

# The Railways Act, 1989

February 23, 2013

## Preamble

**[Act No. 24 of 1989]**

[3rd June 1989]

An Act to consolidate and amend the law relating to Railways.

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

## Section 1. Short title and commencement

(1) This Act may be called the Railways Act, 1989.

(2) It shall come into force on such date <sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force, of that provision.

## Section 2. Definitions

In this Act, unless the context otherwise requires, –

(1) "Authorised" means authorised by a railway administration;

<sup>1</sup>[(1-A) "Authority" means the Rail Land Development Authority constituted under Section 4-A;]

(2) "Carriage" means the carriage of passengers or goods by a railway administration;

(3) "Claims Tribunal" means the Railway Claims Tribunal established under section 3 of the Railway Claims Tribunal Act, 1987 (54 of 1987);

(4) "Classification" means the classification of commodities made under section 31 for the purpose of determining the rates to be charged for carriage of such commodities;

(5) "Class rates" means the rate fixed for a class of commodity in the classification;

(6) "Commissioner" means the Chief Commissioner of Railway Safety or the Commissioner of Railway Safety appointed under section 5;

(7) "Commodity " means a specific item of goods;



<sup>2</sup>[(7-A) "competent authority" means any person authorized by the Central Government, by notification, to perform the functions of the competent authority for such area as may be specified in the notification;]

(8) "Consignee" means the person named as consignee in a railway receipt;

(9) "Consignment" means goods entrusted to a railway administration for carriage;

(10) "Consignor" means the person, named in a railway receipt as consignor, by whom or on whose behalf goods covered by the railway receipt are entrusted to a railway administration for carriage;

(11) "Demurrage" means the charge levied for the detention of any rolling stock after the expiry of free time, if any, allowed for such detention;

(12) "Endorsee" means the person in whose favour an endorsement is made, and in the case of successive endorsements, the person in whose favour the last endorsement is made;

(13) "Endorsement" means the signing by the consignee or the endorsee after adding a direction on a railway receipt to pass the property in the goods mentioned in such receipt to a specified person;

(14) "Fare" means the charge levied for the carriage of passengers;

(15) "Ferry" includes a bridge of boats, pontoons or rafts, a swing bridge, a fly bridge and a temporary bridge and the approaches to, and landing places of, a ferry;

(16) "Forwarding note" means the document executed under section 64;

(17) "Freight" means the charge levied for the carriage of goods including transshipment charges, if any;

(18) "General Manager" means the General Manager of a Zonal Railway appointed under section 4;

(19) "Goods" includes

(i) Containers, pallets or similar articles of transport used to consolidate goods; and

(ii) Animals-

(20) "Government railway" means a railway owned by the Central Government;

(21) "In transit", in relation to the carriage of goods by railway, means the period between the commencement and the termination of transit of such goods, and unless otherwise previously determined-

(a) Transit commences as soon as the railway receipt is issued or the consignment is loaded, whichever is earlier;

(b) Transit terminates on the expiry of the free time allowed for unloading of consignment from any rolling stock and where such unloading has been completed within such free time, transit terminates on the expiry of the free time allowed, for the removal of the goods from the railway premises;



- (22) "Level crossing" means an inter-section of a road with lines of rails at the same level;
- (23) "Luggage" means the goods of a passenger either carried by him in his charge or entrusted to a railway administration for carriage;
- (24) "Lump sum rate" means the rate mutually agreed upon between a railway administration and a consignor for the carriage of goods and for any service in relation to such carriage;
- (25) "Non-Government railway" means a railway other than a Government railway;
- (26) "Notification" means a notification published in the Official Gazette;
- (27) "Parcel" means goods entrusted to a railway administration for carriage by a passenger or a parcel train;
- (28) "Pass" means an authority given by the Central Government or a railway administration to a person allowing him to travel as a passenger, but does not include a ticket;
- (29) "Passenger" means a person travelling with a valid pass or ticket;
- <sup>2</sup>[(29-A) "person interested" includes,-
- (i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;
  - (ii) tribal and other traditional forest dwellers, who have lost any traditional rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
  - (iii) a person interested in an easement affecting the land; and
  - (iv) persons having tenancy rights under the relevant State laws;]
- (30) "Prescribed" means prescribed by rules made under this Act;
- (31) "Railway" means a railway, or any portion of a railway, for the public carriage of passengers or goods, and includes-
- (a) All lands within the fences or other boundary marks indicating the limits of the land appurtenant to a railway;
  - (b) All lines of rails, sidings, or yards, or branches used for the purposes of, or in connection with, a railway;
  - (c) All electric traction equipments, power supply and distribution installations used for the purposes of, or in connection with, a railway;
  - (d) All rolling stock, stations, offices, warehouses, wharves, workshops, manufactories, fixed plant and machinery, roads and streets, running rooms, rest houses, institutes, hospitals, water works and water supply installations staff dwellings and any other works constructed for the purpose of, or in connection with, railway;
  - (e) All vehicles which are used on any road for the purposes of traffic of a railway and owned, hired or worked by a railway; and



(f) All ferries, ships, boats and rafts which are used on any canal, river, lake or other navigable inland waters for the purposes of the traffic of a railway and owned, hired or worked by a railway administration,

But does not include-

(i) A tramway wholly within a municipal area; and

(ii) Lines of rails built in any exhibition ground, fair, park or any other place solely for the purpose of recreation;

(32) "Railway administration", in relation to-

(a) A Government railway, means the General Manager of a Zonal Railway; and

(b) A non-Government railway, means the person who is the owner or lessee of the railway or the person working the railway under an agreement;

<sup>1</sup>[(32-A) "railway land" means any land in which a Government railway has any right, title or interest;]

(33) "Railway receipt" means the receipt issued under section 65;

(34) "Railway servant" means any person employed by the Central Government or by a railway administration in connection with the service of a railway;

(35) "Rate" includes any fare, freight or any other charge for the carriage of any passenger or goods;

(36) "Regulations" means the regulations made by the Railway Rates Tribunal under this Act;

(37) "Rolling stock" includes locomotives, tenders, carriages, wagons, rail-cars, containers, trucks, trolleys and vehicles of all kinds moving on rails;

<sup>2</sup>[(37-A) "special railway project" means a project, notified as such by the Central Government from time to time, for providing national infrastructure for a public purpose in a specified time-frame, covering one or more States or the Union territories;]

(38) "Station to station rate" means a special reduced rate applicable to a specific commodity booked between specified stations;

(39) "Traffic" includes rolling stock of every description, as well as passengers and goods; (40) "Tribunal" means the Railway Rates Tribunal constituted under section 33;

(41) "Wharfage" means the charge levied on goods for not removing them from the railway after the expiry of the free time for such removal;

(42) "Zonal Railway" means a Zonal Railway constituted under section 3.

## Section 3. Zonal Railways

(1) The Central Government may, for the purpose of the efficient administration of the Government railways, by notification, constitute such railways into as many Zonal Railways as it may deem fit and specify in such notification the names and headquarters of such Zonal Railways and the areas in respect of which they shall exercise jurisdiction.



(2) The Zonal Railway existing immediately before the commencement of this Act shall be deemed to be Zonal Railways constituted under sub-section (1).

(3) The Central Government may, by notification, declare any unit of the railways engaged in research, development, designing, construction or production of rolling stock, its parts or other equipment used on a railway, to be a Zonal Railway.

(4) The Central Government may, by notification, abolish any Zonal Railway or constitute any new Zonal Railway out of any existing Zonal Railway or Zonal Railways, change the name or headquarters of any Zonal Railway or determine the areas in respect of which a Zonal Railway shall exercise jurisdiction.

## Section 4. Appointment of General Manager

(1) The Central Government shall, by notification, appoint a person to be the General Manager of a Zonal Railway.

(2) The General superintendence and control of a Zonal Railway shall vest in the General Manager.

## Section 4 A. Establishment of Railway Land Development Authority

<sup>1</sup>[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.]



## Section 4 B. Composition of Authority

<sup>1</sup>[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 discipline 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.]

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

<sup>1</sup>[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.]

## Section 4 D. Functions of Authority

<sup>1</sup>[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 generally 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 railways 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.]

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

<sup>1</sup>[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.]

## Section 4 F. Procedure of transaction of business of Authority

<sup>1</sup>[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 Committee 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.]

## Section 4 G. Appointment of officers and other employees of Authority

<sup>1</sup>[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.]

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

<sup>1</sup>[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.]

## Section 4 I. Power of Authority to make regulations

<sup>1</sup>[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.]

## Section 5. Appointment of Chief Commissioner of Railway Safety and Commissioners of Railway Safety

The Central Government may appoint a person to be the Chief Commissioner of Railway Safety and such other persons as it may consider necessary to be the Commissioners of Railway Safety.

## Section 6. Duties of Commissioner

The Commissioner shall-

- (a) Inspect any railway with a view to determine whether it is fit to be opened for the public carriage of passengers and report thereon to the Central Government as required by or under this Act;
- (b) Make such periodical or other inspections of any railway or of any rolling stock used thereon as the Central Government may direct;
- (c) Make an inquiry under this Act into the cause of any accident on a railway; and
- (d) Discharge such other duties as are conferred on him by or under this Act.

## Section 7. Powers of Commissioner

Subject to the control of the Central Government, the Commissioner, whenever it is necessary so to do for any of the purposes of this Act, may-

- (a) Enter upon and inspect any railway or any rolling stock used thereon;
- (b) By order in writing addressed to a railway administration, require the attendance before him of any railway servant and to require answers or returns to such inquiries as he thinks fit to make from such railway servant or from the railway administration; and
- (c) Require the production of any book, document or material object belonging to or in the possession or control of any railway administration, which appears to him to be necessary to



inspect.

## Section 8. Commissioner to be public servant

The Commissioner shall be deemed a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

## Section 9. Facilities to be afforded to Commissioners

A railway administration shall afford to the Commissioner all reasonable facilities for the discharge of the duties or for the exercise of the powers imposed or conferred on him by or under this Act.

## Section 10. Annual report of Commissioners

The Chief Commissioner of Railway Safety shall prepare in each financial year an annual report giving a full account of the activities of the Commissioners during the financial year immediately preceding the financial year in which such report is prepared and forward, before such date as may be specified by the Central Government, copies thereof to the Central Government, and that Government shall cause that report to be, laid, as soon as may be, after its receipt before each House of Parliament.

## Section 11. Power of railway administrations to execute all necessary works

Notwithstanding anything contained in any other law for the time being in force, but subject to the provisions of this act and the provisions of any law for the acquisition of land for public purpose or for companies, and subject also, in the case of a non-Government Railway, to the provisions of any contract between the non-Government railway and the Central Government, a railway administration may, for the purposes of constructing or maintaining a railway-

(a) Make or construct in or upon, across, under or over any lands, or any streets, hills, valleys, roads, railways, tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes, oil-pipes, sewers, electric supply lines, or telegraph lines, such temporary or permanent inclined-planes, bridges, tunnels, culverts, embankments, aqueducts, roads, lines of railways, passages, conduits, drains, piers, cuttings and fences, in-take wells, tube wells, dams, river training and protection works as it thinks proper;

(b) Alter the course of any rivers, brooks, streams or other water courses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them and divert or alter either temporarily or permanently, the course of any rivers, brooks, streams or other water courses or any roads, streets or ways, or raise or sink the level thereof, in order to carry them more conveniently over or under or by the side of the railway;

(c) Make drains or conduits into, through or under any lands adjoining the railway for the purpose of conveying water from or to the railway;

(d) Erect and construct such houses, warehouses, offices and other buildings, and such yards, stations, wharves, engines, machinery apparatus and other works and conveniences as the railway administration thinks proper;

<sup>1</sup>[(da) developing any railway land for commercial use;]





(e) Alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them and substitute others in their stead;

(f) Erect, operate, maintain or repair any telegraph and telephone lines in connection with the working of the railway;

(g) Erect, operate, maintain or repair any electric traction equipment, power supply and distribution installation in connection with the working of the railway; and

(h) Do all other acts necessary for making, maintaining altering or repairing and using, the railway.

## Section 12. Power to alter the position of pipe, electric supply line, drain or sewer, etc

(1) A railway administration may, for the purpose of exercising the powers conferred on it by this Act, alter the position of any pipe for the supply of gas, water, oil or compressed air, or the position of any electric supply line, drain or sewer:

Provided that before altering the position of any such pipe, electric supply line drain or sewer, the railway administration shall give a notice indicating the time at which the work of such alteration shall commence, to the local authority or other person having control over the pipe, electric supply line, drain or sewer.

(2) The railway administration shall execute the work referred to in sub-section (1) to the reasonable satisfaction of the local authority or the person receiving the notice under the proviso to sub-section (1).



## Section 13. Protection for Government Property

Nothing in sections 11 and 12 shall authorise-

(a) A railway administration of the Government railway to do anything on or to any works, lands or buildings vested in, or in the possession of, a State Government without the consent of that Government; and

(b) a railway administration of a non-Government railway to do anything on or to any works, lands or buildings vested in, or in the possession of, the Central Government or a State Government, without the consent of the Government concerned.

## Section 14. Temporary entry upon land to remove obstruction, to repair or to prevent accident

(1) Where in the opinion of a railway administration-

(a) There is imminent danger that any tree, post or structure may fall on the railway so as to obstruct the movement of rolling stock; or

(b) Any tree, post, structure or light obstructs the view of any signal provided for movement of rolling stock; or

(c) Any tree, post or structure obstructs any telephone or telegraph line maintained by it,

It may take such steps as may be necessary to avert such danger or remove such obstruction and submit a report thereof to the Central Government in such manner and within such time as may be prescribed.

(2) Where in the opinion of a railway administration-

(a) A slip or accident has occurred; or

(b) There is apprehension of any slip or accident to any cutting, embankment or other work on a railway,

It may enter upon any lands adjoining the railway and do all such works as may be necessary for the purpose of repairing or preventing such slip or accident and submit a report thereof to the Central Government in such manner and within such time as may be prescribed.

(3) The Central Government may, after considering the report under sub-section (1) or sub-section (2), in the interest of public safety, by order, direct the railway administration that further action under sub-section (1) or sub-section (2) shall be stopped or the same shall be subject to such conditions as may be specified in that order.

## Section 15. Payment of amount for damage or loss

(1) No suit shall lie against a railway administration to recover any amount for any damage or loss caused in the exercise of the powers conferred by any of the foregoing provisions of this Chapter.

(2) A railway administration shall pay or tender payment for any damage or loss caused in the exercise of the powers conferred by any of the foregoing provisions of this Chapter, and in case of a dispute as to the sufficiency of any amount so paid or tendered or as to the persons entitled to receive the amount, it shall immediately refer the dispute for the decision of the District Judge of the district and his decision thereon shall be final:

Provided that where the railway administration fails to make a reference within sixty days from the date of commencement of the dispute, the District Judge may, on an application made to him by the person concerned, direct the railway administration to refer the dispute for his decision.

(3) The reference under sub-section (2) shall be treated as an appeal under section 96 of the Code of Civil Procedure, 1908 (5 of 1908) and shall be disposed of accordingly.

(4) Where any amount has been paid as required by sub-section (2), the railway administration shall, notwithstanding anything in any other law for the time being in force, be discharged from all liabilities to any person whatsoever in respect of any amount so paid.

## Section 16. Accommodation works

(1) A railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, namely:-

(a) Such crossings, bridges, culverts and passages over, under or by the sides of, or leading to or from, the railway as may, in the opinion of the State Government, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made; and



(b) All necessary bridges, tunnels, culverts, drains, water sources or other passages, over, under or by the sides of the railway, of such dimensions as will, in the opinion of the State Government, be sufficient at all times to convey water as freely from or to the lands lying near or affected by the railway as it was before the making of the railway or as nearly as possible.

(2) Subject to the other provisions of this Act, the works specified in sub-section (1) shall be made at the cost of the railway administration during or immediately after the laying out or formation of the railway over the lands traversed and in such a manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works:

Provided that-

(a) A railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners or occupiers of the lands have been paid compensation in consideration of their not requiring the said works to be made;

(b) Save as hereinafter, in this Chapter, provided, no railway administration shall be liable to execute any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years from the date on which the railway passing through the lands was first opened for public traffic;

(c) Where a railway administration has provided suitable accommodation work for the crossing of a road or stream and the road or stream is afterwards diverted by the act or neglect of the person having the control thereof, the railway administration shall not be compelled to provide any other accommodation work for the crossing of such road or stream.

(3) The State Government may specify a date for the commencement of any work to be executed under sub-section (1) and, if within three months next after that date, the railway administration fails to commence the work or having commenced it, fails to proceed diligently to execute it, the Central Government shall, on such failure being brought to its notice by the State Government, issue such directions to the railway administration as it thinks fit.

Explanation. For the purposes of this section, the expression "lands" shall include public roads.

## Section 17. Power of owner, occupier, State Government or local authority to cause additional accommodation works to be made

(1) If an owner or occupier of any land affected by a railway considers the works made under section 16 to be insufficient for the use of the land, or if the State Government or a local authority desires to construct a public road or other work across, under or over a railway, such owner or occupier, or, as the case may be, the State Government or the local authority, may, at any time, require the railway administration to make at the expense of the owner or occupier or of the State Government or the local authority, as the case may be, such further accommodation works as are considered necessary and are agreed to by the railway administration.

(2) The accommodation works made under sub-section (1) shall be maintained at the cost of the owner or occupier of the land, the State Government or the local authority, at whose request the works were made.

(3) In the case of any difference of opinion between the railway administration and the owner or occupier, the State Government or the local authority, as the case may be, in relation to-



- (i) The necessity of such further accommodation works; or
- (ii) The expenses to be incurred on the construction of such further accommodation works; or
- (iii) The quantum of expenses on the maintenance of such further accommodation works; it shall be referred to the Central Government whose decision thereon shall be final.

## Section 18. Fences, gates and bars

The Central Government may, within such time as may be specified by it or within such further time, as it may grant, require that-

- (a) Boundary marks or fences be provided or renewed by a railway administration for a railway or any part thereof and for roads constructed in connection therewith;
- (b) Suitable gates, chains, bars, stiles or hand-rails be erected or renewed by a railway administration at level crossings;
- (c) Persons be employed by a railway administration to open and shut gates, chains or bars.

## Section 19. Over-bridges and under-bridges

(1) Where a railway administration has constructed lines of rails across a public road at the same level, the State Government or the local authority maintaining the road, may, at any time, in the interest of public safety, require the railway administration to take the road either under or over the railway by means of a bridge or arch with convenient ascents and descents and other convenient approaches, instead of crossing the road on the level, or to execute such other works as may, in the circumstances of the case, appear to the State Government or the local authority maintaining the road to be best adapted for removing or diminishing the danger arising from the level crossing.

(2) The railway administration may require the State Government or the local authority, as the case may be, as a condition of executing any work under sub-section (1), to undertake to pay the whole of the cost of the work and the expense of maintaining the work, to the railway administration or such proportion of the cost and expenses as the Central Government considers just and reasonable.

(3) In the case of any difference of opinion between the railway administration and the State Government or the local authority, as the case may be, over any of the matters mentioned in sub-section (1), it shall be referred to the Central Government, whose decision thereon shall be final.

## Section 20. Power of Central Government to give directions for safety

Notwithstanding anything contained in any other law, the Central Government may, if it is of the opinion that any work undertaken or may be undertaken, is likely to alter or impede the natural course of water flow or cause an increase in the volume of such flow endangering any cutting, embankment or other work on a railway, issue directions in writing to any person, officer or authority responsible for such work to close, regulate or prohibit that work.

Section 20 A. Power to acquire land, etc



<sup>1</sup>[Power to acquire land, etc. (1) Where the Central Government is satisfied that for a public purpose any land is required for execution of a special railway project, it may, by notification, declare its intention to acquire such land.

(2) Every notification under sub-section (1), shall give a brief description of the land and of the special railway project for which the land is intended to be acquired.

(3) The State Government or the Union territory, as the case may be, shall for the purposes of this section, provide the details of the land records to the competent authority, whenever required.

(4) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which shall be in a vernacular language.]

## Section 20 B. Power to enter for survey, etc

<sup>1</sup>[Power to enter for survey, etc. On the issue of a notification under subsection (1) of Section 20-A, it shall be lawful for any person, authorized by the competent authority in this behalf, to-

(a) make any inspection, survey, measurement, valuation or enquiry;

(b) take levels;

(c) dig or bore into sub-soil;

(d) set out boundaries and intended lines of work;

(e) mark such levels, boundaries and lines placing marks and cutting trenches; or

(f) do such other acts or things as may be considered necessary by the competent authority.]

## Section 20 C. Evaluation of damages during survey, measurement, etc

<sup>1</sup>[Evaluation of damages during survey, measurement, etc. The damages caused while carrying out works on land such as survey, digging or boring sub-soil, marking boundaries or cutting trenches or clearing away any standing crop, fence or forest or doing such other acts or things which may cause damages while acting under Section 20-B particularly relating to land which is excluded from acquisition proceeding, shall be evaluated and compensation shall be paid to the persons having interest in that land, within six months from the completion of the said works.]

## Section 20 D. Hearing of objections, etc

<sup>1</sup>[Hearing of objections, etc. (1) Any person interested in the land may, within a period of thirty days from the date of publication of the notification under subsection (1) of Section 20-A, object to the acquisition of land for the purpose mentioned in that sub-section.

(2) Every objection under sub-section (1), shall be made to the competent authority in writing, and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.



Explanation.-For the purposes of this sub-section, "legal practitioner" has the same meaning as in clause (i) of sub-section (1) of Section 2 of the Advocates Act, 1961 (25 of 1961).

(3) Any order made by the competent authority under sub-section (2) shall be final.]

## Section 20 E. Declaration of acquisition

<sup>1</sup>[Declaration of acquisition. (1) Where no objection under sub-section (1) of Section 20-D has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification, that the land should be acquired for the purpose mentioned in sub-section (1) of Section 20-A.

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under subsection (1) of Section 20-A for its acquisition, but no declaration under sub-section (1) of this section has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that in computing the said period of one year, the period during which any action or proceedings to be taken in pursuance of the notification issued under subsection (1) of Section 20-A is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.]



## Section 20 F. Determination of amount payable as compensation

<sup>1</sup>[Determination of amount payable as compensation. (1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

(2) The competent authority shall make an award under this section within a period of one year from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that the competent authority may, after the expiry of the period of limitation, if he is satisfied that the delay has been caused due to unavoidable circumstances, and for the reasons to be recorded in writing, he may make the award within an extended period of six months:

Provided further that where an award is made within the extended period, the entitled person shall, in the interest of justice, be paid an additional compensation for the delay in making of the award, every month for the period so extended, at the rate of not less than five per cent of the value of the award, for each month of such delay.

(3) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition, an amount calculated at ten per cent of the amount determined under sub-section (1), for that land.

(4) Before proceeding to determine the amount under sub-section (1) or subsection (3), as the case may be, the competent authority shall give a public notice published in two local newspapers, one of which shall be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(5) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of Section 20-D, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(6) If the amount determined by the competent authority under sub-section (1) or as the case may be, sub-section (3) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government in such manner as may be prescribed.

(7) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.

(8) The competent authority or the arbitrator while determining the amount of compensation under sub-section (1) or sub-section (6), as the case may be, shall take into consideration-

(a) the market value of the land on the date of publication of the notification under Section 20-A;

(b) the damage, if any sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

(9) In addition to the market-value of the land as above provided, the competent authority or the arbitrator, as the case may be, shall in every case award a sum of sixty per centum on such market-value, in consideration of the compulsory nature of the acquisition.]

## Section 20 G. Criterion for determination of market value of land

<sup>1</sup>[Criterion for determination of market value of land. (1) The competent authority shall adopt the following criteria in assessing and determining the market value of the land,-

(i) the minimum land value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds in the area, where the land is situated; or

(ii) the average of the sale price for similar type of land situated in the village or vicinity, ascertained from not less than fifty per cent of the sale deeds registered during the preceding three years, where higher price has been paid;

whichever is higher.



(2) Where the provisions of sub-section (1) are not applicable for the reason that:

(i) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(ii) the registered sale deeds for similar land as mentioned in clause (i) of subsection (1) are not available for the preceding three years; or

(iii) the minimum land value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority,

the concerned State Government shall specify the floor price per unit area of the said land based on the average higher prices paid for similar type of land situated in the adjoining areas or vicinity, ascertained from not less than fifty per cent of the sale deeds registered during the preceding three years where higher price has been paid, and the competent authority may calculate the value of the land accordingly.

(3) The competent authority shall, before assessing and determining the market value of the land being acquired under this Act,-

(a) ascertain the intended land use category of such land; and

(b) take into account the value of the land of the intended category in the adjoining areas or vicinity,

for the purpose of determination of the market value of the land being acquired.

(4) In determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, the competent authority may use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by the competent authority.

(5) The competent authority may, for the purpose of determining the value of trees and plants, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(6) For the purpose of assessing the value of the standing crops damaged during the process of land acquisition proceedings, the competent authority may utilise the services of experienced persons in the field of agriculture as he considers necessary.]

## Section 20 H. Deposit and payment of amount

<sup>1</sup>[Deposit and payment of amount. (1) The amount determined under Section 20-F shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.





(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under Section 20-F by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent per annum on such excess amount from the date of taking possession under Section 20-1 till the date of actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.]

## Section 20 I. Power to take Possession

<sup>1</sup>[Power to take Possession. (1) Where any land has vested in the Central Government under sub-section (2) of Section 20-E, and the amount determined by the competent authority under Section 20-F with respect to such land has been deposited under sub-section (1) of Section 20-H with the competent authority by the Central Government, the competent authority may, by notice in writing, direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within a period of sixty days of the service of the notice.

(2) If any person refuses or fails to comply with any direction made under subsection (1), the competent authority shall apply-

(a) in case of any land situated in any area falling within the metropolitan area, to the Commissioner of Police;

(b) in case of any land situated in any area other than the area referred to in clause (a), to the Collector of a district,

and such Commissioner or Collector, as the case may be, shall enforce the surrender of the land, to the competent authority or to the person duly authorised by it.]

## Section 20 J. Right to enter into land where land has vested in Central Government

<sup>1</sup>[Right to enter into land where land has vested in Central Government. Where the land has vested in the Central Government under Section 20-E, it shall be lawful for any person authorised by the Central Government in this behalf, to enter and do other act necessary upon the land for carrying out the building, maintenance, management or operation of the special railway project or part thereof or any other work connected therewith.]

## Section 20 K. Competent authority to have certain powers of civil court

<sup>1</sup>[Competent authority to have certain powers of civil court. The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:-



- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing commission for examination of witnesses.]

## Section 20 L. Utilisation of land for the purpose it is acquired

<sup>1</sup>[Utilisation of land for the purpose it is acquired. (1) The land acquired under this Act shall not be transferred to any other purpose except for a public purpose, and after obtaining the prior approval of the Central Government.

(2) When any land or part thereof, acquired under this Act remains unutilized for a period of five years from the date of taking over the possession, the same shall return to the Central Government by reversion.]

## Section 20 M. Sharing with landowners the difference in price of a land when transferred for a higher consideration

<sup>1</sup>[Sharing with landowners the difference in price of a land when transferred for a higher consideration. Whenever any land acquired under this Act is transferred to any person for a consideration, eighty per cent of the difference in the acquisition cost and the consideration received, which in no case shall be less than the acquisition cost, shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired, and for the purpose, a separate fund may be maintained which shall be administered by the competent authority in such manner as may be prescribed by the Central Government.]

## Section 20 N. Land Acquisition Act 1 of 1894 not to apply

<sup>1</sup>[Land Acquisition Act 1 of 1894 not to apply. Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act.]

## Section 20 O. Application of the National Rehabilitation and Resettlement Policy, 2007 to persons affected due to land acquisition

<sup>1</sup>[Application of the National Rehabilitation and Resettlement Policy, 2007 to persons affected due to land acquisition. The provisions of the National Rehabilitation and Resettlement Policy, 2007 for project affected families, notified by the Government of India in the Ministry of Rural Development vide number F. 26011/4/2007-LRD, dated the 31st October, 2007, shall apply in respect of acquisition of land by the Central Government under this Act.]

## Section 20 P. Power to make rules in respect of matters in this chapter



<sup>1</sup>[Power to make rules in respect of matters in this chapter. (1) The Central Government may, by notification, make rules to carry out the purposes of this chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the manner of appointment of arbitrator under sub-section (6) of Section 20-F;

(b) the manner in which the amount shall be deposited with the competent authority under sub-sections (1) and (6) of Section 20-H;

(c) the manner of maintenance and administration of separate fund for the purposes of Section 20-M.]

## Section 21. Sanction of the Central Government to the opening of railway

No railway shall be opened for the public carriage of passengers until the Central Government has, by order, sanctioned the opening thereof for that purpose.

## Section 22. Formalities to be complied with before giving sanction to the opening of a railway

(1) The Central Government shall, before giving its sanction to the opening of a railway under section 21, obtain a report from the Commissioner that-

(a) He has made a careful inspection of the railway and the rolling stock that may be used thereon;

(b) The moving and fixed dimensions as laid down by the Central Government have not been infringed;

(c) The structure of lines of rails, strength of bridges, general structural character of the works and the size of, and maximum gross load upon, the axles of any rolling stock, comply with the requirements laid down by the Central Government; and

(d) In his opinion, the railway can be opened for the public carriage of passengers without any danger to the public using it.

(2) If the commissioner is of the opinion that the railway cannot be opened without any danger to the public using it, he shall, in his report, state the grounds therefor, as also the requirements, which, in his opinion, are to be complied with before sanction is given by the Central Government.

(3) The Central Government, after considering the report of the Commissioner, may sanction the opening of a railway under section 21 as such or subject to such conditions as may be considered necessary by it for the safety of the public.

## Section 23. Sections 21 and 22 to apply to the opening of certain works



The provisions of sections 21 and 22 shall apply to the opening of the following works if they form part of, or are directly connected with, a railway used for the public carriage of passengers and have been constructed subsequent to the giving of a report by the Commissioner under section 22, namely: –

- (a) Opening of additional lines of railway and deviation lines;
- (b) Opening of stations, junctions and level crossings;
- (c) Re-modelling of yards and re-building of bridges;
- (d) Introduction of electric traction; and
- (e) Any alteration or reconstruction materially affecting the structural character of any work to which the provisions of sections 21 and 22 apply or are extended by this section.

## Section 24. Temporary suspension of traffic

When an accident has occurred on a railway resulting in a temporary suspension of traffic, and either the original lines of rails and works have been restored to their original standard or a temporary diversion has been laid for the purpose of restoring communication, the original lines of rails and works so restored, or the temporary diversion, as the case may be, may, without prior inspection by the Commissioner, be opened for the public carriage of passengers, subject to the following conditions, namely:-

- (a) The railway servant in charge of the works undertaken by reason of the accident has certified in writing that the opening of the restored lines of rails and works, or of the temporary diversion will not in his opinion be attended with danger to the public; and
- (b) A notice of the opening of the lines of rails and works or the diversion shall be sent immediately to the Commissioner.



## Section 25. Power to close railway opened for the public carriage of passengers

Where, after the inspection of any railway opened and used for the public carriage of passengers or any rolling stock used thereon, the Commissioner is of the opinion that the use of the railway or of any rolling stock will be attended with danger to the public using it, the Commissioner shall send a report to the Central Government who may thereupon direct that-

- (i) The railway be closed for the public carriage of passengers; or
- (ii) The use of the rolling stock be discontinued; or
- (iii) The railway or the rolling stock may be used for the public carriage of passengers subject to such conditions as it may consider necessary for the safety of the public.

## Section 26. Re-opening of closed railway

When the Central Government has, under section 25, directed the closure of a railway or the discontinuance of the use of any rolling stock-

(a) The railway shall not be re-opened for the public carriage of passengers until it has been inspected by the Commissioner and its re-opening is sanctioned in accordance with the provisions of this Chapter; and

(b) The rolling stock shall not be used until the Commissioner has inspected it and its re-use is sanctioned in accordance with the provisions of this Chapter.

## Section 27. Use of rolling stock

A railway administration may use such rolling stock, as it may consider necessary for the construction, operation and working of a railway:

Provided that before using any rolling stock of a design or type different from that already running on any section of the railway, the previous sanction of the Central Government shall be obtained for such use:

Provided further that before giving any such sanction, the Central Government shall obtain a report from the Commissioner that he has made a careful inspection of the rolling stock and, in his opinion, such rolling stock can be used.

## Section 28. Delegation of powers

The Central Government may, by notification, direct that any of its powers or functions under this Chapter, except section 29, or the rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by a Commissioner.



## Section 29. Power to make rules in respect of matters in this Chapter

(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) The duties of a railway administration and the Commissioner in regard to the opening of a railway for the public carriage of passengers;

(b) The arrangements to be made for and the formalities to be complied with before opening a railway for the public carriage of passengers;

(c) For regulating the mode in which, and the speed at which rolling stock used on railways is to be moved or propelled; and

(d) The cases in which and the extent to which the procedure provided in this Chapter may be dispensed with.

## Section 30. Power to fix rates

(1) The Central Government may, from time to time, by general or special order fix, for the carriage of passengers and goods, rates for the whole or any part of the railway and different

rates may be fixed for different classes of goods and specify in such order the conditions subject to which such rates shall apply.

(2) The Central Government may, by a like order, fix the rates of any other charges incidental to or connected with such carriage including demurrage and wharfage for the whole or any part of the railway and specify in the order the conditions subject to which such rates shall apply.

## Section 31. Power to classify commodities or alter rates

The Central Government shall have power to-

(a) Classify or re-classify 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.

## Section 32. Power of railway administration to charge certain rates

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;

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.

## Section 33. Constitution of the Railway Rates Tribunal

(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.

## Section 34. Staff of the Tribunal

(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.

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

## Section 35. Sittings of the Tribunal

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

## Section 36. Complaints against a railway administration

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 at 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.

## Section 37. Matters not within the jurisdiction of the Tribunal

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.

## Section 38. Powers of the Tribunal

(1) The Tribunal shall have the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 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 (2 of 1974) 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.

(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.

## Section 39. Reference to the Tribunal

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.

## Section 40. Assistance by the Central Government

(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.






