

**COMMITTEE ON SUBORDINATE LEGISLATION****(EIGHTEENTH LOK SABHA)****FIFTH REPORT**

**ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/  
RECOMMENDATIONS CONTAINED IN THE NINETEENTH REPORT (17<sup>TH</sup> LOK  
SABHA) ON "STATUS OF FRAMING OF SUBORDINATE LEGISLATION VIZ.  
RULES/REGULATIONS ETC. UNDER VARIOUS ACTS BEING ADMINISTERED BY  
THE MINISTRY OF RAILWAYS"**

**(PRESENTED TO LOK SABHA ON 03.12.2025 )**

**LOK SABHA SECRETARIAT****NEW DELHI****DECEMBER, 2025/ AGRAHAYANA, 1947 (SAKA)**

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**MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2025-26)**

1. **Shri Balashowry Vallabhaneni, Chairperson**
2. Shri Karti P Chidambaram
3. Shri Satish Kumar Gautam
4. Dr. Mohammad Jawed
5. Shri Dhairyasheel Sambhajirao Mane
6. Ms. Mahua Moitra
7. Shri N.K. Premachandran
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9. Shri A. Raja
10. Shri Madhavaneni Raghunandan Rao
11. Dr. Alok Kumar Suman
12. Shri Vivek Thakur
13. Shri Rajesh Verma
14. Vacant
15. Vacant

**SECRETARIAT**

- |    |                             |   |                   |
|----|-----------------------------|---|-------------------|
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| 2. | Shri Bala Guru G            | - | Director          |
| 3. | Shri Shailendra Priyadarshi | - | Deputy Secretary  |
| 3. | Shri Inam Ahmed             | - | Executive Officer |

(v)

## **INTRODUCTION**

I, the Chairperson, Committee on Subordinate Legislation (2025-26) having been authorised by the Committee to present the Report on their behalf, the Fifth Report on the action taken by the Government on the Observations/ Recommendations contained in Nineteenth Report (Seventeenth Lok Sabha) on status of framing of Subordinate Legislation viz. Rules/Regulations etc. under various Acts being administered by the Ministry of Railways.

2. This Report relates to the action taken by the Government on the Observations/ Recommendations of the Committee contained in The Nineteenth Report (Seventeenth Lok Sabha) which was presented to Lok Sabha on 02.08.2022.

3. The Report was considered and adopted by the Committee at their sitting held on 25.11.2025.

4. An analysis of the Action Taken by Government on the Observations/ Recommendations contained in the Nineteenth Report of the Committee (Seventeenth Lok Sabha) is given in **Appendix II** of the Report.

New Delhi;  
**25 November, 2025**  
04 Agrahayana, 1947 (Saka)

**BALASHOWRY VALLABHANENI**  
Chairperson,  
Committee on Subordinate Legislation

## REPORT

### CHAPTER I

This Report of the Committee on Subordinate Legislation (2025-26) deals with the Action Taken by the Government on the Observations/Recommendations contained in their Nineteenth Report (Seventeenth Lok Sabha) of the Committee which was presented to Lok Sabha on 02.08.2022. The Nineteenth Report dealt with the status of framing of subordinate legislation viz. Rules/Regulations etc., under various Acts being administered by the Ministry of Railways, Government of India.

2. The Report, after presentation was forwarded to the Ministry of Railways for implementation of the recommendations contained therein. The Ministry of Railways *vide* their O.M. No. 2022/BC-II/XVII/300/4 dated 20.04.2023 had furnished their action taken replies on all the Observations/Recommendations contained in Para Nos. 19 to 29, 37 to 39, 41, 45 and 46 of the Nineteenth Report (Seventeenth Lok Sabha).

3. The replies to the observations/recommendations contained in the Report have been categorized as follows:-

- (i) Observations/Recommendations which have been accepted by the Government

Sl. Nos. 19 to 29, 37 to 39 & 41

Total No. 15

Chapter II

- (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the Government's reply.

Sl. Nos. NIL

Total No. NIL

Chapter III

- (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration

Sl. Nos. 45 & 46

Total Nos. 02

Chapter IV

- (iv) Observations/Recommendations in respect of which replies of the Government are still awaited

Sl. Nos. NIL

Total No. NIL

Chapter V

4. The observations/recommendations made by the Committee in different paras of the Report which merit further comments and reiteration are produced as follows:-

#### Observations/ Recommendations (Para Nos. 19 to 23)

5. The Committee had noted that the Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertaking) Act, 1978 were associated with the acquisition and transfer of assets by the Central Government for Central Public Sector

undertaking, Bharat Wagons and Engineering Company Ltd. (BWEL) under the Ministry of Heavy Industries and Public Enterprises. BWEL was transferred to the M/o Railways in 2008. Having gone through Section 3, 5, 14(2), 2(h) and Section 31 of the Act, the Committee further noted that rules were required to be framed under various section of the Act which were not framed over a long period of time. Thus, the Committee sought status from the Ministry regard to the rules framed under the Act.

6. In response, the Ministry in their action taken reply have submitted that the Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertaking) Act, 1978 pertained to BWEL which was under the administrative control of Ministry of Heavy Industries and Public Enterprises at the time of the passing of the Act and details regarding notification of rules in regard to subject Act were not available in Company's record. Thereafter, no requirement for making rules was felt after the transfer of BWEL to the Ministry of Railways in 2008. Moreover, the name of company (BWEL) has been struck off from the registers of companies under section 248(2) of the Company Act, 2013 and the said company stand dissolved w.e.f 05.07.2022. It has been further contended that at this juncture framing of rules as advised is not required due to closure of BWEL and that the same has also been concurred by the Ministry of Law and Justice.

7. **The Committee, after going through the action taken replies from the Ministry of Railways in details find that the name of the company (BWEL) has been struck off from the Registrar of Companies and the said company stands dissolved w.e.f. 05.07.2022. Further, no requirement for framing of rules at this juncture, on account of closure of the company has also been concurred by the Ministry of Law and Justice. It has also been stated in the replies that the details regarding notification of rules in regard to subject Act were not available in Company's record. The Committee, while taking stock of the current situation note that the Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertaking) Act, 1978 was enacted way back in 1978, but the Rules to be framed under Section 3, 5, 14(2), 2(h) and Section 31 of the Act were not framed by the then nodal Ministry of Heavy Industries and Public Enterprises even till 2008 when the administrative control of BWEL was transferred to the Ministry of Railways. Since 2008, till the company dissolved in 2022 the pending rules were not framed even by the Ministry of Railways. The Committee are dismayed at the lackadaisical approach evinced by both the Ministries of Heavy Industries and Public Enterprises and Railways in complying with a mandatory provision regarding the time limit for the framing of rules as laid down under para 11.3.1 of the Manual of Parliamentary Procedure in the Government of India published by the Ministry of Parliamentary Affairs. Moreover, citing excuse of non-availability of notification details in the Company's record is totally unacceptable. Such casual approach towards an integral legislative process, defeats the entire intent of the Lawmakers, wherein, executive scrutiny is to be ensured through the timely framing of Rules/Regulations, in pursuance to the powers delegated through subordinate legislation. The Committee view this negligent approach with utmost concern and find no reason as cogent enough to suffice the non-framing of rules mandated by the Act of the Parliament. Thus, the Committee strongly urge the Ministry of Railways to take the issue of timely framing of rules**

under any of the Act concerning them without any laxity and adhere strictly to the statutory provisions of the Act. The Committee on Subordinate legislation, Lok Sabha recently launched Subordinate Legislation Handling Software (SLHS) by the Committee on 11.09.25 with the purpose to automate Acts and Rule making process and easy retrieval of all the data. This is a secured, user friendly and efficient record keeping application. All the Ministries/Departments are the users of this application for Act registration, rule framing and seeking extension of time. The Launch was attended by the representatives of all the Ministries/Departments of the Government of India wherein the functioning of SLHS had been suitably demonstrated and the benefits of creating a legislative repository explained. Therefore, the Ministry is implored upon to utilize the application without loss of time.

### **Observations/ Recommendations (Para Nos. 24 to 25)**

8. As in the earlier case of BWEL, the Committee had noted that the Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalization) Act, 1982 provisioned for the acquisition of the undertakings of the Chaparmukh-Silghat Railway Company Ltd. Line and Katakhal-Lalabazar Railway Line company Ltd. with a view to securing the efficient operation of the Katakhal Lalabazar and Chaparmukh-Silghat Railway Lines. Subsequently, the undertaking of the two companies stood transferred to and vested in the Central Government and both the lines have been converted to broad gauge in 1994 and 2015-16 respectively. The Committee further noted that while section 15 of the Act empowered the Central Government to frame rules, 'no rules notified' and 'no rules appears' to have been formulated under the Act', was the response from the Ministry. Thus, the Committee had sought to be enlightened with the status and reasons for non-framing of rules.

9. In their action taken reply, the Ministry have categorically stated that both the companies had transferred their undertakings to the Central Government after receiving the payment and subsequently, Chaparmukh-Silghat Railway Line and Katakhal-Lalabazar Railway Line were converted to Broad Gauge in 2015-16. As such, there is perhaps no requirement of framing of rules/ subordinate legislation under the Chaparmukh-Silghat Railway Line and Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982. The same has also been concurred by the Ministry of Law and Justice.

10. Taking into consideration, the reply submitted by the Ministry of Railways, the Committee observe that the Act was notified way back in 1982 and the broad gauge of the railway line undertaken by the Central Government was done in 1994 and 2015-16 respectively. Non-compliance with the provision of framing of rules over such a long period of time is nothing but sheer disregard to the Parliamentary procedures. The law making is an intensive exercise and application of sections of Act cannot be done in the absence of commensurate rules/regulations. The non-framing of rules/regulations is akin to making the law toothless. There was ample time for the Ministry of Railways to have framed the rules as provisioned in the Act and lay them duly in the House. Non-adherence to the statutory obligations as laid down under para 11.3.1 of the Manual of Parliamentary Procedure in the Government of India published by the Ministry of



**Parliamentary Affairs does not augur well for an extremely important Ministry. Hence, the Committee view such lapses with profound concern and observe that the Ministry of Railways tread cautiously in future while complying with the essential procedural statutory aspects of the Act.**

**Observations/ Recommendations (Para Nos. 26 to 27)**

11. Taking serious note of the casual approach of the Ministry elicited towards timely framing of subordinate legislation and the evasive replies furnished in this regard, the Committee had expressed their strong view on the non-compliance with the statutory obligation of the Ministry to frame rules/ regulations. It was also suggested that in cases where framing of rules/ regulations was not feasible/ required, the Ministry should, in concurrence with the Ministry of Law & justice lay a statement on the Table of both the Houses outlining the reasons for non—framing of rules.

12. However, in their action taken reply, the Ministry have furnished a generic response devoid of any void rationale for such inordinate delay. Moreover, the non-feasibility of framing of rules/ regulations at this juncture has been cited, in concurrence with the Ministry of Law due to closure of BWEL and the fulfillment of the purpose of Chaparmukh-Silghat and Katakhat- Lalabazar Railway Lines.

**13. The Committee take note of the reply submitted by the Ministry and are not convinced with the callousness being reflected by the stance of the Ministry on a very important established Parliamentary Procedure, obligated through the statutory provisions in the Act. The purpose of framing of rules/ regulations as laid down under para 11.3.1 of the Manual of Parliamentary Procedure in the Government of India published by the Ministry of Parliamentary Affairs not only ensure the executive accountability to the Parliament, but also guarantee that the indefatigable approach of the law makers of the nation are upheld in the right spirit. By non-adherence to the provisions of drafting of rules/regulations, the Ministry are not applying due diligence in discharging their essential duties towards the completion of a legislative procedure. Thus, the Committee strongly refute the submission of the Ministry and opine that the Ministry should adhere to the practice of timely framing of rules in future. As stated in para No.7, the Committee expect the Ministry to utilize the SLHS platform scrupulously in future.**

**Observations/ Recommendations (Para Nos. 28 to 29)**

14. The Committee has also noted that since the process of acquisition and transfer of undertakings of the said Railway Lines have been completed by the Centre as per the provisions of the Act, the Ministry, may in consultation with the Ministry of Law and Justice assess the requirements for the amendments in the Act or the repeal of the Act.

15. However, the action taken reply submitted by the Ministry is completely silent on this aspect.

**16. The Committee express their serious view on this non-responsive approach of the Ministry and reiterate their earlier observation for taking steps to amend or repeal the Arthur Butler and Company (Muzaffarpore) Limited**

**(Acquisition and Transfer of Undertaking) Act, 1978 and the Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982 in consultation with the Ministry of Law & Justice. The Committee strongly urge the Ministry to employ better prudence while furnishing the action taken replies in future so that all the observation/recommendation are replied diligently.**

**Observations/ Recommendations (Para Nos. 45 to 46)**

17. The Committee had noted from submissions of the Ministry that the dates of laying the Principal Rules were not explicitly mentioned, instead 'within time frames' was written in the annexure. Moreover, in regard to the inordinate delay in the laying of G.S.R. 346(E) dated 03.06.2020 and G.S.R. 168(E) dated 12.03.2020, the Committee had also expressed their deep concern. Thus, the Committee had recommended for creation of fool proof mechanism of record keeping of the framing and laying of rules while also ensuring that in cases of delay in framing rules/ regulations, the statement of delay citing reasons be appended and laid on the Table of the House.

18. In their action taken reply, the Ministry have clarified the status of the laying of rules/ regulations in both the Houses and have provided the details of 41 notifications as in Annexure IV. The reasons for delay in case of G.S.R. 168 (E)& G.S.R. 346(E) have also been outlined and have also assured that the procedure for laying down of such notifications is being followed and records are being mentioned properly.

19. **Keeping the work undertaken by the Ministry in regard to the responses submitted by them under consideration, the Committee are still of the firm view that the much more needs to be done to ensure that such poor procedural practices in terms of laxity in framing/ laying of rules/ regulations and poor record keeping do not recur in future. The Committee firmly reiterate their recommendations that a robust mechanism of record keeping be devised at the earliest so that petty excuses of files not being found, may not be cited at such level. It is totally uncalled for that the entire purpose of executive scrutiny through subordinate legislations' preparation be warded off on the pretext of flimsy ground. The supreme authority of legislative exercises, Parliament, needs to be heard of in strictest possible measure and the statutory obligation of framing/ laying of rules/ regulations may not be bypassed. Therefore, the Committee, in no uncertain terms, implore the Ministry to 'pull up their socks' and create efficient record keeping mechanism to deal with framing/ laying of rules/ regulations within time bound manner as prescribed by the mandate of the Act. In no uncertain terms, the Committee urge the Ministry to use the Subordinate Legislation Handling System (SLHS), launched by the Committee on 11.09.25 for creating and updating repository of all the Acts/Rules/Regulations framed by Ministry so that a better platform having an holistic data of legislations/subordinate legislations are found at a single place for reference and further usage. The request for extensions in regarding to framing of rules/regulations ought to be sought through this software only.**

## **CHAPTER II**

### **OBSERVATIONS/ RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **Recommendation (Para Nos. 19 to 23)**

The Committee note that the Ministry of Railways in their background note has submitted that the Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertaking) Act, 1978 pertains to acquisition and transfer of assets by Central Government for Central Public Sector Undertaking Bharat Wagons and Engineering Co. Ltd (BWEL), which was there under the administrative control of Ministry of Heavy Industries and Public Enterprises and the administrative control of BWEL was transferred to Ministry of Railways in 2008 and therefore, no requirement for making rules was felt.

The Committee, however, note that as per section 3 of the Act, the right, title and interest of Britannia Engineering Company in relation to the Mokameh Unit and the undertaking owned by Arthur Butler and Company stand transferred to and shall vest in the Central Government and not as submitted by the Ministry above that the Act pertains to acquisition and transfer of assets by Central Government for Central Public Sector Undertakings i.e. BWEL in this case. The Committee, thus note with concern that, since the name of BWEL was not mentioned in the Act, the same was required to be notified as per the provision made under Section 5 of the Act which stipulates that, the Central Government, if it is satisfied, direct, by notification, that the Mokameh unit and the undertakings referred to in section 3, and the right, title and interest of Britannia Engineering Company in relation to the Mokameh unit, and the right, title and interest of Arthur Butler and Company in relation to the undertakings owned by it, which have vested in the Central Government under section 3, shall instead of continuing to vest in the Central Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification. It is, therefore, quite evident that the Central Government was required to issue a notification for vesting all its power to BWEL.

Further, under sub-section (2) of Section 14 of the Act, the monies which stand transferred under sub-section (1) to the Central Government or the Government Company, as the case may be, shall be dealt with by that Government on the Government Company in such manner as may be prescribed.

The word 'prescribed' has been defined at (h) under section 2 of the Act 'as prescribed by rules made under this Act'. Thus, rules were required to be framed under Section 14(2) of the Act. Moreover, Section 31 of the Act also gives power to make rule to the Central Government.

However, in response to the status sought from the Ministry with regard to rules framed under various Acts being administered by them, the Ministry has submitted the status as 'No rules framed' and has also further submitted that, the administrative control of BWEL was transferred to Ministry of Railways in 2008. Therefore, no requirement for making rules was felt. The Ministry has also informed that BWEL is under final stages of closure as per Cabinet decision.

### **Reply of the Government**

The Britannia Engineering Company Limited (Mokama Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978. Pertains to Acquisition and Transfer of assets by Central Government for Central Public Sector Undertakings Bharat Wagons and Engineering Co. Ltd (BWEL). When the Act was passed, the said CPSU was under the administrative control of Ministry of Heavy Industries and Public Enterprises. The administrative control of BWEL was transferred to Ministry of Railways in 2008. Details regarding notification of rules in regard to subject Act are not available in company's record. Thereafter, no requirement for making rules was felt. Further, application was submitted to Registrar of Companies (ROC) on 02/12/2021 for removing the name of company (BWEL) from registers of companies under section 248(2) of the company Act, 2013 and name of company (BWEL) has been struck off from the Registrar of Companies and the said company stands dissolved w.e.f 05/07/2022. **(Annexure-I)**.

In view of the final closure approved by Registrar of Companies, Patna for Bharat Wagon & Engineering Company Limited under Ministry of Railways, entity of BWEL is ceased to exist. At this juncture, framing of rules as advised is not required due to closure of Bharat Wagon & Engineering Company Limited. The same has also been concurred by Ministry of Law & Justice.

[O.M. No. 2022/BC-II/XVII/300/4 dated 20.04.2023]

### **Comments of the Committee (Please see Paragraph No. 7 of Chapter I of the Report)**

#### **Recommendations (Para Nos. 24 to 25)**

Similarly, with regard to the Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982, the Committee notes that this Act provides for the acquisition of the undertaking of the Chaparmukh-Silghat Railway Company Ltd. in relation to the Chaparmukh-Silghat Railway line and the undertakings of the the Katakhal-Lalabazar Railway Co. Ltd. in relation to the Katakhal-Lalabazar Railway line with a view to securing the efficient operation of the said railway lines. By virtue of the above Act, the undertakings of the two specified Companies stood transferred to and vested in the Central Government and the Chaparmukh-Silghat Railway line has been converted to Broad Gauge in 1994 and Katakhal-Lalabazar Railway line in 2015-16.

The Committee further note that Section 15 of the Act empowers the Central Government to make rule, by notification for carrying out provisions of this Act. The Committee is, however, dismayed to note that the Ministry while furnishing the status of rules framed under the Act has submitted, 'No rule notified' and has also further stated that, 'no rule appears to have been formulated under the Act'. The usage of word 'appears' here expresses uncertainty and also the casual approach of the Ministry in the matter.

### **Reply of the Government**

The Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (nationalization) Act, 1982 - Act No. 36 of 1982 :

Chapter	Year	Rules made under the Chapter
Chapter V MISCELLANEOUS		No Rule notified

An Act to provide for the acquisition of the undertakings of the Chaparmukh-Silghat Railway Company Limited in relation to the Chaparmukh-Silghat Railway Line and the undertakings of the Katakhal-Lalabazar Railway Company Limited in relation to the Katakhal-Lalabazar Railway Line with a view to securing the efficient operation of the said Railway lines so as to subserve the needs of the north-eastern areas of India and to protect the links of communication between the said areas and the rest of the country and for matter connected therewith or incidental thereof. The Chaparmukh-Silghat Railway Line owned by the Chaparmukh-Silghat Railway Company Limited completed in March, 1920 and the Katakhal-Lalabazar Railway Line owned by the Katakhal-Lalabazar Railway Company Limited completed in April, 1923 were constructed under guarantee terms, are vital communication links between the north-eastern areas of India and the rest of the country. By virtue of the above Act, the undertakings of the two specified companies stood transferred to and vested in the Central Government.

For the transfer to, and vesting in, the Central Government paid:

- i. to the Chaparmukh-Silghat Railway Company Limited, an aggregate amount of rupees ten lakhs and fifty thousand; and
- ii. to the Katakhal-Lalabazar Railway Company Limited, an aggregate amount of rupees nine lakhs.

Chaparmukh-Silghat Railway Line has been converted to Broad Gauge in 1994 and Katakhal-Lalabazar Railway Line converted to Broad Gauge in 2015-16. Both the lines have since been taken over by Indian Railways and converted into broad gauge, there is perhaps no requirement of framing Rules/Subordinate legislation under the Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982. The same has also been concurred by Ministry of Law & Justice.

[O.M. No. 2022/BC-II/XVII/300/4 dated 20.04.2023]

### **Comments of the Committee**

(Please see Paragraph No. 10 of Chapter I of the Report)

### **Recommendation (Para Nos. 26 & 27)**

The Committee thus, takes serious note of this casual approach of the Ministry towards framing of subordinate legislation and is also of the strong view that, when the Ministry was asked by a Parliamentary Committee to furnish the status of rules framed or yet to be framed under various Acts, the Ministry's sincere efforts should have been to compile and furnish the correct and updated information about the same, even if it

required to seek information from the Ministry of Heavy Industries in case of Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978.

The Committee is also of the strong view that, if an Act passed by the Parliament, has mandated the framing of subordinate legislation and the Ministry does not feel the need of framing Rules/ Regulations for the same, then in such cases, the Ministry should consult the Ministry of Law and Justice and if the Ministry of Law and Justice too concurs with the view of the Ministry concerned, the Ministry should lay a statement on the Table of both the Houses outlining the reasons why the Ministry does not feel the need to frame subordinate legislation under the said Acts.

### **Reply of the Government**

The Britannia Engineering Company Limited (Mokama Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings ) Act, 1978. Pertains to Acquisition and Transfer of assets by Central Government for Central Public Sector Undertakings Bharat Wagons and Engineering Co. Ltd (BWEL). When the Act was passed, the said CPSU was under the administrative control of Ministry of Heavy Industries and Public Enterprises. The administrative control of BWEL was transferred to Ministry of Railways in 2008. Details regarding notification of rules in regard to subject Act are not available in company's record. Thereafter, no requirement for making rules was felt. Further, application was submitted to Registrar of Companies (ROC) on 02/12/2021 for removing the name of company (BWEL) from registers of companies under section 248(2) of the company Act'2013 and name of company (BWEL) has been struck off from the Registrar of Companies and the said company stands dissolved w.e.f 05/07/2022. **(Annexure-I)**.

In view of the final closure approved by Registrar of Companies, Patna for Bharat Wagon & Engineering Company Limited under Ministry of Railways, entity of BWEL is ceased to exist. At this juncture, framing of rules as advised is not required due to closure of Bharat Wagon & Engineering Company Limited. The same has also been concurred by Ministry of Law & Justice.

[O.M. No. 2022/BC-II/XVII/300/4 dated 20.04.2023]

### **Comments of the Committee (Please see Paragraph No. 13 of Chapter I of the Report)**

### **Observations/Recommendation (Para Nos. 28 & 29)**

The Committee would, therefore, like the Ministry of Railways to first compile the factual status pertaining to framing of subordinate legislation under the Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978 in consultation with the Ministry of Heavy Industries and the Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982 and if no rules have still been framed as already submitted to the Committee, the Ministry should consult Ministry of Law and Justice and thereafter lay a statement in both the Houses as stated in para 9 above.

The Committee also note that both the Acts viz. Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978 and Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982 provide for acquisition and transfer of undertaking of the Railway lines. The Committee is also of the view that since the process of acquisition and transfer of undertakings of the said Railway Lines have been completed by the Centre as per the provisions laid in the Act, the Ministry, may in consultation with the Ministry of Law and Justice review these Acts and assess their relevance in today's context and take necessary action to either amend the Acts for their continued relevance or repeal the same. The Committee would like to be apprised of the conclusive action taken in this regard within 3 months of presentation of the Report to the House.

### **Reply of the Government**

The Britannia Engineering Company Limited (Mokama Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings ) Act, 1978. Pertains to Acquisition and Transfer of assets by Central Government for Central Public Sector Undertakings Bharat Wagons and Engineering Co. Ltd (BWEL). When the Act was passed, the said CPSU was under the administrative control of Ministry of Heavy Industries and Public Enterprises. The administrative control of BWEL was transferred to Ministry of Railways in 2008. Details regarding notification of rules in regard to subject Act are not available in company's record. Thereafter, no requirement for making rules was felt. Further, application was submitted to Registrar of Companies (ROC) on 02/12/2021 for removing the name of company (BWEL) from registers of companies under section 248(2) of the company Act'2013 and name of company (BWEL) has been struck off from the Registrar of Companies and the said company stands dissolved w.e.f 05/07/2022. **(Annexure-I)**.

In view of the final closure approved by Registrar of Companies, Patna for Bharat Wagon & Engineering Company Limited under Ministry of Railways, entity of BWEL is ceased to exist. At this juncture, framing of rules as advised is not required due to closure of Bharat Wagon & Engineering Company Limited. The same has also been concurred by Ministry of Law & Justice. The Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line ((nationalization) Act, 1982 - Act No. 36 of 1982 :

Chapter	Year	Rules made under the Chapter
Chapter V MISCELLANEOUS		No Rule notified

An Act to provide for the acquisition of the undertakings of the Chaparmukh-Silghat Railway Company Limited in relation to the Chaparmukh- Silghat Railway Line and the undertakings of the Katakhal-Lalabazar Railway Company Limited in relation to the Katakhal-Lalabazar Railway Line with a view to securing the efficient operation of the said Railway lines so as to subserve the needs of the north-eastern areas of India and to protect the links of communication between the said areas and the rest of the country and for matter connected therewith or incidental thereof. The Chaparmukh-Silghat Railway Line owned by the Chaparmukh-Silghat Railway Company Limited completed in March, 1920 and the Katakhal-Lalabazar Railway Line owned by the Katakhal-Lalabazar Railway Company Limited completed in April, 1923 were constructed under guarantee terms, are vital communication links between the north-

eastern areas of India and the rest of the country. By virtue of the above Act, the undertakings of the two specified companies stood transferred to and vested in the Central Government. For the transfer to, and vesting in, the Central Government paid:

- i. to the Chaparmukh-Silghat Railway Company Limited, an aggregate amount of rupees ten lakhs and fifty thousand; and
- ii. to the Katakhal-Lalabazar Railway Company Limited, an aggregate amount of rupees nine lakhs.

Chaparmukh-Silghat Railway Line has been converted to Broad Gauge in 1994 and Katakhal-Lalabazar Railway Line converted to Broad Gauge in 2015-16. Both the lines have since been taken over by Indian Railways and converted into broad gauge, there is perhaps no requirement of framing Rules/Subordinate legislation under the Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982. The same has also been concurred by Ministry of Law & Justice.

[O.M. No. 2022/BC-II/XVII/300/4 dated 20.04.2023]

**Comments of the Committee**  
**(Please see Paragraph No. 16 of Chapter I of the Report)**

**Recommendation Nos. 37 to 39**

The Committee notes from the submission made by the Ministry pertaining to the status of Rules framed under Chapter X of the Railways Act, 1989 that, the existing provisions of Chapter X of the Railways Act, 1989 and guidelines regarding free time for loading/unloading of wagons and removal of goods from railway premises, and also for levy of Demurrage and Wharfage Charge for detention beyond the prescribed free time are considered adequate in achieving the objective i.e timely removal of goods from railway premises. Thus, no separate rules have been made under Chapter X of the Railways Act, 1989.

The Committee, however, is not convinced with the Ministry's justification for not framing the subordinate legislation under Chapter X of the Act within the prescribed time limit of 6 months and also not seeking any extension of time for delay in framing of the same from the Committee, as per the prescribed procedure. The Committee strongly objects to the discretionary power being exercised by the executive to decide if the framing of rules/regulations is required or not, especially when there are specific rule making provisions in the Act. The Committee is of the view that unless the rules are framed, the provisions of the Act cannot be implemented in letter and spirit.

The Committee also does not find the justification given by the Ministry that the existing provisions of Chapter X of the Railways Act, 1989 and the guidelines/procedures are well established for achieving the objective is tenable for not framing the rules. The Committee have time and again stressed and recommended that guidelines /procedures/ orders/ directions/ circulars are no substitute for the statutory provisions viz. framing of rules/regulations etc. as by doing so the executive can exercise discretion in the matter and escape parliamentary scrutiny because the guidelines/procedures are neither notified nor laid in the House. The Committee also fails to understand how the provisions of the Act can be sufficient and how the Ministry can claim that the existing provisions of Chapter X of the Act and guidelines/procedures/circulars are well established for achieving the objectives because the Act lays down the broad outline and the Ministry has to come out with



rules to elaborate and put in detail the provisions made in the rules to implement the same. The Committee, therefore, strongly recommends that if the Act passed by the Parliament has mandated the framing of the subordinate legislation, the same should be framed within the stipulated time period and if the Ministry does not feel the need for the same, then, as mentioned at para no. 27 of the Report, the Ministry should consult the Ministry of Law and if the Ministry of Law also concurs the view point of the Ministry of Railways, the Ministry should bring the information to the knowledge of the House in the form of a statement. The Committee would like to be apprised of the final action taken in the matter within 3 months after presentation of the Report in the House.

#### **Reply of the Government**

Ministry of Railways have framed rules in exercise of the powers conferred by sub-section(1) of Section 92 of Chapter-X of the Railways Act, 1989 vide Gazette Notification G.S.R. 554(E) dated 7<sup>th</sup> June 1990 and the same has been laid on the table of both the Houses.

[O.M. No. 2022/BC-II/XVII/300/4 dated 20.04.2023]

#### **Recommendation No. 41**

The Committee notes that in the Ministry of Railways, the Recruitment Rules (RRs) for all the Organised Services and 32 Miscellaneous cadres are already approved and RRs in respect of 3 Miscellaneous cadres viz. Prosecution, Statistical Department and AEN(Civil Maintenance/RDSO) have been framed for the first time and are submitted to UPSC for approval. The Committee while expressing its satisfaction that the RRs for all organized and 32 Miscellaneous cadres are approved, hopes that the same have been notified and also laid on the Table of both the Houses. The Committee would like to be apprised about the same. The Committee is also of the view that the Ministry will also notify and lay the RRs in respect of the remaining 3 Miscellaneous cadre in a time bound manner, as much ground work for the same has already been completed. The Committee would like to be apprised of the final action taken in the matter within 3 months after presentation of the Report to the House.

#### **Reply of the Government:**

Revision of recruitment rules (RRs) is an ongoing process. The RRs under Article 309 of the Constitution (Subordinate legislation) approved by Competent Authority in Ministry of Railways are sent to UPSC & Ministry of Law & Justice for their approval and then notified in the Official Gazette. The copies of the notified RRs are sent to Committee on Subordinate Legislation (Lok Sabha & Rajya Sabha Secretariat) through Speed post as well as through email on regular basis for information and necessary action at their end. Presently, the RRs of Gazetted posts of Prosecution Cadre of Railways have been notified in the Official Gazette vide GSR No. 518 (E) dated 6th July, 2022. The RRs of AEN Civil Maintenance(RDSO) have been approved by UPSC on 16.08.2022. The same will be sent to Ministry of Law & Justice for vetting of English and Hindi version. After their approval, the same will be notified in the Official Gazette. Some queries have been raised by UPSC regarding RRs of Statistical Department on 08.08.2022. The same are being processed and a reply will be sent to UPSC soon.

[O.M. No. 2022/BC-II/XVII/300/4 dated 20.04.2023]

The proposal to frame recruitment rules (RRs) of Statistical Department of Indian Railways was submitted to UPSC for approval. UPSC has raised certain queries with regards to method of recruitment for Dy. Chief Statistical & Analysis Officer (Level-12) and Senior Statistical & Analysis Officer (level-11). The issue is being examined in consultation with the departments concerned. A suitable reply shall be sent to UPSC in due course. It is also apprised that in terms of DoPT's OM No.AB.14017/48/2010-Estt.(RR) dated 31.12.2010 on "guidelines on framing / amendment / relaxation of Recruitment rules", Para 5.3 under Part-V, RRs need not be placed on the Table of both the Houses of Parliament. However, a copy of the notified RRs is sent to Secretariat concerned of Committee on Subordinate Legislation in Lok Sabha and Rajya Sabha for information through Speed post as well as through email.

[updated Reply dated 19.11.2024]

**CHAPTER III**

**OBSERVATIONS/ RECOMMENDATIONS WHICH THE COMMITTEE DO NOT  
DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLY**

- NIL -

## **CHAPTER IV**

### **OBSERVATIONS/ RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION**

#### **Recommendation No. 45**

The Committee also gathers from the status of framing of Rules/Regulations etc. under various Acts, furnished by the Ministry of Railways *vide* OM dated 18.7.2021 that at Sl. No. 4 with regard to date of laying of Principal Rules namely Indian Railways (Open Lines) General Rules, 1976 framed under Section 60 of the Railways Act, 1989, the Ministry has submitted that, "The Principal Rules were notified more than four decades ago. The date of laying is not readily available in the records maintained". However, it is also observed that the Ministry has also not given the date of laying of Rules framed under Sections 87, 112, 129 of the Railways Act, 1989 and in case of RCT Act, 1987, the Committee is surprised to note that, in place of mentioning the dates of laying of the Notifications, the Ministry has simply written, 'Within time frames'.

#### **Reply of the Government:**

It is stated that efforts were made again to locate the concerned file having File No. 69/RR/4/Safety(A&R) from which gazette notification of Indian Railways (Open Lines) General Rules, 1976 was notified *vide* GSR 445(E) on 21st July, 1981. However, the same could not be located. However, it is observed that dates of laying down of above rules in both the houses of parliament is available on the website of Rajya Sabha in the 83rd Report of "Committee on Subordinate Legislation" (Page No. 7, Para No. 2.7, item (ii)) presented on 7th Sept. 1990. This is available at Rajya Sabha website link:

[https://rajasabha.nic.in/rsnew/Committee\\_site/Committee\\_File/ReportFile/12/2/83\\_2\\_016\\_7\\_14.pdf](https://rajasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/12/2/83_2_016_7_14.pdf)

As mentioned in the above report Indian Railways (Open Lines) General Rules were placed on table in Lok Sabha on 03.12.1981 and in Rajya Sabha on 02.12.1981. Section 87 regarding Carriage of Goods Chapter-IX, Section 112 regarding Responsibilities of Railway Administration as Carriers Chapter-XI and Section 129 regarding Liability of Railway Administration for Death & Injury to Passengers due to Accidents Chapter-XIII of the Railways Act, 1989. All details of Notifications issued under Section 87, 112 and Section 129 of the Railways Act, 1989, along with the date of laying, including GSR 346 (E) dated 03.06.2020 is enclosed. **(Annexure-III)**. In compliance to the recommendations/observations made by Committee on Subordinate Legislation, the dates of laying down of Notifications in Lok Sabha and Rajya Sabha have been traced for 41 Notifications out of 44 Notifications after sincere efforts. In some cases information obtained from the bulletins of Lok Sabha and Rajya Sabha) and information received from the Parliament Branch, the requisite information is enclosed **(Annexure-IV)**.

[O.M. No. 2022/BC-II/XVII/300/4 dated 20.04.2023]

**Comments of the Committee**  
**(Please see Paragraph No. 19 of Chapter I of the Report)**

### **Recommendation No. 46**

The Committee is thus, dismayed to take note of the lackadaisical approach of the Ministry in maintaining the important record of framing and laying of subordinate legislation. The Committee, while expressing its deep concern over the inordinate delay that has taken place in laying of GSR 346 (E) dated 3.6.2020 and GSR 168 (E) dated 12.3.2020 has also taken serious note of the casual approach of the Ministry in furnishing status to the Committee. This is also supplemented by the fact that the Ministry, instead of giving the date of laying of GSR 346 (E) and GSR 168 (E) on the Table of the House, has just mentioned as - in Budget Session of 2021 and during subsequent session of Parliament respectively. Thus, the justification given by the Ministry for not having any record of laying of Principal Rules framed under Railway Act, 1989 that they were notified more than four decades ago, points to the fact that records are not being maintained by the Ministry properly, specifically pertaining to laying of orders. This is just not acceptable to the Committee. The Committee, therefore, holds that the Ministry should take necessary steps to evolve a fool proof mechanism to ensure that all the notifications are laid on the Table of both the Houses and in case of unavoidable delay in laying of orders, the Ministry should append a delay statement so as to apprise the Parliament of the reason of delay in laying of notification on the Table of the House. The Committee also directs the Ministry to evolve a system to ensure that record pertaining to framing and laying of all the Orders is being maintained properly and timely. The Committee also recommends that the Ministry's website should also be updated from time to time so that all the required information regarding enactments and subordinate legislation is available to all with a click of mouse. The Committee would like to be apprised of conclusive action taken in this regard within 3 months after presentation of the Report.

### **Reply of the Government:**

GSR 168 (E) dated 12.3.2020 published in Gazette of India dated 13.03.2020 as quoted by Committee was laid down on the Table in Lok Sabha on 16.09.2020 and in Rajya Sabha on 18.09.2020. Reasons for Delay were also submitted by the Ministry of Railways indicating that Gazette Notification No. GSR 168(E) dated 12.03.2020 was published by Government of India Press, Mayapuri on 13.03.2020. The House was adjourned sine-die on 23.03.2020. Since sufficient time stipulated for processing and laying the Notification on the Table of the House was not available, the same could not be laid on the Table of the House.

The other recommendations are general in nature and not specific to any directorate. In this regard, it is stated that the file in which notification of Indian Railways (Open Lines) General Rules was dealt was a physical file created in the year 1969 i.e. more than 4 decades ago as per the procedure in vogue at that time. In physical file system, there used to be likelihood of file getting misplaced or lost over the period of time during course of consultations and exchange between different officers / units. However, now the physical file system is getting replaced by e-file system where records are maintained in electronic form and there is least such likelihood. Further, the notifications issued by Government of India are available on e-gazette website from where these can be accessed anytime. The notifications issued to amend Indian Railways (Open Lines) General Rules, 1976 are already being uploaded on the page of Safety Directorate of Ministry of Railways as and when notified. Further, the

procedure for laying down of such notifications is being followed and records being maintained properly.

Delay in laying of GSR 346 (E) dated 3.6. 2020 regarding Railway Passengers (Manner of Investigation of Untoward Incidents) Rules 2020, it is stated that this Notification could not be laid on the Table of the House during the Monsoon Session due to some unavoidable circumstances on administrative front and and Winter Session, 2020 of Parliament was not held. Therefore, the Notification was laid on the Table of the House during the Budget Session 2021 (on 10.02.2021 in Lok Sabha and on 12.02.2021 in Rajya Sabha) by the Hon'ble Minister for Railways with the statement of reasons for delay and with the request that the delay is regretted and may please be condoned. The details of laying of GSR 346(E) is as follows:-

<b>Gazette Notification</b>	<b>Date of issue of Notification</b>	<b>Date of Laying in Lok Sabha</b>	<b>Date of Laying in Rajya Sabha</b>
G.S.R. 346(E) Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2020	03.06.2020	10.02.2021	12.02.2021

[O.M. No. 2022/BC-II/XVII/300/4 dated 20.04.2023]

**Comments of the Committee**  
**(Please see Paragraph No. 19 of Chapter I of the Report)**

**CHAPTER V**

**OBSERVATIONS/ RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF  
THE GOVERNMENT ARE STILL AWAITED**

**- NIL-**

**New Delhi;  
25 November, 2025  
04 Agrahayana, 1947 (Saka)**

**BALASHOWRY VALLABHANENI  
Chairperson,  
Committee on Subordinate Legislation**

**FORM No. STK - 7****NOTICE OF STRIKING OFF AND DISSOLUTION**

[Pursuant to sub-section (5) of section 248 of the Companies Act, 2013 and rule 9 of the Companies  
(Removal of Names of Companies from the Register of Companies) Rules, 2016]

**GOVERNMENT OF INDIA****MINISTRY OF CORPORATE AFFAIRS**

Office of the Registrar Of Companies

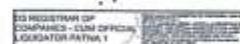
Maurya Lok Complex, Block 'A' Western Wing 4th Floor, Patna, Bihar, India, 800001

**Dated : 05.07.2022**

**Reference:**

In the matter of Companies Act, 2013 and of M/s BHARAT WAGON AND ENGINEERING COMPANY  
LIM ITED , CIN U45201BR1978GOI001373 .

This is with respect to this Office's Notice No. ROCPatna/248(2)/090357/2021 dated 29.12.2021 application  
(Form STK 2) dated 02.12.2021 vide SRN T61391702 and notice in form STK 5 issued on dated NA . Notice  
is hereby published that pursuant to sub-section (5) of Section 248 of the Companies Act, 2013 the name of M  
s BHARAT WAGON AND ENGINEERING COMPANY LIM ITED has this day of July been struck off the  
register of companies and the said Company is dissolved.



Registrar of Companies  
APARAJIT BARU

Registrar of Companies/Additional Registrar of Companies/Joint Registrar  
Companies/Deputy Registrar of Companies/Assistant Registrar of Companies

Mailing Address of the company as per record available in Registrar of Companies office:

M/s BHARAT WAGON AND ENGINEERING COMPANY LIM ITED

'C' Block, 5th Floor, Mauryalok Complex, Dak Bungalow Road, Patna, Patna, Bihar, India,  
800001



पं.सं. व. डी. (पं.एन.)-127

REGISTERED NO. D. (D.N.) 137



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 219]  
No. 219]

नई दिल्ली, बुधवार, जून 7, 1990/ज्येष्ठ 17, 1912  
NEW DELHI, THURSDAY, JUNE 7, 1990/JYAISTHA 17, 1912

इस भाग में मिल 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

रेल मंत्रालय  
(रेल बोर्ड)  
अधिसूचना

नई दिल्ली, 7 जून, 1990

रेल (अधिसूचित रेल स्टेशन से न हटाए गए माल का  
व्यवस्थापन) नियम, 1990

सा.का.वि. 554 (अ) :- सामान्य खंड अधिनियम  
1897 (1897 का 10) की धारा 23 के साथ पठित  
केन्द्रीय सरकार, रेल अधिनियम, 1989 (1989 का 24)  
की धारा 23 की उपधारा (1) द्वारा प्रदत्त शक्तियों का  
प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ :- (1) इन नियमों का  
संक्षिप्त नाम रेल (अधिसूचित रेल स्टेशन से न हटाए गए  
माल का व्यवस्थापन) नियम, 1989 है।

(2) ये अधिनियम लागू की तारीख को प्रवृत्त होंगे।

1498 GI/90

2. परिभाषाएं :- इन नियमों में, जब तक कि संदर्भ  
से अन्यथा अपेक्षित न हो, —

- (क) "अधिनियम" से रेल अधिनियम, 1989 (1989  
का 24) अभिप्रेत है;
- (ख) "प्रारूप" से अधिसूची में उपवर्णित प्रारूप अभिप्रेत  
है;
- (ग) "अनुसूची" से इन नियमों की अनुसूची अभिप्रेत है;
- (घ) "धारा" से अधिनियम की धारा अभिप्रेत है।

3. वह प्रारूप और रीति जिससे धारा 89 की उपधारा  
(2) के अधीन आवेदन किया जा सके :- यदि किसी अधि-  
सूचित स्टेशन को वहन करने के लिए रेल प्रशासन को किसी  
माल का परिधान करने वाला कोई व्यक्ति यह चाहता है  
कि रेल प्रशासन अधिसूचित स्टेशन पर माल के पहुंचने की  
सूचना दे तो वह प्रेषण टिप्पण और आवश्यक डाक प्रभार  
के साथ प्रारूप 1 में आवेदन करेगा।

(1)

4. वह प्ररूप जिसमें कोई विवरण प्रदर्शित किया जाना है—ऐसा विवरण जो धारा 89 की उपधारा (3) के अधीन अधिसूचित स्टेशन में किसी सहजदृश्य स्थान पर प्रदर्शित किया जाना अपेक्षित है, प्ररूप 2 में होगा।

5. वह रीति जिससे लोक नीलाम की तारीख अधिसूचित की जाती है:— (1) जब कभी धारा 90 की उपधारा (1) के अधीन लोक नीलाम द्वारा माल के विक्रय किए जाने का प्रस्ताव है तब रेल प्रशासन वह तारीख अधिसूचित करेगा जिसको ऐसा नीलाम किया जाएगा।

(2) जब कभी ऐसे नीलाम किसी अधिसूचित स्टेशन पर नियमित रूप से किए जाने हैं तब ऐसे दिनों को जिनको नीलाम किए जाने हैं, निश्चित किया जाना और एक या अधिक स्थानीय समाचारपत्रों में प्रकाशित किया जाना पर्याप्त होगा।

(3) समाचारपत्रों में की अधिसूचना में ऐसे नीलाम का समय और स्थान भी उपदर्शित किया जाएगा और उसमें यह उल्लिखित किया जाएगा कि लोक नीलाम द्वारा विक्रय किए जाने के लिए प्रस्तावित माल की विशिष्टियां माल गोदाम या ऐसे किसी अन्य स्थान में जो विनिर्दिष्ट किया जाएगा, सूचना पट्ट पर प्रदर्शित कर दी गई हैं।

(4) जब कभी ऐसा नीलाम यदा-कदा किया जाना है तब, उपनियम (2) और उपनियम (3) में उल्लिखित विशिष्टियों के अतिरिक्त नीलाम की सूचना में, विक्रय किए जाने के लिए प्रस्तावित वस्तुओं का प्रकार भी मोटे तौर पर उपदर्शित किया जाएगा।

(5) ऐसे प्रत्येक नीलाम की तारीख, नीलाम की तारीख से कम से कम तीन दिन पहले (जिसके अंतर्गत विक्रय की तारीख नहीं है), एक या अधिक स्थानीय समाचारपत्रों में प्रकाशित की जाएगी।

6. धारा 90 की उपधारा (3) के परन्तु के खंड (क) के उपखंड (iii) में निर्दिष्ट आवश्यक वस्तुओं की कीमत की जमा करने की रीति— कभी आवश्यक वस्तुओं को समाविष्ट करने वाले किसी माल का केन्द्रीय सरकार या राज्य सरकार को अथवा किसी अभिकरण, सहकारी सोसाइटी या अन्य व्यक्ति को धारा 90 की उपधारा (2) के अधीन स्थानांतरण किया जाता है तब अधिनियम के अधीन ऐसे माल के लिए संदेय कीमत का रेल प्रशासन को निम्नलिखित रीति से संदाय किया जाएगा :—

(क) यदि ऐसे माल का राज्य सरकार या केन्द्रीय सरकार को अंतरण किया जाता है तो संदाय नकद, बैंक ड्राफ्ट, चेक, जमापत्र द्वारा वैसे ही रीति से जिससे रेल भाड़े का ऐसी सरकार द्वारा संदाय किया जाता है, या किसी ऐसी अन्य रीति से किया जाएगा जो रेल प्रशासन और संदेयित सरकार के बीच करार पाई जाए।

(ग) यदि ऐसे माल का किसी अभिकरण या सहकारी सोसाइटी या अन्य व्यक्ति को सरकार के निदेश के अधीन अंतरण किया जाता है तो संदाय नकद या ऐसे अभिकरण या सहकारी सोसाइटी या अन्य व्यक्ति द्वारा भाड़े के संदाय के लिए रेल प्रशासन द्वारा प्राधिकृत किसी अन्य ढंग से अथवा किसी ऐसी अन्य रीति से किया जाएगा जो रेल प्रशासन और ऐसे अभिकरण या सहकारी सोसाइटी या अन्य व्यक्ति के बीच करार पाई जाए।

[सं. टी.सी.आई 89/223/2]

एस. के. मलिक, संयुक्त निदेशक  
(आर.ए.आर.)  
रेलवे बोर्ड

अनुसूची

प्ररूप 1

(नियम 3 देखिए)

अधिसूचित स्टेशन पर माल के पहुंचने की सूचना देने के लिए आवेदन

सेवा में,

(बुकिंग स्टेशन)

मैंने माल के बुक किए जाने के लिए प्रेषण टिप्पण अलग से प्रस्तुत किया है, जिसकी विशिष्टियां नीचे दी गई हैं :

परेषक का नाम—

स्टेशन सं

स्टेशन को

वस्तुओं की संख्या और माल का वर्णन



[भाग II—खंड 3(i)]

भारत का राजपत्र अध्यादेश

3

2. यह अनुरोध किया जाता है कि ऐसे—यंतव्य स्टेशन पर जो एक अधिसूचित स्टेशन है, माल के पहुंचने के बारे में सूचना ऐसे व्यक्ति को जिसका नाम और पता नीचे दिया गया है, रजिस्ट्रीकृत डाक से दी जाए :

नाम

पता

प्रेषक या उसके अभिकर्ता के हस्ताक्षर

प्रारूप 2

(नियम 4 देखिए)

रेल अधिनियम, 1989 की धारा 89 की उपधारा (3) के अधीन लोक नीलाम द्वारा विक्रय किए जाने वाले माल का अधिसूचित स्टेशन पर प्रदर्शित किए जाने वाला विवरण

क्रम सं.	प्रेषक का नाम	परिषद् का नाम (यदि ज्ञात हो)	वृत्ति की विस्तृतियां —स्टेशन से—स्टेशन तक	माल का वर्णन बीजक सं. और तारीख	माल के पहुंचने की तारीख	नीलाम की तारीख
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एस के मालिक, संयुक्त निदेशक (आर ए ग्रार)  
रेलवे बोर्ड

## MINISTRY OF RAILWAYS

(Railway Board)

### NOTIFICATION

New Delhi, the 7th June, 1990

#### THE RAILWAY (DISPOSAL OF GOODS NOT REMOVED FROM NOTIFIED RAILWAY STATIONS) RULES, 1989

G.S.R. 554(E) :—In exercise of the powers conferred by sub-section (1) of section 92 of the Railways Act, 1989 (24 of 1989), read with Section 22 of the General Clauses Act, 1897 (10 of 1897) the Central Government hereby makes the following rules, namely :—

1. Short title and commencement :—(1) These rules may be called the Railways (Disposal of Goods not Removed from Notified Railway Stations) Rules, 1989.

(2) They shall come into force on the date of commencement of the Act.

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

- 'Act' means the Railways Act, 1989 (24 of 1989).
- 'Form' means a form set out in the schedule.
- 'Schedule' means the Schedule to these rules.
- 'Section' means a section of the Act.

3. Form and manner in which an application may be made under sub-section (2) of section 89:—If any person delivering to a railway administration any goods to be carried to a notified station desires that the railway administration should intimate the arrival of the goods at the notified station, he shall along with the Forwarding Note make an application in the Form I, along with necessary postage charges.

4. Form in which a statement is to be exhibited:—The Statement required to be exhibited at a conspicuous place in the notified station under sub-section (3) of section 89 shall be in Form II.

5. Manner in which dates of public auction to be notified:—(1) Whenever it is proposed to sell any goods by public auction under sub-section (i) of section 90, the railway administration shall notify the date on which such auction shall be held:

(2) Whenever such auctions are to be held regularly at a notified station, it shall be enough if the days on which such auctions shall be held are fixed and published in one or more local newspapers.

(3) The notification in the newspapers shall also indicate the time and place of such auction and mention that the particulars of the goods proposed to be sold by public auction are exhibited on the notice-board in the goods shed for any other place to be specified.

(4) Whenever such auction is to be held occasionally, in addition to the particulars mentioned in sub-rules (2) and (3), the auction notice shall also broadly indicate the types of commodities proposed to be sold by auction.



(5) The date of every such auction shall be published in one or more local newspapers at least three days in advance of the date of auction (excluding the date of sale).

6. Manner of crediting the price of essential commodities referred in sub-clause (iii) of clause (a) of the proviso to sub-section 3 of section 90: Whenever any goods comprising of essential commodities are transferred to the Central Government or the State Government or to any agency, co-operative society or other person under sub-section (2) of section 90, the price payable for such goods under the Act shall be paid to the railway administration in the following manner :—

(a) if such goods are transferred to the State Government or the Central Government, the payment may be made either by cash, bank draft, cheque, credit note in the same manner

as the railway freight is paid by such Government, or in any other manner as may be agreed to between the railway administration and the Government concerned.

(b) if such goods are transferred to any agency or co-operative society or other person, under the direction of the Government, the payment may be made in cash or any other mode authorised by the railway administration for payment of freight by such agency or co-operative society or other person or in any other manner as may be agreed to between the railway administration and such agency or co-operative society or other person.

[No. TC. 1,89/223/2]

S.K. MALIK, Jt. Director (RAR)  
(Railway Board)

#### SCHEDULE

#### FORM I

(See Rule 3)

#### APPLICATION FOR INTIMATING THE ARRIVAL OF GOODS AT NOTIFIED STATION

To

The.....

.....

(Booking station)

I have separately submitted a Forwarding Note for booking goods, the particulars of which are given below :

Name of the Consignor

Station from .....

Station to .....

No. of articles and description of goods

2. It is requested that the intimation about the arrival of the goods at the destination station....., which is a notified station, may be given by registered post, to the person whose name and address are given below :

Name

Address

Signature of sender or his agent.

[भाग II--खंड 3(i)]

भारत का राजपत्र अध्यादेश

5

## FORM II

(See rule 4)

THE STATEMENT OF GOODS LIABLE TO BE SOLD BY PUBLIC AUCTION UNDER SUB-SECTION (3) OF SECTION 89 OF THE RAILWAYS ACT 1989, TO BE EXHIBITED AT A NOTIFIED STATION

Serial Number	Name of the consignor	Name of the consignee (if known)
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## Booking particulars

Station from	Station to	Invoice No. and date
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Description of goods	Date of arrival of goods	Date of Auction
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1493 GI/90-2

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and Published by the Controller of Publications, Delhi-110054, 1990

**Annexure-III****Status of Framing of Rules/Regulations**

Sl. No.	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col. 8) details Extension of time sought from the Committee on Subordinate Legislation Lok Sabha	If extension not sought in respect of col.8, reasons there for in brief.
1	Railways Act, 1989	24 of 1989	Section -87	Section-87	GSR 942(E), Manner of Giving Open Delivery and Prescription of Partial Delivery Certificate Form Rules, 1990 (11-12-1990)	Lok Sabha-08/01/1991 Rajya Sabha-04/01/1991			
					GSR 901(E), Disposal of Consignment Rules, 1990 (12-11-1990)	Lok Sabha-08/01/1991 Rajya Sabha-28/12/1990			
			Section-112	Section-112	G.S.R. 557(E), Railways (Extent of Monetary Liability and Prescription of Percentage Charge) Rules, 1990 (07-06-1990)	Lok Sabha-07/08/1990 Rajya Sabha-10/08/1990			
					GSR.763(E), Cessation of Responsibility (after Termination of Transit) Rules, 1990 (07-09-1990)	Lok Sabha-08/01/1991 Rajya Sabha-28/12/1990			
					GSR 984(E) Corrigendum to Cessation of Responsibility (after Termination of Transit) Rules, 1990 (19-12-1990)	Not traceable despite best efforts			
					GSR 90(E) Railways (Extent of Monetary Liability and Prescription of Percentage Charge) Amendment Rules, 1991 (26-02-1991)	Not traceable despite best efforts			
			Section -129	Section-129	G.S.R.552(E) Railway Accident Compensation Rules, 1990 (07-06-1990)	Lok Sabha-07.08.1990 Rajya Sabha-10.08.1990			
					GSR 592(E) Railway Accidents (Compensation)	Lok Sabha-20.12.1994 Rajya Sabha-			

					Amendment Rules 1994 (21-07-1994)	21.12.1994			
					G.S.R.620(E), Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 1997 (25-10-1997)	Lok Sabha- 28.05.1998  Rajya Sabha- 05.06.1998			
					GSR 646 (E) Railway Passengers (Manner of Investigation of Untoward Incidents) Rules 2003. (08-08-2003)	Lok Sabha- 18.12.2003  Rajya Sabha- 19.12.2003			
					G.S.R.540(E), Railway passengers (Manner of investigation of untoward incidents) Amendment Rules, 2007 (09-08-2007)	Lok Sabha- 06.09.2007  Rajya Sabha- 07.09.2007			
					G.S.R. 1165(E) Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2016 (22-12-2016)	Lok Sabha- 05.04.2017  Rajya Sabha- 31.03.2017			
					G.S.R. 346(E) Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2020 (03-06-2020)	Lok Sabha- 10.02.2021  Rajya Sabha- 12.02.2021			
					G.S.R. 347(E) The Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 2020 (03-06-2020)	Lok Sabha- 10.02.2021  Rajya Sabha - 12.02.2021			

**ANNEXURE-IV****STATUS OF FRAMING OF RULES/REGULATIONS ETC. UNDER VARIOUS ACTS**

	Title of the Act	Act No. /Date of Enactment	Sections of the Act under which rules and regulations are required to be framed	Sections of the Act under which rules and regulations have been made.	Number and Date of Gazette notification in which the rules, regulations published	Date of laying of rules and regulations in Lok Sabha/ Rajya Sabha	Sections of Act under which rules and regulations have not been framed till date	In case of non framing of rules and regulations (col.8), details of Extension of time sought from the Committee on Subordinate Legislation, Lok Sabha	If extension not sought in respect of col. 8, reasons there for in brief.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	RCT Act, 1987	54 of 1987 dated 28.12.1987	—	30(2) (c),(e), (f)&(g)	G.S.R. 842(E) dated 19-09-1989	In LS 29.12.1989 In RS 29.12.1989	—	—	—
2	RCT Act, 1987	54 of 1987 dated 28.12.1987	—	11 & 30(2)C	G.S.R. 845(E) dated 19-09-1989	In LS 29.12.1989 In RS 29.12.1989	—	—	—
3	RCT Act, 1987	54 of 1987 dated 28.12.1987	—	30(2) (b)	G.S.R. 844(E) dated 19-09-1989	In LS 29.12.1989 In RS 29.12.1989	—	—	—
4	RCT Act, 1987	54 of 1987 dated 28.12.1987	—	30(2) (b)	G.S.R. 726(E) dated 06-12-1991	In LS 03.03.1992 In RS 04.03.1992	—	—	—
5	RCT Act, 1987	54 of 1987 dated 28.12.1987	—	30(1) & 30(2) (b)	G.S.R. 185(E) dated 12-04-1996	In LS 10.09.1996 In RS 13.09.1996	—	—	—
6	RCT Act, 1987	54 of 1987 dated 28.12.1987	—	30(2)	G.S.R. 436(E) dated 26-09-1996	In LS 19.12.1996 In RS 20.12.1996	—	—	—
7	RCT Act, 1987	54 of 1987 dated 28.12.1987	—	3, 4(5) & 30(2) (c),(e), (f) & (g)	G.S.R. 59(E) dated 06-02-1997	In LS 20.03.1997 In RS 21.03.1997	—	—	—



8	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (b)	G.S.R. 563(E) dated 08-09-1998	In LS 03.12.1998 In RS 04.12.1998	–	–	–
9	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A & 30(2) (b)	G.S.R. 96(E) dated 11-02-1999	In LS 11.03.1999 In RS 12.03.1999	–	–	–
10	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(1) & 30(2) (c),(e), (f) & (g)	G.S.R. 719(E) dated 26-10-1999	In LS 02.12.1999 In RS 03.12.1999	–	–	–
11	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A & 30(2) (b)	G.S.R. 835(E) dated 30-12-1999	In LS 02.03.2000 In RS 16.03.2000	–	–	–
12	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A, 30(1) & 30(2) (b)	G.S.R. 733(E) dated 21-09-2000	In LS 14.12.2000 In RS 15.12.2000	–	–	–
13	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A, 30(i) & 30(2) (b)	G.S.R. 386(E) dated 25-05-2001	In LS 09.08.2001 In RS 10.08.2001	–	–	–
14	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2)	G.S.R. 513(E) dated 09-07-2001	No record found	–	–	–
15	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A & 30(2) (b)	G.S.R. 206(E) dated 13-03-2002	No record found	–	–	–
16	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30	G.S.R. 787(E) dated 02-12-2002	In LS 06.03.2003 In RS 07.03.2003	–	–	–
17	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (d) & 12(3)	G.S.R. 692(E) dated 27-08-2003	No record found	–	–	–
18	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30	G.S.R. 383(E) dated 22-10-2003	In LS 18.12.2003 In RS 19.12.2003	–	–	–
19	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2)	G.S.R. 173(E) dated 16-03-2005	In LS 05.05.2005 In RS 06.05.2005	–	–	–

20	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30	G.S.R. 66(E) dated 16-02-2006	In LS 17.03.2006 In RS 17.03.2006	–	–	–
21	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	3 & 30	G.S.R. 498(E) dated 23-08-2006	In LS 30.11.2006 In RS 01.12.2006	–	–	–
22	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30	G.S.R. 283(E) dated 11-04-2007	In LS 17.05.2007 In RS 17.08.2007	–	–	–
23	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A, 30(1) & 30(2) (b)	G.S.R. 625(E) dated 29-08-2008	In LS 23.10.2008 In RS 24.10.2008	–	–	–
24	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A, 30(1) & 30(2) (b)	G.S.R. 797(E) dated 19-11-2008	In LS 18.12.2008 In RS 19.12.2008	–	–	–
25	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A, 30(1) & 30(2) (b)	G.S.R. 828(E) dated 17-11-2009	In LS 10.12.2009 In RS 11.12.2009	–	–	–
26	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30	G.S.R. 96(E) dated 22-02-2010	In LS 11.03.2010 In RS 12.03.2010	–	–	–
27	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A & 30(2) (b)	G.S.R. 796(E) dated 13-11-2014	In LS 20.04.2015 In RS 24.04.2015	–	–	–
28	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A & 30(2) (b)	G.S.R. 124(E) dated 26-02-2015	In LS 19.03.2015 In RS 24.04.2015	–	–	–
29	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30	G.S.R. 711(E) dated 17-09-2015	In LS 03.08.2016 In RS 05.08.2016	–	–	–
30	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30	G.S.R. 464(E) dated 28-04-2016	In LS 03.08.2016 In RS 05.08.2016	–	–	–
31	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A & 30(2) (b)	G.S.R. 500(E) dated 12-05-2016	In LS 03.08.2016 In RS 05.08.2016	–	–	–

32	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A, 30(1) & 30(2) (b)	G.S.R. 1088(E) dated 24-11-2016	In LS 14.12.2016 In RS 16.12.2016	–	–	–
33	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (c),(e), (f) & (g)	G.S.R. 332(E) dated 05-04-2017	In LS 12.04.2017 In RS 12.04.2017	–	–	–
34	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (c),(e), (f) & (g)	G.S.R. 1060(E) dated 23-08-2017	In LS 27.12.2017 In RS 29.12.2017	–	–	–
35	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	Section 3(1) of RCT (Procedure of Investigation of Misbehavior, or incapacity of the Chairman, Vice Chairman and Members) Rules, 1991	G.S.R. 642(E) dated 13-07-2018	This Notification was inadvertently mentioned as 30(3) of the RCT Act, 1987 which doesn't apply to the provision of the proposed Notification. Since no rule was framed/published vide this Notification, the proposal of laying of this Notification was withdrawn vide Railway Board's OM No. 2018/Parl./175/L OP dated 31.07.2018 in both the Houses.	–	–	–
36	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (c),(e), (f) & (g)	G.S.R. 816(E) dated 28-08-2018	In LS 20.12.2018 In RS 21.12.2018	–	–	–
37	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A, 30(1) & 30(2) (b)	G.S.R. 1086(E) dated 05-11-2018	In LS 20.12.2018 In RS 21.12.2018	–	–	–
38	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (c),(e), (f) & (g)	G.S.R. 1136(E) dated 26-11-2018	In LS 20.12.2018 In RS 21.12.2018	–	–	–

39	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (c),(e), (f) & (g)	G.S.R. 546(E) dated 01-08-2019	In LS 27.11.2019 In RS 29.11.2019	–	–	–
40	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (c),(e), (f) & (g)	G.S.R. 575(E) dated 16-08-2019	In LS 27.11.2019 In RS 29.11.2019	–	–	–
41	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (c),(e), (f) & (g)	G.S.R. 646(E) dated 12-09-2019	In LS 27.11.2019 In RS 29.11.2019	–	–	–
42	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (c),(e), (f) & (g)	G.S.R. 941(E) dated 20-12-2019	In LS 05.02.2020 In RS 07.02.2020	–	–	–
43	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30(2) (c),(e), (f) & (g)	G.S.R. 21(E) dated 10-01-2020	In LS 05.02.2020 In RS 07.02.2020	–	–	–
44	RCT Act, 1987	54 of 1987 dated 28.12.1987	–	30A, 30(1) & 30(2) (b)	G.S.R. 553(E) dated 14-09-2020	In LS 10.02.2021 In RS 12.02.2021	–	–	–

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4.                   XX                   XX                   XX

5.	XX	XX	XX
6.	XX	XX	XX
7.	XX	XX	XX
8.	XX	XX	XX

The witnesses then withdrew.

**A verbatim record of the proceedings of the sitting has been kept separately.**

**The Committee then adjourned.**

**APPENDIX II**

**ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/ RECOMMENDATIONS CONTAINED IN THE NINETEENTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SEVENTEENTH LOK SABHA) ON "THE STATUS OF FRAMING OF SUBORDINATE LEGISLATION VIZ. RULES/REGULATIONS ETC. UNDER VARIOUS ACTS BEING ADMINISTERED BY THE MINISTRY OF RAILWAYS, GOVERNMENT OF INDIA)".**

I	Total No. of Observations/Recommendations made	17
II	Recommendations that have been accepted by the Government [vide recommendations at Sl. Nos. 19 to 29, 37 to 39, 41]	15
	Percentage of total	88%
III	Recommendations which the Committee do not want to pursue in view of Government replies	NIL
	Percentage of total	0%
IV	Recommendations in respect of which replies of Government have not been accepted by the Committee	02
	Percentage of total	12%
V	Recommendations in respect of which final replies of Government are still awaited	NIL
	Percentage of total	0%