

THE TRANSFER OF RAILWAYS (REPEAL) ACT, 1974

ACT NO. IV OF 1974

[1st February, 1974]

An Act to repeal the Transfer of Railways Order, 1962.

WHEREAS it is expedient to repeal the Transfer of Railways Order, 1962 (P.O. NO. 33 of 1962), and to provide for matters ancillary thereto;

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Act may be called the Transfer of Railways (Repeal) Act, 1974.

(2) It shall be deemed to have come into force on the 16th day of November, 1973.

Repeal of P.O. No. 33 of 1962

2. (1) The Transfer of Railways Order, 1962 (P.O. No. 33 of 1962), hereinafter referred to as the said Order is hereby repealed.

(2) Upon the repeal of the said Order,-

- (a) the Railway Board, hereinafter referred to as the said Board, constituted under the said Order shall stand dissolved;
- (b) all assets, rights, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property and all books of accounts, registers, records and all other documents of the said Board shall stand transferred to, and vested in, the Government;
- (c) all debts and liabilities incurred, all obligations undertaken, all contracts entered into and all agreements made by or with the said Board and subsisting or having effect immediately before the commencement of this Act shall, unless the Government otherwise decides, be deemed to have been incurred, undertaken or entered into or made by or with the Government.

Explanation.- For the purpose of this clause debts, liabilities and obligations shall not include foreign debts, liabilities and obligations incurred or undertaken by the said Board prior to the 16th day of December, 1971;

- (d) all suits and other legal proceedings instituted by or against the said Board and pending immediately before the commencement of this Act shall be deemed to have been instituted by or against the Government and may be continued and proceeded with accordingly;
- (e) all officers and other employees of the said Board shall stand transferred to the Government on the same terms and conditions as were applicable to them immediately before the commencement of this Act:

Provided that the Government may alter their remuneration or terms and conditions of their service if such alternation is considered necessary for the sake of uniformity and in the interest of equity in service;

- (f) the Defence Savings Provident Fund, the State Railway Provident Fund, the General Provident Fund, including optional or voluntary subscriptions, and the Railway Provident Fund existing immediately before the commencement of this Act shall continue to exist and the subscriptions and contributions thereto shall be credited to the Government and the Government shall be liable to make payment to the employees out of those funds.

3. (1) The Transfer of Railways (Repeal) Ordinance, 1973 (Ord. No. XXV of 1973), is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, anything done or any action taken, including any order made or direction given under the said Ordinance shall be deemed to have been done, taken, made or given, as the case may be, under the corresponding provision of this Act.
