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**STANDING COMMITTEE ON RAILWAYS
(2008-09)**

FOURTEENTH LOK SABHA

**MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

'THE RAILWAYS (SECOND AMENDMENT) BILL, 2008'

FORTY SECOND REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

February, 2009/Phalguna, 1930 (Saka)

SCR No.: 138

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*Presented to Lok Sabha on 26.02.2009
Laid in Rajya Sabha on 26.02.2009*



**LOK SABHA SECRETARIAT
NEW DELHI**

February, 2009/Phalguna, 1930 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON RAILWAYS (2008-09)

Shri Basudeb Acharia - Chairman

MEMBERS

LOK SABHA

2. Shri Prasanna Acharya
3. Dr. Dharendra Agarwal
4. Shri Atiq Ahamad
5. Shri S. Ajaya Kumar
6. Smt. Suman Mahato
7. Shri Bapu Hari Chaure
8. Shri H.D. Devegowda
9. #Vacant
10. Shri Giridhar Gamang
11. Shri Anwar Hussain
12. Shri Mahesh Kumar Kanodia
13. Ch. Lal Singh
14. Shri Ananta Nayak
15. Shri Laxmanrao Patil
16. Shri A. Sai Prathap
17. Shri Kishan Singh Sangwan
18. Shri Iqbal Ahmed Saradgi
19. Shri Manik Singh
20. Shri K. Subbarayan
21. Shri C.H. Vijayashankar

RAJYA SABHA

22. Shri Motilal Vora
23. Shri Nandi Yellaiah
24. Shri Satyavrat Chaturvedi
25. Shri Lalit Kishore Chaturvedi
26. Shri Shreegopal Vyas
27. Shri Tarini Kanta Roy
28. Shri N. Balaganga
29. Shri Abani Roy
30. *Shri Khekiho Zhimomi
31. **Shri Brijesh Pathak

#Shri Kishan Lal Diler passed away on 04.09.2008 (Ref.: LSS Bulletin No. 6009 dated 11th September, 2008).

*Nominated w.e.f. 12.08.2008 (Bulletin No. 45235 dated 14.08.2008).

**Nominated w.e.f. 27.01.2009 (Bulletin No. 45708 dated 28.01.2009)

LOK SABHA SECRETARIAT

- | | | |
|-----------------------|---|------------------|
| 1. Shri S.K. Sharma | - | Secretary |
| 2. Shri S. Bal Shekar | - | Joint Secretary |
| 3. Shri V.S. Negi | - | Director |
| 4. Shri Y.M. Kandpal | - | Deputy Secretary |
-

INTRODUCTION

I, the Chairman of the Standing Committee on Railways (2008-09) having been authorized by the Committee to present the Report on their behalf, present this forty second Report of the Standing Committee on Railways (2008-09) on “The Railways (Second Amendment) Bill, 2008”

2. The Railways (Second Amendment) Bill, 2008 was introduced in the Lok Sabha on 20 October, 2008 and referred to the Standing Committee on Railways for examination and Report by the Hon Speaker, Lok Sabha under Rule 331 E of the Rules of Procedure and Conduct of Business in the Lok Sabha.

3. In their process of examination of the said Bill, the Committee took evidence of the representatives of the Ministry of Railways on 21 November, 2008 and the Ministry of Law and Justice on 4 December, 2008. The Committee also took a joint oral evidence of the Representatives of both the Ministries on 6 January, 2009

4. The Committee considered the draft Report at their sitting held on 25 February, 2009 and adopted the same. Minutes of the sittings held on 21 November, 4 December, 2008, 6 January and 25 February, 2009 form Part –II of the Report.

5. The Committee wish to express their thanks to the officers of the Ministry of Railways (Railway Board) and the Ministry of Law and Justice for appearing before the Committee and furnishing the material and information which the Committee desired in connection with the examination of the Railways (Second Amendment) Bill, 2008 and sharing with them the issues concerning the subject which came up for discussion during evidence.

New Delhi
25 February, 2009

6 Phalguna, 1930 Saka

(BASUDEB ACHARIA)
Chairman,
Standing Committee on Railways

REPORT

THE RAILWAYS (SECOND AMENDMENT) BILL, 2008

The Railways (Second Amendment) Bill, 2008 was introduced in the Lok Sabha on 20 October, 2008 and was referred to the Standing Committee on Railways on 31 October, 2008 by the Hon Speaker, Lok Sabha for examination and report thereon. A copy of the Bill is at Annexure –I.

PURPOSE OF THE BILL

1.2 The bill seeks for insertion of a new section 198A in the Railways Act, 1989 to enable the Central Government to make rules for the purpose of sub-section (7) of Section 33 of the Railways Act, 1989 related to the terms and conditions of appointment of the Chairman and members of the Railway Rates Tribunal (RRT) with retrospective effect.

1.3 Section 33 of the Railways Act, 1989 stipulates as under:

“There shall be a Tribunal to be called the Railway Rates Tribunal for the purpose of discharging the functions specified in this chapter.”

1.4 The sub-section (7) of Section 33 of the Railways Act, 1989 stipulates as under:

“Subject to the provisions of sub-sections (5) and (6), the Chairman and other members of the Tribunal shall hold office on such terms and conditions as may be prescribed.”

1.5 When the Committee enquired about the purpose for bringing the proposed amendment, the Secretary, Railway Board replied as under:-

“The purpose of this particular amendment is to enable the Central Government to make rules in relation to the allowances, salaries and pension of the Chairman and Members of the Railway Rates Tribunal (RRT) with retrospective effect. What has happened was, in the absence of this particular amendment, consequent upon the Fifth Pay Commission’s recommendations the Chairman and Members were given the allowances with effect from 1.1.1999. While the recommendations came into force on 1.1.1999, the instructions of the Government were that they should get the allowances and pay with effect from 1.1.1996. In the absence of this particular amendment, these officers were not able to get the enhanced allowances, pension and salary. This particular clause will enable us to make good that particular deficiency.”

1.6 On being asked the reasons for bringing such an amendment after 9 years to give retrospective effect to the implementation of the

recommendations of the Fifth Central Pay Commission in respect of Chairman and Members of the Railway Rates Tribunal, a Representative of the Ministry of Railway replied as under:

“It is a fact that this has been delayed.....this deficiency was not that for the Railway Claims Tribunal. I think since it was a part of the Indian Railways Act, it was just overlooked. It was not that there was some intention. You are right in saying that we could have brought this amendment earlier.
.....

Because of this deficiency, we were not able to give the arrears which were due to the Chairman and Members of the Tribunal. We will not be able to do so in the case of Sixth Pay Commission’s recommendations also till this amendment is carried out.”

RAILWAY RATES TRIBUNAL (RRT)- FUNCTIONS AND SERVICE CONDITIONS OF MEMBERS

1.7 In 1920, the Government of India appointed the Acworth Committee to look into the system of control of rates and fares and machinery for deciding disputes between Railways and Traders, which recommended establishment of a Rates Tribunal. In 1926, in consultation with the Central Advisory Council for Railways, Government appointed the ‘Railway Rates Advisory Committee’ to deal with certain complaints of undue preference, unreasonable rates etc.

However, the opinion of the Committee was advisory only and the Committee was not empowered to take cognizance of complaints unless they were referred to it by the Government. The Committee continued to function till it was replaced by the Railway Rates Tribunal in 1949.

The Railways Rates Tribunal was constituted by an Act of Parliament (Central Act 65 of 1948), in the wake of Independence. The Tribunal came into being with effect from 4 April, 1949.

1.8 The Railway Rates Tribunal (RRT) consisting of a Chairman and two other Members has one and only Bench at Chennai. The Constitution, powers and functions of the RRT are as per provisions laid down in section 33 to section 48 of the Railways Act, 1989. Extracts reproduced at Annexure–II of the Report.

1.9 When the Committee inquired about the main functions of the Railway Rates Tribunal (RRT), the Secretary, Railway Board replied as under:

“ The main functions of the RRT are mentioned in section 36 of the Indian Railways Act. One of its main function is to ensure that there is no discrimination of freight charged for transportation of goods by the Railways and act as check and control on the Railway administration. Section 70 of the Indian Railways Act says that Railways should not discriminate among its various users. This Railways Rates Tribunal (RRT) is to ensure that no discrimination is done. If there is any

complaint arises on that count, the rail user can go to Railway Rates Tribunal for redressal. Secondly, if any person is aggrieved by the charges that are levied, he or she can approach the RRT. For example, the Indian Railways have rationalized the routes. If the goods are moved by shorter route after rationalization, there may be some issue. There are a number of such issues. An issue is that the chargeable weight is more but the actual goods which can be carried is lower. That is why there is some kind of idle freight. All such complaints of a user against the Railways are dealt with by the Railways Rates Tribunal.”

1.10 The service conditions of Chairman and Members of RRT are governed by Railways Rates Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members) Rules, 1995, which have been framed in exercise of power conferred under section 198 read with section 33 (7) of the Railways Act, 1989. A copy of the Rule together with Amendment given at Annexure-III of the Report.

1.11 When the Committee enquired about the basis for the fixation of salary and allowances of the Chairman and Members of RRT, the representative of the Ministry of Railway replied as under:-

“The Chairman, RRT is normally equivalent to the High Court Judge and the members are equivalent to the Joint Secretary of the Government of India. That is basis.”

1.12 Consequent on the revision of pay, allowances and pension payable to the Central Government employees as a result of acceptance of the 5th Central Pay Commission's recommendations by the Government, the pay, allowances and pension payable to the Chairman and Members of the RRT are due for revision with retrospective effect from 1 January, 1996.

1.13 The revised pay scales and allowances have already been granted to the incumbents with prospective effect in view of rules 15 and 17 of Railway Rates Tribunal (Salaries and Conditions of Service of Chairman and Members) Rules, 1995.

1.14 According to the Railways, the existing Section 198 and also other sections in the Railways Act, 1989 do not confer any right on the Central Government to make rules with retrospective effect. Therefore, to effect revision in salary, allowances and pension to the Chairman and member of RRT w.e.f. 1 January, 1996 and to provide for accumulation of earned leave upto 300 days w.e.f. 1.7.1997 in consequence of adoption of 5th Central Pay Commission's recommendations in case of Central Government Employees as also in case of judges and Chief Justice of High Courts and Supreme Court, and also to extend pensionary benefits available under Railway Rates Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members) Rules, 1995 to the Chairman and Members and who retired prior to 30.1.99 i.e. the date on which pensionary benefits were made available

to the Chairman and Members of the RRT , an enabling provision by way of insertion of a new section 198 A in the Railways Act, 1989 to confer power on the Central Government to make such rules to give retrospective effect from a date not earlier than the date of commencement of the said Act, i.e. 1.7.1990 but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to who such rule may be applicable, has become necessary.

1.15 It is, therefore, proposed by the Ministry of Railways to amend the Railways Act, 1989 to enable the Central Government to make rules in respect of salary, allowances and pension of Chairman and Members of the Railway Rates Tribunal with retrospective effect.

1.16 According to the Railway Board, similar provisions are already in the Railway Claims Tribunal Act, 1987 and the Administrative Tribunal Act, 1985 vide Section 30 A and Section 36 A respectively and the relevant rules pertaining to salary and allowances of the Chairman, Vice Chairman and Members of the Railway Claims Tribunal and Central Administrative Tribunal have already been revised on the basis of 5th Central Pay Commission Scales of pay and allowances w.e.f. 1.1.1996.

1.17 On being enquired by the Committee that when the Railways Rates Tribunal is a part of the Indian Railways Act, 1989 why is there a

separate Act for the Railways Claims Tribunal, a representative from the Railway Board replied as under:-

“Actually, the Railways Rates Tribunal is a part of the Indian Railways Act. In fact earlier also the Railway Rates Tribunal was a part of the Indian Railways Act of 1889.

There were Government Railways as well as private Railways then. There had been a number of cases then where there was a difference particularly in the freight rates of the private railways and the Government Railways. I think that at that particular time they thought that there should be some kind of a regulator who should get into these cases and there should not be any discrimination among the users of the Indian Railways particularly with regard to the rates charged by the different railway companies whether Government or private.”

1.18 When the Committee enquired about the necessity to bring a new section 198A when the General Clauses Act which dominates all Acts empowers the implementation of the Act retrospectively, the representative from the Ministry of Railways replied as under:

“Our administration was also of the view to implement it within the ambit of existing Act. But the Financial Director and the Legal Advisor in the Board advised that it can not be applied with retrospective effect and to include a new clause in the Railways Act. This delay was caused because of this. We

thought to give allowances with retrospective effect, but our legal advisor advised that unless we introduce an amendment Bill, it can not be done.”

1.19 The views of the Ministry of Law and Justice regarding addition of a new section –198 A- for the purpose of Section 7 of section 33 of the Indian Railways Act, 1989 to give retrospective effect in regard to the implementation of the recommendations in respect of the Chairman and Members of the Railway Rate Tribunal are as under:-

In fact there is a power already existing to make rules prospectively. But there is no power to make rules with retrospective effect. Unless Statutes provide specific power to make rules with retrospective effect, the rules can not be made. Only in Article 309 of the Constitution there are plenary powers which empower that rules can be made from retrospective effect. In other statutes, if you want to make rules to give retrospective effect, Parliament is only competent to give that specific power. Parliament is fully competent to make any law with retrospective effect. Of course, that is subject to Article 20 of the constitution that penal things can not be with retrospective effect. In fact, this issue was examined in 2006 and we have taken other precedents also and we advised that without having a specific power to make rule with retrospective effect, this amendment is necessary.

1.20 When the Committee enquired if the section 6 of the General Clauses Act which is the parent Act empower government to give benefits retrospectively even when the parent law provides for only prospective operation to confer any benefits through rules, the Secretary, Ministry of Law and Justice replied as under:

“On that it is very clear. Unless you have an express provision you can not give retrospective effect. That is consistent stand. There is a difference. For, rules framed under article 309, the provisions are plenary in nature and you can give retrospective effect. But in this case, under the statute if there is no express power you cannot give retrospective effect. It is the position maintained by the Committee on Subordinate legislation.”

He further added :-

When you are affecting some vested rights we have to have the express provision in the Act itself. So, the General Clauses Act is silent. It neither prohibits nor authorises you to do that. Since, it is absence of powers, we would like to have an express power in the Act itself.....This is one time exercise. It is not necessary for every time a revision is done, we have to amend the Act. Since there is not power is in the Act that power has been taken now. So in future, there is not need to amend the Act. So, retrospectively, you can give effect.

1.21 On being further asked as to what does the General Clauses Act, 1897 stipulate about framing of Rules with retrospective effect and whether there is any provision under this Act by which Rules can be framed/made retrospectively, the Ministry of Law and Justice in a written reply stated as under:

The General Clauses Act, 1897 is applicable to the Railways Act, 1989 for the purpose of interpretation of its provisions, unless the context otherwise requires. There is no express provision in the General Clauses Act, 1897 for framing of rules with retrospective effect.

1.22 The Railways (Second Amendment) Bill, 2008 intends to serve the aforesaid purpose. The Bill seeks to incorporate a new section 198 A in the Railways Act, 1989 which when enacted shall empower the Central Government to make rules for the purpose of section 33 (7) of the said Act, which is related to salary allowances and conditions of services of the Chairman and Members of the Railways Rates Tribunal with retrospective effect.

1.23 A calendar of events showing the chronology of various stages in the process of bringing the proposed amendment is at annexure-IV.

FINANCIAL IMPLICATIONS

1.24 Regarding financial implications on account of the proposed amendment, the Ministry of Railways have in their written reply stated as under:-

“The financial implications on account of allowing salary in the 5th CPC pay scales to the Chairman and two Members of the RRT w.e.f. 01.01.1996 to 30.01.1999 would work out to approximately Rs. 7.7 lakhs, and in addition, dearness allowance at the relevant rate admissible from time to time would be payable. The financial implications on account of grant of pensionary benefits to the two Chairmen and six Members of RRT who retired prior to January, 1999 would be approximately Rs. 1 lakh per year, and in addition dearness relief at the relevant rate admissible from time to time would also be payable.

1.25 During evidence the Committee also touched upon the very aspect of the need of having such a body in the present scenario when there are no private railways operating. The Committee wondered if the money being spent on the salary and allowances of the Tribunal members does commensurate with the benefits accrued out of it and whether the Tribunal has adequate work at hand to justify its continuance. The Committee felt the need of an introspection by the Railways in this matter and exploring the possibility of having a separate mechanism within railways itself to look after the work assigned to this Tribunal or enhancing the scope of this Tribunal.

RECOMMENDATIONS

1. The committee examined the Railways (Second Amendment) Bill, 2008 referred to them by the Hon Speaker, Lok Sabha. The bill seeks to insert a new section 198 A in the Railways Act, 1989 to enable Central Government to make rules for the purposes of sub-section (7) of section 33 of the Railways Act, 1989 related to the terms and conditions of appointment of the Chairman and Members of the Railway Rates Tribunal, a quasi judicial unit.

The Committee after hearing the views of the Representatives of the Ministry of Railways and the Ministry of Law and Justice on the subject are convinced that the existing section 198 of the Railways Act 1989 does not empower the Ministry of Railways to give benefits retrospectively without bringing an amendment. The Committee also note that in the absence of express provision in the General Clauses Act, 1897 for framing of rules with retrospective effect and the fact that the General Clauses Act 1897 does not empower the Government under its section 6 to give benefits retrospectively, the proposed amendment is necessary in order to enable the Central Government to make rules in relation to the allowances, salaries and pension of the Chairman and Members of the

Railway Rates Tribunal with retrospective effect. The Committee, therefore, having examined all aspects of the Railways (Second Amendment) Bill, 2008 recommend consideration of the Bill by the House.

2. While recommending the consideration of the Railways (Second Amendment) Bill, 2008 by the House, the Committee also take a note of the fact that the relevant rules pertaining to salary and allowances of the Chairman, Vice- Chairman and Members of the Railway Claims Tribunal (RCT) and the Central Administrative Tribunal (CAT) have already been revised on the basis of 5th Central Pay Commission scales of pay and allowances w.e.f. 1.1.1996. They, therefore, deprecate the inordinate delay on the part of the Ministry of Railways in bringing this amendment after a gap of 9 years to give retrospective effect to the implementation of the recommendations of the Fifth Central Pay Commission in respect of Chairman and Members of RRT. Not convinced with the reply of the Ministry of Railways for this delay, the Committee hope that due attention will be paid by the Ministry to such matters in future to avoid delays

**New Delhi
25 February , 2009
6 Phalgun , 1930, Saka**

**(BASUDEB ACHARIA)
Chairman,
Standing Committee on Railways**

AS INTRODUCED IN LOK SABHA

BIL NO. 45 OF 2008

THE RAILWAYS (SECOND AMENDMENT) BILL, 2008

Bill No. 45 of 2008

THE RAILWAYS (SECOND AMENDMENT) BILL, 2008

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BILL

further to amend the Railways Act, 1989.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Railways (Second Amendment) Act, 2008.

Short title.

24 of 1989.

2. In the Railways Act, 1989, after section 198, the following section shall be inserted, namely:—

insertion of new section 198A.

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“198A. The power to make rules under section 198, for the purposes of subsection (7) of section 33, shall include the power to make such rules with retrospective effect from a date not earlier than the date of the commencement of this Act, but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interest of any person to whom such rule may be applicable.”

Power to make certain rules with retrospective effect.

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STATEMENT OF OBJECTS AND REASONS

Sub-section (7) of section 33 of the Railways Act, 1989 provides that the Chairman and other Members of the Tribunal (Railway Rates Tribunal) shall hold office on such terms and conditions as may be prescribed. Further, section 198 of the Act provides that without any prejudice to any power to make rules contained elsewhere in this Act, the Central Government may make rules generally to carry out the purposes of the Act. Accordingly the Central Government notified the Railway Rates Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members) Rules, 1995 which were based on the 4th Central Pay Commission scales of pay and allowances. While examining the question of revising the salary, pension and allowances payable to the Chairman and other Members of the Railway Rates Tribunal with effect from 1-1-1996 on the basis of the recommendations of the Fifth Central Pay Commission and to extend the pensionary benefit to those who demitted the office of Chairman and Members in Railway Rates Tribunal prior to 30-1-1999, the date from which pensionary benefits were made available to the Chairman and Members, by suitably amending the relevant rules, it has been observed that there is no enabling provision in the said Act to give retrospective effect to the rules as provided in the Administrative Tribunals Act, 1985 and the Railway Claims Tribunal Act, 1987. In order to overcome this difficulty, it is proposed to amend the Railways Act, 1989 to provide for an enabling provision to make such rules with retrospective effect not earlier than the date of commencement of the said Act.

2. The Bill seeks to achieve the above objects.

NEW DELHI;

LALU PRASAD.

The 24th January, 2008.

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FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new section 198A in the Railways Act, 1989, to empower the Central Government to make rules for the purpose of sub-section (7) of section 33 of the said Act with retrospective effect from a date not earlier than the date of commencement of the said Act. The matter with respect of which such rules may be made relate to salaries, pension and allowances payable to the Chairman and Members of Railway Rates Tribunal.

2. As the said Bill seeks to provide for an enabling provision to make rules, the financial implications would be known only after the Railway Rates Tribunal (Salary and Allowances and Conditions of Service of Chairman and Members) Rules, 1995 are amended. Hence, it may not be possible to estimate the exact expenditure at this stage. The expenditure, if any, will be met out of the budgetary grant of the Ministry of Railways.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to insert a new section 198A in the Railways Act, 1989, to empower the Central Government to make rules for the purpose of sub-section (7) of section 33 of the said Act with retrospective effect from a date not earlier than the date of commencement of the said Act. The new section 198A specifically provides that no such retrospective effect shall be given to any such rule so as to prejudicially affect the interest of any person to whom such rule may be applicable. The rules made under section 198A shall also be laid before each House of Parliament.

2. As the matters with respect to which such rules may be made to give retrospective effect relate to salaries, pension and allowances payable to the Chairman and members of Railway Rates Tribunal, it is not practicable to provide them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

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LOK SABHA

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further to amend the Railways Act, 1989.

—

(Shri Lalu Prasad, Minister of Railways)

ANNEXURE-II

14 THE GAZETTE OF INDIA EXTRAORDINARY [PART II—

Power to classify commodities or alter rates.

31. The Central Government shall have power to—
- (a) classify or reclassify any commodity for the purpose of determining the rates to be charged for the carriage of such commodities; and
 - (b) increase or reduce the class rates and other charges.

Power of railway administration to charge certain rates.

32. Notwithstanding anything contained in this Chapter, a railway administration may, in respect of the carriage of any commodity and subject to such conditions as may be specified,—
- (a) quote a station to station rate;
 - (b) increase or reduce or cancel, after due notice in the manner determined by the Central Government, a station to station rate, not being a station to station rate introduced in compliance with an order made by the Tribunal;
 - (c) withdraw, alter or amend the conditions attached to a station to station rate other than conditions introduced in compliance with an order made by the Tribunal; and
 - (d) charge any lump sum rate.

CHAPTER VII

RAILWAY RATES TRIBUNAL

Constitution of the Railway Rates Tribunal.

33. (1) There shall be a Tribunal, to be called the Railway Rates Tribunal, for the purpose of discharging the functions specified in this Chapter.

(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 of the other two members, one shall be a person, who, in the opinion of the Central Government, has special knowledge of the commercial, industrial or economic conditions of the country, and the other shall be a person, who, in the opinion of the Central Government, has special knowledge and experience 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 prescribed.

(5) In case 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 office, the Central Government may appoint another person to act in his place during his absence.

(6) 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.

(7) Subject to the provisions of sub-sections (5) and (6), the Chairman and other members of the Tribunal shall hold office on such terms and conditions as may be prescribed.

(8) No act or proceeding of the Tribunal shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Tribunal; or

(b) any defect in the appointment of a person acting as a Chairman or other member of the Tribunal.

34. (1) The Tribunal may, with the previous approval of the Central Government, appoint such officers and employees as it considers necessary for the efficient discharge of its functions under this Chapter.

Staff
of the
Tribunal.

(2) The terms and conditions of service of the officers and employees of the Tribunal shall be such as may be determined by regulations.

35. The Tribunal may sit at such place or places as it may find convenient for the transaction of its business.

Sittings
of the
Tribunal.

36. Any complaint that a railway administration—

(a) is contravening the provisions of section 70; or

(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,

may be made to the Tribunal, and the Tribunal shall hear and decide any such complaint in accordance with the provisions of this Chapter.

Com-
plaints
against a
railway
adminis-
tration.

37. Nothing in this Chapter shall confer jurisdiction on the Tribunal in respect of—

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

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

(c) fixation of fares levied for the carriage of passengers and freight levied for the carriage of luggage, parcels, railway material and military traffic; and

(d) fixation of lump sum rates.

Matters
not with-
in the
jurisdic-
tion of
the
Tribunal.

f 1908. 38. (1) The Tribunal shall have the powers of a civil court under the Code of Civil Procedure, 1908 for the purposes of taking evidence on oath, enforcing the attendance of witnesses, compelling the discovery and production of documents, issuing commissions for the examination of witnesses and of review and shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1973 and any reference in such section or Chapter to the presiding officer of a court shall be deemed to include a reference to the Chairman of the Tribunal.

Powers
of the
Tribunal.

f 1974.

(2) The Tribunal shall also have power to pass such interim and final orders as the circumstances may require, including orders for the payment of costs.

Reference
to the
Tribunal.

39. Notwithstanding anything contained in section 37, the Central Government may make a reference to the Tribunal in respect of any of the matter specified in that section and where any such reference is made in respect of any such matter, the Tribunal shall make an inquiry into that matter and submit its report thereon to the Central Government.

Assistance
by the
Central
Govern-
ment.

40. (1) The Central Government shall give to the Tribunal such assistance as it may require and shall also place at its disposal any information in the possession of the Central Government which that Government may think relevant to any matter before the Tribunal.

(2) Any person duly authorised in this behalf by the Central Government shall be entitled to appear and be heard in any proceedings before the Tribunal.

Burden of
proof, etc.

41. In the case of any complaint under clause (a) of section 36,—

(a) whenever it is shown that a railway administration charges one trader or class of traders or the traders in any local area, lower rates for the same or similar goods or lower charges for the same or similar services than it charges to other traders in any other local area, the burden of providing that such lower rate or charge does not amount to an undue preference, shall lie on the railway administration;

(b) in deciding whether a lower rate or charge does not amount to an undue preference, the Tribunal may, in addition to any other considerations affecting the case, take into consideration whether such lower rate or charge is necessary in the interests of the public.

Decision,
etc.,
of the
Tribunal.

42. The decisions or orders of the Tribunal shall be by a majority of the members sitting and shall be final.

Bar of
jurisdic-
tion of
courts.

43. No suit shall be instituted or proceeding taken in respect of any matter which the Tribunal is empowered to deal with, or decide, under this Chapter.

Reliefs
which
the
Tribunal
may
grant.

44. In the case of any complaint made under clause (b) or clause (c) of section 36, the Tribunal may—

(i) fix such rate or charge as it considers reasonable from any date as it may deem proper, not being a date earlier to the date of the filing of the complaint;

(ii) direct a refund of amount, if any, as being the excess of the rate or charge fixed by the Tribunal under clause (i).

Revision
of deci-
sions
given by
the
Tribunal

45. Where a railway administration considers that since the date of decision by the Tribunal, there has been a material change in the circumstances on which it was based, it may, after the expiry of one year from such date, make an application to the Tribunal and the Tribunal may, after making such inquiry as it considers necessary, vary or revoke the decision.

46. The Tribunal may transmit any decision or order made by it to a civil court having local jurisdiction and such civil court shall execute the decision or order as if it were a decree made by that court.

Execution of decisions or orders of the Tribunal.

47. The Tribunal shall present annually a report to the Central Government of all its proceedings under this Chapter.

Report of the Central Government.

48. (1) The Tribunal may, with the previous approval of the Central Government, make regulations consistent with this Act and rules generally to regulate its procedure for the effective discharge of its functions under this Chapter.

Power of the Tribunal to make regulations.

(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:—

(a) the terms and conditions of service of the officers and employees of the Tribunal;

(b) the award of costs by the Tribunal in any proceedings before it;

(c) the reference of any question to a member or to an officer of the Tribunal or any other person appointed by the Tribunal, for report after holding a local inquiry;

(d) the right of audience before the Tribunal, provided that any party shall be entitled to be heard in person, or by a representative duly authorised in writing, or by a legal practitioner;

(e) the disposal by the Tribunal of any proceedings before it, notwithstanding that in the course thereof there has been a change in the persons sitting as members of the Tribunal;

(f) a scale of fees for and in connection with the proceedings before the Tribunal.

CHAPTER VIII

CARRIAGE OF PASSENGERS

49. (1) Every railway administration shall cause to be pasted in a conspicuous and accessible place at every station in Hindi and English and also in the regional language commonly in use in the area where the station is situated,—

Exhibition of certain timings and Tables of fares at stations.

(i) a table of times of arrival and departure of trains which carry passengers and stop at that station, and

(ii) list of fares from such station to such other stations as it may consider necessary.

(2) At every station where tickets are issued to passengers, a copy of the time table in force shall be kept in the office of the station master,

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ANNEXURE - III

(TO BE PUBLISHED IN PART-II-SECTION 3-SUB SECTION (1)
OF GAZETTE OF INDIA)

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 90/E(O)II/28/1

New Delhi, dt: 17.10.1995

NOTIFICATION

GSR. No. In exercise of the powers conferred by section 198 read with sub-section (7) of section 33 of the Railways Act, 1989 (24 of 1989) the Central Government hereby makes the following rules, namely:-

1. Short title and commencement - (1) These rules may be called the Railway Rates Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members) Rules, 1995.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions - In these rules unless the context otherwise requires, -

(a) "Act" means the Railways Act, 1989 (24 of 1989) ;

(b) "Tribunal" means the Railway Rates Tribunal established under section 33 of the Act.

3. Appointment of the Chairman and the other Members - Appointment of the Chairman and the other Members of the Tribunal shall be made in accordance with the provisions of section 33 of Chapter VII of the Act.

4. Pay - (1) The Chairman shall receive a pay of Rs. 8000 per month if he is or has been a High Court Judge and Rs. 9000/- per

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month if he is or has been Chief Justice of a High Court or a Judge of the Supreme Court before such appointment.

Provided that in the case of appointment of a person as the Chairman, who has retired as a Judge of the Supreme Court or a High Court and who is in receipt of, or has received or has become entitled to receive any retirement benefits, by way of pension, gratuity, employer's contribution to contributory Provident Fund or other forms of retirement benefits, the pay shall be reduced by the gross amount of pension or pensionary equivalent of employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any, drawn or to be drawn by him.

(2) A Member shall receive pay in the Senior Administrative Grade in the scale of Rs. 5900-6700 (RPS) per month.

Provided that in the case of appointment of a person as Member, who has retired from service under Central Government or a State Government and who is in receipt of, or has received or has become entitled to receive any retirement benefits, by way of pension, gratuity, employer's contribution to contributory Provident Fund or other forms of retirement benefits, the pay shall be reduced by the gross amount of pension or pensionary equivalent of employer's contribution to the Contributory Provident Fund, if any drawn, or to be drawn by him.

5. Dearness Allowance and City Compensatory Allowance - The Chairman, and a Member shall receive dearness allowance and city compensatory allowance appropriate to their pay at the same rates as are admissible to a Group 'A' officer in the same scale of pay under the Central Government drawing an equivalent pay.

6. Retirement from parent service on appointment as Chairman or a Member -

(1) In the case of a sitting Judge of the Supreme Court or a High Court who is appointed as Chairman, his service in the Tribunal shall be treated as actual service within the meaning of sub-clause (i) of clause (b) of paragraph 11 of part D of the Second Schedule to the Constitution of India.

(2) A Member who on the date of his appointment to the Tribunal, was in the service under the Central Government or a State Government shall seek retirement from such service before his appointment to the Tribunal.

7. Leave (1) A person, on appointment in the Tribunal as Chairman or Member shall be entitled to leave as follows:

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(i) earned leave at the rate of fifteen days for every completed year of service and proportionate leave for a part thereof;

(ii) half pay leave on medical certificate or on private affairs, at the rate of twenty days in respect of each completed year of service and the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave;

(iii) Leave on half pay can be commuted to full pay leave at the discretion of the Chairman or Member, provided it is taken on medical grounds and is supported by a medical certificate from the competent medical authority;

(iv) extra-ordinary leave without pay and allowances upto a maximum period of one hundred and eighty days in one term of office.

(2) If the Chairman, or a Member is unable to enjoy full vacation on account of his occupation with the Tribunal, he shall be entitled to add the unenjoyed period of vacation to his leave account;

Provided that the total period of earned leave including the unenjoyed period of vacation shall not exceed 30 days in a year.

Explanation - For the purpose of this sub-rule, 'vacation' means vacation of thirty days in each calendar year observed by the Tribunal.

(3) On the expiry of his term of office in the Tribunal, the Chairman or Member shall be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit.

Provided that the quantum of leave encashed under this sub-rule shall not exceed 240 days, including the period of leave already encashed while in previous service.

(4) The cash equivalent of such leave salary shall include dearness allowance on leave salary at the rates in force on the date of relinquishment of office in the Tribunal but shall not

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include Compensatory (city) allowance or any other allowances.

8. Leave sanctioning authority - The chairman shall be the authority competent to sanction leave to a Member, and the President of India through the Ministry of Railways (Railway Board) shall be the authority competent to sanction leave to the Chairman.

9. Provident Fund - The Chairman, or a Member shall be entitled to subscribe to the General Provident Fund at his option and, in the case of his so opting shall be governed by the provisions of the General Provident Fund Rules.

Provided that if the Chairman, was a Judge of Supreme Court or of a High Court he shall continue to be governed by the Rules as were applicable to him before his joining the Tribunal.

10. Journeys on tour/transfer - (1) A Chairman who was a Judge of Supreme Court or of a High Court shall continue to be governed by the provisions of the Supreme Court or High Court Judges (Travelling Allowances) Rules for serving or retired judges as the case may be as regards his entitlements under this rule.

(2) A Member of the Tribunal shall while on tour/transfer be entitled to travelling allowance, daily allowance, transportation of personal effects and other similar matters at the same scales and at the same rates as are applicable to a Group 'A' officer of equivalent pay scale in the Central Government.

11. Leave Travel Concession/Privilege Passes/PTOs for Chairman and Members -

(1) On the analogy of the travel concessions extended by the Ministry of Finance the Chairman and the other member appointed from a source other than the Railways will be granted one set of First Class 'A' Complementary Privilege Ticket Orders per annum, which will include the family also, to be availed of at any time in the year exclusively for the purpose of visiting the home town.

(2) On the expiry of the term of office the Chairman and the other Member appointed from a service other than the Railways will be allowed one First Class 'A' complimentary pass for self and wife only for journey from the headquarters of the Tribunal to the home town and a kit pass for transportation of household effects

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and car, if any, as admissible under the normal rules.

- (3) The other member appointed from the Railways will continue to be eligible for post retirement passes as a retired Railway officer.

12. Accommodation : (1) Every person appointed to the Tribunal as Member shall be entitled to the use of an official residence from the Central Government if available, on payment of license fee at the rates prescribed by the Central Government from time to time provided that the Chairman shall be entitled to accommodation on terms as admissible to the serving/re-employed judges of High/Supreme Court, as the case may be.

(2) Residential accommodation for the Chairman or a Member at such stations where Central Government accommodation is not available may be hired on lease by the Central Government subject to such ceiling on hire-charge as may be specified by the Central Government from time to time.

(3) When the Chairman, or a Member is not provided with, or does not avail himself of the accommodation referred to in sub-rules (1) and (2) he may be paid, every month, house rent allowance as may be admissible from time to time to an officer of equivalent pay scale in the central government if he is a Member and at the rate admissible to re-employed retired judges of High Court or Supreme Court if he is Chairman.

(4) When the Chairman, or a Member occupies an official residence beyond the permissible period, he shall be liable to pay such additional license fee or other charges as are leviable under corresponding rules of the Central Government governing allotment of Central Government accommodation in addition to being liable to eviction in accordance with the rules applicable to the officers drawing equivalent pay in the Central Government.

13. Facility of official transport : (1) Chairman of the Tribunal shall be entitled to a staff car on the terms as admissible to re-employed judges of Supreme/High Court.

(2) The Members shall be entitled to the facility of staff car for journeys for official and private purpose in accordance with the rules governing use of staff car facilities applicable to officers of the Central Government drawing equivalent pay.

14. Facilities for medical treatment : The chairman, or Member shall be entitled to Medical treatment and hospital facilities as provided in the Central Government Health Scheme and in places

where the Central Government Health Scheme is not in operation, as provided in the Central Services medical Attendance Rules, 1944. The Chairman and Members shall be entitled to avail of the Health Service facilities applicable to the officers of equivalent pay scale under the Central Government or where there are no equivalent pay scales to facilities applicable to officers drawing the highest pay scale under the Railway Administration.

15. Conditions of service etc. of the Chairman: Notwithstanding anything contained in these rules the conditions of service and other perquisites available to the Chairman shall be the same as admissible to a serving Judge of the High court or Supreme Court, as the case may be.

16. Appearance before the Tribunal after completion of tenure of office : On completion of their tenure of office, the Chairman or the Member shall not plead or act before the Railway Rates Tribunal in any case referred to the said Tribunal.

17. Residual provision: Any condition of service of the Chairman, or Member for which no express provision has been made in these rules shall be determined by the rules and orders for the time being applicable to a Secretary to the Government of India in the case of Chairman and by the Rules and orders applicable to Railway officers of Senior Administrative Grade in the case of Members.

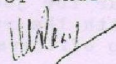
18. Powers to relax rules : The Central Government shall have power, for reasons to be recorded in writing, to relax the provisions of any of these rules in respect of any class or categories of persons.

S. A. A. Zaidi
Secretary, Railway Board
& ex officio Addl. Secretary
to the Government of India

No. 90/E(O)ii/28/1

New Delhi, dt : 17 Oct. 1995

Forwarded for publication to Manager, Government of India Press, Faridabad (with Hindi Version),


(K. K. Roy)
Dy. Secretary (D)/
Railway Board

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EXTRACT FROM GAZETTE

PART II, SECTION 3, SUB-SECTION (i)

Appearing on Page No. 395

Dated : 30-1-99

रेल मंत्रालय

MINISTRY OF RAILWAYS

(रेलवे बोर्ड)

(Railway Board)

नई दिल्ली, 7 जनवरी, 1999

New Delhi, the 7th January, 1999

सा. का. नि. 37 — केन्द्रीय सरकार, रेल अधिनियम, 1989 (1989 का 24) की धारा 33 की उपधारा (7) के तहत पठित धारा 198 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, रेल दर अधिकरण (अध्यक्ष तथा सदस्यों के वेतन एवं भत्ता तथा सेवा की शर्तें) नियम, 1995 का धीरे-धीरे संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

G.S.R. 37.—In exercise of the powers conferred by section 198, read with sub-section (7) of section 33 of the Railways Act, 1989 (24 of 1989), the Central Government hereby makes the following rules further to amend the Railway Rates Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members) Rules, 1995, namely :—

1. (1) इन नियमों का संक्षिप्त नाम रेल दर अधिकरण (अध्यक्ष तथा सदस्यों के वेतन एवं भत्ता तथा सेवा की शर्तें) संशोधन नियम, 1998 है।

1. (1) These rules may be called the Railway Rates Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members), Amendment Rules, 1998.

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

(2) They shall come into force on the date of their publication in the Official Gazette.

2. रेल दर अधिकरण (अध्यक्ष तथा सदस्यों के वेतन एवं भत्ता तथा सेवा की शर्तें) नियम, 1995 में नियम 8 के पश्चात् निम्नलिखित नियम प्रस्तावित किया जाएगा, अर्थात् :—

2. In the Railway Rates Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members) Rules, 1995, after rule 8, the following rule shall be inserted namely :—

“8क. पेंशन — (1) अधिकरण में अध्यक्ष तथा सदस्य के रूप में नियुक्त प्रत्येक व्यक्ति पेंशन का हकदार होगा :

“8A. Pension:—(1) Every person appointed to the Tribunal as a Chairman or a Member shall be entitled to pension :

परन्तु ऐसी कोई पेंशन, यथास्थिति, अध्यक्ष अथवा सदस्य को तब तक नहीं होगी यदि उसने दो वर्ष से कम सेवा की हो।

Provided that no such pension shall be payable to a Chairman or a Member, as the case may be, if he has put in less than two years of service.

(2) अध्यक्ष के मामले में, उप नियम (1) के अन्तर्गत पेंशन की गणना सेवा के हर एक सम्पूरित वर्ष के लिए एक हजार रु: को रूप में प्रतिवर्ष की दर पर की जाएगी, जो इस शर्त के अधीन होगी कि इस नियम के अन्तर्गत संशोधन पेंशन की कुल रकम के साथ-साथ पेंशन के संग्रहीकरण वाले भाग सहित किसी अन्य पेंशन की रकम, यदि कोई हो, जो अधिकरण में उसके द्वारा ली गई हो अथवा जिसके लेने के लिए वह हकदार हो, चार हजार रूपए प्रतिमाह से अधिक नहीं होगी।

(2) In the case of a Chairman, the pension under sub-rule (1) shall be calculated at the rate of rupees one thousand six hundred per annum for each completed year of service, subject to the condition that the aggregate amount of pension payable under this rule together with the amount of any pension including commuted portion of pension, if any, drawn or entitled to be drawn while holding office in the Tribunal, shall not exceed rupees four thousand per mensem.

3. सदस्य के मामले में, उप नियम (1) के अन्तर्गत पेंशन की गणना सेवा के हर एक सम्पूरित वर्ष के लिए एक हजार एक सौ छियासी रूपए प्रतिवर्ष की दर पर की जाएगी जो इस शर्त के अधीन होगी कि इस नियम के अन्तर्गत संशोधन पेंशन की कुल रकम के साथ-साथ पेंशन के संग्रहीकरण वाले भाग सहित किसी अन्य पेंशन की रकम, यदि कोई हो, जो अधिकरण में उसके द्वारा ली गई हो अथवा जिसके लेने के लिए वह हकदार हो, चार हजार रूपए प्रतिमाह से अधिक नहीं होगी।

(3) In the case of a Member, the pension under sub-rule (1) shall be calculated at the rate of rupees one thousand one hundred eighty six per annum for each completed year of service subject to the condition that the aggregate amount of pension payable under this rule together with the amount of any pension including commuted portion of pension, if any, drawn or entitled to be drawn while holding office in the Tribunal, shall not exceed rupees four thousand per mensem.

[सं. 90/ई(पो) II/28/1]

जे. पी. त्रिपाठी, सचिव, रेलवे बोर्ड तथा रेल मंत्रालय

[No. 90/E(O)II/28/1]

D. P. TRIPATHI, Secy. Railway Board & Ex. Officio Addl. Secy.

गार टिप्पणी — यह नियम सा. का. नि. 366 तारीख 17-10-95 द्वारा जारी किए गए थे।

Foot Note :—The principal rules were published vide number G.S.R. 566, dated 17th October, 1995

THE RAILWAYS (SECOND AMENDMENT) BILL, 2008**CALENDAR OF EVENTS****1989 :**

The Railways Act, 1989 passed. Section 33 provides for the constitution of a Railway Rates Tribunal (RRT). Sub-section 7 of Section 33 provides that Central Government may prescribe terms and conditions of service of the Chairman and Members of the RRT.

Section 198 of the Act empowers Central Government to make rules to carry out the purposes of the Act.

1 July, 1990 :

Commencement of the Railways Act, 1989.

17 October, 1995 :

Central Government notifies Railway Rates Tribunal (Salaries and Allowances and Conditions of Services and Chairman and Members) Rules, 1995. These rules do not contain any provision for 'Pension' for the Chairman and Members of RRT.

1 January, 1996 :

Fifth Central Pay Commission recommendations were implemented with effect from this date. The question of revising salary/pension/allowances of Chairman and Members of RRT w.e.f. 1.1.1996 was taken up for examination.

7 January, 1999 :

Central Government notifies Railway Rates Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members) Amendment Rules 1998 which provides for grant of Pension to all the Chairmen and Members who will retire on or after 30th January, 1999. A Pension of Rs. 1600/- per annum for each completed year of services subject to a maximum of total of Rs. 4,000/- per mensem fixed for Chairman through this Amendment Notification. A pension of Rs. 1186 per annum for the each completed year of services subject to a maximum of Rs. 4000/ per mensem fixed for Members. Persons who retired before January, 1999 were not granted Pension through this Notification as Section 198 of Railways Act 1989 does not enable Central Government to make Rules with retrospective effect.

20 October, 2008 : The Railways (Second Amendment) Bill, 2008 has been introduced to insert a new section 198 A by which the Central Government would be empowered to make Rules with retrospective effect so that Pension can also be paid to persons who retired from RRT before January, 1999 by issuing necessary Amendment to the Railway Rates Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members), Rules, 1995.

Since under the existing Section 198, Government can make rules only from prospective dates, this Second Amendment Bill proposes to insert a new section 198 A to enable the Central Government to make Rules with retrospective effect also to confer pension and other benefits to the retired Chairmen and Members.

**MINUTES OF THE EIGHTH SITTING OF THE STANDING COMMITTEE
ON RAILWAYS (2008-09)**

The Committee sat on Friday, the 21st November, 2008 from 1100 hrs. to 1230 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

SHRI BASUDEB ACHARIA - CHAIRMAN

MEMBERS

LOK SABHA

2. Shri S. Ajaya Kumar
3. Smt. Suman Mahato
4. Shri H.D. Devegowda
5. Shri Giridhar Gamang
6. Shri Ananta Nayak
7. Shri Kishan Singh Sangwan
8. Shri K. Subbarayan
9. Shri C.H. Vijayashankar

RAJYA SABHA

10. Shri Nandi Yellaiah
11. Shri Lalit Kishore Chaturvedi
12. Shri Tarini Kanta Roy
13. Shri N. Balaganga
14. Shri Abani Roy

SECRETARIAT

- | | | |
|-----------------------|---|-----------------------|
| 1. Shri S. Bal Shekar | - | Joint Secretary |
| 2. Shri V.S. Negi | - | Director |
| 3. Shri Y.M. Kandpal | - | Deputy Secretary - II |

Representatives of the Ministry of Railways (Railway Board)

- | | | |
|----|-------------------|--|
| 1. | Shri K.C.Jena | Chairman, Railway Board & Ex-officio
Principal Secretary to the Govt. of India. |
| 2. | Shri Shri Prakash | Member Traffic, Railway Board &
Ex-officio Secretary to the Govt. of India. |
| 3. | Shri Mathew John | Secretary, Railway Board |

2. At the outset, the Chairman welcomed the Members of the Committee and representatives of the Ministry of Railways to the sitting of the Committee. The Committee, thereafter, took oral evidence of the representatives of the Ministry of Railways on the “Railways (Second Amendment) Bill, 2008” for insertion of a new section 198A in the Railways Act, 1989 enabling the Central Government to make rules related to the terms and conditions of appointment of the Chairman and Members of the Railway Rates Tribunal with retrospective effect. The evidence remained inconclusive.

3. The Committee also decided to call the representatives of the Ministry of Law and Justice to seek legal interpretation of certain rules pertaining to the proposed amendment. The verbatim record of the proceedings has been kept.

4. The Committee then adjourned.

**MINUTES OF THE NINTH SITTING OF THE STANDING COMMITTEE
ON RAILWAYS (2008-09)**

The Committee sat on Thursday, the 4th December, 2008 from 1500 hrs. to 1545 hrs. in Room No. '139', First Floor, Parliament House Annexe, New Delhi.

PRESENT

SHRI BASUDEB ACHARIA - CHAIRMAN

MEMBERS

LOK SABHA

2. Dr. Dharendra Agarwal
3. Shri S. Ajaya Kumar
4. Shri Giridhar Gamang
5. Shri Mahesh Kumar Kanodia
6. Shri Manik Singh
7. Shri Laxmanrao Patil
8. Shri Kishan Singh Sangwan
9. Shri Iqbal Ahmed Saradgi
10. Shri C.H. Vijayashankar

RAJYA SABHA

11. Shri Motilal Vora
12. Shri Satyavrat Chaturvedi
13. Shri Lalit Kishore Chaturvedi
14. Shri Shreegopal Vyas
15. Shri Tarini Kanta Roy
16. Shri Abani Roy

SECRETARIAT

- | | | |
|-----------------------|---|-----------------------|
| 1. Shri S. Bal Shekar | - | Joint Secretary |
| 2. Shri V.S. Negi | - | Director |
| 3. Shri Y.M. Kandpal | - | Deputy Secretary - II |

Representatives of the Ministry of Law and Justice

1. Shri T.K. Viswanathan - Law Secretary
2. Shri N.L. Meena - Additional Secretary
3. Dr. Mukulita Vijayawargiya - Deputy Legislative Counsel

2. At the outset, the Chairman welcomed the Members of the Committee and representatives of the Ministry of Law and Justice to the sitting of the Committee. The Committee, thereafter, took oral evidence of the representatives of the Ministry of Law and Justice on the subject “Railways (Second Amendment) Bill, 2008”. The evidence remained inconclusive.

3. The Committee also decided to have a joint evidence of the representatives of the Ministry of Railways (Railway Board) and Ministry of Law and Justice to seek clarification on some points pertaining to the proposed amendment. The verbatim record of the proceedings has been kept.

The Committee then adjourned.

**MINUTES OF THE ELEVENTH SITTING OF THE STANDING
COMMITTEE ON RAILWAYS (2008-09)**

The Committee sat on Tuesday, the 6th January, 2009 from 1100 hrs. to 1145 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

SHRI BASUDEB ACHARIA - CHAIRMAN

MEMBERS

LOK SABHA

2. Dr. Dharendra Agarwal
3. Shri S. Ajaya Kumar
4. Shri Bapu Hari Chaure
5. Shri Lal Singh
6. Shri Manik Singh
7. Shri K. Subbarayan
8. Shri C.H. Vijayashankar

RAJYA SABHA

9. Shri Motilal Vora
10. Shri Nandi Yellaiah
11. Shri Lalit Kishore Chaturvedi
12. Shri Shreegopal Vyas
13. Shri Abani Roy

SECRETARIAT

- | | | |
|-----------------------|---|-----------------------|
| 1. Shri S. Bal Shekar | - | Joint Secretary |
| 2. Shri V.S. Negi | - | Director |
| 3. Shri Y.M. Kandpal | - | Deputy Secretary - II |

Representatives of the Ministry of Law and Justice

1. Shri T.K. Viswanathan - Law Secretary
2. Shri N.L. Meena - Additional Secretary
3. Dr. Mukulita Vijayawargiya - Deputy Legislative Counsel

Representatives of the Ministry of Railways (Railway Board)

1. Sh. K.C. Jena - Chairman, Railway Board & Ex-officio Principal Secretary to the Govt of India
2. Shri Shri Prakash - Member Traffic, Railway Board & Ex-officio Secretary to the Govt. of India
3. Sh. K.B.L. Mittal - Secretary, Railway Board

2. At the outset, the Chairman welcomed the representatives of the Ministry of Law and Justice and the Ministry of Railways (Railway Board) to the sitting of the Committee. The Committee, thereafter, took joint oral evidence of the representatives of the Ministries on the subject “The Railways (Second Amendment) Bill, 2008”. The evidence was concluded.

3. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

**MINUTES OF THE FIFTEENTH SITTING OF THE STANDING
COMMITTEE ON RAILWAYS (2008-09)**

The Committee sat on Friday, the 25th February, 2009 from 1500 hrs. to 1530 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

SHRI BASUDEB ACHARIA - CHAIRMAN

MEMBERS

LOK SABHA

2. Smt. Suman Mahato
3. Shri Giridhar Gamang
4. Shri Anwar Hussain
5. Shri Mahesh Kumar Kanodia
6. Shri Manik Singh
7. Shri Ananta Nayak

RAJYA SABHA

8. Shri Satyavrat Chaturvedi
9. Shri Lalit Kishore Chaturvedi
10. Shri Shreegopal Vyas
11. Shri Tarini Kanta Roy
12. Shri Abani Roy

SECRETARIAT

- | | | | |
|----|--------------------|---|------------------|
| 1. | Shri S. Bal Shekar | - | Joint Secretary |
| 2. | Shri V.S. Negi | - | Director |
| 3. | Shri Y.M. Kandpal | - | Deputy Secretary |

2. The Committee considered the Draft Report on 'The Railways (Second Amendment) Bill, 2008' and adopted the same without any change.

3. The Committee authorized the Chairman to finalize the Report after making consequential changes, if any, arising out of factual verification by the Ministry of Railways (Railway Board) and present the same to the House.

The Committee then adjourned.
