THE RAILWAYS (AMENDMENT) ACT, 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:-

1. Short title and commencement.

1. Short title and commencement.—(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.

2. Amendment of section 2.

2. Amendment of section 2.—In section 2 of the Railways Act, 1989 (24 of 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;'.
3. Insertion of new Chapter IIA.-After Chapter II of the principal Act, the following Chapter shall be inserted, namely:

"CHAPTER IIA

RAIL LAND DEVELOPMENT AUTHORITY

4A. Establishment of Railway Land Development Authority.-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.

4B. Composition of Authority.- (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.

4C. Terms and conditions of appointment of Vice-Chairman and other Members.- 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.

4D. Functions of Authority.- (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.

4E. Powers of Authority to enter into agreements and execute
contracts.—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.

4F. Procedure of transaction of business of Authority.—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.

4G. Appointment of officers and other employees of Authority.—(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.

4H. Salaries, allowances, etc., to be defrayed out of Consolidated Fund
of India.—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.

4-I. Power of Authority to make regulations.—(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.".

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4.

% Amendment of section 11.

4. Amendment of section 11.-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;".

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T. K. VISWANATHAN,

Secy. to the Govt. of India.

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