

ACT No. XII OF 1947

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 17th March, 1947.)

An Act to confer for a limited period special powers for regulating the transport of goods on railways.

WHEREAS it is expedient to confer for a limited period special powers for regulating the transport of goods on railways;

It is hereby enacted as follows:—

1. (1) This Act may be called the Railways (Transport of Goods) Act, 1947. Short title, extent, commencement and duration

(2) It extends to the whole of British India.

(3) It shall come into force on the 25th day of March 1947, and shall remain in force for one year only.

2. (1) In this Act,—

Interpretation

(a) "Chief Commissioner" means the Chief Commissioner of a Chief Commissioner's Province;

(b) "grains and pulses" means *bajree*, barley, beans, black gram, *chowlee* seeds, *chuni*, dry cow-peas, *dhall*, gram, parched gram, horse gram, Indian corn, *jowari*, *karamony*, *khesari*, *moong*, *mussoor*, *mutt*, oats, *oorid*, paddy, peas, *raggi*, *rajgeera*, rice (including beaten or pounded rice), common sago, sun-dried tapioca, *toor* and wheat;

(c) "railway administration" has the meaning assigned to it in the Indian Railways Act, 1890.

(2) For the purposes of this Act the transport of goods shall be deemed to be sponsored only if such transport—

(a) is required on the written demand of, or

(b) is in accordance with any programme of transport drawn up in writing by, or

(c) is certified in his behalf on the consignment note relating to the goods by—

the Central Government, a Provincial Government, a Chief Commissioner or the Government of an Indian State, or any person authorised in writing in this behalf by any such Government as aforesaid or by a Chief Commissioner

Price anna 1 or 1½d.

Power to give directions in regard to the transport of goods by railways

3. The Central Government or any person authorised in this behalf by the Central Government by notification in the official Gazette may, by general or special order, direct any railway administration—

(a) to give special facilities or preference for the transport of any of the goods specified in the second column of the Schedule, subject to compliance with the conditions, if any, set out in the corresponding entry in the third column of the Schedule, or

(b) to refuse to carry such goods or classes of goods as may be specified in the order, either absolutely or between places so specified.

Directions to be complied with

4. Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, every railway administration shall be bound to comply with any direction given to it under section 3.

Protection of action taken

5. No suit or other legal proceedings shall lie against the Crown or any railway administration or any person for any damage caused or likely to be caused in consequence of any direction issued under section 3 or of the compliance of any railway administration therewith, nor shall any railway administration have any liability, whether under the Indian Railways Act, 1890, or otherwise, by reason only of its compliance with any such direction.

Power to amend Schedule

6. The Central Government may from time to time by notification in the official Gazette amend the Schedule so as to include therein goods of other descriptions or exclude therefrom goods of any description or vary in respect of any description of goods the conditions set out in the third column of the Schedule; and thereupon the Schedule shall have effect as if it had been so enacted.

THE SCHEDULE

(See section 3)

Serial No.	Description of goods	Conditions for special transport facilities or preference
1	Stores (including medical stores) for relief in times of famine or other emergency.	When transport is sponsored.
2	Military or police stores and equipment	Ditto.
3	Railway material and stores.	Nil.
4	Material and stores of the Posts and Telegraphs Department.	Nil.
5	Grains and pulses, wheat products and flour of other grains and pulses, ghee, butter, cooking fats and edible vegetable oils, salt (other than hid. salt), sugar, gur and jagree, copra and coconut.	When transport is sponsored or when the goods are consigned to railway grain shops.
6	Empty gunnies and other food containers	Ditto, and either when new or on return to filling centres.
7	Oil-seeds and ground nuts, used in the manufacture of edible oils.	When transport is sponsored.

Serial No.	Description of goods	Conditions for special transport facilities or preference
8	Cotton or woollen piecegoods, blankets, twist and yarn.	<i>Nil.</i>
9	The following fuels, namely :—	•
	(a) Coal and coke	When despatched from collieries.
	(b) Firewood and charcoal	When transport is sponsored.
10	Petroleum and petroleum products	When consigned by oil companies.
11	Empty containers for petroleum and petroleum products.	Being new, when consigned to or by oil companies, or being used, when returned to oil companies for refilling.
12	Cattle food, cattle fodder and manures	When transport is sponsored.
13	Iron and steel	When consigned from iron or steel works.
14	Cement	When consigned from cement factories.
15	Paper, including newsprint	When transport is sponsored or when consigned from paper mills.
16	Mica	When consigned from mica mines.