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EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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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.

LOK SABHA

The following Bills were introduced in Lok Sabha on 9th August, 2024:—

BILL No. 110 OF 2024

A Bill further to amend the Reserve Bank of India Act, 1934, the Banking Regulation Act, 1949, the State Bank of India Act, 1955, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

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

CHAPTER I

PRELIMINARY

- (1) This Act may be called the Banking Laws (Amendment) Act, 2024.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Short title and
commencement.

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.

CHAPTER II

AMENDMENT TO THE RESERVE BANK OF INDIA ACT, 1934

Amendment of
section 42.

2. In the Reserve Bank of India Act, 1934, in section 42,—

2 of 1934.

(a) in sub-section (1), in the *Explanation*, for clause (b), the following clause shall be substituted, namely:—

‘(b) “fortnight” means the period from the first day to the fifteenth day of each calendar month or sixteenth day to the last day of each calendar month, both days inclusive;’;

(b) in sub-section (2),—

(i) in the long line,—

(A) for the words “each alternate Friday”, the words “the last day of each fortnight” shall be substituted;

(B) for the words “seven days”, the words “five days” shall be substituted;

(ii) in the second proviso,—

(A) for the words “such alternate Friday”, the words “the last day of any such fortnight” shall be substituted;

(B) for the words “that Friday”, the words “the last day of that fortnight” shall be substituted;

(iii) the third proviso shall be omitted;

(c) sub-section (2A) shall be omitted.

CHAPTER III

AMENDMENTS TO THE BANKING REGULATION ACT, 1949

Amendment of
section 5.

3. In the Banking Regulation Act, 1949 (hereafter in this Chapter referred to as the Banking Regulation Act of 1949), in section 5, in clause (ne), in sub-clause (i), for the words “five lakhs of rupees”, the words “two crore rupees or such other amount as may be notified in the Official Gazette by the Central Government” shall be substituted.

10 of 1949.

Amendment of
section 10A.

4. In the Banking Regulation Act of 1949, in section 10A, in sub-section (2A), in clause (i), after the words “eight years”, the words “and ten years in case of a co-operative bank” shall be inserted.

Amendment of
section 16.

5. In the Banking Regulation Act of 1949, in section 16, in sub-section (3), after the words “Reserve Bank”, the following shall be inserted, namely:—

“or the director of a central co-operative bank elected to the Board of the state co-operative bank in which he is a member”.

Amendment of
section 18.

6. In the Banking Regulation Act of 1949, in section 18,—

(a) in sub-section (1),—

(i) for the words “last Friday”, the words “last day” shall be substituted;

(ii) for the words “alternate Fridays”, the words “the last day of the fortnight” shall be substituted;

(iii) for the words “such Fridays or if any such Friday”, the words “the last day of the fortnight or if the last day of any such fortnight” shall be substituted;

(b) in the *Explanation*, for clause (b), the following clause shall be substituted, namely:—

“(b) “fortnight” shall mean the period from the first day to the fifteenth day of each calendar month or sixteenth day to the last day of each calendar month, both days inclusive;”.

7. In the Banking Regulation Act of 1949, in section 24,—

Amendment of
section 24.

(a) in sub-section (2A), for the word “Friday”, the word “day” shall be substituted;

(b) in sub-section (3), for the words “each alternate Friday during the month, or if any such Friday”, the words “the last day of each fortnight during the month, or if the last day of any such fortnight” shall be substituted;

(c) in sub-section (4),—

(i) in clause (a), for the words “any alternate Friday or, if such Friday”, the words “the last day of any fortnight or, if the last day of any such fortnight” shall be substituted;

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) if the default occurs again on the last day of the next succeeding fortnight, or, if the last day of such fortnight is a public holiday, on the preceding working day, and continues on the last day of the succeeding fortnights or preceding working days, as the case may be, the rate of penal interest shall be increased to a rate of five per cent. per annum above the bank rate on each such shortfall in respect of last day of that fortnight and last day of each succeeding fortnight or preceding working day, if last day of such fortnight is a public holiday, on which the default continues.”;

(d) in sub-section (7),—

(i) for the words “next succeeding alternate Friday, or if such Friday is a public holiday”, the words “last day of the next succeeding fortnight, or if the last day of such fortnight is a public holiday” shall be substituted;

(ii) for the words “subsequent alternate Friday”, the words “last day of every subsequent fortnight” shall be substituted.

8. In the Banking Regulation Act of 1949, in section 25,—

Amendment of
section 25.

(a) in sub-section (1), for the words “last Friday of every quarter or, if that Friday”, the words “last day of every quarter or, if that day” shall be substituted;

(b) in sub-section (2), for the words “last Friday of the previous quarter, or, if that Friday”, the words “last day of the previous quarter, or, if that day” shall be substituted.

9. In the Banking Regulation Act of 1949, in section 27, in sub-section (1), for the words “last Friday of every month or if that Friday”, the words “last day of every month, or, if that day” shall be substituted.

Amendment of
section 27.

10. In the Banking Regulation Act of 1949, in section 45ZA,—

Amendment of
section 45ZA.

(a) in sub-section (1), for the words “one person”, the words “one or more persons not exceeding four, either successively or simultaneously” shall be substituted;

(b) after sub-section (I), the following sub-sections shall be inserted, namely:—

“(1A) Where the nomination is made successively in favour of more than one person under sub-section (I), the nomination shall be effective only in favour of one person in the order of priority specified in section 45ZG.

(1B) Where the nomination is made simultaneously in favour of more than one person under sub-section (I), the nomination shall be effective in favour of all such persons in proportion to which it is declared, and the following terms and conditions shall apply, namely:—

(a) the nomination shall not be made in favour of more than four persons;

(b) the nomination shall explicitly state the proportion of amount of deposit in percentage in favour of each nominee;

(c) the nomination shall be made in respect of the whole amount of deposit;

(d) if any nominee dies before receiving deposit from the banking company, the nomination in respect of such nominee alone shall become ineffective and the amount of deposit purported to be nominated in favour of deceased nominee shall be treated as if nomination had not been made in respect of that portion of deposit,

and any nomination which does not comply with any of the terms and conditions specified in clauses (a) to (c), shall be invalid, as if nomination had not been made by the depositor or all the depositors together, as the case may be.”.

Amendment of section 45ZC.

11. In the Banking Regulation Act of 1949, in section 45ZC, in sub-section (I), for the words “one person”, the words “one or more persons not exceeding four, successively,” shall be substituted.

Amendment of section 45ZE.

12. In the Banking Regulation Act of 1949, in section 45ZE, for sub-section (I), the following sub-section shall be substituted, namely:—

“(I) Where one or more individuals hire a locker from a banking company, whether such locker is located in the safe deposit vault of such banking company or elsewhere, the individual or, as the case may be, all the individuals together, may nominate one or more persons not exceeding four, successively, to whom, in the event of the death of the sole hirer or the death of all the hirers, the banking company may give access to the locker and liberty to remove the contents of the locker.”.

Insertion of new section 45ZG.

13. In the Banking Regulation Act of 1949, after section 45ZF, the following section shall be inserted, namely:—

Priority of successive nominations.

“45ZG. (I) Where the nomination is made in favour of more than one person successively under sub-section (I) of section 45ZA or sub-section (I) of section 45ZC or sub-section (I) of section 45ZE, the nomination shall be effective only in favour of one person in the following order of priority, namely:—

(a) nomination of the first nominee shall be effective if that nominee survives the person or persons who made the nomination;

(b) nomination of the second nominee shall become effective only after the death of the first nominee;

(c) nomination of any nominee lower in the order of nomination shall become effective only after the death of all the nominees whose names are higher in the order of nomination.

(2) Where the order of nomination is not mentioned, persons shall be deemed to have been nominated in the order in which their names appear in the nomination.

(3) The provisions of this section shall not apply to the nominations made simultaneously in favour of more than one person under sub-section (1) of section 45ZA.”.

14. In the Banking Regulation Act of 1949, in section 56,—

Amendment of
section 56.

(a) in clause (c), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) clause (nb) shall be omitted;”;

(b) in clause (j) relating to substitution of section 18, in sub-section (1),—

(i) for the words “last Friday”, the words “last day” shall be substituted;

(ii) for the words “alternate Friday”, the words “the last day of the fortnight” shall be substituted;

(iii) for the words “such Fridays or if any such Friday”, the words “the last day of the fortnight or if the last day of any such fortnight” shall be substituted;

(iv) in the *Explanation*, for clause (b), the following clause shall be substituted, namely:—

‘(b) “fortnight” shall mean the period from the first day to the fifteenth day of each calendar month or sixteenth day to the last day of each calendar month, both days inclusive;’.

CHAPTER IV

AMENDMENTS TO THE STATE BANK OF INDIA ACT, 1955

23 of 1955.

15. In the State Bank of India Act, 1955, in section 38A,—

Amendment of
section 38A.

(a) in the marginal heading, for the word “dividend”, the word “money” shall be substituted;

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

18 of 2013.

“(3) The State Bank shall transfer, in accordance with the rules made under section 124 of the Companies Act, 2013, to the Investor Education and Protection Fund established under section 125 of the said Act,—

(i) any money which remains unpaid or unclaimed for a period of seven years from the date of its transfer in the Unpaid Dividend Account of the State Bank;

(ii) all shares in respect of which dividend has not been paid or claimed for a period of seven consecutive years, along with a statement thereof containing the details specified in the said rules;

(iii) any interest or redemption amount upon any bond issued by the State Bank which remain unpaid or unclaimed for a period of seven years from the date such interest or such redemption amount became due for payment.

(4) Any person whose shares or unclaimed or unpaid money has been transferred to the Investor Education and Protection Fund under sub-section (3), shall be entitled to claim the transfer or refund from the said Fund, in accordance with the rules made under section 124 and section 125 of the Companies Act, 2013.

18 of 2013.

(5) The money transferred under sub-section (3) to the Investor Education and Protection Fund shall be utilised for the purposes and in the manner specified in section 125 of the Companies Act, 2013.”

18 of 2013.

Amendment of
section 41.

16. In the State Bank of India Act, 1955, in section 41,—

23 of 1955.

(a) in sub-section (1), for the words and figures “section 226 of the Companies Act, 1956”, the words and figures “section 141 of the Companies Act, 2013” shall be substituted;

1 of 1956.

18 of 2013.

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

“(2) The auditors shall receive such remuneration as the State Bank may fix.”

CHAPTER V

AMENDMENTS TO THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1970

Amendment of
section 10.

17. In the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (hereafter in this Chapter referred to as the Act of 1970), in section 10, in sub-section (2),—

5 of 1970.

(a) for the words and figures “section 226 of the Companies Act, 1956”, the words and figures “section 141 of the Companies Act, 2013” shall be substituted;

1 of 1956.

18 of 2013.

(b) for the words “Reserve Bank may fix in consultation with the Central Government”, the words “corresponding new bank may fix” shall be substituted.

Amendment of
section 10B.

18. In the Act of 1970, in section 10B,—

(a) in the marginal heading, for the words “dividend to Unpaid Dividend Account”, the word “money” shall be substituted;

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

“(3) The corresponding new bank shall transfer, in accordance with the rules made under section 124 of the Companies Act, 2013, to the Investor Education and Protection Fund established under section 125 of the said Act,—

18 of 2013.

(i) any money which remains unpaid or unclaimed for a period of seven years from the date of its transfer in the Unpaid Dividend Account of the corresponding new bank;

(ii) all shares in respect of which dividend has not been paid or claimed for a period of seven consecutive years, along with a statement thereof containing the details specified in the said rules;

(iii) any interest or redemption amount upon any bond issued by the corresponding new bank which remain unpaid or unclaimed for a period of seven years from the date such interest or such redemption amount became due for payment.

(3A) Any person whose shares or unclaimed or unpaid money has been transferred to the Investor Education and Protection Fund under sub-section (3), shall be entitled to claim the transfer or refund from the said Fund, in accordance with the rules made under section 124 and section 125 of the Companies Act, 2013.”;

18 of 2013.

(c) in sub-section (4), for the words, figures and letter “section 205C of the Companies Act, 1956”, the words and figures “section 125 of the Companies Act, 2013” shall be substituted.

1 of 1956.

18 of 2013.

CHAPTER VI

AMENDMENTS TO THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1980

19. In the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (hereafter in this Chapter referred to as the Act of 1980), in section 10, in sub-section (2),—

Amendment of section 10.

40 of 1980.

(a) for the words and figures “section 226 of the Companies Act, 1956”, the words and figures “section 141 of the Companies Act, 2013” shall be substituted;

1 of 1956.

18 of 2013.

(b) for the words “Reserve Bank may fix in consultation with the Central Government”, the words “corresponding new bank may fix” shall be substituted.

20. In the Act of 1980, in section 10B,—

Amendment of section 10B.

(a) in the marginal heading, for the words “dividend to Unpaid Dividend Account”, the word “money” shall be substituted;

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

“(3) The corresponding new bank shall transfer, in accordance with the rules made under section 124 of the Companies Act, 2013, to the Investor Education and Protection Fund established under section 125 of the said Act,—

18 of 2013.

(i) any money which remains unpaid or unclaimed for a period of seven years from the date of its transfer in the Unpaid Dividend Account of the corresponding new bank;

(ii) all shares in respect of which dividend has not been paid or claimed for a period of seven consecutive years, along with a statement thereof containing the details specified in the said rules;

(iii) any interest or redemption amount upon any bond issued by the corresponding new bank which remain unpaid or unclaimed for a period of seven years from the date such interest or such redemption amount became due for payment.

(3A) Any person whose shares or unclaimed or unpaid money has been transferred to the Investor Education and Protection Fund under sub-section (3), shall be entitled to claim the transfer or refund from the said Fund, in accordance with the rules made under section 124 and section 125 of the Companies Act, 2013.”;

18 of 2013.

(c) in sub-section (4), for the words, figures and letter “section 205C of the Companies Act, 1956”, the words and figures “section 125 of the Companies Act, 2013” shall be substituted.

1 of 1956.

18 of 2013.

STATEMENT OF OBJECTS AND REASONS

As the banking sector has evolved over the years and with a view to improve bank governance and investor's protection, it has become necessary to make certain amendments in the Reserve Bank of India Act, 1934, the Banking Regulation Act, 1949 (the "BR Act"), the State Bank of India Act, 1955, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

2. The proposed Bill seeks, *inter alia*, to improve governance standards, provide consistency in reporting by banks to the Reserve Bank of India, ensure better protection for depositors and investors, improve audit quality in public sector banks, bring customer convenience in respect of nominations and to provide for increase in the tenure of the directors in co-operative banks.

3. Therefore, it is felt necessary to amend the said enactments and for that purpose to introduce the Banking Laws (Amendment) Bill, 2024 in Parliament. The salient features of the amendments proposed in the said Bill, *inter alia*, are—

(a) to amend clause (ne) of section 5 of the BR Act so as to redefine "substantial interest", increasing the threshold for shareholding of a beneficial interest by an individual, etc., from five lakhs rupees to two crore rupees, to reflect the present value, as the same was last fixed in 1968;

(b) to amend clause (i) of sub-section (2A) of section 10A of the BR Act, increasing the tenure of directors (excluding the chairman and whole-time director) in co-operative banks from eight years to ten years, so as to align with the Constitution (Ninety-Seventh Amendment) Act, 2011;

(c) to amend sub-section (3) of section 16 of the BR Act, so as to allow a director of a central co-operative bank to serve on the board of a state co-operative bank;

(d) to amend sections 18, 24, 25 and section 56 of the BR Act, to revise the reporting dates for the submission of statutory reports by banks to the Reserve Bank of India, so as to align them to the last day of the fortnight or month or quarter, to ensure consistency in reporting;

(e) to amend sections 45ZA, 45ZC, and 45ZE of the BR Act, so as to allow for the nomination of up to four persons, including provisions for simultaneous and successive nominations, to ease services for depositors and their nominees, particularly regarding deposits, articles in safe custody, and safety lockers;

(f) to amend section 38A of the State Bank of India Act, 1955, section 10B of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and section 10B of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, so as to provide for the transfer of unclaimed dividends, shares, and interest or redemption of bonds to the Investor Education and Protection Fund, and allow individuals to claim transfers or refunds from that fund;

(g) to amend section 41 of the State Bank of India Act, 1955, section 10 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and section 10 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, so as to provide discretion to public sector banks in the matter of remuneration of auditors.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;

NIRMALA SITHARAMAN.

The 6th August, 2024.

BILL NO. 112 OF 2024

A Bill to provide for the responsibilities, liabilities, rights and immunities attached to carriers with respect to the carriage of goods by sea and for matters connected therewith or related thereto.

WHEREAS the delegates at the International Conference on Maritime Law held at Brussels in October, 1922, agreed unanimously to recommend their respective Governments to adopt as the basis of a Convention a draft Convention for the unification of certain rules relating to bills of lading;

AND WHEREAS at a meeting held at Brussels in October, 1923, the rules contained in the said draft Convention were amended by the Committee appointed by the said Conference;

AND WHEREAS the said rules were amended by the Protocol signed at Brussels on 23rd February, 1968 and by the Protocol signed at Brussels on 21st December, 1979;

AND WHEREAS it is expedient that the said rules as so amended and as set out with modifications in the Schedule thereto should, subject to the provisions of this Act, have the force of law with a view to establishing the responsibilities, liabilities, rights and immunities attaching to carriers under bills of lading.

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

Short title and commencement.

1. (1) This Act may be called the Carriage of Goods by Sea Act, 2024.

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

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “applicable rules” mean the applicable rules provided in the Schedule to this Act;

(b) “notification” means a notification published in the Official Gazette and the expression “notify” with its grammatical variation and cognate expressions shall be construed accordingly; and

(c) “Schedule” means the Schedule annexed to this Act.

Application of Schedule.

3. Subject to the provisions of this Act, the applicable rules laid down in the Schedule shall have effect in relation to and in connection with the carriage of goods by sea in ships carrying goods from any port in India to any other port, whether in or outside India.

No implied absolute undertaking in contracts to which applicable rules apply.

4. There shall be no implied absolute undertaking in any contract for the carriage of goods by sea, to which the applicable rules apply, by the carrier of the goods to provide a seaworthy ship.

Statement as to application of Schedule to be included in bills of lading.

5. Every bill of lading, or similar document of title, issued in India, which contains or is evidence of any contract to which the applicable rules apply, shall contain an express statement that it is to have effect subject to the applicable rules laid down in the Schedule, as applied by this Act.

Modification of Article VI of applicable rules in relation to goods carried in sailing ships and by specified routes.

6. Article VI of the applicable rules shall, in relation to—

(a) the carriage of goods by sea in sailing ships, carrying goods from any port in India to any other port whether in or outside India;

(b) the carriage of goods by sea in ships, carrying goods from a port in India notified in this behalf, to a port in Sri Lanka specified in the said notification,

have effect as though the said Article referred to goods of any class instead of to particular goods and as though the proviso to the second paragraph of the said Article were omitted.

Modification of paragraphs 4 and 5 of Article III in relation to bulk cargoes.

7. Where under the custom of any trade,—

(a) the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper; and

(b) the fact that the weight is so ascertained or accepted is stated in the bill of lading,

then, notwithstanding anything contained in the applicable rules, the bill of lading shall not be deemed to be *prima facie* evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

Power of Central Government to issue directions.

8. The Central Government may give such directions, as it may deem necessary, for carrying out all or any of the provisions of this Act.

9. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule.

Power of Central Government to amend Schedule.

(2) Any amendment notified under sub-section (1) shall have effect as if enacted in this Act and shall come into force on the date of the notification, unless the notification otherwise directs.

10. Every notification issued under this Act shall be laid, as soon as may be after it is issued, 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 notification or both Houses agree that the notification should not be made, the notification 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 in pursuance of that notification.

Laying of notification before Parliament.

11. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of a period of two years, from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

26 of 1925.

12. (1) The Indian Carriage of Goods by Sea Act, 1925 is hereby repealed.

Repeal and savings.

(2) Notwithstanding the repeal of the Act referred to in sub-section (1), it shall not affect,—

(a) the previous operation of the Act so repealed or anything done or any action taken or purported to have been done or taken or suffered thereunder under the Act so repealed; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(c) the operation of any rule, notification, order, notice or direction issued or exemption granted thereunder, in so far as it is not inconsistent with the provisions of this Act, and shall be in force until it is repealed or superseded under the corresponding provisions of this Act; or

(d) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that Act had not been repealed; or

(e) the reference made to the repealed Act under any other legislation, rule, order, or any other legal instrument and any such reference shall, in so far as it is not inconsistent with the provisions of this Act, be construed to as a reference to this Act or its corresponding provisions.

44 of 1958.

(3) Nothing in this Act shall affect the operation of section 331 and the provisions of Part XA, of the Merchant Shipping Act, 1958, or the operation of any other enactment for the time being in force limiting the liability of the owners of sea-going vessels.

10 of 1897.

(4) Without prejudice to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897 shall apply with regard to the effect of repeal.

THE SCHEDULE

[See sections 3, 5 and 9]

APPLICABLE RULES RELATING TO BILLS OF LADING

ARTICLE I: Definitions.—In these applicable rules the following expressions have the meanings hereby assigned to them respectively, that is to say—

(a) “carriage of goods” covers the period from the time when the goods are loaded on to the time when they are discharged from the ship;

(b) “carrier” includes the owner or the charterer who enters into a contract of carriage with a shipper;

(c) “contract of carriage” applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea including any bill of lading or any similar document as aforesaid issued under or pursuant to a charterparty from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same;

(d) “goods” includes any property including live animals as well as containers, pallets or similar articles of transport or packaging supplied by the consignor, irrespective of whether such property is to be or is carried on or under deck;

(e) “ship” means any vessel used for the carriage of goods by sea.

ARTICLE II: Risks.—Subject to the provisions of Article VI, under every contract of carriage of goods by sea the carrier, in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities, and entitled to the rights and immunities hereinafter set forth.

ARTICLE III: Responsibilities and liabilities.—(1) The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence to —

(a) make the ship seaworthy;

(b) properly man, equip, and supply the ship; and

(c) make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.

(2) Subject to the provisions of Article IV, the carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.

(3) After receiving the goods into his charge, the carrier, or the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things—

(a) the leading marks necessary for identification of the goods, as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;

(b) either the number of packages or pieces, or the quantity, or weight, as the case may be, as furnished in writing by the shipper;

(c) the apparent order and condition of the goods:

Provided that no carrier, master or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight, which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.

(4) Such a bill of lading shall be *prima facie* evidence of the receipt by the carrier of the goods as therein described in accordance with clauses (a), (b) and (c) of paragraph 3 of this Article. However, proof to the contrary shall not be admissible when the bill of lading has been transferred to a third party acting in good faith.

(5) The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him, and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

(6) (a) Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, or if, the loss or damage be not apparent, within three days, such removal shall be *prima facie* evidence of the delivery by the carrier of the goods as described in the bill of lading.

(b) The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

(c) In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered. This period may, however, be extended if the parties so agree after the cause of action has arisen:

Provided that a suit may be brought after the expiry of the period of one year referred to in this sub-paragraph within a further period of not more than three months as allowed by the court.

(d) In the case of any actual or apprehended loss or damage, the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

(7) After the goods are loaded, the bill of lading to be issued by the carrier, master or agent of the carrier, to the shipper shall, if the shipper so demands, be a “shipped” bill of lading, provided that, if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the “shipped” bill of lading, but at the option of the carrier, such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this Article be deemed to constitute a “shipped” bill of lading.

(8) Any clause, covenant or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with goods arising from negligence, fault or failure in the duties and obligations provided in this Article or lessening such liability otherwise than as provided in these applicable rules, shall be *null* and *void* and of no effect.

(9) A benefit of insurance or similar clause shall be deemed to be a clause relieving the carrier from liability.

ARTICLE IV: Rights and immunities.—(1) Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless

caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped and supplied, and to make the holds, refrigerating and cool chambers and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation in accordance with the provisions of paragraph 1 of Article III. Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other person claiming exemption under this section.

(2) Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from—

(a) act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship;

(b) fire, unless caused by the actual fault or privity of the carrier;

(c) perils, dangers and accidents of the sea or other navigable waters;

(d) act of God;

(e) act of war;

(f) act of public enemies;

(g) arrest or restraint of princes, rulers or people, or seizure under legal process;

(h) quarantine restriction;

(i) act or omission of the shipper or owner of the goods, his agent, or representative;

(j) strikes or lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general;

(k) riots and civil commotions;

(l) saving or attempting to save life or property at sea;

(m) wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods;

(n) insufficiency of packing;

(o) insufficiency or inadequacy of marks;

(p) latent defects not discoverable by due diligence;

(q) any other cause arising without the actual fault or privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault nor privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

(3) The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault or neglect of the shipper, his agents, or his servants.

(4) Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of these applicable rules or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom.

(5) (a) Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding 666.67 Special Drawing Rights per package or unit or two Special Drawing Rights

per kilogram of gross weight of the goods lost or damaged, whichever is higher or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading. This declaration if embodied in the bill of lading shall be *prima facie* evidence, but shall not be binding or conclusive on the carrier.

(b) Where a container, pallet or similar article of transport is used to consolidate goods, the number of packages or units enumerated in the bill of lading and as packed in such article of transport shall be deemed to be the number of packages or units for the purposes of this paragraph as far as these packages or units are concerned.

(c) Neither the carrier nor the ship shall be entitled to the benefit of limitation of liability provided for in this paragraph if it is proved that the damage resulted from an act or omission of the carrier done with intent to cause damage, or recklessly and with knowledge that damage would probably result.

(d) Where the nature or value of the goods has been knowingly mis-stated by the shipper in the bill of lading, the liability of the carrier or ship shall not exceed the value so stated.

(e) By agreement between the carrier, master or agent of the carrier and the shipper, another maximum amount than that mentioned in this paragraph may be fixed, provided that such maximum shall not be less than the figure above named.

(f) Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with goods if the nature or value thereof has been knowingly mis-stated by the shipper in the bill of lading.

(6) (a) Goods of an inflammable, explosive or dangerous nature to the shipment whereof the carrier, master or agent of the carrier, has not consented, with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment.

(b) If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

ARTICLE V: Surrender of Rights and Immunities, and Increase of Responsibilities and Liabilities.—A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under the applicable rules contained in any of these Articles, provided such surrender or increase shall be embodied in the bill of lading issued to the shipper. The provisions of these applicable rules shall not apply to charterparties, but if bills of lading are issued in the case of a ship under a charterparty they shall comply with the terms of these applicable rules. Nothing in these applicable rules shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

ARTICLE VI : Special conditions.—Notwithstanding the provisions of the preceding Articles, a carrier, master or agent of the carrier, and a shipper shall, in regard to any particular goods be at liberty to enter into any agreement in any terms to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness, so far as this stipulation is not contrary to public policy, or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea, provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such. Any agreement so entered into shall have full legal effect:

Provided that this Article shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the charter or condition of the property to be carried or the circumstances, terms and conditions under which the carriage is to be performed, are such as reasonably to justify a special agreement.

ARTICLE VII: Limitations on the application of the applicable rules.—Nothing herein contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

ARTICLE VIII: Limitation of liability.—The provisions of these applicable rules shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of sea-going vessels.

ARTICLE IX: Gold value.—The monetary units mentioned in these applicable rules are to be taken to be gold value.

STATEMENT OF OBJECTS AND REASONS

The Indian Carriage of Goods by Sea Act, 1925 (the said Act) was enacted to amend the law with respect to carriage of goods by sea, with a view to establishing the responsibilities, liabilities, rights and immunities attaching to carriers under bills of lading. The said Act is substantially based on the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading of August 1924 (“Hague Rules”), which was amended by the Protocol signed at Brussels on 23rd February, 1968 and on 21st December, 1979 (“Visby Rules”). The Schedule to the said Act, provided the Hague Rules, as amended by the Visby Rules, with modifications, to be referred to as “Rules” in the said Act.

2. The said Act is applicable to outward cargo, that is, ships carrying goods from Indian port to any other port, whether in or outside India. Every bill of lading, or similar document of title, issued in India, which contains or is evidence of any contract to which the rules apply, shall contain an express statement that it is to have effect subject to the provisions of the rules as applied by the said Act.

3. Though the substantive aspects of the said Act continue to remain relevant for maritime trade, being a pre-independence statute, it is imperative that some new provisions need to be incorporated therein without changing the substance or spirit of the said Act, so as to bring it in line with modern legislations in order to facilitate simplification and ease of understanding.

4. Accordingly, it is proposed to repeal and re-enact the said Act with a new legislation and for the said purpose, to introduce the Carriage of Goods by Sea Bill, 2024 in Parliament. The salient features of the modifications proposed in the Carriage of Goods by Sea Bill, 2024, *inter alia*, are—

(a) to substitute the term “Rules” with “applicable rules”, which provides for Hague Rules, as amended by the Visby Rules, with modifications;

(b) to empower the Central Government to amend the Schedule by notification in the Official Gazette and to provide for laying of every such notification before Parliament;

(c) to empower the Central Government to issue such directions as it may deem fit to carry out all or any of the provisions of the Act;

(d) to omit the transitional provision relating to non-applicability of the Rules under the said Act, proposed to be repealed, to contract for the carriage of goods by sea before the first day of January, 1926;

(e) to provide for necessary repeal and savings.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;

SARBANANDA SONOWAL.

The 6th August, 2024.

BILL NO. 111 OF 2024

A Bill to make provisions for the transfer of rights of suit and all liabilities to the consignee named in a bill of lading and every endorsee of a bill of lading, to whom the property in the goods mentioned in the bill of lading shall pass, upon or by reason of a consignment or an endorsement, and for matters connected therewith or related thereto.

WHEREAS by the custom of merchants, a bill of lading of goods being transferable by endorsement, the property in the goods may thereby pass to the endorsee, but nevertheless all rights in respect of the contract contained in the bill of lading continue in the original shipper or owner;

AND WHEREAS it is expedient that such rights should pass with the property;

AND WHEREAS it frequently happens that the goods in respect of which bills of lading purport to be signed have not been laden on board;

AND WHEREAS it is proper that such bills of lading in the hands of a *bona fide* holder for value should not be questioned by the master or other person signing the same, on the ground of the goods not having been laden as aforesaid.

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

1. (1) This Act may be called the Bills of Lading Act, 2024.

Short title and commencement.

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

2. Every consignee of goods named in a bill of lading and every endorsee of a bill of lading, to whom the property in the goods therein mentioned shall pass, upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with such consignee or endorsee.

Rights under bills of lading to vest in consignee or endorsee.

3. Nothing contained in this Act shall prejudice or affect—

Right of stoppage in transit or claims for freight not to be affected.

(a) any right of stoppage in transit; or

(b) any right to claim freight against the original shipper or owner; or

(c) any liability of the consignee or endorsee by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

4. (1) Every bill of lading in the hands of a consignee or endorsee for valuable consideration, representing goods to have been shipped on board a vessel, shall be conclusive evidence of such shipment as, against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped:

Bill of lading in hands of consignee, etc., conclusive evidence of shipment as against master, etc.

Provided that the master or other person so signing may exonerate himself in respect of such misrepresentation, by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or some person under whom the holder claims.

(2) Nothing in sub-section (1) shall apply where the holder of the bill of lading shall have had actual notice at the time of receiving such bill of lading that the goods had not been laden on board.

5. The Central Government may give such directions, as it may deem necessary, for carrying out all or any of the provisions of this Act.

Power of Central Government to give directions.

9 of 1856.

6. (1) The Indian Bills of Lading Act, 1856 is hereby repealed.

Repeal and savings.

(2) Notwithstanding the repeal of the Act referred to in sub-section (1), it shall not affect,—

(a) the previous operation of the Act so repealed or anything done or any action taken or purported to have been or taken or suffered thereunder under the Act so repealed; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(c) the operation of any rule, notification, order, notice or direction issued, or exemption granted thereunder, in so far as it is not inconsistent with the provisions of this Act, and shall be in force until it is repealed or superseded under the corresponding provisions of this Act; or

(d) any penalty incurred in respect of any contravention under the Act so repealed; or

(e) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that Act had not been repealed;

(f) the reference made to the repealed Act under any other legislation, rule, order, or any other legal instrument and any such reference shall, in so far as it is not inconsistent with the provisions of this Act, be construed as a reference to this Act or its corresponding provisions.

(3) Without prejudice to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897 shall apply with regard to the effect of repeal. 10 of 1897.

STATEMENT OF OBJECTS AND REASONS

The Indian Bills of Lading Act, 1856 (the said Act) was enacted to amend the Law relating to Bills of Lading with a view to address two aspects, namely,—

(a) transferring of all rights in respect of the contract contained in the bill of lading along with the property to the consignee or endorsee of the bill of lading; and

(b) ensuring that a transferred bill of lading in the hands of a bona fide holder be treated as conclusive evidence of the goods being laden on board.

2. Since endorsement of rights over bills of lading is an important aspect of its use in carriage of goods by sea, the provisions of the said Act have extensive commercial applicability and is crucial to determine the transfer of rights of suit and liabilities to endorsees and consignees to whom any bill of lading has been transferred.

3. Though the substantive aspects of the said Act continue to remain relevant, being a pre-independence statute, it is imperative that the provisions of the said Act require to be revisited without changing the substance or spirit of the said Act, so as to bring it in line with modern legislations in order to facilitate simplification and ease of understanding. Further, a new provision is proposed to be incorporated to empower the Central Government to issue directions to carry out the provisions of the proposed legislation.

4. Accordingly, it is proposed to repeal and reenact the said Act with a new legislation and for the said purpose, to introduce the Bills of Lading Bill, 2024 in Parliament.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 6th August, 2024.

SARBANANDA SONOWAL.

BILL NO. 113 OF 2024

A Bill further to amend the Railways Act, 1989.

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

Short title and
commencement.

1. (1) This Act may be called the Railways (Amendment) Act, 2024.

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

Amendment of
section 2.

2. In section 2 of the Railways Act, 1989 (hereinafter referred to as the principal Act), after clause (1A), the following clause shall be inserted, namely:—

24 of 1989.

‘(1B) “Board” means the Railway Board constituted under sub-section (1) of section 2A;’.

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

Insertion of new Chapter IA.

“CHAPTER IA

RAILWAY BOARD

2A. (1) There shall be constituted a body to be known as the Railway Board to exercise the powers conferred upon, and to perform the functions assigned to it under this Act and the Railway Board constituted under the Resolution of the Government of India, Public Works Department No. 256G, dated the 18th February, 1905, with its composition as revised from time to time, shall be deemed to be the Railway Board constituted under this Act.

Railway Board.

(2) The Central Government may, by notification, invest the Railway Board, either absolutely or subject to any conditions, with all or any of the powers or functions of the Central Government under this Act with respect to all or any Railways.

(3) The qualification, experience and terms and conditions of appointment of the Chairman and the other Members of the Board and the manner of filling up the said posts shall be such as may be prescribed.

(4) The Board shall consist of such number of Members as may be prescribed.

(5) The Board shall be provided with a Secretary and such officers and other employees as may be necessary to exercise such powers and discharge such duties under this Act and all correspondence shall be addressed to the Secretary to the Board.

(6) The terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be prescribed.

(7) The Chairman and Members of the Board appointed under the Resolution of the Government of India, Public Works Department No. 256G, dated the 18th February, 1905, with its composition as revised from time to time and the Secretary, officers and other employees appointed to the Board before the commencement of the Railways (Amendment) Act, 2024, shall be deemed to have been appointed under this Act:

Provided that the terms and conditions of service of the Chairman, Members, Secretary, officers and other employees of the Board holding the office as such immediately before the commencement of the Railways (Amendment) Act, 2024 shall not be varied to their disadvantage after their appointment.

2B. Any notice, determination, direction, requisition, appointment, expression of opinion, approval or sanction, to be given or signified on the part of the Board, for any of the purposes of, or in relation to, any powers or functions with which it may be invested by notification under sub-section (2) of section 2A, shall be sufficient and binding if in writing signed by the Secretary to the Board, or by any other person authorised by the said Board to act in its behalf in respect of the matters to which such authorisation may relate; and the Board shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in manner aforesaid.”.

Mode of signifying communications from Board.

Amendment of
section 200.

4. In section 200 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Indian Railways Act, 1890 and the Indian Railway Board Act, 1905 are hereby repealed.”;

9 of 1890.

4 of 1905.

(ii) in sub-section (2),—

(a) in the opening portion, for the words, figures and brackets “the Indian Railways Act, 1890 (hereinafter referred to as the repealed Act)”, the words, figures and brackets “the Indian Railways Act, 1890 and the Indian Railway Board Act, 1905 (hereinafter referred to as the repealed Acts)” shall be substituted;

9 of 1890.

4 of 1905.

(b) in clause (a), for the words “the repealed Act”, the words “the repealed Acts” shall be substituted;

(c) in clause (b), for the words “the repealed Act”, at both the places where they occur, the words and figures “the Indian Railways Act, 1890” shall be substituted.

9 of 1890.

STATEMENT OF OBJECTS AND REASONS

Establishment of railway network started as a branch of the Public Works Department before independence.

2. When the network expanded, Indian Railways Act, 1890, was enacted to enable proper functioning of different railway entities.

3. As railways gained popularity, many Princely States and other entities came up to establish and expand railway network.

4. Soon it was realised that railways need a structure different from the Public Works Department because of two major reasons, namely:—

(a) First, railway is an operating organisation and therefore, it requires flexibility and independent policy making.

(b) Second, railway has network effect and therefore, uniform standards are needed for harmonious development.

5. Based on the aforesaid reasons, railway organisation was separated from the Public Works Department. The Railway Board Act, 1905 was enacted.

6. A contemporary railway law, the Railways Act, 1989 was enacted in 1989 by repealing the Indian Railways Act, 1890. That time itself, the Indian Railway Board Act, 1905 could also have been merged with the main law to make it comprehensive.

7. The current Bill proposes to simplify the legal framework by incorporating the proposals of the Indian Railway Board Act, 1905 in the Railways Act, 1989. This will reduce the need to refer to two laws. Instead reference will be required only to one law.

8. The functioning and independence of Railway Board will be enhanced with this Bill. All the provisions in the Indian Railway Board Act, 1905 are proposed to be incorporated in the Railways Act, 1989 through this Bill.

NEW DELHI;
The 7th August, 2024.

ASHWINI VAISHNAW.

FINANCIAL MEMORANDUM

The Bill seeks to repeal the Indian Railway Board Act, 1905 by suitably incorporating the provisions for constitution and composition of Railway Board into the Railways Act, 1989. The Railway Board is already in existence. The expenditure of Railway Board will continue to be met from yearly Budgetary provision under revenue Budget of Indian Railways as being done presently. The Bill does not propose to create any new Board or body resulting in additional financial implication.

2. The provisions regarding the terms and conditions of service of the Chairman, Members of the Board, Secretary and the officers and other employees' are already in place and no change is proposed in the proposed Bill. These provisions may result in expenditure in the discharge of statutory functions of the Government in regular course of business, which would be met from yearly budgetary provision under revenue segment of Railway's budget. However, any additional financial implication at this stage is not quantifiable.

3. The expenditure for Railway Board proposed to be constituted as statutory body under the Railways Act, 1989 would continue to be met from budgetary provision under revenue segment of Railway's budget. The Budget allocation for the Railway Board for financial year 2024-25 is Rs. 440.01 crore under Revenue Head.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (3) of clause 3 of the Bill empowers the Central Government to make rules for providing the qualification, experience and terms and conditions of appointment of the Chairman and the other Members of the Railway Board and the manner of filling up the said posts.

2. Sub-clause (4) of the said clause empowers the Central Government to make rules for providing the Board with such number of Members.

3. Sub-clause (6) of the said clause empowers the Central Government to make rules for providing the terms and conditions of service of the Secretary and other officers and employees of the Board.

4. The matters in respect of which rules may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of Legislative power is, therefore, of a normal character.

UTPAL KUMAR SINGH
Secretary General