ANNEXURE - I

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—05 REGISTERED NO. DL—(N)04/0007/2003—05

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

India Code

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 16th September, 2005/Bhadra 25, 1927 (Saka)

The following Act of Parliament received the assent of the President on the 15th September, 2005, and is hereby published for general information:-

THE RAILWAYS (AMENDMENT) ACT, 2005

No. 47 OF 2005

[*15th September, 2005.*]

An Act further to amend the Railways Act, 1989.

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

Short title and commencement

1. (*1*) This Act may be called the Railways (Amendment) Act, 2005.

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

9 of 1989

Amendment of section 2.

2. In section 2 of the Railways Act, 1989 (hereinafter referred to as the principal Act),-

(*a*) after clause (*1*), the following clause shall be inserted, namely:

'(*1A*) "Authority" means the Rail Land Development Authority constituted under section 4A;';

(*b*) after clause (*32*), the following clause shall be inserted, namely:-

'(*32A*) "railway land" means any land in which a Government railway has any right, title or interest;'.

Insertion of new Chapter IIA

3. After Chapter II of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IIA

RAIL LAND DEVELOPMENT AUTHORITY

Establishment of Railway Land Development Authority

4A. The Central Government may, by notification, establish an authority to be called the Rail Land Development Authority to exercise the powers and discharge the functions conferred on it by or under this Act.

Composition of Authority.

4B. (*1*) The Authority shall consist of a Chairman, Vice-Chairman and not more than four other members.

(*2*) The Member Engineering, Railway Board shall be the Chairman, *ex officio*, of the Authority.

(*3*) The Vice-Chairman and three other members shall be appointed by the Central Government from amongst persons who are or have been working in the Civil Engineering, Finance and Traffic disciplines of any railway administration and having adequate experience in the relevant discipline as the Central Government may consider necessary.

(*4*) The Central Government shall also appoint a member who shall be a person from outside the railway administration and having adequate experience in such field as it may consider necessary.

Terms and conditions of appointment of Vice-Chairman and other Members

4C. The terms and conditions of appointment of the Vice-Chairman and the other Members of the Authority, other than the Chairman, and the manner of filling casual vacancies among them shall be such as may be prescribed.

Functions of Authority

4D. (*1*) The Authority shall discharge such functions and exercise such powers of the Central Government in relation to the development of railway land and as are specifically assigned to it by the Central Government.

(*2*) In particular, and without prejudice to the generality of the foregoing power, the Central Government may assign to the Authority all or any of the following functions, namely: —

(*i*) to prepare scheme or schemes for use of railway land in conformity with the provisions of this Act;

(*ii*) to develop railway land for commercial use as may be entrusted by the Central Government for the purpose of generating revenue by non-tariff measures;

(iii) to develop and provide consultancy, construction or management services and undertake operation in India in relation to the development of land and property;

(iv) to carry out any other work or function as may be entrusted to it by the Central Government, by order in writing.

Powers of Authority to enter into agreements and execute contracts

4E. Subject to such directions as may be given to it by the Central Government, the Authority shall be empowered to enter into agreements on behalf of the Central Government and execute contracts.

Procedure of transaction of business of Authority.

4F. The Authority shall have power to regulate, by means of regulations made by it, its own procedure (including quorum at its meetings) and the conduct of all business to be transacted by it, the constitution of Committees and Sub-Committees of Members and the delegation to them any of the powers (excluding the power to make regulations under this Chapter) and to perform duties of the Authority.

Appointment of officers and other employees of Authority

4G. *(1)* For the purpose of enabling it efficiently to discharge its functions under this Act, the Central Government shall provide the Authority with such officers and other employees, and the Authority shall, subject to the rules as may be made by the Central Government in this behalf, appoint, whether on deputation or otherwise, such number of officers and other employees as it may deem necessary.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Authority, shall be such as may be prescribed.

Salaries, allowances, etc., to be defrayed out of Consolidated Fund of India

4H. The salaries and allowances payable to the Vice-Chairman and other Members of the Authority and the administrative expenses including the salaries, allowances and pensions payable to the officers and other employees of the Authority shall be defrayed out of the Consolidated Fund of India.

Power of Authority to make regulations

4-I. *(1)* The Authority may, with the previous approval of the Central Government, make regulations, consistent with this Act and the rules made thereunder, for carrying out the provisions of this Chapter.

(2) Every regulation made by the Authority under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.".

Amendment of section 11

4. In section 11 of the principal Act, after clause *(d)*, the following clause shall be inserted, namely:

"*(da)* developing any railway land for commercial use;"

T. K. VISWANATHAN,
Secy. to the Govt. of India

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