.	Provision alleged to be contravened / not complied with	Period	Brief particulars of contravention / non-compliance

3. The material/documents relied upon and the records/documents required to be produced, if any, are as follows:

Sl. No.	Description of document/material/record	Whether relied upon / required to be produced

4. In view of the above, you are hereby called upon to show cause within _____ days from the date of receipt of this notice as to why action should not be taken and penalty should not be imposed against you under section 9 of the said Act.

5. You may submit a written reply with supporting documents or evidence and indicate whether you seek a personal hearing.

6. You may appear in person or through an authorised representative on the date of hearing mentioned below, if applicable:

Date of hearing: _____

Time: _____

Mode of hearing (physical / video conference): _____

Venue / Link: _____

7. In case no reply is received within the stipulated time or you fail to appear for the hearing despite due service of notice, the matter may be decided ex parte based on material available on record.

Date: _____

Place: _____

(Signature)
Adjudicating Officer

FORM-II
[See rule 13]

**Appeal under section 9B of the Coal Mines Provident Fund and
Miscellaneous Provisions Act, 1948**

Before the Appellate Authority appointed under section 9B of the Coal Mines
Provident Fund and Miscellaneous Provisions Act, 1948

Sl. No.	Particulars	Details
1	Name of the appellant	
2	Address of the appellant	
3	Email ID and mobile number of the appellant	
4	Name of establishment/company, if applicable	
5	Name and designation of authorised representative, if any	
6	Order number and date of the Adjudicating Officer	
7	Date of receipt of the order	
8	Amount of penalty imposed, if any	
9	Amount deposited, if any	
10	Brief facts of the case	
11	Grounds of appeal	
12	Relief sought	
13	List of documents enclosed	

Declaration

I hereby declare that the facts stated above are true and correct to the best of my knowledge and belief.

Place:	Signature of appellant / authorised representative:
Date:	

List of enclosures

1. Copy of order appealed against.
2. Statement of facts.
3. Grounds of appeal.
4. Copies of documents relied upon.
5. Proof of amount deposited, if any.

6. Authority letter, if filed through authorised representative.