

विधायी विभाग
Legislative Department

विधि और न्याय मंत्रालय
Ministry of Law and Justice

**REPORT OF THE COMMITTEE
TO IDENTIFY REPEAL OF THE CENTRAL
ACTS WHICH ARE NOT RELEVANT OR NO
LONGER NEEDED/CENTRAL ACT WHICH
REQUIRE REPEAL/RE-ENACTMENTS
THEREOF IN THE PRESENT SOCIO-
ECONOMIC CONTEXT**

**Volume III
(PART-III)**

**[COPIES OF REPLIES RECEIVED AFTER
17.10.2014 FROM THE
MINISTRIES/DEPARTMENTS OF CENTRAL
GOVERNMENT
IN PURSUANCE OF ID No.CRA/1/2014 DATED
02-09-2014 OF THE COMMITTEE AND COPIES
OF COMMUNICATIONS BETWEEN THE
SECRETARIAT OF THE COMMITTEE AND THE
MINISTRIES/DEPARTMENTS OF
GOVERNMENT OF INDIA]**

PART-III

S. No.	Subject	Communication date	Page No.
	Copies of replies received from the Ministries/Departments-		--
1.	M/o Railways (OM No. 2014/O&M/18/6)	22.10.2014	1-20
2.	M/o Minority Affairs (ID No. 2-14/2014-Cord.)	16.10.2014	21-22
3.	M/o Information & Broadcasting (OM No. P-11017/25/2014-PPC)	27.10.2014	23-30
4.	M/o Corporate Affairs (OM No. 5/80/2011-CS)	10.10.2014	31
5.	Letter from Member Secretary, NMCC to Chairman of the Committee	14.10.2014	32-33

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**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No.2014/O&M/18/6

New Delhi Dated: 22/10/2014

OFFICE MEMORANDUM

Sub: Review of Existing Acts for Repealing

The undersigned is directed to refer to Prime Minister's Office ID No. CRA/1/2014 dated 10.10.2014 on the above subject and to say that the required information is given in Annexure-I & II.

2. It may be mentioned that although the Factories Act falls in the domain of the M/o Labour and Employment, the Workshops and the Production Units under the Ministry of Railways are also governed under this Act. A few suggestions for amendment to this Act are accordingly made as per Annexure-III
3. The above issue with the approval of Chairman, Railway Board.


(K.Krishnan)

Joint Secretary/Railway Board

Tel. 23387362

**Prime Minister's Office
(Attn: Shri Avinash Kumar Sinha
Staff officer to the Committee on Review of Administrative Laws)
New Delhi.**

Name of the Ministry/Department: Ministry of Railways (Railway Board)

Title of all Acts (including Appropriation Acts/ Finance Acts/Amendment Acts) under the purview of the administrative Ministry/Department under the Government of India (Allocation of Business) Rules, 1961 which are in force as on date.	Whether the Act mentioned under column (1) has been recommended to be repealed by any Commission or Committee. (Indicate Yes or No and if Yes, the name of the Commission/Committee that made the recommendation).	If the Acts mentioned under column (2) have not been repealed (as recommended by any of the Commissions or Committees, the reasons therefore including legal opinion obtained, if any. Please enclose the legal opinion obtained there for the recommendations of any committee or authority or judgement of court in support thereof and the justification, if any, to continue them.)	Whether Acts mentioned under column (1) and in force as on date require revisiting in whole or part, and, if so, the provisions that require amendments thereto. Give details of Acts that require re-enactment or repeal as well as those which need amendments in those which need amendments in the light of changing socio-economic environment alongwith the reasons for proposed amendments/re-enactment or repeal.
1	2	3	4
1) The Railway Act, 1989	No	NA	Does not require amendment/re-enactment/repeal at present
2) Metro Railways (Construction of Works) Act, 1978 The Metro Railways (Amendment) Act, 2009	No	-NA-	Does not require amendments/re-enactment/repeal.
3) Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Act, 1985	No	-NA-	Does not require amendments/re-enactment/repeal.

Title of all Acts (including Appropriation Acts/ Finance Acts/Amendment Acts) under the purview of the administrative Ministry/Department under the Government of India (Allocation of Business) Rules, 1961 which are in force as on date.	Whether the Act mentioned under column (1) has been recommended to be repealed by any Commission or Committee. (Indicate Yes or No and if Yes, the name of the Commission/Committee that made the recommendation).	If the Acts mentioned under column (2) have not been repealed (as recommended by any of the Commissions or Committees, the reasons therefore including legal opinion obtained, if any. Please enclose the legal opinion obtained there for the recommendations of any committee or authority or judgement of court in support thereof and the justification, if any, to continue them.)	Whether Acts mentioned under column (1) and in force as on date require revisiting in whole or part, and, if so, the provisions that require amendments thereto. Give details of Acts that require re-enactment or repeal as well as those which need amendments in those which need amendments in the light of changing socio-economic environment alongwith the reasons for proposed amendments/re-enactment or repeal.
1	2	3	4
4) The Railway Protection Force Act, 1957	No	NA	A proposal is under process to amend section 2(cb) , section 11 & 14 and to insert section 2(cc) and 12A in the RPF Act to empower RPF to deal with cases of crime against passengers and their belongings in the passenger area. Proposal has been concurred and approved by the Ministries of Home Affairs and Law & Justice and consultation with States is under process.
5) The Railway Property (Unlawful Possession) Act, 1966	No	NA	NA

<p>Title of all Acts (including Appropriation Acts/ Finance Acts/Amendment Acts) under the purview of the administrative Ministry/Department under the Government of India (Allocation of Business) Rules, 1961 which are in force as on date.</p>	<p>Whether the Act mentioned under column (1) has been recommended to be repealed by any Commission or Committee. (Indicate Yes or No and if Yes, the name of the Commission/Committee that made the recommendation).</p>	<p>If the Acts mentioned under column (2) have not been repealed (as recommended by any of the Commissions or Committees, the reasons therefore including legal opinion obtained, if any. Please enclose the legal opinion obtained there for the recommendations of any committee or authority or judgement of court in support thereof and the justification, if any, to continue them.)</p>	<p>Whether Acts mentioned under column (1) and in force as on date require revisiting in whole or part, and, if so, the provisions that require amendments thereto. Give details of Acts that require re-enactment or repeal as well as those which need amendments in those which need amendments in the light of changing socio-economic environment alongwith the reasons for proposed amendments/re-enactment or repeal.</p>
1	2	3	4
<p>6) The Railways (Employment of Members of the Armed Forces) Act, 1965</p>	<p>No</p>	<p>N.A.</p>	<p>No</p>
<p>7) The Railway Claims Tribunal Act, 1987</p>	<p>No</p>	<p>Nil</p>	<p>Nil</p>

<p>Title of all Acts (including Appropriation Acts/ Finance Acts/Amendment Acts) under the purview of the administrative Ministry/Department under the Government of India (Allocation of Business) Rules, 1961 which are in force as on date.</p>	<p>Whether the Act mentioned under column (1) has been recommended to be repealed by any Commission or Committee. (Indicate Yes or No and if Yes, the name of the Commission/Committee that made the recommendation).</p>	<p>If the Acts mentioned under column (2) have not been repealed (as recommended by any of the Commissions or Committees, the reasons therefore including legal opinion obtained, if any. Please enclose the legal opinion obtained there for the recommendations of any committee or authority or judgement of court in support thereof and the justification, if any, to continue them.)</p>	<p>Whether Acts mentioned under column (1) and in force as on date require revisiting in whole or part, and, if so, the provisions that require amendments thereto. Give details of Acts that require re-enactment or repeal as well as those which need amendments in those which need amendments in the light of changing socio-economic environment alongwith the reasons for proposed amendments/re-enactment or repeal.</p>
1	2	3	4
<p>8) Railways (Local Authorities Taxation) Act, Act 25 of 1941.</p>	<p>Yes. Law Commission of India, Report No.248 on the subject "Obsolete Laws: Warranting Immediate Repeal" (Interim Report) September, 2014.</p>	<p>The Act has not been repealed because the Report of Law Commission recommending for repeal has recently been submitted in September, 2014.</p>	<p>The Law Commission in its Report has recommended that "The Act was enacted to declare the extent to which railway property shall be liable to taxation imposed by an authority within a State. However, Section 184 of the Railways Act, 1989 provides for 'Taxation on Railways by Local Authorities'. Hence, the purpose of the 1941 Act has been saved by the 1989 Act. After an assessment of both the Acts and by inserting a suitable savings provision, the 1941 Act can be considered for repeal." Accordingly, the Act will be considered for repeal by following due procedure.</p>

Title of all Acts (including Appropriation Acts/ Finance Acts/Amendment Acts) under the purview of the administrative Ministry/Department under the Government of India (Allocation of Business) Rules, 1961 which are in force as on date.	Whether the Act mentioned under column (1) has been recommended to be repealed by any Commission or Committee. (Indicate Yes or No and if Yes, the name of the Commission/Committee that made the recommendation).	If the Acts mentioned under column (2) have not been repealed (as recommended by any of the Commissions or Committees, the reasons therefore including legal opinion obtained, if any. Please enclose the legal opinion obtained there for the recommendations of any committee or authority or judgement of court in support thereof and the justification, if any, to continue them.)	Whether Acts mentioned under column (1) and in force as on date require revisiting in whole or part, and, if so, the provisions that require amendments thereto. Give details of Acts that require re-enactment or repeal as well as those which need amendments in those which need amendments in the light of changing socio-economic environment alongwith the reasons for proposed amendments/re-enactment or repeal.
1	2	3	4
9) The Indian Railway Board Act 1905.	Yes, by the Commission on Review of Administrative Laws 1998 under the Chairmanship of Shri P.C. Jain.	Reason for retaining the Act has been indicated in the then Chairman, Railway Board's D.O. letter No. 99/O&M/85/4 dated 30.6.1999 (Appendix-I) Legal Opinion is attached with the said letter.	No change is required in the Indian Railway Board Act 1905.
10) The Railway Companies (Emergency Provisions) Act, 1951	Yes, by the Commission on Review of Administrative Laws 1998 under the Chairmanship of Shri P.C. Jain.	Reason for retaining the Act has been indicated in the then Secretary, Railway Board's D.O. letter No. ERB-I/97/23/14 dated 26.07.1999 (Appendix-II) Legal Opinion is attached with the said letter.	No changes required.

Name of the Ministry/Department: Ministry of Railways (Railway Board)

Title of all Acts (including Amendment Acts) under the purview of the administrative Ministry/Department under the Government of India (Allocation of Business) Rules, 1961, or sections thereof or Schedule thereto which have not come into force as on date.	Reasons for not bringing into force the Acts or sections thereof or Schedule thereto mentioned under column (1).	Indicate whether the Acts or the provisions thereof or Schedules thereto mentioned under column (2), in the opinion of the Ministry/Department require to be continued or repealed or amended alongwith justification.
1	2	3
Nil		

Suggestions in respect of Acts concerning Railways but under the purview of Ministry of Labour and Employment

The following suggestions may be considered for amendment in Factories Act 1948. Though this act falls under the purview of Ministry of Labour and Employment, the Workshops and Production units under Ministry of Railways are also governed under this act and therefore suggestion for amendment is being made here.

The Factories Act 1948 is a Central Act which is enforced by the State Governments. Para 8 of the act mentions the provision as regards to inspectors for enforcing the act in factories and states:

The State Government may, by notification in the Official Gazette, appoint such persons as possess the prescribed qualification to be Inspectors for the purposes of this Act and may assign to them such local limits as it may think fit.

The act defines "occupier" of a factory as the person who has ultimate control over the affairs of the factory. On Indian Railway workshops, traditionally Chief Workshop Managers (CWMs) have been nominated as the Occupiers by virtue of the substantive post held by them in the Central Government. CWMs are SAG officers of the Central Govt. are equivalent in the rank and pay of Secretaries in State Govt. There is also a Factory manager in every workshop who is equivalent to Special Secretaries in State govt.

Indian Railway workshops form the back bone of maintenance of rolling stock on which the lifeline of the country runs. It is a 24*7 service and runs with a deep sense of dedication and enthusiasm. These establishments are unique in the sense that entire working is bound by rules and regulation as laid down by Central Govt. These units are distinctly different from factories in private sector as profit is not the motive here.

Every unit has invariably a safety and welfare official under workshop incharges to look after the essential requirements as laid down under Factories Act. In addition to the measures being taken by CWMs (SAG officers equivalent to Secy level in states) at the field level, there are regular inspections at the level of Principal Head of the Departments and General Managers from headquarter office who look into the safety and staff welfare issues.

Indian Railways have also a very well established set up for participation of organized labour. There is a proper system of checks and balances involving number of departments. As part of Central Government machinery it performs regulatory role as well. There is well defined system of rules, procedure, codes and manuals for each and every sphere of its working catering to welfare measures for the benefit of workers.

In the report of the working group on "Labour laws and other regulations" for the twelfth five year plan the State Govts have viewed that - *Enforcement of labour laws is difficult since*

the number of laws and industrial units have increased manifolds while labour enforcement machinery has not expanded commensurately."

It is therefore felt that Railways can take up the role of administering the Factories Act in the factories under its control by utilizing its existing resources including nominating its inspectors. Similar provisions are available under acts like Electricity act and Boiler act wherein the Railway is treated as appropriate Govt.

The Electricity Act 2003:

(5) "Appropriate Government" means, -

(a) the Central Government, -

(i) in respect of a generating company wholly or partly owned by it;

(ii) in relation to any inter-State generation, transmission, trading or supply of electricity and with respect to any mines, oil-fields, railways, national highways, airports, telegraphs, broadcasting stations and any works of defence, dockyard, nuclear power installations;

(iii) in respect of National Load Despatch Centre; and Regional Load Despatch Centre;

(iv) in relation to any works or electric installation belonging to it or under its control ;

(b) in any other case, the State Government, having jurisdiction under this Act;

The Boiler Act

(2) The Central Government may, by notification in the Official Gazette, declare that the provisions of this Act shall not apply in the case of boilers or steam-pipes, or any specified class of boilers or steam-pipes, belonging to or under the control of any railway administered by the Central Government or by any State Government or by any railway company as

defined in clause (5) of section 3 of the Indian Railways Act, 1890 (9 of 1890)", w.e.f. 27.5.2008.

Appropriate amendment in Factories Act 1948 may be considered to treat Railways as appropriate Government for the purpose of administering Factories Act in the factories under their control.

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वी. के. अग्रवाल
V. K. AGARWAL

अध्यक्ष, रेलवे बोर्ड

एवं

पदेन प्रमुख सचिव, भारत सरकार

रेल मंत्रालय

CHAIRMAN, RAILWAY BOARD

&
EX-OFFICIO PRINCIPAL SECRETARY
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
NEW DELHI-110001

No. 99/O&M/85/4

30th June, 1999

Dear Dr. Raghbir Singh,

Please refer to your D.O. letter No. 11(12)/98-L.I dated 20th May, 1999, seeking views of the Ministry of Railways in respect of the Indian Railway Board Act, 1905 for its repeal or otherwise in pursuance of the recommendations of the Commission on Review of Administrative Laws constituted under the Chairmanship of Shri P.C. Jain.

2. The matter has been examined. The essential ingredients of the Indian Railway Board Act, 1905 are :-

- (i) That this Act was to be read as part of the Indian Railway Act, 1890; and
- (ii) It provides that Central Government, by notification, may invest the Railway Board with powers/functions of the Central Government.

3. The Indian Railway Act, 1890 has since been repealed and replaced by the Indian Railway Act of 1989. The validity of the Act of 1905 to the Indian Railway Act of 1989 was examined in consultation with the then Legal Adviser and a view was held that though the Indian Railway Board Act, 1905 was to be read as part of the Indian Railway Act, 1890, with the repeal of the Act of 1890 and its replacement by Indian Railway Act of 1989, the Indian Railway Act of 1905 is now to be read as part of Indian Railway Act of 1989. The validity of the Act, therefore, still remains. A copy of the extracts of the views of the then Legal Adviser, Shri P.C. Kannan, is enclosed as Annexure I.

4. The utility of the Indian Railway Board Act lies in the nature of the powers it provides. The Act provides that the Central Government, by notification, may invest the Railway Board with the powers or functions of the Central Government under the Indian Railway Act, 1890 and now, Indian Railway Act, 1989. The provisions in the Indian Railway Act, 1989 are multifarious, ranging from Commercial matters to Safety, acquisition of land, Hours of Employment Regulation, etc. In so many areas of this Act, the powers have been delegated to the Railway Board in exercise of the powers conferred by the Act of 1905 as otherwise, it would have been too cumbersome putting up all the matters requiring Central Government decisions pertaining to the Indian Railway Act of 1989 to the Minister for functioning of the Railways. Railways being huge network involving numerous activities, it is essential for the smooth functioning of the department to have an enabling provision for delegation of the Central Government

powers to Railway Board. The Railway Board Act of 1905 is, therefore, required to be retained and cannot be dispensed with.

5. The Legal Adviser attached to this Ministry also holds the same views. An extract of his views is enclosed as Annexure II.

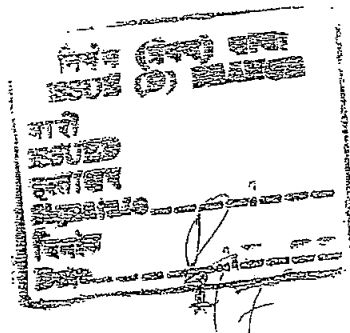
With best wishes,

Yours sincerely,


(V.K. AGARWAL)

Encls : As above.

Dr. Raghbir Singh,
Secretary,
Ministry of Law, Justice & Company Affairs,
Legislative Department,
Shastri Bhawan,
New Delhi - 110001.



"The main question is whether after the repeal of the Railways Act, 1890, Railway Board can exercise the powers of Central Government under the Indian Railway Board Act, 1905. As stated in the note of JS(G), prior to the Railways Act, 1989, the Railways Act of 1890 regulated the working of the Railways. Under that Act, the power to make rules was vested with the Central Government. In terms of the provisions of Indian Railway Board Act, 1905, the Board was conferred with the powers and functions of the Central Government. By virtue of the above provisions contained in the Railways Act, 1890, and also the Railway Board Act of 1905, the power to frame Rules, including rules regulating the conduct of employees were conferred on the Railway Board. Under the Railways Act, 1989, there are no provisions with regard to power to frame rules regulating the conduct of employees of the Railways. There is a general provision in Section 198 which empower the Central Government to make rules generally to carry out the purposes of the Act. In terms of Section 200, the Railways Act, 1890 was repealed. In the Act of 1905, a reference has been made in Section 2 regarding vesting the powers with the Railway Board with all or any of the powers or functions of the Central Govt. under the Railways Act, 1890.

With the repeal of the 1890 Act, the question for consideration is whether the Railway Board Act, 1905, empower the Board with all the powers of the Central Government under the new Railwlay Act, 1989.

The general rule of statutory interpretation is that where an enactment is repealed and re-enacted with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provisions so re-enacted. Section 8 of the General Clauses Act, 1897 incorporates the above principle of interpretation. In terms of this provision, if a law is repealed and re-enacted, references thereto should be construed after repeal to the re-enacted law.

Broadly speaking, where a stature incorporates by general reference the law concerning a particular subject, a a genus, it may be presumed that the legislative intent was to include all the subsequent amendments including any re-enactment made from time to time to the generic law on the subject adopted by

general reference. This principle has been approved by the Supreme Court in the case reported in AIR 1978 SC 793 at page 797. In view of the provisions contained in the General Clauses Act, 1897, the section 2 of the Indian Railways Act, 1905, is deemed to be amended to provide that the Central Government may by notification vest the Railway Board constituted under the Railway Board Act 1905 with all or any of the powers or functions under the Central Government under the Indian Railways Act, 1989..."

Sd/
(P.C. KANNAN)
Legal Adviser
01.04.97

Annexure-II

"2. The said retention of the Act can further be justified on the basis of well entrenched principles of administrative law. As per the doctrine of "Delegatus non potest Delegare" a delegatee cannot further delegate its power to any other authority. This may be called as sub delegation of legislative powers also. In many statutes delegating legislative powers on various authorities are provided and ordinarily such powers must be exercised by the concerned authorities themselves, i.e. delegatee of powers. Further, need may be felt owing to practical exigencies of administration by authority to delegate its legislative powers to some other body. This delegation is called as sub delegation of legislative powers. Such a sub delegation can be made only when the Parent Act authorised sub delegation and when not authorised by law is ultra vires. This sub delegation can be made by the legislature even through a different Act or by an enabling Act.

3. The Railway Board Act, 1905, is an illustration of a special act of legislature delegating the powers of the Central Government in regard to Indian Railways Act, 1989, by issue of Notification. Such a delegation under the Act of 1989 exists only by providing delegated powers to Central Government only. It is the Minister who is to exercise the delegated powers because he is the delegatee of the powers of the Central Government from the Parliament itself. Nowhere the Railway Act provides delegation of powers to the Railway Board. Hence, in the absence of Railway Board Act, 1905, the Railway Board cannot exercise the powers under the Railways Act, 1989. If the Central Government further delegates the power to Railway Board under the Railways Act, 1989, it will be termed as sub delegation of power and cannot be permitted under the law.

4. The fundamental principles in regard to sub-delegation of powers can be seen in the case of King Emperor Vs. Benoari (1945) AC 14 and the Supreme Court case of K. Ramanathan V. State of Tamil Nadu (AIR 1985 SC 66). It was further held in Hansraj Bhartiya Vs. UOI AIR 1991 Delhi 83 that even sub delegation of power can be held as excessive of legislative powers if the sub delegation so made is unbridled with excessive manoeuvring.

Contd...

5. In view of the aforesaid, it is felt that we may retain the Railway Board Act, 1905 and there is no need to repeal it."

Sd/
(N.C. JAIN)
Legal Adviser
21.06.99

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19.5.99
 D.P. TRIPATHI,
 सचिव रेलवे बोर्ड
 Secretary, Railway Board

भारत सरकार
 रेल मंत्रालय, (रेलवे बोर्ड)
 नई दिल्ली-110001

GOVERNMENT OF INDIA
 MINISTRY OF RAILWAYS
 (RAILWAY BOARD)
 NEW DELHI-110001

D.O. No. ERB-I/97/23/14

New Delhi, dated: 26th Jul, '99

Dear Dr. Agnihotri,

Please refer to your D.O. letter No. K-11022/46(M)/98-P dated 19.06.99, seeking status report/comments on repeal of Laws/Acts on the recommendations of the report of the Commission on Review of Administrative Laws. You may also connect my earlier reply of even number dated 25.06.99.

2. The recommendations of the Commission on Review of Administrative Laws for repeal of the four Acts pertaining to the Railways has been considered by the Competent Authority, based on recommendations of an Expert Committee set up by this Ministry and it has been decided to repeal (i) Indian Railway Companies Act, 1895 and (ii) The Railway Companies (Substitution in Civil Proceeding) Act, 1946. Repeal of (iii) The Railway Companies (Emergency Provisions) Act, 1951 has not been considered desirable for the present. A copy of the rationale given by the Committee in this respect is enclosed.

3. As regards (iv) The Indian Railway Board Act, 1905, having regard to its utility and importance, it has been decided to retain this Act. A reply in this respect has already been sent from the Chairman, Railway Board to Dr. Raghbir Singh, Secretary, Ministry of Law, Justice and Company Affairs (copy enclosed).

Yours sincerely,

D.P. Tripathi
 (D.P. TRIPATHI)

Dr. Vivek Agnihotri, IAS
 Additional Secretary,
 Ministry of Personnel, Public Grievances
 and Pensions,
 Department of Administrative Reforms
 and Public Grievances,
 Sardar Patel Bhawan,
 Sansad Marg,
 NEW DELHI-110001.

REVIEW OF ADMINISTRATIVE LAWS

RAILWAY COMPANIES (EMERGENCY PROVISIONS) ACT, 1951

The Act which has substituted the Railway Companies (Emergency Provisions) Ordinance, 1951, is aimed at to make provisions for the proper management and administration of Railway Companies in certain special cases. These Railway companies are those companies which are registered under the Companies Act or in law repealed thereby for the purpose of making or working a Railway whether alone or in conjunction with other purposes.

2. The aforesaid Act is an enabling Act empowering the Central Government in some emergent situations as mentioned below to take the management of the company by appointing Directors in that company:-

- (i) The affairs of the company has prejudicially affected the convenience of persons using the Railway;
- (ii) has caused serious dis-location in any trade or industry using the railway;
- (iii) has caused serious unemployment amongst a section of the community;
- (iv) The Central Government feels that it is in the national interest to take over the management and the administration of the Co.

3. The effect of the aforesaid order issued by the Central Government will be as follows:-

- (a) all persons holding office as Director of the Railway company immediately deemed to have vacated their offices;
- (b) contract of management between the Railway company and any other company or person shall be deemed to have been terminated;
- (c) managerial agent shall be ^{deemed to be removed} ~~removed~~ except permission and approval of the Central Govt.;
- (d) The Directors appointed by the Central Govt. will be deemed to be the Directors of that Company duly appointed as per the Companies Act or any other law in force.

(from prepage)

4. The Directors so appointed by the Central Govt. will have all the powers of management and administration including the powers to raise funds, carry out such repairs, enter into contract, do all acts necessary for making, managing, altering, repairing, using the Railway or the Railway company and to employ such persons as are necessary for enabling the company to efficiently run the Railways.

5. The Act further empowers the Central Government and the Directors appointed by the said Government to take immediate steps in case of filing of suits, recovering of property held unauthorisedly, start legal proceedings against the infringement of the provisions of the Act and even to file criminal cases against the persons on default.

6. Under Section 12, it is provided that if the management of the company has improved and the Central Government is satisfied that the Railway company can now be run properly with efficient management, it may cancel the notification made earlier for the appointment of Directors and can hand over the Administration and management to those persons who were the Directors of that company before the notification was issued. The Central Govt. can issue directions for the management to take over the management and administration of the company after the cancellation of the notification.

7. Under Section 13 of the aforesaid Act provides the preemptive rights of the Central Government for the purchase of the assets of the Railway company in case the assets are sold by that Railway company to the State Government, an institution or to a person concerned. The price offered to the Railway company will necessarily be paid by the Central Govt. and thereafter it will be the property of the Central Govt. for the purposes of the Railways.

8. The aforesaid provisions seems to have been made because under the Companies Act, there is no similar provision available. The running of the trains are the essential services to the public at large and any disruption of these services may affect the whole of the Railway system. Therefore, instead of sending a mis-managed company for liquidation and winding up the provisions are made empowering the Central Govt. to act immediately in the interest of the Railway system as a whole. This seems to be necessary for the efficient management continuity and the public interest and safeguarding the public interest and also the interest of the Railway consumers.

(from prepage)

9. It is a fact that the Railway companies existing before the independent India were nationalised and merged with the Railway system and now except a few exceptions the whole of the Railway system is owned and possessed by the Central Government. However, with the liberalisation of the Indian economy, the thrust of the Ministry of Railways is more and more to privatise the Railways by incorporating the companies under the Companies Act. The KONKAN Railways, the Maharashtra Rail Corporation, the DMRC and others are the existing companies which may be considered as private railways and may be covered under the provisions of this Act. There may be many more companies in the coming days registered by the private entrepreneurs as the private Railways. It would, therefore, be necessary that in some exceptional situations, these Railways may be controlled administratively and the management if inefficient and putting hurdles to the efficient running of the whole of the Railway system necessitate the Central Government to issue Notifications etc.

10. In view of the aforesaid, it is felt that the Act should be retained in its present position. In case, later on it is felt that the provisions of the Act should be amended to meet the liberalised norms of the Indian economy a further amendment to the said Act can be considered later on.

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5 to 11/11/99
SD (C/T)

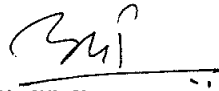
D. C. J.
 (D. C. J.)
 Legal Adviser
 28-6-99

Discussed in the Ex-Advisory of the Ex-Committee on 19/6
Wally put up 1- Rly Board
(7/6)
31/5

J.S/G

Government of India
Ministry of Minority Affairs

With reference to PMO ID Note No. CRA/1/2014 dated 03-09-2014 regarding amendment-re-enactment/repeal of Acts, requisite information in respect of Ministry of Minority Affairs is enclosed.


(Dr. Lalit K. Panwar)
Secretary (MA)
16.10.14

Secretary to PM (Shri R. Ramanujam), PMO, South Block, New Delhi.

F.No. 2-14/2014-Cord., Ministry of Minority Affairs, New Delhi. Dated 16-09-2014

Name of the Ministry/ Department: Ministry of Minority Affairs

*Title of all Acts (including Appropriation Acts/ Finance Acts/ Amendment Acts) under the purview of the administrative Ministry/ Department under the Government of India (Allocation of Business) Rules, 1961 which are forece as on date.	*Whether the Act mentioned under column has been repealed by any Committee. Indicate Yes or No if Yes, the name of the Commission/ Committee that made the recommendation).	*If the Acts mentioned under column (2) have not been repealed (as recommended by any of the Commissions or Committees, the reasons therefore including legal opinion obtained, if any. Please enclose the legal opinion obtained there for/ the recommendation of any committee or authority or judgement of court in support thereof and justification, if any, to continue them).	*Whether Acts mentioned under column (1) and in force as on date require revisiting in whole or part, and if so, the provisions that require amendments thereto. Give details of Acts that require re-enactment or repeal as well as those which need amendments in the light of changing socio economic environment alongwith the reasons for proposed amendments/ re-enactment or repeal.
(1)	(2)	(3)	(4)
1 The Wakf Act, 1995 (43 of 1995)	- No -	Not Applicable	- No -
2 The Durgah Khawaja Saheb Act, 1955 (36 of 1955)	- No -	Not Applicable	The Act requires amendment and process has already been initiated.

F.No.P-11017/25/2014-PPC
Government of India
M/o Information & Broadcasting
Policy Planning Cell

Shastri Bhavan, New Delhi
Dated 27th October, 2014

OFFICE MEMORANDUM

Subject: List of Laws/Acts administratively concerned with the Ministry of I&B
- information sought by the M/o Law & Justice - Reg.

The undersigned is directed to refer to the Legislative Department (Ministry of Law & Justice)'s D.O. No.A-45012/3/2014-Admn-III(LA) dated 31.7.2014 on the subject mentioned above and to say that following Acts come under the purview of the Ministry as per (allocation of Business) Rules, 1961 and are in force as on date:-

- * Press and Registration of Books (PRB) Act, 1867.
- * Cable TV Networks (Regulations) Act 1995.
- * Sports Broadcasting Signal (mandatory sharing of signals with Prasar Bharti Act, 1990).
- * The Cinematograph Act, 1952.
- * The Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

2. In so far as M/o Information is concerned, the requisite information is enclosed in the prescribed proforma.


(Manmeet Kaur)
Under Secretary(PPC)

Encl : As above.

Legislative Department
(M/O Law and Justice,
(Shri P.K. Malhotra, Secretary)
4th Floor, Shastri Bhavan, New Delhi

Copy to :- (Shri R. Ramanujam) Secretary to Prime Minister. w.r.t. PMO's ID Note No.CRA/1/2014 dated 3.9.2014.


(Manmeet Kaur)
Under Secretary(PPC)

MINISTRY OF INFORMATION AND BROADCASTING

**STATUS NOTE ON CINEMATOGRAPH ACT, 1952
AS ON 26.09.2014**

'Sanctioning of cinematograph films for exhibition' has been included in Entry 60 of the Union List (List I) of the Seventh Schedule of the Constitution of India. However, 'Cinemas subject to the provisions of Entry of 60 of List I' is included in Entry 33 of the State List (List II). Therefore, as per the Constitutional provisions the Union Government is empowered to legislate in matters pertaining to sanctioning (also called certification) of films for exhibition in India and the State Legislatures are empowered to make laws to regulate the licensing and other related matters pertaining to exhibition of Cinema. In respect of Union territories, the power to make laws to regulate exhibition also vests with the Parliament. In exercise of its power, the Parliament has enacted the Cinematograph Act, 1952 (37 of 1952).

2. During the last 62 years, the Cinematograph Act, 1952 has been amended seven times. Some major amendments were made in the Act in 1981 whereby the number of members of the Board was increased, new categories of certification namely 'UA' and 'S' were introduced, an independent Appellate Tribunal was created, offences for violations under the Act were made cognizable and enhanced punishments/fines were provided. Cinematograph (Amendment) Bill, 1992 was introduced in August, 1992 in Rajya Sabha to further amend some of the provisions of the Act to provide for increase in the number of the Members, enhancement of punishment and authorizing the regional officers of the Board to conduct search and seizure. This Bill was referred to the Standing Committee on Communications. The Bill was later on withdrawn.

Contd..2/-

:: 2 ::

3. The present Cinematograph Act was enacted in the year 1952. Meanwhile, there have been many changes in the field of cinema with the proliferation of TV channels, Cable network throughout the country, advent of new digital technology, dwindling numbers of the people visiting cinema theatres, increase in piracy and copyright violation etc. making it necessary to have a comprehensive review of the Cinematograph Act. It was felt that the Cinematograph Act, 1952, which is almost six decade old, requires overhauling and as such it would be useful to replace the existing Act with a new legislation.

4. An Expert Committee under the Chairmanship of Justice Mukul Mudgal has been constituted in 2013 to examine the issues of certification under the Cinematograph Act, 1952. The Committee submitted its report on 28.9.2013 and the recommendation of the Committee were examined in consultation with concerned stakeholders. Many of the recommendation suggested by the Mudgal Committee have been taken into account while drafting the new Cinematograph Bill, 2014. The Draft Cabinet Note on introduction of the Bill would be circulated amongst concerned Ministries for seeking their comments on the Bill prior to introduction in the Parliament.

Annexure-I

Name of the Ministry/Department: MINISTRY OF INFORMATION AND BROADCASTING

<p>Title of all Acts (including Appropriation Acts/ Finance Acts/ Amendment Acts) under purview of the administrative Ministry/ Department under the Government of India (Allocation of Business) Rules, 1961 which are in force as on date.</p>	<p>Whether the Act mentioned under column (1) has been recommended to be repealed by any Commission or Committee. (Indicate, Yes or No and if Yes, the name of the Commission/ Committee that made the recommendations).</p>	<p>If the Acts mentioned under column (2) have not been repealed (as recommended by any of the Commissions or Committee, the reasons therefor including legal opinion obtained, if any. Please enclose the legal opinion obtained there for/the recommendations of any committee or authority or judgement of court in support thereof and the justification, if any, to continue them.)</p>	<p>Whether Acts mentioned under column (1) and in force as on date require revisiting in whole or part, and, if so, the provisions that require amendments thereto. Give details of Acts that require re-enactment or repeal as well as those need amendments in the light of changing socio-economic environment alongwith the reasons for proposed amendments/re-enactment or repeal.</p>
<p>THE CINEMATOGRAPH ACT, 1952</p>	<p align="center">YES</p> <p>An Expert Committee under the Chairmanship of Justice Mukul Mudgal has been constituted in 2013 to examine the issues of certification under the Cinematograph Act, 1952. The Committee submitted its report on 28.9.2013 and the Committee recommendation of the Committee were examined in consultation with concerned stakeholders. Many of the recommendation suggested by the Mudgal Committee have been taken into account while drafting the new Cinematograph Bill, 2014. The Draft Cabinet Note on introduction of the</p>	<p align="center">Not applicable</p>	<p align="center">YES</p> <p>An Expert Committee under the Chairmanship of Justice Mukul Mudgal has been constituted in 2013 to examine the issues of certification under the Cinematograph Act, 1952. The Committee submitted its report on 28.9.2013 and the recommendation of the Committee were examined in consultation with concerned stakeholders. Many of the recommendation suggested by the Mudgal Committee have been taken into account while drafting the new Cinematograph Bill, 2014. The Draft Cabinet Note on introduction of the Bill</p>

<p>Press and Registration of Books (PRB) Act, 1867</p>	<p>Bill would be circulated amongst concerned Ministries for seeking their comments on the Bill prior to introduction in the Parliament.</p> <p>*(Status note of Cinematograph Act, 1952 is enclosed)</p>	<p>Not Applicable</p>	<p>would be circulated amongst concerned Ministries for seeking their comments on the Bill prior to introduction in the Parliament.</p>
	<p>No</p>		<p>This Ministry is of the considered view that whole of the Act requires revisiting. The details are given below:</p> <ul style="list-style-type: none"> • The purpose of Press and Registration of Books (PRB) Act, 1867 is to regulate printing presses and newspaper for the preservation of copies of books and periodicals containing news printed in India and for the registration of such books and periodicals containing news. • In view of the phenomenal growth of the Print Media Sector and certain issues arising out of the Print Media Policy / guidelines / rules, the PRB Act, 1867 needed to be updated and revised. Accordingly, Press and Registration of Books and Publication (PRBP) Bill, 2011 was introduced in the Parliament on 16.12.2011 and examined by the Standing Committee on Information Technology. The Bill has lapsed owing to dissolution of the 15th Lok Sabha after General Election in May, 2014.

			<ul style="list-style-type: none"> • A new draft PRBP Bill, 2014 has been prepared and approved by HMIB. The draft Cabinet Note and the draft Bill has been sent to Ministry of Law and Justice for vetting on 23.9.2014. • The above mentioned Bill, once enacted, will replace the existing PRB Act, 1867
<p>The Prasar Bharati (Broadcasting Corporation of India) Act, 1990.</p>	<p>No</p>	<p>Not Applicable.</p>	<p>The proposal for amendment of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 is under consideration of the Government. However, on the issue of the concerned Sections of the Act that are required to be amended, a decision is yet to be taken by the competent authority.</p>
<p>Cable TV Network Act- 1995 and amended from time to time upto 2013</p>	<p>No</p>	<p>Not applicable</p>	<p>No</p>
<p>Sports Broadcasting Signal (mandatory sharing of signals with Prasar Bharati Act, 1990</p>	<p>No</p>	<p>Not applicable</p>	<p>Prasar Bharati has proposed that the existing clause 3(1) " on its terrestrial network and DTH" be amended as "on its free-to-air networks available on various platforms". This amendment will enable DD not only maintain the Public Service repertoire of DD National by keeping it always free-to-air but also enhance the viewership of sporting events which will reach out</p>

<p>to dedicated sports audience of DD Sports spread in rural, semi-rural, urban and tech-savvy audience all over India.</p> <p>The proposal of Prasar Bharati has been sent to TRAI for its recommendation.</p>			
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MINISTRY OF INFORMATION & BROADCASTING

Title of all Acts (including Amendment Acts) under the purview of the administrative Ministry/ Department under the Government of India (Allocation of Business) Rules, 1961 or sections thereof or Schedule thereto which have not come into force as on date.	Reasons for not bringing into force the Acts or sections thereof or Schedule thereto mentioned under column (1).	Indicate whether the Acts or the provisions thereof or Schedules thereto mentioned under column (2), in the opinion of the Ministry/ Department require to be continued or repealed or amended alongwith justification.
(1)	(2)	(3)
Nil.	Not applicable.	Not applicable.

Tel.: 23387939

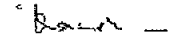
Fax: 23382386

No.5/80/2011-CS
Government of India
Ministry of Corporate Affairs

5th Floor, A-Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi-110001
Dated: 10th October, 2014

Subject: Notification of all the Sections of the Competition (Amendment) Act, 2007-
regarding.

As desired telephonically, it is informed that all the Sections of the
Competition (Amendment) Act, 2007 have already been notified



(J.B. Kaushish)

Under Secretary to the Govt. of India

✓
Shri V.K. Bhasin
Member Secretary,
Committee on Repeal of Administrative Laws
Prime Minister's Office,
South Block,
New Delhi

अजय शंकर
Ajay Shankar



सदस्य सचिव
भारत सरकार
राष्ट्रीय विनिर्माणकारी प्रतिस्पर्द्धात्मकता परिषद
Member Secretary
Government of India
National Manufacturing Competitiveness Council

D.O.No.16(1)/2014-NMCC

dated 14-10-2014

Dear Shri Ramanujam,

You may kindly recall our brief discussion on the need to repeal all the existing labour law(s). We have 44 laws relating to labour. Repealing the existing labour laws and replacing them with new labour law(s) suited to the 21st century and in consonance with our ILO obligations is an essential prerequisite for success in large scale employment generation in manufacturing. One modern comprehensive law or at best three laws: one relating to rights, one to welfare and one to safety is the need of the hour. The principle that the new legislation would be fully consistent with our ILO obligations and that this is an exercise at modernization, simplification and rationalization with a view to creating a more conducive framework for greater employment generation should allay any misfounded apprehensions in this regard.

2. Our existing labour laws emerged in response to conditions of manufacturing in the late nineteenth and early 20th century. Many of their provisions are clearly dated. The regulatory burden they impose appear so onerous to small and medium enterprises that these act as a disincentive to their growing into large enterprises. This is reflected in the extraordinary distortion in the country where employment in the unorganized and informal sectors has been growing so much faster than in the organised sector. At our stage of industrialisation this should be the other way around.

3. The absence of a consensus on the need for labour reforms has held us back. We are yet to create an eco system where investors are comfortable in setting up plants with global economies of scale for labour intensive manufacturing. New plants employing over 10,000 workers in one plant need to be seen as normal. The example of Foxconn is relevant. It employs about 1.4 million workers in factories in China to manufacture all the products of Apple as job work.

4. Our experience of the post 1991 reform period has been of extraordinary success in employment generation in the services sector to which the existing labour laws are not applicable and of somewhat modest

success in creation of employment in manufacturing. Even in the very good years when over double digit growth rates were achieved in manufacturing, large scale employment generation in labour intensive sectors did not happen. Indian Industry prefers investment in capital and technology intensive manufacturing rather than labour intensive manufacturing. The fact that in the labour intensive segment of Apparel, exports from Bangladesh are now higher than from India is an outcome that could have hardly been imagined in the nineties. Toys are a labour intensive industry and even the domestic Indian market for toys is now dominated by imports.

5. We have a major window of opportunity now as we should be able to attract a large share of the approximately 100 million jobs which many believe would be moving out of China in labour intensive manufacturing sectors, such as, apparel, toys etc. due to rising wages as well as an appreciating currency. Global supply chains would get relocated to lower cost destinations. India's competitive advantage in terms of man-hour costs of efficient productive workers would be there for the next two decades. The challenge is to attract investment in plants which employ labour on the requisite scale.

6. The Prime Minister's vision of "Make in India" and "Made in India" needs the creation of the supporting eco-system and the legal regulatory framework which supports large scale job creating investment in manufacturing.

Wt n/w.

Yours sincerely,

Ajay Shankar
(Ajay Shankar)

Shri R. Ramanujam,
Secretary to PM and
Chairman, Committee on
Review of Administrative Laws
PMO, South Block,
New Delhi