

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1957

No. 53 OF 1957

[24th December, 1957]

An Act further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

Short title.
and com-
mencement.

1. (1) This Act may be called the Indian Railways (Amendment) Act, 1957.

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

Amendment
of section 27.

2. In section 27 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Any decision given by the Central Government under sub-section (4) shall be final and binding on all parties concerned.”

Amendment
of section
27A.

3. In section 27A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government may, if in its opinion it is necessary in the public interest so to do, by general or special order, direct any railway administration—

(a) to give special facilities for, or preferential treatment in the transport of any such goods or class of goods as may be specified in the order to the Central Government or to the Government of any State or of such other goods or class of goods as may be specified in the order;

(b) to carry any goods or class of goods on any route or routes and at such rates as may be specified in the order.”

4. In section 29 of the principal Act,—

Amendment
of section 29.

(a) in sub-section (1), the words "other than a minor railway" shall be omitted;

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

(2) The Central Government may, by a like order, fix the rates of any other charges for the whole or any part of a railway and prescribe the conditions in which such rates of charges shall apply.

(3) Any complaint that a railway administration is contravening any order issued by the Central Government under sub-section (1) shall be determined by the Central Government."

5. Section 32 and section 33 of the principal Act shall be omitted.

Omission of
sections 32
and 33.

6. In section 34 of the principal Act, for sub-section (2) and sub-section (3), the following sub-sections shall be substituted, namely:—

Amendment
of section 34.

"(2) The Tribunal shall consist of a Chairman and two other members to be appointed by the Central Government.

(3) A person shall not be qualified for appointment as the Chairman of the Tribunal unless he is, or has been, a Judge of the Supreme Court or of a High Court and the other two members of the Tribunal shall be chosen from among persons who, in the opinion of the Central Government, have special knowledge of commercial, industrial or economic conditions of the country or of the commercial working of the railways.

(4) The Chairman and the other members of the Tribunal shall hold office for such period, not exceeding five years, as may be specified in the order of their appointment; and if the Chairman or any other member is by infirmity or otherwise rendered incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Central Government may appoint another person to act in his place during his absence.

(5) A person who holds office as the Chairman or other member of the Tribunal shall, on the expiration of the term of his office (not being an office to fill a casual vacancy), be ineligible for re-appointment to that office.

(6) Subject to the provisions of sub-section (4) and sub-section (5), the Chairman and other members of the Tribunal shall hold office on such terms and conditions as the Central Government may, by general or special order, prescribe.

(7) No act or proceedings of the Tribunal shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Tribunal."

Omission
of section 35.

7. Section 35 of the principal Act shall be omitted.

Amendment
of section
39.

8. In section 39 of the principal Act, the words and brackets "the State Government (as the case may be)" shall be omitted.

Amendment
of section 41.

9. In section 41 of the principal Act,—

(i) in sub-section (1), for clauses (b) to (e), the following clauses shall be substituted, namely:—

"(b) is charging for the carriage of any commodity between two stations a rate which is unreasonable, or

(c) is levying any other charge which is unreasonable,";

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) In the case of a complaint under clause (b) or clause (c) of sub-section (1), the Tribunal may fix such rate or charge as it considers reasonable:

Provided that the rate to be fixed under clause (b) of sub-section (1) shall be within the limit of the maximum and minimum rates fixed by the Central Government under sub-section (1) of section 29."

Insertion of
new section
41A.

10. After section 41 of the principal Act, the following section shall be inserted, namely:—

Revision of
orders by
Tribunal.

"41A. Where a railway administration, bound by an order of the Tribunal, considers that since the order was made there has been a material change in the circumstances on which it was based, the railway administration may, after the expiry of one year from the date of the order, make an application to the Tribunal for revision of the order and the Tribunal may, after making due inquiry into the matter in accordance with the provisions of this Chapter, vary or revoke the order."

11. For section 42 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 42.

“42. The Central Government alone shall have power—

Power to classify or re-classify commodities or to alter rates.

(a) to classify or re-classify any commodity;

(b) to increase or reduce the level of class rates and other charges.”

12. Section 43 of the principal Act shall be omitted.

Omission of section 43.

13. In section 44 of the principal Act, in sub-section (2),—

Amendment of section 44.

(i) clauses (a) and (b) shall be omitted;

(ii) in clause (f), the words “or as assessors” shall be omitted.

14. For section 45 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 45.

“45. (1) Nothing in this Chapter shall confer jurisdiction on the Tribunal in respect of—

Bar of jurisdiction of the Tribunal.

(a) classification or re-classification of any commodity;

(b) fixation of wharfage and demurrage charges (including conditions attached to such charges);

(c) scales of charges levied by a railway administration for the carriage of passengers and their luggage, parcels, military traffic and traffic in railway materials and stores.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may make a reference to the Tribunal in respect of any of the matters specified in that sub-section and where any such reference is made in respect of any matter, the Tribunal shall make an inquiry into that matter and submit its report thereon to the Central Government.

(3) On receipt of a report under sub-section (2), the Central Government may take such action as it considers suitable in respect of the matters dealt with in the report.”

15. In section 46 of the principal Act,—

Amendment of section 46.

(a) in clause (ii), after the words “or reduce”, the words “or cancel after due notice in the manner prescribed by the Central Government” shall be inserted;

(b) clause (iii) shall be omitted.

16. In section 46A of the principal Act, the proviso shall be omitted.

Amendment of section 46A.

Amendment
of section
46C.

17. In section 46C of the principal Act,—

(i) for clause (a), the following clause shall be substituted, namely:—

‘(a) “classification” means the grouping of commodities into classes (both for smalls and wagon loads) as duly authorised by the Central Government and notified in the Indian Railway Conference Association’s Goods Tariff in force for the time being for the purpose of determining the rate to be charged;’;

(ii) clause (f) shall be omitted;

(iii) after clause (g), the following clause shall be inserted, namely:—

‘(h) “wharfage” means the charge levied on goods for not removing them from the railway premises after the expiry of the free time allowed for such removal.’

Disposal of
pending pro-
ceedings.

18. If, immediately before the commencement of this Act, there is pending any proceeding before the Railway Rates Tribunal constituted under the Indian Railways Act, 1890, as in force before such commencement, the proceeding shall stand transferred to the Railway Rates Tribunal constituted after such commencement (hereinafter referred to as the new Tribunal) and the new Tribunal shall decide and dispose of that proceeding in accordance with the provisions of the said Act as in force after such commencement; and for the removal of doubts, it is hereby declared that the proceeding, in so far as it relates to any complaint in respect of which the new Tribunal has no jurisdiction, shall abate.