

COMMENTARIES ON THE RAILWAYS ACT 1989 (1990). By M.L. Jand. Bahri Brothers, Delhi. Pp. xxvii + 693. Price Rs. 300.

THE BOOK¹ under review, as its title discloses, is a section-wise commentary on the Railways Act 1989. It was enacted by Parliament to repeal the Indian Railways Act 1890 as well as consolidate and amend the law relating to railways. The 1989 Act revises and rearranges the scheme of the earlier Act and its provisions to place them in a logical manner. It also adds a number of provisions and a few chapters to meet the exigencies in vogue.

The book follows the chapterisation of the Railways Act of 1989. It accordingly divides the book into chapters captioned: (i) Preliminary; Railway Administration; (ii) Commissioners of Railway Safety; (iii) Constitution and Maintenance of Works; (iv) Opening of Railways; (v) Fixation of Rates; (vi) Railway Rates Tribunal; (vii) Carriage of Passengers; (viii) Carriage of Goods; (ix) Special Provisions as to Goods booked to notified Stations; (x) Responsibility of Railway Administration as Carriers; (xi) Accidents; (xii) Liability of Railway Administration for death and injury to passengers due to accidents; (xiii) Regulation of hours of work and periods of rest; and (xiv) Penalties and offences, and Miscellaneous. Of these, the chapter on Railway Administration, which gives distinct legal status to Zonal Administration as railway administrations distinct from the Central Government, finds place in the Railways Act of 1989 for the first time. The Act also empowers the Central Government to constitute appropriate and required Zonal Railways or abolish the existing ones to ensure efficient railway administration.

A few other distinct and significant features of the 1989 Act, compared to the 1890 Act, are:

(i) It makes obligatory on part of the chief commissioner of railway safety, who is authorised to make periodical inspections of railway and rolling stock used thereon, to prepare an annual report of his activities to be laid by the Central Government before each House of Parliament.²

(ii) It simplifies the procedure for payment of compensation for damage caused to private property in the course of construction or maintenance of the railways. Under the revised procedure the Railway can *suo moto* take initiative to determine the amount of compensation.³

(iii) It, with a view to preventing railway accidents due to damage to railway track by either sudden breaches in canals or sudden diversion of water flowing, etc., empowers the Central Government to issue directions to

1. M.L. Jand, *Commentaries on the Railways Act, 1989 (1990)*.

2. S. 10.

3. S. 15.

any person to close, regulate or prohibit any work which is likely to alter or impede the natural course of water-flow or cause an increase in the volume of such flow, interfering with any cutting, embankment or other work on the railways.⁴

(iv) The Act of 1989, unlike its predecessor, empowers the Central Government to fix rates itself for the carriage of passengers and goods to reduce or increase the class rates and other charges (instead of fixing only maximum and minimum and laying down general conditions for rates under the old Act). It is also empowered to fix rates for demurrages, wharfage and other charges incidental to or connected with the carriage of passengers and goods.⁵ The railway rates tribunal is also empowered to fix reasonable rate or charge and order refund of the rates or charges fixed by it.

(v) It empowers the Central Government and not Parliament to determine the maximum amount of compensation for death or injury to passengers caused due to accidents.⁶

Written by a person who has been associated with the railway administration for more than three decades and has thereby gained varied experience pertaining to, and deep insight into, the administration of Indian Railways, the book not only offers an exhaustive analytical and comparative section-wise commentary of the recently enacted Railways Act but also traces its development in its entirety. The author has taken commendable pains to examine provisions of the 1989 Act and compare them with parallel provisions of the 1890 Act to offer their excellent analysis. He has also extensively used the recommendations of the Joint Committee on the Railways Bill 1986, which ultimately culminated in the Railways Act 1989, to add clarity to the analysis of provisions of the 1989 Act. Texts of twenty-eight Acts and Rules, touching upon one or the other aspect of railway administration, appended to the book, further enhances its utility. The book undoubtedly caters to the needs of railway personnel and gives an insight into the railway administration.

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4. S. 20.

5. S. 30.

6. 124, Expln.

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