

JOINT/SELECT COMMITTEE REPORTS OF LEGISLATIVE ASSEMBLY -1947

The Railways (Transport of Goods) Bill

**I. List of Reports of Select Committees
presented to the Legislative Assembly
of the Indian Legislature in 1947.**

S.No.	Short title of the Bill.	Date of presen- tation.	Date of publica- tion.
1.	The Indian Navy (Discipline) (Amendment) Bill.	3.2.1947.	15.2.1947
2.	The Motor Vehicles (Amendment) Bill.	3.2.1947.	15.2.1947
3.	The Motor Vehicles (Second Amendment) Bill.	3.2.1947.	15.2.1947
4.	The Foreign Exchange Regulation Bill.	3.2.1947.	15.2.1947
5.	The Industrial Disputes Bill.	3.2.1947.	15.2.1947
6.	The Railways (Transport of Goods) Bill.	17.2.1947.	1.3.1947
7.	The Banking Companies Bill.	17.2.1947.	1.3.1947
8.	The Indian Trade Unions (Amendment) Bill.	26.2.1947.	5.4.1947
9.	The Insurance (Second Amendment) Bill.	5.3.1947.	15.3.1947
10.	The Delhi and Ajmer-Merwara Rent Control Bill.	12.3.1947.	22.3.1947
11.	The Imports and Exports (Control) Bill.	12.3.1947.	22.3.1947
12.	The Income-tax and Excess Profits Tax (Amendment) Bill.	19.3.1947.	29.3.1947
13.	The Business Profits Tax Bill.	19.3.1947.	29.3.1947
14.	The Rubber (Production and Marketing) Bill.	1.4.1947.	12.4.1947
15.	The Control of Shipping Bill.	1.4.1947.	12.4.1947
16.	The Capital Issues (Continuance of Control) Bill.	7.4.1947.	12.4.1947

S.No.	Short title of the Bill.	Date of presenta- tion.	Date of publica- tion.
17.	The Taxation on Income (Investigation Commission) Bill.	7. 4.1947.	19. 4.19

II. List of Reports of Select Committees
Presented to the ~~Lakas~~ Constituent
Assembly of India (Legislative) in
1947.

1. The Delhi and Ajmer-Merwara
Rent Control (Amendment) Bill. 1. 12.1947. 13.12.19
2. The Delhi Premises (Requisi-
tion and Eviction) Bill. 1.12.1947. 13.12.19
3. The Extra-Provincial Juris-
diction Bill. 6.12.1947. 13.12.19

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LEGISLATIVE ASSEMBLY

The Report of the Select Committee on the Railways (Transport of Goods) Bill, 1947.

We, the undersigned, members of the Select Committee to which the Bill to confer for a limited period special powers for regulating the transport of goods on railways. was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

With its limited Schedule this Bill will narrow considerably the range of control now exercisable under the continued Defence of India Rule which the Bill is designed to replace, and we feel some apprehension as to whether existing conditions are such as to justify so substantial a reduction of control. While therefore we propose to retain the Schedule as drafted with only a few small modifications, we consider that Government should have the power, by way of amending the Schedule, to modify the extent of control to meet conditions as they develop. We propose the addition of a clause conferring this power.

2. The Bill was published in Part V of the Gazette of India, dated the 25th January, 1947.

3. We think that the Bill has not been so altered as to require republication, and we recommend that it be passed as now amended.

J. N. MANDAL.
JOHN MATTHAI.
M. A. F. HIRTZEL.
SRI PRAKASA.
D. P. KARMARKAR.
JAGANNATH DAS.
BALKRISHNA SHARMA.
MOHD. YAMIN KHAN.
MANGAL SINGH.

NEW DELHI :

The 17th February, 1947.

GOVERNMENT OF INDIA
LEGISLATIVE ASSEMBLY DEPARTMENT

(As amended by the Select Committee)

Words underlined or sidelined indicate the amendments suggested by the Committee.)

A Bill to confer for a limited period special powers for regulating the transport of goods on railways.

WHEREAS it is expedient to confer for a limited period special powers for regulating the transport of goods on railways ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Railways (Transport of Goods) Act, 1947. Short title, extent, commencement and duration.

(2) It extends to the whole of British India.

(3) It shall come into force on the 25th day of March 1947, and shall remain in force for one year only.

2. (1) In this Act,—

Interpretation.

(a) “ Chief Commissioner ” means the Chief Commissioner of a Chief Commissioner’s Province ;

(b) “ grains and pulses ” means *bajree*, barley, beans, black gram, *chowlee* seeds, *chuni*, dry cow-peas, *dhall*, gram, parohed gram, horse gram, Indian corn, *jowari*, *karamony*, *khesari*, *moong*, *mussoor*, *mutt*, *oats*, *oorid*, paddy, peas, *raggi*, *rajgeera*, rice (including beaten or pounded rice), common sago, sun-dried tapioca, *toor* and wheat ;

(c) “ railway administration ” has the meaning assigned to it in the Indian Railways Act, 1890.

IX of 1890.

(2) For the purposes of this Act the transport of goods shall be deemed to be sponsored only if such transport—

(a) is required on the written demand of, or

(b) is in accordance with any programme of transport drawn up in writing by, or

(c) is certified in this behalf on the consignment note relating to the goods by—

the Central Government, a Provincial Government, a Chief Commissioner or the Government of an Indian State, or any person authorised in writing in this behalf by any such Government as aforesaid or by a Chief Commissioner.

Power to give directions in regard to the transport of goods by railways.

3. The Central Government or any person authorised in this behalf by the Central Government by notification in the official Gazette may, by general or special order, direct any railway administration—

(a) to give special facilities or preference for the transport of any of the goods specified in the second column of the Schedule, subject to compliance with the conditions, if any, set out in the corresponding entry in the third column of the Schedule, or

(b) to refuse to carry such goods or classes of goods as may be specified in the order, either absolutely or between places so specified.

Directions to be complied with.

4. Notwithstanding anything to the contrary **IX of 1890.** contained in the Indian Railways Act, 1890, every railway administration shall be bound to comply with any direction given to it under section 3.

Protection of action taken.

5. No suit or other legal proceedings shall lie against the Crown or any railway administration or any person for any damage caused or likely to be caused in consequence of any direction issued under section 3 or of the compliance of any railway administration therewith, nor shall any railway administration have any liability, whether under the Indian Railways Act, 1890, or otherwise, by reason only of its compliance with any such direction. **IX of 1890.**

Power to amend Schedule.

6. The Central Government may from time to time by notification in the official Gazette amend the Schedule so as to include therein goods of other descriptions or exclude therefrom goods of any description or vary in respect of any description of goods the conditions set out in the third column of the Schedule; and thereupon the Schedule shall have effect as if it had been so enacted.

THE SCHEDULE

(See section 3)

Serial No.	Description of goods	Conditions for special transport facilities or preference
1	Stores (including medical stores) for relief in times of famine or other emergency.	When transport is sponsored.
2	Military or police stores and equipment	Ditto.
3	Railway material and stores	<i>Nil.</i>
4	Material and stores of the Posts and Telegraphs Department.	<i>Nil.</i>
5	Grains and pulses, wheat products and flour of other grains and pulses, <i>ghee</i> , butter, cooking fats and edible vegetable oils, salt (other than hide salt), sugar, <i>gur</i> and <i>jaggree</i> , copra and coconut.	When transport is sponsored or when the goods are consigned to railway grain shops.
6	Empty gunnies and other food containers	Ditto, and either when new or on return to filling centres.
7	Oil-seeds and ground nuts, used in the manufacture of edible oils.	When transport is sponsored.

Serial No.	Description of goods	Conditions for special transport facilities or preference
8	Cotton or woollen piecegoods, blankets, twist and yarn.	<u>Nil</u>
9	The following fuels, namely :— (a) Coal and coke (b) Firewood and charcoal	When despatched from collieries. When transport is sponsored.
10	Petroleum and petroleum products	When consigned by oil companies.
11	Empty containers for petroleum and petroleum products.	Being new, when consigned to or by oil companies, or being used, when returned to oil companies for refilling
12	Cattle food, cattle fodder and manures	When transport is sponsored.
13	Iron and steel	When consigned from iron or steel works.
14	Cement	When consigned from cement factories.
15	Paper, <u>including newsprint</u>	<u>When transport is sponsored or when consigned from paper mills.</u>
16	Mica	When consigned from mica mines.