

## **Railways Act, 1890.**

THE RAILWAYS ACT 1890

(ACT IX OF 1890)

(CORRECTED UP TO DECEMBER 1996)

(Printed by the Ministry of Railways Government of Pakistan)  
1997

1890 : Act IX] Railways  
The RAILWAY ACT. 1890

This act has been deemed in its application to the Province of  
E.P. by E.P. Act No. II of 1969.  
Modified.

---

### CONTENTS

---

#### CHAPTER I

##### SECTIONS PRELIMINARY

1. Title, extent and commencement.
  2. [Repealed]
  3. Definitions.
- 

#### CHAPTER II

##### INSPECTION OF RAILWAYS

4. Appointment and duties of Inspectors.
  5. Power of Inspectors.
  6. Facilities to be afforded to Inspectors.
- 

#### CHAPTER III

##### CONSTRUCTION AND MAINTENANCE OF WORKS

7. Authority of railway administrations to executes all necessary works.
8. Alteration of pipes , wires and drains.
- 8 – A Protection for Government property.
9. Temporary entry upon land for repairing or preventing accident.
10. Payment of compensation for damage caused by lawful exercise of powers under the foregoing provisions of this Chapter.
11. Accommodation works.

12. Power for owner-occupier or local authority to cause additional accommodations works to be made.
13. Fences, Screens, gates and bars.
14. Over and under bridges.
15. Removal of trees dangerous to or obstructing the working of a railway.

Railways [1890: Act IX

#### CHAPTER IV

##### SECTIONS OPENING OF RAILWAYS

16. Right to use Locomotives.
17. Notice of intended opening of a railway.
18. Sanction of the Central Government a condition precedent to the opening of a railway.
19. Procedure in sanctioning the opening of a railway.
20. Application of the provisions of the three last foregoing sections to material alterations of a railway.
21. Exceptional provision.
22. Power to make rules with respect to the opening of railways.
23. Power to close an opened railway.
24. Re-opening of a closed railway.
25. Delegation of powers under this Chapter to Inspectors.

-----

#### CHAPTER V

##### TRAFIC FACILITIES

26 - 40 [Repealed.]

41. Bar of jurisdiction of ordinary courts in certain matters.
42. Duty of railway administrations to arrange for receiving and forwarding traffic without unreasonable delay and without partiality.
- 42 – A Prohibition of under preference.
- 42 – B Powers of the Provisional Government to fix maximum and minimum rates.
43. Under preferences in case of unequal treatment where ships or boats are used which are not part of a railway.
44. Provision for facilities and equal treatment where ships or boats are used which are not part of a railway.
45. Terminals.
46. Power of Provincial Government to fix terminals.
- 46 – A Decisions in accordance with this Chapter shall be binding.
- 46 – B [Omitted.]

1890 : Act IX] Railways

#### CHAPTER VI

## WORKING OF RAILWAYS

### SECTIONS General

47. General rules.
48. Disposal of differences between railways regarding conduct of joint traffic.
49. Agreements with any Provincial Government for construction of lease of rolling stock.
50. Powers of railway companies to enter into working agreements.
51. Establishment of ferries and roadways for accommodation of traffic.
51. A Additional power to provide and maintain transport services.
52. Returns.

### Carriage of property

53. Maximum load for wagons.
54. Power for railway administrations to impose conditions for working traffic.
55. Lien for rates, terminals and other charges.
56. Disposal of unclaimed things on a railway.
57. Power for railway administrations to require indemnity on delivery of goods in certain cases.
58. Requisitions for written accounts of description of goods.
59. Dangerous or offensive goods.
60. Exhibition to the public of authority for quoted rates.
61. Requisitions on railway administrations for details of gross charges.

### Carriage of Passengers

62. Communication between passengers and railway servants in charge of trains.
63. Maximum number of passengers for each compartment.
64. Reservation of compartments for females.
65. Exhibition of timetables and tables of fares at stations.

### Railways [1890 : Act IX

#### SECTIONS

66. Supply of tickets on payment of fares.
67. Provision for case in which tickets have been issued for trains not having room available for additional passengers.
68. Prohibition against traveling without pass or ticket.
69. Exhibition and surrender of pass and tickets.
70. Return and season tickets.
71. Power to refuse to carry persons suffering from infectious or contagious disorder.

-----

## CHAPTER VI-A

### LIMITATION OF EMPLOYMENT OF RAILWAY SERVANTS

- 71-A Definitions.
- 71-B Application of Chapter VI-A.
- 71-C Limitation of hours of work.
- 71-D Grant of periodical rest.

- 71-E Power to make rules.
- 71-F Railway servant to remain on duty.
- 71-G Supervisors of Railway Labour.
- 71-H Penalty.

-----  
CHAPTER VII

RESPONSIBILITY OF RAILWAY ADMINISTRATIONS AS CARRIERS

- 72. Measure of the general responsibility of a railway administration as a carrier of animals and goods.
- 73. Further provision with respect to the liability of a railway administration as a carrier of animals.
- 74. Further provision with respect to the liability of a railway administration as a carrier of luggage.
- 75. Further provision with respect to the liability of a railway administration as a carrier of articles of special value.
- 76. Burden of proof in suits in respect of loss of animals or goods.
- 77. Notification of claims to refunds of overcharges and to compensation for losses.

1890 : Act IX] Railways

SECTIONS

- 78. Exoneration from responsibility in case of goods falsely described.
- 79. Settlement of compensation for injuries to officers, soldiers, airmen and followers on duty.
- 80. Suits for compensation for injury to through-booked traffic.
- 81. [Repealed]
- 82. Limitation of liability of railway administration in respect of accidents at sea.
- 82 – A Liability of railway administration in respect of accidents to trains carrying passengers.

-----  
CHAPTER VII

ACCIDENTS

- 87. Penalty for default in compliance with requisition under section 13.
- 88. Penalty for contravention of section 16,18,19,20,21 or 24.
- 89. Penalty for not having certain document kept or exhibited at stations under section 54 or 65.
- 90. Penalty for not making rules as required by section 47.
- 91. Penalty for failure to comply with decision under section 48.
- 92. Penalty for delay in submitting returns under section 52 or 85.
- 93. Penalty for neglect of section 53 or 63 with respect to carrying capacity of rolling-stock.
- 94. Penalty for failure to comply with requisition under section 62 for maintenance of means of communication between passengers and railway servants.

95. Penalty for failure to reserve compartments for females under section 64.
  96. Penalty for omitting to give the notices of accidents required by section 83 and under section 84.
  97. Recovery of penalties.
  98. Alternative or supplementary character of remedies afforded by the foregoing provisions of this chapter.
- Offered by Railway Servants
99. Breach of duty imposed by section 60.
  100. Drunkenness.
  101. Endangering the safety of persons.
  102. Compelling passengers to enter carriages already full.
  103. Omission to give notice of accident.
  104. Obstructing level-crossings.
  105. False returns.
- Other Offences
106. Giving false account of goods.

## Railways [1890 : Act IX

### SECTIONS

107. Unlawfully bringing dangerous or offensive goods upon a railway.
108. Needlessly interfering with means of communication in a train.
109. Entering compartment reserved or already full or resisting entry into a compartment not full.
110. Smoking.
111. Defacing public notices.
112. Fraudulently traveling or attempting to travel without proper pass or ticket.
113. Traveling without pass or ticket or with insufficient pass or ticket or beyond authorized distance.
- 113-A Power to remove persons from railway carriage.
114. Transferring any half of return ticket.
115. Disposal of fines under the two last foregoing sections.
116. Altering or defacing pass or ticket.
117. Being or suffering person to travel on railway with infectious or contagious disorder.
118. Entering carriage in motion, or otherwise improperly traveling on a railway.
119. Entering carriage or other place reserved for females.
120. Drunkenness or nuisance on a railway.
121. Obstructing railway servant in his duty.
122. Trespass and refusal to desist from trespass.
123. Disobedience of omnibus drivers to directions of railway servants.
124. Opening or not properly shutting gates.
125. Cattle-trespass.
126. Maliciously wrecking or attempting to wreck a train.
127. Maliciously hurting or attempting to hurt persons traveling by railway.
128. Endangering safety of persons traveling by railway by wilfull act or omission.
129. Endangering safety of persons traveling by railway by rash or negligent act or omission.

130. Special Provision with respect to the commission by children of acts endangering safety of persons traveling by railway.

#### Procedure

130-A Power to detain and search in cases of suspected theft.

131. Arrest for offences against certain sections.

132. Arrest of persons likely to abscond or unknown.

133. Magistrates having jurisdiction under Act.

134. Place of trial.

-----

(c) for prescribing the duties of railway servants, police officers, Inspectors and Magistrates on the occurrence of an accident. 85. Every railway administration shall send to the 1[5 Federal Government] a return of accidents occurring upon its railway, whether attended with personal injury or not, in such form and manner and at such intervals of time as the 1[Federal Government] directs.

386. Whenever any person injured by an accident on a railway claims compensation on account of the injury, any Court or person having by law or consent of parties authority to determine the claim may order that the person injured be examined by some duly qualified medical practitioner named in the order and not being a witness on either side, and may make such order with respect to the cost of the examination as it or he thinks fit.

## CHAPTER IX

### PENALTIES AND OFFENCES.

#### Forfeitures by Railway Companies.

87. If a railway company fails to comply with any requisition made under Section 13, it shall forfeit to the 1[5 Federal Government] the sum of two hundred rupees for the default and a further sum of fifty rupees for every day after the first during which the default continues.

88. If a railway company moves any rolling-stock upon a railway by steam or other motive power in contravention of Section 16, sub-section (2), or opens or uses any railway or work in contravention of Section 18, Section19, Section20 or Section21, or re-opens any railway or uses any rolling-stock in contravention of Section24, it shall forfeit to the 4[5 Federal Government] the sum of two hundred rupees for every day during which the motive power, railway, work or rolling-stock is used in contravention of any of those sections.

Submission of return of accidents.

Provision for compulsory medical examination of person injured in railway accident.

Penalty for default in compliance with requisition under Section 13.

Penalty for contravention of Section 16,18,19,20,21 or 24.

1.Subs by A.O., 1964,Art, 2 and Sch., for "Central Government" as amended by A.O., 1937,and A.O., 1949.

2.For rules under ss.84 and 85 as to notices of accidents occurring in the Course of working a railway, see Gen. R. & O.

3.Cf. the Regulation of Railways Act, 1868 (31 & 32 Vict.c.119), s.26.

4.Sub by A.O., 1949, Sch.for "safety controlling authority" which had been subs. By A.O., 1937, for "Govt".

5.Subs. by P.O., 4 of 1975,s.2 and Sch.

Railways [1890: Act IX]

(Chapter IX-Accidents)

Penalty for not having certain documents kept or exhibited at stations under Section 54 or 65.  
Penalty for not making rules as required by Section 47.

Penalty for failure to comply with decision under Section 48.

Penalty for delay in submitting returns under Section 52 or 85.

Penalty for neglect of provisions of Section 53 or 63 with respect to carrying capacity of rolling-stock.

89. If a railway company fails to comply with the provisions of 1\* \* \*Section54, sub-section (2), or Section 65, with respect to the books or other documents to be kept open to inspection or conspicuously posted at stations on its railway, it shall forfeit to the 2[8 Federal Government] the sum of fifty rupees for every day during which the default continues.

90. If the railway company fails to comply with the provision of Section 47 with respect to the making of general rules 3[Central Government] the sum of fifty rupees for every day during which the default continues; 5\* \* \* \* \*

691. If a railway company refuses or neglects to comply with any decision of the 2[8Federal Government] under Section 48, it shall forfeit to the 7[8Federal Government] the sum of two hundred rupees for every day during which the refusal or neglect continues.

92. If a railway company fails to comply with the provisions of Section 52 or Section 85 with respect to the submission of any return, it shall forfeit to the 7[8Federal Government] the sum of fifty rupees for every day during which the default continuous after the fourteenth day from the date prescribed for the submission of the return.

93. If a railway company contravenes the provisions of Section 53 or Section 63, with respect to the maximum load to be carried in any wagon or truck, or the maximum number of passengers to be carried in any compartment, or the exhibition of such load on the wagon or truck or of such number in or on the compartment, or knowingly suffers any person owning a wagon or truck passing over its railway to contravene the provisions of the former of those sections, it shall forfeit to the

- 
1. The words and figures "Section 47, sub-section (6) " rep. By A.O., 1937.
  2. Subs. by A.O., 1964, Art. 2 and Sch., for "Central Government", as amended by A.O., 1937 and A.O., 1949.
  3. Ins. by A.O., 1937.
  4. Subs. by A.O., 1961, Art. 2 and Sch. (with effect from 23rd March, 1956) for "general controlling authority"
  5. Proviso, which was first inst. By A.O., 1937 and then amended by A.O., 1949 has been omitted by A.O., 1961, Art. 2 and Sch. (with effect from the 23rd March 1956.).
  6. Cf. the Railway Regulation Act, 1842 (5 & 6 Vict., c. 55), s. 11.
  7. Subs. by A.O., 1964, Art. 2 and Sch. For "Central Government" as amended by A.O., 1961 and A.O., 1937.
  8. Subs. by P.O. 4 of 1975, s. 2 and Sch

1890: Act IX] Railways

(Chapter IX-Penalties and Offences.)

1[8Federal Government] the sum of twenty rupees for every day during which either section is contravened. 2\* \* \* \* \*

394. If a railway company fails to comply with any requisition of the 1[8Federal Government] under Section 62, for the provision and maintenance in proper order, in any train worked by it, which carries passengers, of such efficient means of communication as the 4[8Federal Government] has approved, it shall forfeit to the 5[Federal Government] the sum of twenty rupees for each train run in disregard of the requisition.

995. If a railway company fails to comply with the requirements of Section 64 with respect to the reservation of compartments for females it shall forfeit to the 1[8Federal Government] the sum of twenty for every train in respect of which the default occurs.

96. If a railway company omits to give such notice of an accident as is required by Section 83 and the rules for the time being in force under Section 84, it shall forfeit to the 4[8Federal Government] the sum of one hundred rupees for every day during which the omission continues.

97. (1) When a railway company has through any act or omission forfeited any sum 6\* \* \* under the foregoing provisions of this Chapter, the sum shall be recoverable by suit in the District Court having jurisdiction in the place where the act or omission or any part thereof occurred.

7[(2) Nothing in this Chapter shall be constructed as requiring

Penalty for failure to comply with requisition under Section 62 for maintenance of means of communication between passengers and railway servants.

Penalty for failure to reserve compartments for females under Section 64.

Penalty for omitting to give the notices of accidents required by Section 83 and under Section 84.

Recovery of penalties.

- 
- 1.Subs by A.O., 1964,Art, 2 and Sch., for "Central Government" as amended by A.O., 1937, and A.O., 1961.
  - 2.Second paragraph which was first inst. By A.O., 1937 and then amended by A.O., 1949,has been omitted by A.O., 1961,Art, 2, and Sch, (with effect from 23rd march 1956).
  - 3.Cf. the Regulation of Railway Act, 1868(31 & 32 Vict.,c.119),s.22.
  - 4.Subs by A.O., 1964,Art, 2and Sch, for "Central Government" as amended by A.O., 1937 and A.O., 1949,Sch.
  - 5.Subs by A.O., 1964,Art.2 and Sch, for "Central Government" which had been subs. By A.O., 1937, for "Govt".
  - 6.The words "to the Govt." rep by A.O., 1937.
  - 7.Subs. ibid, for the original sub-section (2) & (3).
  - 8.Subs by P.O., 4 of 1975,s.2 and Sch.
  - 9.Vide Railways (Amendment) Act, 1995.

Railways [1890: Act IX]

(Chapter IX-Penalties and Offences.)

Alternative or supplementary character of 8remedies afforded by the foregoing provisions of this Chapter.

Breach of duty imposed by Section 60.

Endangering the safety of persons.

Any authority to recover any penalty in any case in which it thinks it proper to refrain from so doing.] 98. Nothing 1[in the foregoing provisions of this chapter] shall be construed to preclude the 2[5 Federal Government] from resorting to any other mode of processing instead of, or in addition to, such a suit as is mentioned un the last foregoing section, for the purpose of compelling a railway company to discharge any obligation impose upon it by this Act.

399. If a railway servant whose duty it is to comply with the provisions of Section 60 negligently or willfully omits to comply therewith, he shall be punished with fine, which may extend to twenty rupees.

6100. Drunkenness. -if a railway servant is in state of intoxication while on duty, he shall, without prejudice to any penalty to which he may be liable under any other law for the time being in force, be punished with fine which may extend to fifty rupees or, where the improper performance of the duty is likely to endanger the safety of any person traveling or being upon a railway, with imprisonment for a term which may extend to one year, or with fine, or with both.

4101. If a railway servant, when on duty endangers the safety of any person-

(a) by disobeying any general rule made, sanctioned published and notified under this Act, or

(b) by disobeying any rule or order which is not inconsistent with any such general rule, and which such servant was bound by the terms of this employment to obey, and of which he had notice,

---

1.Subs. by the repealing and Amending Act, 1939 (34 of 1939), s.2. and Sch, I, for "in those provision".

2.Subs. by A.O., 1964,Art, 2 and Sch, for "Central Government", as amended by A.O., 1937 and A.O., 1961.

3.Cf. the Railway Regulation Act, 1842 (5& 6 Vict.,c.55),s.17.

4.Cf. the Railway Regulation Act, 1840 (3 & 4 Vict.,. c.97),ss.13 and 14, and the Railways Regulation Act,1942 (5 & 6 Vict,c.55),s.17.

For rules made by the Govt. of Bengal under s.46 (2) of the police Act, 1861 (5 of 1861), for the guidance of Railway Police as to arrest and prosecution for offences under this section see Calcutta Gazette, 1904,Pt I p.884.

5.Subs by P.O.4 of 1975,s.2 and Sch.

6. (Vide Federal Laws (Regulations & Declarations) Ordinance 1981).

1890: Act IX] Railways

(Chapter IX-Penalties and Offences.)

(c) by any rash or negligent act or omission, or

(d) by tampering with railway's equipment, machinery or installation or misuse or non-use thereof,

he shall be punished with imprisonment for a term which may extend to five years imprisonment of either description or with fine which may extend to ten thousand rupees.

102. If a railway servant compels or attempts to compel, or causes, any passenger to enter a compartment which already contains the maximum number of passengers exhibited therein or thereon under Section 63, he shall be punished with fine which may extend to twenty rupees.

6103. If a station-master or a railway servant in charge of a section of a railway omits to give such notice of an accident as is required by section 83 and the rules for the time being in force under Section 84, he shall be punished with fine, which may extend to five thousand rupees.

1104. If a railway servant unnecessarily-

(a) allows any rolling-stock to stand across a place where the railway crosses a public road on the level, or

5(b) keeps a level-crossing closed against the public; he shall be punished with imprisonment for a term, which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

2105. If any return which is required by this Act is false in any particular to the knowledge of any person who signs it, that person shall be punished with fine which may extend to two thousand rupees; 7 Other Offences

3106.If a person requested under Section 58 to given an account with respect to any goods gives an account which is materially false, he and, if he is not the owner of the goods, the owner also shall be punished with fine which may extend to five thousand rupees and the fine

shall be in addition to any rate or other charge to which the goods may be liable.<sup>8</sup>  
3107. If a contravention of Section 59 a person takes with him any dangerous or offensive goods upon a railway, or tenders

Compelling passengers to enter carriages already full.

Omission to give notice of accident.

Obstructing level crossings.

False returns.

Giving false account of goods.

Unlawfully bringing.

- 
1. Cf. the Railway Clauses Act, 1863 (26 & 27 Vict., c.92), s.5.
  2. Cf. the Regulation of Railways Act, 1871 (34 & 35 Vict., c.78), s.10.
  3. Cf. the Railway Clauses Act, 1845 (8 & 9 Vict., c.20), ss.99 and 152, respectively.
  4. Vide Railways (Amendment), Act, 1995.
  5. Vide Railways (Amendment), Act, 1995.
  6. Vide Railways (Amendment), Act, 1995.
  7. Vide Railways (Amendment), Act, 1995.
  8. Vide Railways (Amendment), Act, 1995.

Railways [1890: Act IX]

(Chapter IX-Penalties and Offences.)

Dangerous or offensive goods upon a railway.  
Needlessly interfering with means of communication in a train.

Entering compartment reserved or already full or resisting entry into a compartment not full.

Smoking.

Defacing public notices.

Or delivers any such goods for carriage upon a railway, he shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both and shall also be responsible for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the railway.<sup>3</sup>

1108. If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a railway administration for communication between passengers and the railway servants in charge of a train, he shall be punished with fine which may extend to two thousand rupees.<sup>4</sup>

5109. (1) If a passenger, having entered a compartment which is reserved by a railway

administration for the use of an other passenger, or which already contains the maximum number of passenger, exhibited therein or thereon under Section 63, refuses to leave it when required to do so by any railway servant, he shall be punished with fine which may extend to one thousand rupees.

6(2) If a passenger resists the lawful entry of another passenger into a compartment not reserved by the railway administration for the use of the passenger resisting or not already contraining the maximum number of passengers exhibited therein or thereon under Section 63, he shall be punished with fine which may extend to one thousand rupees.

7 (3) In addition to the fine imposed on the passenger referred to in sub-section (1) and (2), he shall be removed from the compartment.

110. (1) If a person, without the consent of his fellow passengers, is any, in the same compartment, smokes in any compartment except a compartment specially provided for the purpose, he shall be punished with fine which may extend to twenty rupees.

(2) If any person persists in so smoking after being warned by any railway servant to desist, he may, in addition to incurring the liability mentioned in sub-section (1), be removed by any railway servant from the carriage in which he is traveling.

2111. If a person, without authority in this behalf, pulls down or willfully injures any board or document set up or posted by order of a railway administration on a railway or any rolling-stock, or obliterates or alters any of the letters or figures upon any such board or document, he shall be punished with fine which may extend to one thousand rupees.<sup>8</sup>

---

1.Cf. the Regulation of Railways Act, 1868 (31 & 32 Vict.,c.119),s.22.

2. Cf. the Companies Clauses Act, 1845 (8 & 9 Vict.,16),s.146

3. Vide Railways (Amendment), Act, 1995.

4. Vide Railways (Amendment), Act, 1995.

5. Vide Railways (Amendment), Act, 1995.

6. Vide Railways (Amendment), Act, 1995.

7. Vide Railways (Amendment), Act, 1995.

8. Vide Railways (Amendment), Act, 1995.

1890: Act IX] Railways

(Chapter IX-Penalties and Offences.)

XIV of 1860.

1[112. (1) If a person, with intent to defraud a railway administration: - (a) enters 2[or remains in any carriage on a railway in contravention of Section 68], or

(b) uses or attempts to use a single pass or single ticket which has already been used on a previous journey or, in the case of the return ticket, a half thereof which has already been so used.

he shall be punished 3[with imprisonment for a term which may extend to six months or] with fine which may extend to two thousand rupees in addition to the amount of the single fare for any distance which he may have traveled, 4 [The burden of proof that there was no intention to defraud shall lie on the accused.<sup>8</sup>]

5[(2) Notwithstanding anything contained in Section 65 of the Pakistan Penal Code, the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months.]

6113. (1) If a passenger travels in a train without having a proper pass or a proper ticket with him, or, being in or having alighted from a train, fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefore under section 69, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to the ordinary single fare 7[from the station from which the train originally started.9

Fraudulently traveling or attempting to travel without proper pass or ticket.

Traveling without pass or ticket or with insufficient pass or ticket or beyond authorized distance.

- 
- 1.S.112 re-numbered as 112 (1) by the Indian Railways (Amdt.) Act 1941 (6 of 1941), s.3.
  - 2.Subs. by ibid, for "in contravention of Section 68 any carriage on a railway".
  - 3.Ins. ibid,
  - 4.Added by the Indian Railways Act (Amdt.), Ordinance, 1948 (2 of 1948), s.2.
  - 5.Inst. by Act 6 of 1941,s.3.
  - 6.Cf. the French and German Railway Law.
  - 7.Subs. by the Railway (Amdt), Act, 1957 (26 of 1957), s.4, for certain words.
  - 8.Vide Railways (Amendment), Act, 1995.
  - 9.Vide Railways (Amendment), Act, 1995.

Railways [1890: Act IX]

(Chapter IX-Penalties and Offences.)

(2) If a passenger travels or attempts to travel in or on a carriage, or by a train, of a higher class than that for which he has obtained a pass or purchased a ticket, or travels in or on a carriage beyond the place authorized by his pass or ticket, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to any difference between any fare paid by him and the fare payable in respect of such journey as he has made.

3[(3) The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent to the amount otherwise payable under those sub-sections:

8 Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest rupee:

Provided further that if the passenger has with him a certificate granted under sub-section (2) of Section 68, no excess charge shall be payable.]

(4) If a passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on demand being made therefore under one or other of those sub-sections, as the case may be, 4[ any railway servant appointed by the railway administration on this behalf may apply to 5[any 6\* \*7[or] Magistrate of the First or Second Class] for the recovery of the sum payable as if it were a fine, and the

- 
- 1.Subs. by the Indian Railways Act (Amdt) Ordinance, 1948 (2 of 1948), s.2, for comma.
  - 2.Certain words omitted, *ibid*.
  - 3.Subs.by the Indian Railways (Amdt) Act, 1941 (6 of 1941), s.4, for the original sub-section (3).
  - 4.Subs. *ibid.*, for "the sum payable by him shall, on application made to any Magistrate by any railway servant appointed by the railway administration in this behalf, be recovered by the Magistrate from the passenger as if it were a fine imposed on the passenger by the Magistrate and shall, as it is recovered, be paid to the railway administration".
  - 5.Subs. by the Repealing and Amending Act, 1945 (6 of 1945), for "any Magistrate of the First or Second Class".
  - 6.The words "Presidency Magistrate" omitted by the Repealing and Amending Ordinance, 1961 (1 of 1961), s, 3 and 2nd Sch.
  - 7.Seems to be repundant.
  - 8.Vide Railways (Amendment), Act, 1995.  
1890: Act IX] Railways

(Chapter IX-Penalties and Offences.)

Magistrate if satisfied that the sum is payable shall order it to be recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration]. 1[113-A. Any person who, without having obtained the permission of a railway servant, travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorized by his pass or ticket, or who being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being, made therefore under Section 69, may be removed from the carriage by any railway servant authorized by the railway administration in this behalf or by any other person whom such railway servant may call to his aid , unless he then and there pays the fare and the excess charge which he is liable to pay under Section 113.

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket:

Provided further that women and children, if unaccompanied by male passengers, shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 a.m. and 6 p.m.]

1[114. Penalty for transfer of tickets, - If a person, not being railway servant or an agent authorized by the railway administration in this behalf, -

(a) Sells or attempts to sell any ticket or any half of a return ticket, or

(b) Parts or attempts to part with the passengers of a ticket against which reservation of a seat or berth has been made, or any half of a return ticket or return ticket,

in order to enable any other person to travel therewith, he shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.]<sup>2</sup>

Power to remove persons from railway carriage.

Magistrate if satisfied that the sum is payable shall order it to be recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extend to one month. Any sum recovered under this subsection shall, as it is recovered, be paid to the railway administration].

1[113-A. Any person who, without having obtained the permission of a railway servant, travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorized by his pass or ticket, or who being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefore under Section 69, may be removed from the carriage by any railway servant authorized by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under Section 113.

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket:

Provided further that women and children, if unaccompanied by male passengers, shall not be so removed except either at the station at which they first enter the train or at a junction or terminal station or station at the headquarters of a civil district and only between the hours of 6 a.m. and 6 p.m.]

1[114. Penalty for transfer of tickets, - If a person, not being railway servant or an agent authorized by the railway administration in this behalf, -

(a) Sells or attempts to sell any ticket or any half of a return ticket, or

(b) Parts or attempts to part with the passengers of a ticket against which reservation of a seat or berth has been made, or any half of a return ticket or return ticket,

in order to enable to enable any other person to travel therewith, he shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.]<sup>2</sup>

Power to remove persons from railway carriage.

---

1. Subs. By Act No.XXV of 1976, s.4.
2. Vide Railways (Amendment), Act, 1995.

Railways [1890: Act IX]

(Chapter IX-Penalties and Offences.)

Disposal of fines under the two last foregoing sections.

Altering or defacing pass or ticket.

Being or suffering person to travel on railway with infectious or contagious disorder.

Entering carriage in motion, or otherwise improperly traveling on a railway.

Entering carriage or other place reserved for females.

115. That portion of any fine imposed under Section 112 or the last foregoing section, which represents the single fare therein mentioned, shall, as the fine is recovered, be paid to the railway administration before any portion of the fine is credited to the Government. 1116. If a passenger willfully alters or defaces his pass or ticket so as to render the date, number or any material portion thereof illegible, he shall be punished with imprisonment for a term, which may extend to two thousand rupees or with both.

2117. (1) If a person suffering from an infectious or contagious disorder enters or travels upon a railway in contravention of Section 71, sub-section (2), he, and any person having charge of him upon the railway when he so entered or traveled thereon, shall be punished with fine which may extend to five hundred rupees, in addition to the forfeiture of any fare which either of them may have paid, and of any pass or ticket which either of them may have obtained or purchased, and may be removed from the railway by any railway servant.

3(2) If any such railway servant as is referred to in Section 71, sub-section (2), knowing that a person is suffering from any infectious or contagious disorder, willfully permits the person to travel upon a railway without arranging for his separation from other passengers, he shall be punished with fine which may extend to one thousand rupees.

4118. (1) If a passenger enters or leaves, or attempts to enter or leave, any carriage while the train is in motion, or elsewhere than at the side of the carriage adjoining the platform or other place appointed by the railway administration for passengers to enter or leave the carriage, or opens the side-door of any carriage while the train is in motion, he shall be punished with fine which may extend to five hundred rupees.

5(2) If a passenger, after being warned by a railway servant to desist, persists in traveling on the roof, steps or footboard of any carriage or on an engine, or in any other part of a train not intended for the use of passengers, he shall be punished with fine which may extend to one thousand rupees and may be removed from the railway by any railway servant.

119. If a male person, knowing a carriage, compartment, room or other place to be reserved by a railway administration for the exclusive use of females, enters the place without lawful

- 
1. Vide Railways (Amendment), Act, 1995.
  2. Vide Railways (Amendment), Act, 1995.
  3. Vide Railways (Amendment), Act, 1995.
  4. Vide Railways (Amendment), Act, 1995.
  5. Vide Railways (Amendment), Act, 1995.

1890: Act IX] Railways

(Chapter IX-Penalties and Offences.)

excuse, or, having entered it, remains therein after having been desired by any railway servant to leave it, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both in addition to the forfeiture of any fare which may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.<sup>3</sup>

4 120. If a person in any railway carriage or upon any part of a railway-

(a) is in a state of intoxication, or

(b) commits any nuisance or act of indecency, or uses obscene or abusive language, or

(c) willfully and without lawful excuse interferes with the comfort of any passenger or extinguishes any lamp, he shall without prejudice to any other penalty to which he may be liable under any other law for the time being in force, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

1121. If a person willfully obstructs or impedes any railway servant in the discharge of his duty, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to two thousand rupees, or with both.<sup>5</sup>

1122. (1) If a person unlawfully enters upon a railway, he shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.<sup>6</sup>

7 (2) If a person so entering refuses to leave the railway on being requested to do so by any railway servant, or by any other person on behalf of the railway administration, he shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both, and may be removed from the railway by such servant or other person.

8 (3) Whoever trespasses upon and makes or attempts to make or abets or helps or aids to make an unauthorized temporary or permanent construction over the railway or in its property or commits or attempts to commit any act which may be to the detriment or against the interest of the railway, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to twenty thousand rupees, or

with both.

9123. If a driver or conductor of a tramcar, omnibus, carriage or other vehicle while upon the premises of a railway disobeys the reasonable directions of any railway servant or police-officer, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

2124. In either of the following cases, namely: -

(a) if a person knowing or having reason to believe that an engine or train is approaching along a railway, opens any gate set up on either side of the railway across a road, or passes or attempts to pass, or drives or takes or attempts to drive or take any animal, vehicle or other thing across the railway.

Drunkenness or nuisance on a railway.

Obstructing railway servant in his duty.

Trespass and refusal to desist from trespass.

Disobedience of omnibus drivers to directions of railway servants.

Opening or not properly shutting gates.

---

1. Cf. the Railway Regulation Act, 1840 (3 & 4 Vict., c.97),s.16.

2. Cf. the Railway Clauses Act, 1845 (8 & 9 Vict., c.20), s.75.

3. Vide Railways (Amendment), Act, 1995.

4. Vide Railways (Amendment), Act, 1995.

5. Vide Railways (Amendment), Act, 1995.

6. Vide Railways (Amendment), Act, 1995.

7. Vide Railways (Amendment), Act, 1995.

8. Sub see added vide Railways (Amendment), Act, 1995.

9. Vide Railways (Amendment), Act, 1995.

Railways [1890: Act IX]

(Chapter IX-Penalties and Offences.)

Cattle trespass.

Maliciously wrecking or attempting to wreck a train.

(b) if, in the absence of a gate-keeper, a person omits to shut and fasten such a gate as aforesaid as soon as he and any animal, vehicle or other thing under his charge have passed through the gate. the person shall be punished with imprisonment for a term which may be extend to six months, or with fine which may extend to five thousand rupees, or with both.<sup>2</sup>

3125. (1) The owner or person in charge of any cattle straying on a railway provided with fences suitable for the exclusion of cattle shall be punished with fine which may extend t fifty

rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-trespass Act, 1871.

4 (2) If any cattle are willfully driven, or knowingly permitted to be, on any railway otherwise than for the purpose of lawfully crossing the railway or for any other lawful purpose, the person in charge of the cattle or, at the option of the railway administration, the owner of the cattle shall be punished with fine which may extend to fifty rupees for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-trespass Act, 1871.

(3) Any fine imposed under this section may, if the Court so directs, be recovered in manner provided by Section 25 of the Cattle-trespass Act, 1871.

(4) The expression "public road" in Sections 11 and 26 of the cattle-trespass Act, 1871, shall be deemed to include a railway, and any railway servant may exercise the powers conferred on officers of police by the former of those sections.

(5) The word "cattle has the same meaning" in this section as in the Cattle-trespass Act, 1871.

1126. If a person unlawfully-

- (a) puts or throws upon or across any railway any wood, stone or other matter or thing, or
- (b) takes up, removes, loosens or displaces any rail, sleeper or other matter or thing belonging to any railway, or
- (c) turns, moves, unlocks or diverts any points or other machinery belonging to any railway, or

I of  
1871

I of  
1871.

I of  
1871.

I of  
1871.

I of  
1871.

---

1.Cf.the Malicious Damage Act, 1861 (24 & 25 Vict.,c.97),s.35,and the Offences against the Person Act,1861 (24 & 25Vict.,c.100),s.32.

2.Vide Railways (Amendment, Act, 1995.

3. Vide Railways (Amendment, Act, 1995.

4. Vide Railways (Amendment, Act, 1995.

1890: Act IX] Railways

(Chapter IX-Penalties and Offences.)

(d) makes or shows, or hides or removes, any signal or light upon or near to any railway, or 8(e) does or attempts to do or causes to be done or abets or conspires the doing of an act with causes or is likely to cause, any explosion by an explosive substance or by any other means upon or near railway or any property belonging to railways.

with intent, or with knowledge that he is likely, to endanger the safety of any person traveling or being upon the railway, or any property belonging to the railway or of such property, he shall, whether an injury to any person or property has actually been caused or not, be punished with death or imprisonment for life and shall also be liable to forfeiture of property and fine which may extend to twenty thousand rupees.<sup>3</sup>

4 Explanation. – In this section and Section 127, the expression explosive substance shall have the same meaning as in the explosive substances act, 1908 (VI of 1908).

1127. Maliciously hurting or attempting to hurt persons traveling by railway or damaging property belonging to railway. If a person unlawfully throws or causes to fall or strike at, against, into or upon any property belonging to any railway, including rolling-stock forming part of a train, any explosive substance, wood, stone or other matter or thing with intent, or with knowledge that he is likely, to endanger the safety of any person being in or upon such property, he shall be punished with death or imprisonment for life, and shall also be liable to forfeiture of property and fine which may extend to twenty thousand rupees.<sup>5</sup>

2128. If a person, by any lawful act or by any willful omission or neglect, endangers or causes to be endangered the safety of any person traveling or being upon any railway, or obstructs or causes to be obstructed or attempts to obstruct any rolling-stock upon any railway, he shall be punished with imprisonment for a term which may extend to two years.

6129. If a person rashly or negligently does any act, or omits to do what he is legally bound to do, and the act or omission is likely to endanger the safety of any person traveling or being upon a railway, he shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

7130.(1) If a minor under the age of twelve years is with respect to any railway guilty of any of the acts or omissions mentioned or referred to in any of the four last foregoing sections, he shall be deemed, notwithstanding anything in section 82 or Section 83 of the Pakistan Penal Code, to have committed an offence, and the Court convicting him

---

1. Cf. the offences against the Person Act, 1861 (24 & 25 Vict., c.100), s.33.

2. Cf. the Offences against the Person Act, 1861 (24 & 25 Vict., c.100), s.34, and the Malicious Damage Act, 1861 (24 & 25 Vict., c.97), s.36.

3. Vide Railways (Amendment), Act, 1995.

4. Vide Railways (Amendment), Act, 1995.

5. Vide Railways (Amendment), Act, 1995.

6. Vide Railways (Amendment), Act, 1995.

7. Vide Railways (Amendment), Act, 1995.

8. Vide Railways (Amendment), Act, 1995.

Maliciously hurting or attempting to hurt persons traveling by railway.

Endangering safety of persons traveling by railway willful act or omission.

Endangering safety of persons traveling by railway by rash or negligent act or omission.

Special provision with respect to the commission by children of acts endangering safety of persons traveling by railway.

Railways [1890: Act IX]

(Chapter IX-Penalties and Offences.)

Power to detain and search in cases of suspected.

Arrest for offences against certain sections.

Arrest of persons likely to abscond or unknown.

May require the father or guardian of the minor to execute, within such time as the Court may fix, a bond binding himself, in such penalty as the Court directs, to prevent the minor from being again guilty of any of those acts or omissions.

(2) The amount of the bond, if forfeited, shall be recoverable by the Court as if it were a fine imposed by itself.

(3) If a father or guardian fails to execute a bond under sub-section (1) within the time fixed by the Court, he shall be punished with fine, which may extend to fifty rupees.

Procedure 2[130-A. Notwithstanding anything contained in any law for the time being in force, any railway servant, not being below the rank of Head Watchman, and authorized in this behalf by the railway administration, may detain and search any person who is employed in, or is found in or in the vicinity of any railway workshops, store, depot or other place for the deposit or handing of any property entrusted or belonging to the railway administration, and is suspected of removing such property without authority , ]

3[131. (1) If a person commits any offence mentioned in section 100,101,103,105,108,112,114,119,120,121,122,124,126,127,128 or 129 or in Section 130, sub-section (1), he may be arrested without warrant or other written authority by any railway servant or police-officer, or by any other person whom such servant or officer may call to his aid.

4(2) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him or send him for trial.

5 131-A. Summary trial of certain offences. - Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act-V of 1898), offences under sections 121,123,124 and 125 may be tried summarily.

3 132. (1) If a person commits any offence under this Act, other than an offence mentioned in the last foregoing section, or fails or refuses to pay any excess charge or other sum demanded under Section 113, and there is reason to believe that he will abscond or his name and address are unknown, and he refuses on demand to give his name and address, or there is reason to believe that the name or address given by him is incorrect, any railway servant or police-officer, or any other person whom such railway

---

1.see s.386to 389 of the Code of Criminal Procedure, 1898 (5 of 1898).

2. Ins. by the Railways (Amdt) Act, 1957(26 of 1975), s.5.
3. Cf. the Companies Clauses Act, 1845 (8 & 9 Vict., c.16), s.156.
4. Vide Railways (Amendment), Act, 1995.
5. Inserted Vide Railways (Amendment), Act, 1995.

1890 : Act [X] Railways

## SECTIONS

### CHAPTER X

#### SUPPLEMENTAL PROVISIONS

135. Taxation of railways by local authorities.
136. Reservation on execution against railway property.
137. Railway servants to be public servants for the purposes of Chapter IX of the Pakistan Penal Code.
138. Procedure for summary delivery to railway administration of property detained by railway servant.
139. [Repealed]
140. Service of notices by railway administration.
141. Service of notices by railway administration.
142. Presumption where notice is served by post.
143. Provision with respect to rules.
144. Interpretation as respects Acceding States.
145. Representation of Managers and Agents of Railways in Courts.
146. Power to extend Act to certain tramways.
147. Power to exempt railway from Act.
148. Matters supplemental to the definitions of "railway" and "railway servant".
149. [Repealed].
150. [Repealed].

---

THE FIRST SCHEDULE —[Repealed].

THE SECOND SCHEDULE.—ARTICLES TO BE DECLARED AND INSURED.

1 & 3 ACT No. IX of 1890

[21st March, 1890]

An Act to consolidate, amend and add to law relating to Railways

2\* \*.

---

1. For statement of Objects and Reasons, see Gazette of India, 1888, Pt. V, p. 133, for Report of the select Committee, see *ibid*, 1890, Pt. V, p. 23; and for debates in Council, see *ibid*, 1888, Pt. VI, pp. 124 and 137, and *ibid.*, 1890, Pt. VI, pp. 15 and 48.

This Act has been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950), and in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

Chapter VI-A of this Act has been extended to-

- a. The Baluchistan States Union, see G.G.O. 4 of 1953.
- b. The Khairpur State, see G.G.O. 5 of 1953, as amended by G.G.O. 24 of 1953, and
- c. the State of Bahalpur, see G.G.O. 11 of 1953.

1890 : Act [X] Railways

The Railway Board Ordinance, 1959(48 of 1959), shall be read with, and taken as part of this Act, and shall be construed accordingly, see Section 2 of the said Ordinance.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s.2.

2. The words "in India" omitted by A.O.,1940,sch.

3. This act has been amended in its application to the province of E.P. by E.P. Act No. II of 1969.

(Chapter 1-Preliminary)

WHEREAS it is expedient to consolidate, amend and add to the law relating to railways I\* \* .  
It is hereby enacted as follows :-

## CHAPTER 1

### PRELIMINARY

XI of  
1886.

1. (1) This Act may be called the 2\* Railways Act, 1890.

3[(2) It extends to the whole of Pakistan and applies also to all citizen of Pakistan, Wherever they may be.]

(3) It shall come into force on the first day of May, 1890. 2. [Repeal] Rep. By the Repealing Act, 1938 ( 1 of a938),  
s. 2 and Schedule.

3. In this Act, unless there is something repugnant in the subject or context,-

1) "tramway" means a tramway constructed under the Tramways Act, 1886, or any special Act relating to tramways ;

2) "ferry" includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying bridge and a temporary bridge and the approaches to, and landing places or a ferry;

3) "includes water" means any canal,river,lake or navigable water 4\* \* \* ;

4) "railway" means a railway , or any portion of a railway, for the public carriage of passengers, animals or goods, and includes-

- a) all land within the fences or other boundary-marks indicating the limits of the land appurtenant to a railway ;
- b) all lines of rails, sidings or branches worked over for the purposes of , or in connection with, a railway ;

Title, extent and commencement  
Definitions.

Railways [1890 : Act IX

---

1. The words "In India" omitted by A.O. 1949, Sch.
2. The word "Indian" omitted, ibid.
3. Subs.by the central Laws (statute Reform) Ordinance, 1960(21 of 1960). S.3 And 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2) as amended by the Burma Laws Act, 1898 (13 of 1898), s. 18, A.O,1949,Sch and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951),s.8.
4. The words "in British India" omitted by A.O.,1949,Sch.

(Chapter 1.-Preliminary)

- c) all stations, offices, warehouses, wharves, workshops, manufactories, fixed plant and machinery and other works constructed for the purposes of, or in Connection with, a railway ; and
- d) all ferries, ships, boats and rafts which ate used on inland waters for the prupose of the traffic of a railway and belong to or are hired or worked by the authority administering the railway.
- 5) "railway company" inclues any persons, whether incorporated or not, who are owners or lessees of a railway or parties to an agreement for working a railway ;
- 6) "railway administration" or "administration." In the case of a railway administered by the Government 6 \*\*, means the manager of the railway and includes the Government, 7 \*\*, and, in the case of a railway administered by a railway company, means the railway company;
- 7) "railway servant" means any person employed by a railway administration in connection with the service of a railway;
- 🤖"Inspector" means an Inspector of Railway appointed under this Act;
- 2(9) "goods" includes in animate things of every kind ;
- 3(10) "rolling-stock" includes locomotives, tenders, rail-cars, diesel multiple units (dmus), track recording and inspection cars, carriages, wagons, trucks and trollies:8
- 4(11)"traffic" includes rolling-stock of every description, as well as passengers, animals and goods;
- 12) "through traffic" means traffic which is carried over the railways of two or more railway administrations;
- 4(13)"rate" includes any five, charge or other payment for the carriage of any passenger, animal or goods;
- "terminals" includes charges in respect of stations, sidings, wharves, depots, watehouse, cranes and other similar matters, and of any services rendered thereat;

- 
1. C.f the Regulation of Railways Act, 1871 (34 and 35 Vict., 78), s.2.
  2. C.f the Railways Clauses Act, 1845 (8 & 9 Vict., c.20),s.3.
  3. C.f the Railway Rolling-stock Protection Act, 1872 (35 & 36 Vict., 50).
  4. C.f the Railway and Canal Traffic Act, 1854 (17 & 18 Vict., c.25), s.1.
  5. C.f the Railway and Canal Traffic Act, 1888 (51 & 52 Vict.,c.25),s.55.
  6. The words "or a state" omitted vide (Fed, Laws Regulations & Declarations)
  7. The words "or the state" omitted ibid.
  8. Amended vide Railways (Amend) Act 1995.

1890 : Act IX] Railways

(Chapter 1.-Preliminary. Chapter II-Inspection of Railways)

(15) "pass" means an authority given by a railway administration, or by an officer appointed by a railway administration in this behalf, and authorizing the person to whom it is given to travel as a passenger on a railway gratuitously ;

(16) "ticket" includes a single ticket, a return ticket and a season ticket ;

(17) "one kilogram" means a weight of one thousand grams, and ".10

(18) "Collector" means the chief officer-in-charge of the land-revenue administration of a district, and includes any officer specially appointed by the 2[Provincial Government] to discharge the functions of a collector under this Act ;

3\* \* \* \* \*

4\* \* \* \* \*

\* \* \* \* \*

6\* \* \* \* \*

---

## CHAPTER II

### INSPECTION OF RAILWAYS

74. (1) The Federal Government may appoint one or more suitable persons not below the rank of the General Manager of Railway Administration, to be the Inspectors of Railways." 11 (2) The duties of an Inspector of

Railways shall be-

(a) To inspect railways with a view to determine whether they are fit to be opened for the public carriage of passengers, and to report thereon to the, [Federal];

Appointment and duties of Inspectors.

Railways [1890 : Act IX

- 
1. See also the definition in S.3 (10) of the General Clauses Act, 1897.
  2. Subs, by A. O., 1937, for "L. G."
  3. Cl, (20) which was ins.by A,O., 1961,Art, 2 and Sch. (with effect from the 23rd March, 1956).

4. Cl. (20) which was ins. By A.O.1937 omitted by A.O.1961, Sch.
5. Cl. (21) which was ins. By A.O.1937 and subsequently subs, by A.O.1949,Sch.,has been omitted by A.O., 1964,Art.2 & Sch.
6. Cl. (22) which was ins.by A.O.1937 and subsequently subs. By A.O.1949,Sch.,has been omitted by A.O., 1961., Art.2 and Sch. (with effect from the 23rd March, 1956).
7. C.f.the Regulation of Railways Act, 1871 (34 & 35 Vict,.c.78),s.3.
8. Subs. By A.O., 1949, Sch., for "Safety controlling authority" which Had been subs. By A.O., 1937, for "G.G. in C".
9. Subs. By P.O.No.4 of 1975, Art,2 and Sch.
10. Vide Railways ( Amendment) Act, 1995.
11. Vide Railways (Amendment) Act, 1995.

(Chapter 11.-Inspection of Railways. Chapter 111.- Construction and Maintenance of Works.)

Government ] as required by this Act ;

- (b) to make such periodical or other inspections of any railway or of any rolling-stock used thereon as the 1[4 Federal Government] may direct ;
- (c) to make inquiry under this Act into the cause of any accident on a railway ;
- (d) to perform such other duties as are imposed on him by this Act, or any other enactment for the time being in force relating to railways.

Powers of Inspectors.

Facilities to be afforded to inspectors.

25. An Inspector shall for the purpose of any of the duties which he is required or authorized to perform under this Act, be Penal Code, and, Subject to the control of 1[4 Federal Government], shall for that purpose have the following powers, namely :-

- (a) to enter upon and inspect any railway or any rolling-stock used thereon ;
- (b) by an order in writing under his hand addressed to the railway administration, to require the attendance before him of any railway servant, and to require answers or returns to such inquiries as he thinks fit to make from such railway servant or from the railway administration ;
- (c) to require the production of any book or document belonging to or in the possession or control of any railway administration (except a communication between a railway company and its legal advisors) which it appears to him be necessary to inspect. 6. A railway administration shall afford to the Inspector all reasonable facilities for performing the duties and exercising all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Act.

XLY of 1860

---

CHAPTER III

## CONSTRUCTION AND MAINTENANCE OF WORKS.

Authority of railway.

37. (1) Subject to the provisions of this Act and in the case of immoveable property not belonging to the railway adminis-

- 
1. Subs. By A.O.1949,Sch., for "safety controlling authority' which had been subs. By A.O.1937 fro "G.G. in C".
  2. C.f the Regulation of Railways Act, 1871 (34 & 35 Vict,c.78), s.4.
  3. C.f the Railways Clauses Act, 1845 (8 & 9 Vict, c. 20), s.16.
  4. Subs, by P.O.No. 4 of 1975, Art, 2 and Sch.

(Chapter 111.-Construction and Maintenance of Works)

tration , to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, and subject also, in the case of a railway company , to the provisions of any contract between the company and the Government, a railway or the accommodation or other works connected therewith , and notwithstanding anything in any other enactment for the time being in force,-

Administrations to execute all necessary works.

- (a) make and construct in, upon, across, under or over any lands, or any streets, hills, Valleys, roads, railways or tramways, or any rivers, canals, brooks, streams or other waterd, or any drains, water-pipes, gas-pipes or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, 1[lines of railways], ways, passages, conduits, drains, pierse, cuttings and fences as the railway administration thinks proper ;
- (b) alter the course of any rivers, brooks, stream, or water courses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them, and divert or alter, as well temporarily permanently, the course of any rivers, brooks, streams or watercourses or any roads, streets or ways, or raise or sink the level thereof, in order the more conveniently to carry them over or under or by the side of the railway, as the railway administration thinks proper ;
- (c) make drains or conduits or conduits into , through or under any lands adjoining the railway for the purpose of conveying water from or to the railway ;
- (d) erect and construct such houses, warehouses, offices and other buildings, and such yards, stations, wharves, engines, machinery, apparatus and other works and conveniences as the railway administration thinks proper ;
- (e) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them and substitute others in their stead ; and
- (f) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

1. Ins.by the Indian Railways Act (1890) Amendment Act, 1896 (9 of 1896), s.1.

(Chapter III.-Construction and Maintenance of works)

(2) The exercise of the powers conferred on a railway administration by sub-section (1) shall be subject to the control of the 1[6 Federal Government].

Alteration of pipes, Wires and drains.

Protection for Government Property.

8. A railway administration may, for the purpose of exercising the powers, conferred upon it by this act, alter the position of any pipe for the supply of gas, water or compressed air or the position of any electric wire or of any drain not being a main drain :  
Provided that :- a. When the railway administration desires to alter the position of any such pipe, wire or drain, it shall give reasonable notice of its intention to do so, to the 2 local authority or company having control over the pipe, wire or drain, or, when the pipe, wire or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire or drain is ;  
b. A local authority, company or person receiving notice under proviso (a) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so send and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electric city or the maintenance of the drainage, as the case may be.  
3[8-A. Nothing in the two last preceding sections shall authorized the doing of any thing on or to any works, land, or buildings vested in, or in the possession of 4\* \* \* the Central Government without the consent of that Government, or the doing of any thing on or to any works, lands, or buildings vested in, or in the possession of, 4\* \* \* a

Railways [1890 : Act IX

province without the consent of the Provincial Government 5[ or the doing of

- 
1. Subs. By A.O., 1964. Art, 2 and Sch., for " Central Government" as amended by A.O. 1937 and A.O., 1961.
  2. For definition of "local authority", see s. 3 (28) of the General Clauses Act, 1897 (10 of 1897).
  3. Section 8-A ins. By A.O. 1937.
  4. The words "His Majesty for the purposes of " omitted by A.O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956).
  5. Added by A.O., 1949, Sch.
  6. Subs, by P.O., 4 of 1975, s.2 and Sch.

(Chapter III.-Construction and Maintenance of works)

anything on or to any works, lands or buildings vested in, or in the possession of, the Government of an Acceding State without the consent of that Government].

19. (1) The 2[5 Federal Government] may authorize any railway administration, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident, and to do all such works as may be necessary for the purpose.

Temporary entry upon land for repairing or preventing accident

(2) In case of necessity the railway administration may enter upon the lands and do the works aforesaid without having in such a case shall, within seventy-two hours after such entry, make a report to the 2[5 Federal Government], specifying the nature of the accident or apprehended accident, and of the railway administration by this sub-section shall cease and determine if the 2[5 Federal Government], after considering the report, considers that the exercise of the power is not necessary for the public safety.

4. (1) A railway administration shall do as little damage as possible in the exercise of the powers conferred by any of 3[the foregoing provision of this Chapter], and compensation shall be paid for any damage caused by the exercise thereof.

(2) A suit shall not lie to recover such compensation, but in case of dispute the amount thereof shall, on application to the collector, be determined and paid in accordance, so far as may be, 4[with the provisions of Sections 11 to 15, both inclusive, Section 18 to 34 both inclusive, and Section 53 and 54 of the Land Acquisition Act, 1894, and the provisions of Section 51 and 52 of that Act shall apply to the award of compensation].

Payment of compensation for damage caused by lawful exercise of powers under the foregoing provisions of this Chapter.

Railways [1890 : Act IX

---

1. C.f. the Railway Regulation Act, 1842 (5 & 6 Vict., c.55) , s. 14.\

2. Subs. By the A.O. 1964, Art, 2 and Sch., for "Central Government" as amended by A.O., 1937. and A.O., 1949.

3. Subs. By A.O.1937,"the three last foregoing section"s.

4. Subs, by the India Railways Act (1890) Amendment Act, 1896 (9 of 1896),s. 2, for "with the provisions of Sections 11 to 15, both inclusive , and Sections 18 to 42, both inclusive, of the Land Acquisition Act, 1870, and the provisions of Sections 57 and 58 of that Act shall apply to the award of compensation".

5. Subs. By P.O., r of 1975, s. 2 and Sch.

(Chapter III.- Construction and Maintenance of Works)

Accommodation Works,

111. -(1) A railway administration shall make and maintain the following works for the accommodation of owners and occupiers of lands adjoining the railway, namely :- (a) Such and so many convenient crossings, bridges, arches, culverts and passages over, under or by the

sides of leading to or from, the railway as may, in the opinion of the 2[Provincial Government], be necessary for the purpose of making good any interruptions caused by the railway is made, and

(b) All necessary arches, tunnels, culverts, drains, water-courses or other passages, over or under or by the sides of the railway, of such dimensions as will, in the opening of 2[Provincial Government] be sufficient at all times to convey water as freely from or the lands lying or affected by the railway as before the making of the railway, or as nearly so as may be.

(2) Subject to the provisions of this Act, the work specified in clauses (a) and (b) of sub-section (1) shall be made during or immediately after the laying out or formation of the railway over the lands travels thereby and in such manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works.

(3) The foregoing provisions of this section are subject to the followings provisos, namely : -

a railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working of the railway, or to make any accommodation works with respect to which the owners and

#### Railways [1890 : Act IX

(a) occupiers of the lands have agreed to receive and have been paid compensation in consideration of their not requiring the works to be made ;

3(b) save as hereinafter in this Chapter provided, a railway administration shall not except on the requisition of the 2[Provincial Government], be compelled to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years

- 
1. C.f the Railways Clause Act, 1845 ( 8 & 9 Vict, c.20), s. 68.
  2. Subs, by A.O., 1937 for "G.G. in C."
  3. C.f the Railways Clauses Act, 1845(8 & 9 Vict, c.20),s.78.

(Chapter III,—Construction and Maintenance of works)

from the date on which the railway passing through the lands was first opened for public traffic;

(c) where a railway administration has provided suitable accommodation for the crossing of a road or stream, and the road or stream is afterwards diverted by the act or neglect of the person having the control thereof, the administration shall not be compelled to provide other accommodation for the crossing of the road or stream.

1(4) The 2[Provincial Government] may appoint a time for the commencement of any work to be executed under sub-section administration fails to commence the work or, having commenced it, fails to proceed diligently to execute in a sufficient manager, the 2[Provincial Government] may execute it and recover from the railway administration the cost incurred by 3[it] in the execution thereof.

412. If an owner or occupier of any land affected by a railway considers the works made under the last foregoing section to be insufficient for the commodious use of the land, 10[or if the Federal Government desires to construct a national highway or strategic road or if the 5[Provincial Government] or a local authority desired to construct a public road or other work across, under or over a railway, he or it , as the case may be, may at his or its expense such further accommodation works as he or it thinks necessary and are agreed to by the railway administration or as, in case of difference of opinion, may be authorized by the 6[10Federal Government]. 713. The 8[Federal Government] may require that, within a time to be specified in the requisition, or within such further

Powers for owner-occupier or local authority to cause additional accommodational works to be made.

Fences, Screens, gates and bars.

Railways [1890 : Act IX

time as 9[it] may appoint in this behalf,-

(a) boundary-marks or fences be provided or renewed by a railway administration for a railway or any part thereof and for roads constructed in connection.

1. C.f, the Railways Clauses Act, 1845 (8 & 9 Vict., c. 20), s.70
2. Subs, by A.O.,1937, for "G.G in C.
3. Subs, ibid, for" him".
4. C.f the Railways Clauses Act, 1845 (8 & 9 Vict.,c,20),s.71.
5. Subs, by A.O. 1937, "L,G"
6. Subs, by A.O 1964. Art, 2 and Sch., for "Central Government" as amended by A.O., 1937 and A.O.,1961.
7. C.f the Railway Regulation Act, 1842 (5 & 6 Vict., c.55),s,10.
8. Subs by A.O., 1964, Art,2 and Sch., for Central Government as amended by A.O., 1937, and A.O., 1949.
9. Subs by A.O., 1937, for "he".
10. Subs. By P.O., 4 of 1975,s.2 and Sch., and Ins.

(Chapter III,-Construction and Maintenance of Works)

Over and under-bridges.

therewith : 1 (b) any works in the nature of a screen near to or adjoining the side of any public road constructed before the making of a railway be provided or renewed by a railway administration for the purpose of preventing danger to passengers on the road by reason of horses or other animals being frightened by the sight or noise of the rolling-stock moving on the railway ;

2 (c) suitable gates, chains, bars, stiles or hand-rails be erected or renewed by a railway administration at places where a railway crosses a public road on the level ;

3 (d) persons be employed by a railway administration to open and shut such gates, chains or bars.

414 (1) Where a railway administration has constructed a railway across a public road on the level, the 5[9Federal Government] may at any time, if it appears to 6[it] necessary for the public safety, require the railway administration, within convenient ascents and

Railways [1890 : Act IX

descents and other convenient approaches, instead of crossing the road on the level, or to execute such other works as, in the circumstances of the case, may appear to the 5[9Federal Government ] to be best adapted for removing or diminishing the danger arising from the level-crossing. 8 (2) The 9[Federal Government ] may require as a condition of making a requisition under sub-section (1), that the local authority, if any, which maintains the road, shall undertake to pay the whole of the cost to the railway administration of complying with the requisition or such portion of the cost as the 5[9 Federal Government] think just.

- 
1. C.f the Railway Clauses Act, 1845 (8 & 9 Vict, c.20),s 63.
  2. C.f the Railway Regulation Act, 1842 (5 & 6 Vict., c.55),s.9/
  3. C.f the Railway Clause Act, 1845 (8 & 9 Vict., c,20),s,48.
  4. C.f the Railway Clause Act, 1863 (26 & 27 Vict., c. 92),s.7.
  5. Subs. By A.O., 1964, Art., 2 and Sch., for "Central Government" as amended by A.O., 1937 and A.O., 1949.
  6. Subs. By A.O., 1937, for "him".
  7. Subs. Ibid, for "he".
  8. C.f the Railways Clauses Act, 1845 (8 & 9 Vict, c.20), s.46 and the Railway and Canal Traffic Act, 1888 (51 & 52 Vict., c, 25), s.16.
  9. Subs. By P.O. 4 of 1975, s.2 and Sch.

(Chapter III.-Construction and Maintenance of Works)

(Chapter IV.- opening of Railways)

115 (1) In either of the following cases, namely :-

(a) Where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic.

9(b) When a tree obstructs the view of any fixed signal, the railway administration may, with the permission of any Executive Magistrate, fell the tree or deal with it in such other manner as will in the opinion of the railway administration avert the danger or remove the obstruction, as the case may be.

10(2) In case of emergency the power mentioned in sub-section (1) may be exercised by a railway administration with-out the permission of an Executive Magistrate. 11(3) Where a tree felled or otherwise dealt with under sub-section (1) or sub-section (2) was in existence before the railway was constructed or the signal was fixed, any Executive Magistrate may, upon the application of the persons interested in the tree, award to those persons such compensation as he thinks reasonable.

(4) Such an award subject, where made 2\* \* \* by any Executive Magistrate other than the District Magistrate, to revision by 3\* \* \* the District Magistrate, 4\* \* \*, shall be final.

(5) A Civil Court shall not entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

#### CHAPTER IV

##### OPENING OF RAILWAYS

516 (1) A railway Administration may, with the previous sanction of the 6[8 Federal Government ], 7use upon a railway locomotives 12 or other motive power and rolling-stock to be drawn or propelled thereby.

(2) But rolling-stock shall not be moved upon a railway by steam or other motive power until such general rules for the

Removal of trees dangerous to or obstructing the working of a railway.

Right to use locomotive.

- 
1. C.f the Regulation of Railways Act., 1868 (31 & 32 Vict., c. 24.
  2. The words "in a presidency-town by any Magistrate other than the Chief Presidency Magistrate or where made elsewhere" omitted by A.O., 1949,Sch.
  3. The word "the Chief Presidency Magistrate, or" omitted, ibid.
  4. The word" as the case may be "omitted, ibid.
  5. C.f. the Railways Clauses Act, 1845 (8 & 9 Vict.,c.20),,s.86.
  6. Subs. By A.O., 1964,Sch., for: safety controlling authority" which had been subs. By A.O. 1937, for "G.G. in C".
  7. For notifications sanctioning the use of motive power and rolling stock on railway, sec. Different local R & O.
  8. Subs. By P.O.No. 4 of 1975 art 2 and ibid.
  9. Vide Federal Laws (Regulations & Declarations) Ordinance 1981.
  10. Vide Federal Laws (Regulations & Declarations) Ordinance 1981.
  11. Vide Federal Laws (Regulations & Declarations) Ordinance 1981.
  12. Vide Railways (Amendment) Act, 1995.

Railways [1890 : Act IX

(Chapter IV.- Opening of Railways)

railway as may be deemed to be necessary have been made, sanctioned and published under this Act.

Notice of intended opening of a railway.

Sanction of the Central Government a condition precedent to the opening of a railway.

Procedure in sanctioning the opening of a railway.

17. (1) Subject to the provisions of sub-section (2), a railway administration shall, one month at least before it intends to open any railway for the public carriage of passengers, give to the 1[Central Government] notice in writing of its intention. (2) The 1[4 Federal Government ] may, in any case, if 2[it] thinks, fit, reduce the period of , or dispense with the notice mentioned in sub-section (1).

18. A railway shall not be opened for the public carriage of passengers until the 1[4 Federal Government] in this behalf, has by order sanctioned the opening thereof for that purpose.

19. (1) The sanction of the 1[4 Federal Government] under the last foregoing section shall not be given until an Inspector has, after inspection of the railway, reported in writing to the 1[4 Federal Government] -

(a) that he has made a careful inspection of the railway and rolling-stock ;

(b) that the moving and fixed dimensions prescribed by the 1[4 Federal Government]

(c) that the weight of rails, strength of bridges, general structural character of the works, and the size of and maximum gross load upon, the axles of any rolling-stock are such as have been prescribed

1. Subs. By A.O. 1949,Sch., for "Safety controlling authority" which had been subs. By A.O.1937, for "G.G in C".

2. Subs. By A.O. 1937, for " G.G. in C".

3. C.f the Railway Regulation Act, 1842 (5 & 6 Vict.,c.55),S.16.

4. Subs. By P.O. No 4 of 1975 art. 2 and Sch.

1890: Act IX] Railways

(Chapter IV ;-Opening of Railways)

XI of 1886.

1(2) if in the opinion of the Inspector the railway cannot be so opened without danger to the shall that opinion, together with the grounds therefore, to the 2[4 Federal Government] may thereupon order the railway administration to postpone the opening of the railway. (3) An order under the last foregoing sub-section must set forth the requirements to be complied with as a condition precedent to the opening of the railway being sanctioned and shall direct the postponement of the opening of the railway until those requirements have been complied with or the 2[4Federal Government] thinks danger to the public using it.

(4) The sanction given under this section may be either absolute or subject to such conditions as the 2[4Federal Government] thinks necessary for the safety of the public.

(5) When sanction for the opening of a railway is given subject to conditions, and the railway administration fails to fulfill those conditions, the sanction shall be deemed to be void and the railway shall not be worked or used until the conditions are fulfilled to the satisfaction of the 2[4Federal Government].

320. (1) The provisions of Sections 17,18 and 19 with respect to the opening of a railway shall extend to the opening of the works mentioned in sub-sections (2) when those works from part

of, or are directly connected with, a railway used for the public carriage of passengers and have been constructed after the inspection which preceded the first opening of the railway.

(2) The works referred to in Sub-section (1) are additional lines of railway, deviation lines, stations, junctions and crossings on the level, and any alteration or re-construction materially affecting the structural character of any work to which the provisions of sections 17,18 and 19 apply or are extended by this section.

(21). When an accident has occurred resulting in a temporary suspension of traffic, and either the original line and works

Applications of the provisions of the three last forgoing sections to material alterations of a railway.

Exceptional provision.

Railways 1890: Act IX]

1. Cf. the Railway Regulation Act, 1842 (5 & 6 Vict.c. 55), s. 16.
2. Subs by A.O. 1949 Sch. For "safety controlling authority" which had been subs. By A.O., 1937, for "G.G. in C".
3. Cf. the Regulation of Railway Act., 1871 (34 & 35 Vict., c.78) , s.5.
4. Subs by P.O. No. 4 of 1975,Art, 2 and Sch.  
(Chapter IV ;-Opening of Railways)

Power to make rules with respect to the opening of railways.

Power to close an opened railway.

Re-opening of a closed railway.

have been rapidly stored to their original standard, or a temporary diversion has been laid for the purpose of restoring communication ,the original line and works so restored, or the temporary diversion as the case may be, may in the absence of the Inspector, be opened for the public carriage of passengers, subject to the following conditions ,namely:

- a) that the railway servant in charge of the works under-taken by reason of the accident has certified in writing that the opening of the restored line and works, or of the temporary diversion, will not in this opinion be attended with danger to the public using the line and works or the diversion ; and
- b) that notice by telegraph of the opening of the line and works or the diversion shall be sent, as soon as may be, to the Inspector as appointed for the railway. 22. The 1[4Federal Government] may make rule defining the cases in which, and in those cases the extent to which, the procedure prescribed in Sections 17 to 20 (both inclusive) may be dispensed with.

23. (1) When, after inspecting any upon railway used for the public carriage of passenger, or any rolling-stock used thereon, an Inspector is of opinion that the use of the railway or of any specified rolling-stock will be attended with danger to the public using it, he shall state that opinion, together with the grounds therefore, to the 1[4Federal Government] ; and the 1[4Federal Government] may thereupon order that the railway be closed for the public carriage of passengers, or that the use of the rolling-stock so specified be discontinued, or that the

railway or the rolling-stock so specified be used for the public carriage of passengers on such conditions only as the 1[Central Government] may consider necessary for the safety of the public.

3(2) An order under sub-section (1) must set forth the grounds on which it is founded.

24. (1) When a railway has been closed under the last foregoing section, it shall not be re-opened for the public carriage of passengers until it has been inspected and its re-opening sanctioned, in accordance with the provisions of this Act.

1890: Act IX] Railways

---

1.Subs by A.O. 1949,Sch, for "safety controlling authority" which had been subs. By A.O. 1937, for "G.G. in C".

2.For rules see Gen. R & O.

3.Cf. the railway Regulation Act, 1842 (5 & 6 Vict., c.55), S.16.

4.Subs. by P.O.No.4 of 1975 art 2 and Sch.

(Chapter IV ;-Opening of Railways Chapter V. Traffic Facilities)

(2) When the 1[8Federal Government] has ordered under the last foregoing section that the use of any specified rolling-stock be discontinued, that rolling-stock shall not be used until an Inspector has reported that it is fit for use and the 1[4Federal Government] has sanctioned its use.

(3) When the 1[8Federal Government] has imposed under the last foregoing section any conditions with respect to the use of any railway or rolling-stock, those conditions shall be observed until they are withdrawn by the 1[8Federal Government].

25. (1) The 1[8Federal Government] may by general or special order, authorize the discharge of any of 2[its] function under this chapter by an Inspector, and may cancel any sanction or order given by an Inspector discharging any such function or attach thereto any condition which the 1[8Federal Government] might have imposed if the sanction or order had been given by 3[itself].

2. A condition imposed under the sub-section (1) shall for all the purposes of this Act have the same effect as if it were attached to a sanction or order given by the 1[8Federal Government].

---

CHAPTER V 4[Traffic Facilities]

5\* \* \*

26 to 40 [Relating to Railway Commissions] Rep. by A.O., 1937.

641. Except as provided in this Act, no suit shall be instituted or proceeding taken for anything done or any omission made by a railway administration in violation or contravention of any provision of this Chapter 7\*\* \*.

Delegation of powers under this Chapter to Inspectors.

Bar of jurisdiction of ordinary Courts in certain matters.

- 
1. Subs. By A.O. 1949, Sch., for "safety controlling authority" which had been subs. By A.O., 1937, for "G.G. in C."
  2. Subs by A.O., 1937, for "his".
  3. Subs ibid., for "himself".
  4. Subs by the Repealing and amending Act, 1939 (34 of 1939), s.2 and Sch., for "Railway Commissions and Traffic Facilities".
  5. The sub-heading "Railway Commissions" omitted, ibid.
  6. Cf. the Railway and Canal Traffic Act, 1854 (17 & 18, Vict, c.31). s.6.
  7. The words "or of any order made thereunder by the Commissioners or by a High Court" rep. by A.O., 1937.
  8. Subs. By P.O. No.4 of 1975, Art.2 and Sch.

(Chapter V; -Traffic Facilities)

Duty of railway administration to arrange for receiving and forwarding traffic without unreasonable delay and without partiality.

1\* \* \*

242. (1) Every railway administration shall, according to its powers, afford all reasonable facilities for the receiving, forwarding and delivering of traffic upon and from the several railways belonging to or worked by it and for the return of rolling-stock. 3\* \* \* \* \*

6(3) A railway administration having or working railways which form part of a continuous line of railways communication, or having its terminus or stations within one kilometer of the terminus or station of another railway administration, shall afford all due and reasonable facilities for receiving and forwarding by one of such railways all the traffic arriving by the other at such terminus or stations, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage<sup>5</sup>[as is referred to in Section 42-A], and so that no obstruction may be offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation may by means of such railways be at all times afforded to the public in that behalf.

(4) The facilities to be afforded under this section shall include the due and reasonable receiving, forwarding and delivering by every railway administration, at the request of any other railway administration, of through traffic to and from the railway of any other railway administration at through rates:

Provided as follows: -

7(a) the railway administration requiring the traffic to be forwarded shall give written notice of the proposed through rate to each forwarding railway administration, stating both its amount and its apportionment and the route by which the traffic is proposed to be forwarded. The proposed through rate for animals or goods may be per truck or per forty kilograms;

1. The sub-heading "Traffic Facilities" omitted by the Repealing and Amending Act, 1939 (34 of 1939). s 2 and Sch.I.
2. Cf. the Railways Clauses Act 1845 (8 & 9 Vict., c.20). s 90; the Railway and Canal traffic

Act, 1845 (17 & 18 Vict., c.31).s.2 ; and the railway and Canal traffic Act, 1888 (51 & 52 Vict., c.25), s.25.

3. Sub-section (2) rep. by A.O. 1937, see now s.42-A, infra.

4. Cf. the Railway and Canal traffic Act, 1854 (17 & 18 Vict. c.31), s.1.

5. Subs by A.O., 1937, for "as aforesaid".

6. Vide Railways (Amendment) Act, 1995.

7. Vide Railways (Amendment) Act, 1995.

(Chapter 1: Traffic Facilities)

(b) Each forwarding Railway Administrator shall, within the prescribed period after the receipt of such notice, by written notice inform the Railway administration requiring the traffic to be forwarded whether it agrees to the rate, apportionment and route, and, if it has any objection, what the grounds of the objection are:

(c) If at the expiration of the prescribed period no such objection has been sent by any forwarding Railways administration, the rate shall come into operation at the expiration of the period.

(d) If an objection to the rate, apportionment or route has been sent within the prescribed period, the 2/7 Federal Government) shall, on the request of any of the Railways administration, decide the matter:

(e) If the objection is to the granting of the rate or to the route, 3 the 2(7 Federal Government) shall consider whether the granting of the rate is due and responsible facility in the interests of the public, and whether, regard being had to the circumstances, the route proposed is a reasonable route, and shall allow or refuse the rate accordingly or fix such other rate as any seem to the 3(7 Federal Government) to be just and reasonable:

(f) If the objection is only to the apportionment of the rate, 4 \* \* \* the rate shall come into operation at the expiration of the prescribed period, but the decision of the (federal Government) as to its apportionment shall be retrospective: in the case of any other objection the operation of the rate shall be suspended 6(until the federal Government0 makes its order in the case:\

---

1. Subs. By A.O., 1937. for the original proviso (d)

2. Subs. By A.O., 1964, Art 2 and Sch., for Central Government)

Railways 1890 : Act IX

Which had been subs. A.O 1949 Sch. For Federal Railway Authority"

3. The original words "the Commissioners" were first subs. By A.O 1937 and then amended by A.O 1949, Sch and A.O 1964. Art 2 and Sch to read as above.

4. The words "and the case has been referred to the Commissioners: rep by A.O 1937.

5. The original words "of the Commissioners" were first subs. By A.O 1937 and then amended by A.O 1949, Sch and A.O., 1964, to read as above.

6. The original words "until the Commissioners make their under" have successively been amended, by A.O., 1937 A.O., 1949 Sch. And A.O, 1964. Art 2 and Sch to read as above.

7. Sub. By P.O., of 1975 2, and Sch.

(Chapter V- Traffic Facilities)

Prohibition of Under preference.

(b) The 1|5 (Federal Government) in apportioning the through rate shall take into consideration all the circumstance of the case, include any special expense incurred in respect of the construction, maintenance or working of the route or any part of the route, as well as any special charges which any Railway administration is entitled to make in respect thereof.

(c) The 1|5 (Federal Government) shall not in any case compel any Railway Administration to accept lower rate per kilometers than the per kilometers rates which the administration may for the time being legally be charging for like traffic carried by a like mode of transition any other line of communications between the same points, being the points of departure and arrival of the through route:

(d) Subject to the foregoing provision of this sub-section the 1|5 federal government) shall have full power to decide that any proposed through rate is due and reasonable notwithstanding that a less amount may be allotted to any forwarding Railway Administration out of the through rate than the maximum rate which the Railway Administration is entitled to charge, and to allow and apportion the through rate accordingly:

(e) The prescribed period mentioned in this sub-section shall be one month, or such longer period as the 1|5 Federal Government may the General or special order prescribe. 3\* \* \* \* \*  
4|42-A (1) A Railways Administration shall not make or give any Under or unreasonable preference or advantage to, or in favor of, any particular person or Railway Administration, or any particular description of traffic, in an respect whatsoever, or subject any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

- 
1. Subs. By A.O 1964.Art 2 and Sch for "Central Government" as am wended by A.O., 1937 and A.O., 1949.
  2. Cf the Regulation of Railway Act. 1873 (36 & 37 Vict., c 48) s. 12.
  3. Sub-section (5) when was ins, by A.O 1937 omitted by A.O.,
  4. S.42-A ins. By A.O, 1937
  5. Subs By P.O, of 1975. s 2 and Sch.
  6. Vide Railways (Amendment) Act. 1995.

(Chapter V-Traffic Facilities)

(2) Any complaint that a Railway Administration is contravening the provision of the section shall be determined by the 1|9 Federal Government|

2|42-B (1) The 3|9Federal Government|, may be general or special order fix maximum and minimum rate for the whole or any part of the Railway 4\* \* \* and prescribe the conditions in which such rates will apply.

(2) Any complaint that a Railway Administration is contravening any order issued by the 7|9 Federal Government| in accordance with the provisions of the section shall be determined by 5| that Government|

643 (1) Whenever it is sown that a Railway Administration charges one trader or class of traders in any local area lower rates for the same or similar service, than it charges to other trader or classes of

traders, or it to the traders in another local area, the burden of proving that such lower charge is does not amount to an undue preference shall lie on the Railway Administration.

(2) In deciding whether a lower charges does or does not amount to an undue preference, the 7|9 Federal Government| may, so far as 8|it thanks| reasonable, in addition to any order considerations affecting the case, take into consideration whether such lower charge is necessary for the purpose of securing in the interest of the public, the traffic in respect of which it is made.

- 
1. Subs. By A.O 1964 art 2 and Sch., for "Central Government" which had been subs. By A.O 1961.Art. 2 and Sch., for" General Controlling authority" (with effect from the 23rd March. 1956).
  2. S. 42-Bins by Indian Railways (Amdt) Act., 1939 (33 of 1939). S.2.
  3. Subs. By A.O., 1964 Art 2 and Sch. Such for "Central Government" which had been subs. By A.O 1949 Sch for "Federal Railway Authority"
  4. The words" other than a minor railway" omitted by A.O 1961 Art., 2 and Sch. (with effect from the 23rd March 1956).
  5. Subs. By A.O 1949 Sch., for that Authority"
  6. Cf the railway and canal traffic Act., 1888(51 & 52 Vict., c 25) s.27
  7. The original word "Commissioners" has successively been Subs. By A.O 1937 A.O 1961 art. And Sch. (with effect from the 23rd March1956)
  8. Subs. by A.O., 1937 for "they think"
  9. Subs. by P.O., 4 of 1975, s and Sch.

(Chapter V-Traffic Facilities)

Provision for facilities and equal treatment where ships or boats are used which are not part of a Railway. Terminals.

Power of Provincial Government to fix terminals.

Decisions in accordance with this Chapter shall be binding.

144. Where a Railway administration is a party to an agreement for procuring the traffic of the Railway to be carried on belong to or is not hired or worked by the Railway Administration the provisions of the two last foregoing sections applicable to a Railway shall extend to the ferry, ship. Boat or raft in so far as it is used for the purposes of the traffic of the railway.

45. A Railway Administration may charge reasonable terminals.

46. 2| (1) The 3 |1| Federal Government] shall decide any question or dispute which may arise with respect to the terminals charged by a Railway Administration.

7[46-A Any decision given by the 8[11 Federal Government] 9 \* \* \* \* in accordance with the provisions of this chapter, shall be final and binding on all parties concerned]

10 46-B | Saving for functions of Railway Rates Committee and Railway Tribunal] Omitted by A.O., 1949 Schedule.

- 
1. Cf the Railway and Canal Traffic Act., 1888 (51 & 52 Vict., c. 25). S. 25.
  2. Subs. by A.O., 1937 for the original sub-section (1)

3. Subs. by A.O., 1964 Art. 2 and Sch., for "Central Government" as amended by A.O 1949 Sch., and A.O., 1961.
4. Cf. the railway and canal traffic Act. 1888 (51&52 Vict., c. 25) s.24 (1)
5. Subs. by A.O.,1964. Art. 2 and Sch., for "Central Government" as amended by A.O., 1937 A.O 1949. and A.O., 1961.
6. Sub-section (3) which was ins. By A.O., 1937 omitted by A.O., 1949 Sch.
7. S. 46-A ins by A.O 1937
8. Subs. by A.O.,1964 Art 2 and Sch. For " Central Government" which had been by A.O 1949. Sch. For "Federal Railway Authority"
9. The words "The general controlling authority" or the provincial Government omitted by A.O., 1961 Art., 2 and Sch (with effect from the 23rd March 1956)
10. S. 46-B was ins. By A.O., 1937  
Subs. by P.O., 4 of 1975. s and sch.

(Chapter 17- Working of Railways)

CAPTER VI

Working of Railways

General

147 (1) 2 [Federal Government] 7 shall make a general rules consistent with this Act for the following purpose namely.

- (a) For regulating the mode in which, and the speed at which, rolling stock used on the Railway is to be moved or propelled.
- (b) For providing for the accommodation and conveniences of passengers and regulating the carriage of their luggage.
- (c) For declaring what shall be deemed to be, for the purposes of this Act. Dangerous or offensive goods, and for regulating the carriage of such goods.
- (d) For regulating the conditions on which the railway administration will carry passengers suffering from infections or contagious disorders, and providing for the disinfections of carriages which have been used by such passengers
- (e) For providing for and regulating the duties of Railways servants in relation to train operations.
- (f) For regulating the terms and conditions on which the Railway administration will warehouse or retain goods at any stations on behalf of the consignee or owner" and

---

1. Cf. the Railway regulation Act. 1840 (3 & 4 Vict., c 97) as 7 to 9 and the railway Clauses Act. 1845 (8 & 9 Vict., c 20) s. 10

2. Subs. by A.O, 1961 Art 2 and Sch. (with effect from the 23rd March 1956) for "general controlling authority" which had been subs. by A.O., 1937 for G.G. in C"

3. For general rules for working Railways under construction, and not open for traffic, see, the Railway department (Railway Board) Notification No. 3773-T dated; 25th October 1937. published in the Gazette of India 1937 pt Notifn. No. 50/Insp/3002-T dated: 15th June 1950 Gaz. Of P., 1951 Pt. I

4. Subs. by the Railway admin (Amdt) Act. 1957 (26 to 1957) s. 2 for the original clause (e)

5. For rule under this clause applicable to all Railways in the Province etc. see Gen. R. & O.

6. Subs.by P.O No. 4 of 1975 Art. 2 and sch.

7. Vide Railways (Amendment) Act. 1995.

General Rule

(Chapter 17-Working of Railways)

(g) Generally, for regulation the traveling upon, and the use, working and management of, the Railways.

2[2 The rules made under sub-section (1) may provide that any person committing a breach of any of those rules, except those failing under clause (e) of that sub-section shall be punished with fine which may extent to any sum not exceeding five hundred rupees].

(3) A rule made under this section shall not take effect unit it has received the sanction of 2|4\* \* \* the 5|10 Federal Government] has been published in the 6[official Gazette].

Provide that—

7[\* \* \* \* \*

(b) Where the rule in the terms of a rule which has already been published at length in the 6[official Gazette] a notification in the Gazette referring to the rule already published and announcing the adoption thereof, shall be deemed a publication of a rule in the 6[official Gazette] within the meaning of this sub-section.

8[\* \* \* \* \*

9[\* \* \* \* \*

12 (5) Omitted.

(6) Every railway administration shall keep at each station on its Railway a copy of the general rules for the time being in.

-----

1. Cf the Railway Clauses Act. 1863 (26 & 27 Vict., c 92) s. 32.
2. Subs. by the Railway (Amdt) Act. 1957 of (26 of 1957) s.5 for the original sub-section (2)
3. Subs. by the A.O 1937 for the G.G in C.
4. The words " the General controlling authority and [where that authority is not the Central Government also of] omitted by A.O 1961 Art2 and sch. (with effect from the 23rd March 1956] The words in crotchets were ins. By A.O 1949. Sch.
5. Subs. by A.O., 1949, Sch. For "safety controlling Authority"
6. Subs. by A.O., 1937, for "Gazette of India"
7. Clause (a) first ins. By A.O 1937. and then amended by A.O., 1949 Sch. Has been omitted by A.O 1961 Art. 2 and Sch. (with effect from the 23rd March1956)
8. Sub-section (4) as amended by A.O., 1949. has has been omitted by A.O., 1961 Art. 2 and Sch. (with effect from 23rd march 1956)
9. Rep. by this Act. Vide Railway (Amendment) Act. 1995.
10. Subs. by P.O No. 4 of the 1975 Art. 9 and Sch.
11. Vide Railways (Amendment) Act. 1995.
12. Vide Railways (Amendment) Act. 1995.

(Chapter 17-Working of Railways)

Force under this section on the Railway, and shall allow any person inspect it free of charge at all reasonable times. 148. Where two or more Railway administration whose Railways have a common terminus or a portion or a same line of rails in common, or form separate portions of one continued line of Railway communication, are not able to agree upon arrangements for conducting at such common terminus, or at the point of junction between them, their joint traffic with safety to the public, the 2[8 Federal Government] upon the application of either or any of the administration, may decide the matter in dispute between them, so far as those matters relate to the safety of the public and may determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either or any of administrations respectively.

349. Any Rail company 4\* \* \* may from time to time make and carry into effect agreements with 5] 8 the 6] 8 Federal Government] for the construction of the rolling-stock plant or machinery used on, or in connection with, Railways, or for leasing or taking on lease any rolling stock plant, machinery or equipments required for use on a Railways or for the maintenance of rolling stock.

750 Any Railway company, 4\* \* \* may from time to time make with the 2[8 Federal Government] and carry into effect, or, with the sanction of 2[8 Federal Government] make with any other railway administrator, and carry into effect any agreement with respect to any of the following purposes,

Disposal of difference between railways regarding conduct of joint traffic.

Agreements with any Provincial Government for construction or lease of rolling stock.

Powers of railway companies to enter into working agreements.

---

1.Cf the Railway Regulation Act, 1842 (5 & 6., c.55), s.11 and the railway Clauses Act, 1863 (26 & 27 Vict.c.92), s.9.

2.Subs by A.O., 1964,Art.2 and Sch., for "Central Government" as amended by A.O., 1937, and A.O., 1949.

3. Cf.the Indian guaranteed Railways Act, 1879 (42 & 43 Vict.c.4), s.4 (d).

4. The words and figures not being a company for which the statute 42 & 43 Vict., Chap.41,provides omitted by A.O.,1949,Sch.

5.Subs. by A.O., 1946,Art.2 and Sch (with effect from the 23rd march, 1956),for "any general authority" which had been subs by A.O.,1937,for the G.G.inC.

6.Subs by A.O., 1964 Art, 2 and Sch., for Central Government.

7.Cf. the Indian Guaranteed Railway Act, 1879 (42 & 43 Vict.c.41), s.2; the Railways Clauses Act, 1845 (8 and 9 Vict.,c.20;s.87), the Railways (Sales and Leases) Act,1845; (8 & 9 Vict.,c.96); and the Railways Clauses Act,1863,(26 and 27 Vict.,c.92),s.22.

8.Bubs by P.O. 4 of 1975,s.2 and Sch.

(Chapter 17-Working of Railways

Establishment of ferries and road-ways for accommodation of traffic.

- namely: – (a) the working use, management and maintenance of any railway ;  
 (b) the supply of rolling-stock and machinery necessary for any of the purposes mentioned in clause (a) and of officers and servants for the conduct of the traffic of the railway ;  
 (c) the payments to be made and the conditions to be performed with respect to such working ,use management and maintenance.  
 (d) The interchange, accommodation and conveyance of traffic being on, coming from or intended for the respective railways of the contracting parties, and the fixing, collecting, apportionment and appropriation of the revenues arising from that traffic;  
 (e) Generally, the giving effect to any such provisions or stipulations with respect to any of the purposes hereinbefore in this section mentioned as the contracting parties may think fit and mutually agree on;

Provided that the agreement shall not affect any of the rates which the railway administrations, parties thereto, are, from time to time, respectively authorized to demand and receive from any person, and that every person shall, notwithstanding the agreement, to entitled to the use and benefit of the railways of any railway administrations, parties to the agreement, on the same terms and conditions, and on payment of the same rates, as he would be if the agreement had not been entered into.

151. Any railway company, 2\* \* \*, may from time to time, exercise with the sanction of the 3[Provincial Government] all or any of the following powers, namely: -

- (a) it may establish, for the accommodation of the traffic of its railway, any ferry equipped with machinery and plant of good quality and adequate in quantity to work the ferry ;  
 (b) it may work for purposes other than the accommodation of the traffic of the railway any ferry established by it under this section;

---

1. Cf. the Indian Guaranteed Railways Act, 1879 (42 & 43 Vict.c., c.41), s.4.

2.The words and figures "not being a company for which the statute 42 and 43 Vict.c. Chap.41, provides" omitted by A.O., 1949,Sch.

3.Subs. by A.O, 1964,Art.2 and Sch.for "Central Government", as amended by A.O.1937, and A.O.1961.

- (c) it may provide and maintain on any of its bridges roadways for foot-passengers,cattle,carriages,carts or other traffic;  
 (d) it may construct and maintain roads for the accommodation of traffic passing to or from its railway;  
 (e) it my provide and maintain means of transport which may be required for the reasonable convenience of passenger ,animal or goods carried or to be carried on its railway ;  
 (f) it may charge tools on the traffic using such ferries,roadways,roads or means of transport as it may provide under this section, according to tariffs to be arranged from time to time with the sanction of the 1[Provincial Government] . 2[51-A. (1) Any railway company ,3\* \* \*, may frame a scheme for the provision and maintenance of a motor transport or air-craft service for passengers, animals or goods with a terminus at or near a station on the railway owned or managed by such company.

4[(2) The scheme shall be submitted to the 5[7 Federal Government], which may sanction it. subject to such modifications and conditions as it may prescribe].

(3) The scheme shall be published in the 6[official Gazette] and thereupon the railway company shall, subject to sub-section (4) have the power to provide and maintain a service in accordance therewith.

(4) In respect of any service provided and maintained by any railway company under this section, –

(a) the company shall be deemed not to be a railway administration for the purposes of this Act or of any other enactment affecting railways, and no property used exclusively for purposes of the service shall be deemed to be included in the railway or its rolling-stock ; and

Additional power to provide and maintain transport services.

(Chapter VI: – Working of Railways)

---

1.Subs. by A.O., 1937, for "G.G. in C".

2.S.51-A ins. By the Indian Railways (Amdt) Act, 1933 (19 of 1933), s.2.

3.The words and figures "not being a company for which the statute 42 and 43 Vict., Chap 41,provides" omitted by A.O.,1949,Sch.

4.Subs by A.O.,1937,for sub-section (2).

5.Subs by A.O.,1964,Art.2 and Sch.,for " Central Government" which had been subs. By A.O., 1961,Art.2 and Sch., for "general controlling authority" (with effect from the 23rd March 1956).

6.Subs by A.O., 1937,for "Gazette of India".

7.Subs by P.O.4 of 1975,s. 2 and Sch.

(Chapter VI: – Working of Railways)

Returns.

Maximum load for wagons.

(a) all enactments and rules for the time being in force relating to motor Vehicles, air-craft and roads shall apply accordingly. (5) The 1[3Federal Government] may, by notification in the 2[official Gazette], after giving to the railway company six months notice of 3[its] intention so to do, withdraw 3[its] sanction to any scheme sanctioned under sub-section (2) or may modify the scheme or impose further conditions on it.]

452. Every railway administration shall, in forms to be prescribed by the 1[8 Federal Government], prepare, half-yearly or at such intervals as the 1[8 Federal Government] may prescribe, such returns of its capitals and revenue transactions and of its traffic as the 1[8 Federal Government] may require, and shall forward a copy of such returns to the 1[8 Federal Government] at such times as 5[it] may direct.

Carriage of Property

653. (1) Every railway administration shall determine the maximum load for every wagon or truck in its possession, and shall exhibit the words or figures representing the load so determined in a conspicuous manner on the outside of every such wagon or truck.

(2) Every person owning a wagon or truck which passes over a railway shall similarly determine and exhibit the maximum load for the wagon or truck.

(3) The gross weight of any such wagon or truck bearing on the axles when the wagon or truck is loaded to such maximum load shall not exceed such limit as may be fixed by the 7[8 Federal Government] for the class of axle under the wagon or truck.

---

1.Subs. By A.O.1964, Art, 2 and such. for "Central Government", as amended by A.O. 1937, and A.O., 1961.

2.Subs, by A.O. 1937, for "Gazette of India".

3.Subs, *ibid.*, for "his".

4.C.f. the Railway Regulation Act, 1840 (3 & 4 Vict.c. 97), s.3; the Regulation of Railways Act, 1868 (31 & 32 Vict.,c,119), ss, 3 and 4 ; and the Regulation of Railways Act, 1871(34 & 35 Vict.c., c. 78),c. 78), ss. 9 & 10.

5.Subs. By A.O., 1937, for "he".

6.Cf the Regulation of Railway Act,1842,(5 & 6 Vict.,c, 55), s. 6.

7.Subs, by A.O., 1964 Art, 2 and Sch., for "Central Government" as amended by A.O., 1949, Sch., and A.O., 1937.

8.Subs. By P.O., 4 of 1975, s. 2 and Sch.

(Chapter VI: – Working of Railways)

54. (1) Subject to the control of the 1[3Federal Government]. A railway administration may impose conditions, not inconsistent with this Act, or with any general rule hereunder, with respect to the receiving, forwarding or delivering of any animals or goods.

(2) The Railway administration shall keep at each station on its railway a copy of the conditions for the time being in force under sub-section (1) at the station, and shall allow any person to inspect it free of charge at all reasonable time.

(3) A railway administration shall not be bound to carry any animal suffering from any infections or contagious disorder. 255. (1) If a person fails to pay on demand made by or on behalf of a

railway administration may sell by public auction, in the case of perishable goods at once, and in case of other goods or of animals on the expiration of at least fifteen day's notice of the intended auction, published in one or more of the local newspapers, or where there are no such newspapers, in such manner as the 1[3Federal Government ] may prescribe, sufficient of such animals or goods to produce a sum equal to the charge, and all expenses of such detention, notice and sale, including in the case of animals, the expenses of the feeding, watering and tending thereof.

(2) When any animals or goods have been detained under sub-section (1), the railway administration may sell by public auction, in the case of perishable goods at once, and in the case of other goods or of animals on the expiration of at least fifteen days notice of the intended auction, published in one or more of the local newspapers, or where there are no such newspapers, in such manner as the 1[3 Federal Government] may prescribe, sufficient of such animals or goods to produce a sum equal to the charge, and all expenses of such detention,

notice and sale, including in the case of animals, the expenses of the feeding, watering and tending thereof.

(3) Out of the proceeds of the sale the railway administration may retain a sum equal to the charge and the expenses aforesaid, rendering the surplus, and such of the animals or goods (if any) as remain unsold, to the person entitled thereto.

(4) If a person on whom a demand for any rate, terminal or other charge due from him has been made fails to remove from

Power for railway administration to impose conditions for working traffic

Lien for rates, terminals and other charges.

1890: Act IX] Railways  
(Chapter 17: – Working of Railways)

such a description of the goods as may be sufficient to determine the rate, which the railway administration is entitled to charge in respect thereof.

(2) If such owner, person or consignee refuses or neglects to give such an account, and refuses to open the parcel or package containing the goods in order that their description may be ascertained, the railway administration may, (a) in respect of goods which have been brought for the purpose of being carried in the railway, refuse to carry the goods unless in respect thereof a rate is paid not exceeding the highest rate which may be in force at the time on the railway for any class of goods or, (b) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

(3) If an account delivered under sub-section (1) is materially false with respect to the description of any goods to which it purports to relate, and which have been carried on the railway, the railway administration may charge in respect of the carriage of the goods a rate not exceeding double the highest rate which may be in force at the time on the railway for any class of goods.

1(4) If any difference arises between a railway servant and the owner or person having charge, or the consignee, of any goods which have been brought to be carried or have been carried on a railway respecting the description of goods of which an account has been delivered under this section, the railway servant may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under sub-section (1), the person who delivered the account, or if that person is not the owner of the goods, then that person and the owner jointly and severally, shall be liable to pay to the railway administration the cost of the detention and examination of the goods, and the railway administration shall be exonerated from all responsibility for any loss which may have been caused by the detention or examination thereof.

(6) If it appears that the description of the goods is not different from that stated in an account delivered under sub-section (1), the railway administration shall pay the cost of the detention and examination, and be responsible to the owner of the goods for any such loss as aforesaid.

---

1. Cf. the Railways Clauses Act, 1845 (8 & 9 Vict.c., c.20), s.101.

Railways 1890: Act IX]  
(Chapter VI: – Working of Railways)

Dangerous or offensive goods.

Exhibition to the public of authority for quoted rate.

59. (1) no person shall be entitled to take with him, or to require a railway administration to carry, any dangerous or offensive goods upon a railway. (2) No person shall take any such goods with him upon a railway without giving notice of their nature to the station master or other railway servant incharge of the place where he brings the goods upon the railway, or shall tender or deliver any such goods for carriage upon a railway without distinctly marking their nature on the outside of the package containing them or otherwise giving notice in writing of their nature to the servant to whom he tenders or delivers them.

(3) Any railway servant may refuse to receive such goods for carriage, and, when such goods have been so received without such notice as is mentioned in 1[sub-section] having to his knowledge been given, may refuse to carry them or may stop their transit.

(2) If any railway servant has reason to believe any such goods to be contained in a package with respect to the contents whereof such notice as is mentioned in sub-section (2) has not to his knowledge been given, he may cause the package to be opened for the purpose of ascertaining its contents.

(3) Nothing in this section shall be construed to derogate from the Explosives Act, 1884, or any rule under that Act, and nothing in sub-section (1), (3) and (4) shall be construed to apply to any goods tendered or delivered for carriage by order or on behalf of the government or to any goods which an officer, soldier, sailor, 2[air-man] or police officer or 3[a member of the Pakistan National Guard], may take with him upon a railway in the course of his employment or duty as such.

460. At every station at which a railway administration quotes a rate to any other station for the carriage of traffic other than passengers and their luggage, the railway servant appointed by the administration to quote the rate shall, at the request of

1. Subs. By the Indian Railways Act (1890), Amendment Act, 1896 (9 of 1896), S. 3. for "sub-section(1)".

2. Ins, by the Repealing and Amending Act, 1927 (10 of 1927), s.2. and Sch.1.

3. The original words and figures "a person enrolled as a volunteer under the Indian Volunteers Act, 1869" where first subs, by the repealing and Amending Act, 1923 (11 of 1923), s.2. and Sch. 1 and then amended by A.O.,1949,Sch, to read as above.

4. Cf. the regulation of Railways Act, 1873 (36 & 37 Victt., c.48), s. 14 & the Railway and Canal Traffic Act, 1888 (51 & 52 Vict.,c.25), s.33.

1890: Act IX] Railways  
(Chapter 17: – Working of Railways)

any person, show to him at all reasonable times, and without payment of any fee, the rate books or other documents in which the rate is authorized by the administration or administrations concerned. 161. (1) Where any charge is made by and paid to a railway administration in respect of the carriage of goods over its railway, the administration shall, on the application of the person by whom or on whose behalf the charge has been paid, render to the applicant an account showing how much of the charge comes under each of the following heads, namely: -

- (a) the carriage of the goods in the railway ;
  - (b) terminals;
  - (c) demurrage ; and
  - (d) collection, delivery and other expenses;
- but without particularizing the several items of which the charge under each head consists.

(2) The application under sub-section (1) must be in writing and be made to the railway administration within one month after the date of the payment of the charge by or on behalf of the applicant, and the account must be rendered by the administration within two months after the receipt of the application.

Carriage of Passengers.

362. The 4[6 Federal Government] may require any railway administration to provide and maintain in proper order, in any train worked by it which by it which carries passengers such efficient means of communication between the passengers and the railway servants incharge of the train as the 4[6 Federal Government] has approved.

63. Every railway administration shall fix subject to the approval of the 5[6 Federal Government] the maximum number of passenger which may be carried in each compartment of every description of carriage, and shall exhibit the number so

Requisitions on railway administrations for details of gross charges.

Communication between passengers and railway servants incharge of trains.

Maximum number of passengers for each compartment.

- 
1. Cf. the Regulation of Railways Act, 1868 (31 & 32 Vict., c.119),s.17.
  2. Cf. the Regulation of Railways Act, 1873 (36 & 37 Vict.,c.48),s.14.
  3. Cf. the Regulation of Railways Act, 1868 (31 & 32 Vict.,c.119),s.22.
  4. Subs by A.O., 1964,Art, 2 Sch. For "Central Government" as amended by A.O., 1937 and A.O., 1949.
  - 5.Subs. by A.O., 1964,Art, 2 and Sch.for "Central Government" as amended by A.O., 1937,and A.O., 1961.
  - 6.Subs by P.O., 4 of 1975, s.2 and Sch.

Railways 1890: Act IX]  
(Chapter VI: – Working of Railways)

Reservations for compartments for females.

Exhibition of time tables & tables of fares at stations.

Supply of tickets on payment of fares.

Provision for case in which tickets have been issued for trains not having room available for additional passengers.

fixed in a conspicuous manner inside or outside each compartment, in English or in one or more of the vernacular languages in common use in the territory traversed by the railway, or both in English and in one or more of such vernacular languages as the 1[2 Federal Government] ,after consultation with the railway administration, may determine. 64. (1) On and after the first day of January, 1981, every railway administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train.

4(2) Omitted.

65. Every railway administration shall cause to be posted in a conspicuous and accessible place at every station on its railway, in English and in a vernacular language in common use in the territory where the station is situate, a copy of the time tables for the time being in force on the railway, and lists of the fares chargeable for traveling from the station where the lists are posted to every place for which card-tickets or ordinarily issued to passengers at that station.

66 (1) Every person desirous of traveling on a railway shall upon payment of his fare, be supplied 3[by a railway servant or an agent authorized by the railway administration in this behalf], with a ticket, specifying the class of carriage for which, and the place from and the to which, the fare has been paid, and the amount of the fare.

(2) The matters required by sub-section (1) to be specified on a ticket shall be set forth-

- (a) if the class of carriage to be specified thereon is the lowest class, then in a vernacular language in common use in the territory traversed by the railway, and
- (b) if the class of carriage to be so specified is any other than the lowest class, then in English.

67. (1) Fares shall be deemed to be accepted, and tickets to be issued, subject to the condition of there being room available in the train for which the tickets are issued.

(2) A person to whom a ticket has been issued and for whom there is not room available in the train for which the ticket was issued shall on returning the ticket within three hours after the departure of the train be entitled to have his fare at once refunded.

---

1.Subs. by A.O., 1964,Art, 2 and Sch., for "Central Government" as amended by A.O., 1937 and A.O.1961.

2.Subs by P.O.4 of 1975,s.2 and Sch.

- 3.Ins. by Act. No. XXV of 1976, s.2.  
4.Omitted vide Railways (Amendment) Act, 1995.

(Chapter VI – Traffic Facilities)

(3) A person for whom there is not room available in the class of carriage for which he has purchased a ticket and who is obliged to travel in a carriage of a lower class shall be entitled on delivering up his ticket to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which he traveled. 1[68. (1) No person shall, without the permission of a railway servant, enter 2[or remain in] any carriage on a railway for the purpose of traveling therein as a passenger unless he has with him a proper pass or ticket.

3 [(2) A railway servant when granting the permission referred to in sub-section (1) shall ordinarily, if empowered in this behalf by the railway administration, grant to the passenger a certificate that the passenger has been permitted to travel in such carriage upon condition that he subsequently pays the fare payable for the distance to be traveled].

69. Every passenger by railway shall, on the requisition of any railway servant appointed by the railway administration in this behalf, present his pass or ticket to the railway servant for examination, and at or near the end of the journey for which the pass or ticket was issued, or, in the case of a season pass or ticket, at the expiration of the period for which it is current, deliver up the pass or ticket to the railway servant.

70. Prohibition against transfer of certain tickets, A ticket against which reservation of a seat or berth has been made, or a return ticket or season ticket, shall not be transferable and may be used only by the person for whose journey to and from the places specified thereon it was issued:

Provided that nothing herein shall prevent mutual transfer of seats or berths reserved against a proper ticket by passengers traveling by the same train.

71. (1) A railway administration may refuse to carry except in accordance with the conditions prescribed under Section 47, sub-section (1), clause (d) a person suffering from any infections or contagious disorder.

(2) A person suffering from such a disorder shall not enter or travel upon a railway without the special permission of the station-master or other railway servant in charge of the place where he enters upon the railway.

Prohibition against traveling without passes or ticket.

Exhibition & surrender of passes and tickets.

Power to refuse to carry persons suffering from infections or contagious disorder.

---

1.S.68 re-numbered as 68 (1) by the Indian Railways (Amdt,) Act, 1941 (6 of 1941), s.2.  
2.Ins. *ibid*.

- 3.Sub-section (2) added, *ibid*.
- 4.Sub by Act No.XXV of 1976 .s.3.

(Chapter VI: – Working of Railways. Chapter VI-A-Limitation of Employment of Railway Servants.)

Definitions.

Application of Chapter VIA.

3. A railway servant giving such permission as is mentioned in sub-section (2) must arrange for the separation of the person suffering from the disorder from other persons being or traveling upon the railway. 1[CHAPTER VI-A

#### LIMITATIONS OF EMPLOYMENT OF RAILWAY SERVANTS

71-A. In this Chapter, unless there is anything repugnant in the subject or context, -

(a) the employment of a railway servant is said to be "essentially intermittent" when it has been declared to be so by the authority empowered in this behalf, on the ground that it involves long periods of inaction; during which the railway servant is on duty but is not called upon to display either physical activity or sustained attention ; and

(b) expect in Section 71-B "railway servant" means a railway servant to whom this Chapter applies.

2[71-B This Chapter has effect in respect of the 4[Pakistan Railways] and the 3[4 Federal Government] may, by notification in the official Gazette, direct that it shall have effect in respect of ant specified Railway other than the Railways mentioned on such date as may be appointed by the notification.

(2) This Chapter applies only to such railway servants or classes f railway servants as the 3[4 Federal Government] may, by rules made under Section 71-E, prescribe.]

---

1.Chap. VI-A was ins. By the Indian Railways (Amdt.) Act, 1930 (14 of 1930), for Statement of objects and Reasons of which, see Gazette of India, 1929,Pt.V.p.147; and for Report of the select Committee, see *ibid*, 1930, Pt, V, p.56.

This Chapter to be deemed to have been inserted with effect on and from the twenty-sixth day of March,1930 see the Railway (Amdt.) Act, 1950 (41 of 1950),s.2.

This Chaptetr has been extended to -

- (1) the Baluchistan States Union by G.G.O 4 of 1953, as amended and.
- (2) The States of Bahawalpur and Khairpur by G.G.O. 11 of 1953, and G.G.O. 5 of 1953, respectively.

2. Subs. By Act, 41 of 1950,s.3, for the original Section 71-B which was ins, by Act, 14 of 1930.

3. Subs. By A.O.1964,Art, 2 and Sch. For "Central Government"

4. Subs. By P.O. 4 of 1975, s.2 and Sch.

(Chapter VI-Limitation of Employment of Railway Servants.)

71-C, (1) A railway servant, other a railway servant, whose appointment essentially intermittent, shall not be employed for more than sixty hours a week on the average in any month. (2) A railway servant whose employment is essentially intermittent shall not be employed for more than eighty-four hours in any week.

(1) Subject to rules made under Section 71-E, temporary exemptions of railway servants from the provisions of sub-section (1) and sub-section (2) may be made :-

(a) When such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway, in case of accident actual or threatened, or when urgent work is required to be done to the railway or to rolling-stock, or in any emergency which could not have been foreseen or prevented; and

(b) In case of exceptional pressure of work not falling within the scope of clause (a) :  
Provided that a railway servant exempted under clause (b) shall be paid for overtime at not less than one and-a-quarter times his ordinary rate of pay.

71-D (1) A railway servant shall be granted, each week commencing on Friday a rest of not less than twenty-four consecutive hours :

Provided that this sub-section shall not apply to a railway servant whose employment is essentially intermittent, or to a railway servant to whom sub-section (2) applies.

(2) The [2 Federal Government may, by rules made under section 71-E, Specify the railway servants or classes of railway servants to whom periods or rest may be granted on a scale less than that laid down in Sub-section (1), and may prescribe the periods of rest to be granted to such railway servants.

(3) Subject to rules made under Section 71-E, temporary exemptions from the grant of periods of rest may be made in the cases or circumstances specified in sub-section (3) of Section 71-C :

Limitation of hours of work

Grant of periodical rest.

1. Subs. By A.O., 1964, Art, 2 and Sch., for : "Central Government" which had been subs. By A.O., 1937, for "G.G. in C".

2. Subs. By P.O., 4 of 1975, s. 2 and Sch.,

(Chapter VI: - A-Limitation of Employment of Railway Servants..)

(Chapter VII. Responsibility of Railway Administrations as Carriers).

671-H Any person under whose authority any railway servant is employed in contravention of any of the provisions of this Chapter or of the rules made thereunder shall be punishable with fine which may extend to five thousand rupees.]

---

CHAPTER VII  
RESPONSIBILITY OF RAILWAY ADMINISTRATIONS AS CARRIERS

IX of 1872.

III of 1865.

72. (1) The responsibility of a railway administration for the loss, destruction or deterioration of animals or goods delivered to the administration to be carried by railway shall, subject to the other provisions of this Act, be that of a bailee under Sections 151, 152 and 161 of the Contract Act, 1872. (2) An agreement purporting to limit that responsibility shall, in so far as it purports to effect such limitation, be void, unless it-

(a) is in writing signed by or on behalf of the person sending or delivering to the railway administration the animals or goods, and

(b) is otherwise in 1 form approved by the 2[5 Federal Government].

7(3). Nothing in the Carriers Act, 1865, regarding the responsibility of common carriers with respect to the carriage of animals or goods, shall affect the responsibility as in this section defined of a railway administration.

373. 4[(1) The responsibility of a railway administration under the last foregoing section for the loss, destruction or deterioration of animals delivered to the administration or carried on a railway shall not, in any case, exceed -

8(a) in the case of elephants, fifty thousands rupees per head;

9(b) in the case of horses, ten thousand rupees per head,

Measure of the general responsibility of a railway administration as a carrier of animals and goods.

- 
1. For risk-note forms prescribed under this clause, see Gen. R. & O.
  2. Subs. By A.O.,1964, Art. 2 and Sch.,for "Central Government" as amended by A.O., 1937 and A.O.,1949.
  3. C.f. the Railway and Canal Traffic Act, 1854 (17 & 18 Vict.,C.31), s.7.
  4. Subs, by the Railways (Amdt) Act, 1957 (26 of 1957), s.3, for the original sub-section (1), as amended by the Indian Railway's Act (1890), Amendment Act, 1896 (9 of 1896).s. 4.
  5. Subs. By P.O., 4 of 1975, s. 42 and Sch.
  6. Amended vide Railways (Amendment)Act, 1995.
  7. Omitted vide Federal Laws (Regulation & Declarations) ordinance 1981.
  8. Vide Railways (Amendment) Act, 1995.
  9. vide Railways (Amendment) Act, 1995.

(Chapter VII- Responsibility of Railway Administration as Carriers)

3(c) in the case of mules, camels or horned cattle, fifteen thousand rupees per head, and

4(d) in the case of donkeys, sheep, goats, dogs or other animals, one thousand rupees per head.

Unless the person sending or delivering them to the administration caused them to be declared them, at the time of their delivery for carriage by railway, to be respectively of higher value than one thousand five hundred, seven hundred and fifty, two hundred or thirty rupees per head, as the case may be.]

(2) Where such higher value has been declared, the railway administration may charge, in respect of the increased risk, a percentage upon the excess of the value so declared over the respective sums aforesaid.

(3) In every proceeding against a railway administration for the recovery of compensation for the loss, destruction or deterioration of any animal, the burden of proving the value

Further provision with respect to the liability of a railway administration as a carrier of luggage.

74. A railway administration shall not be responsible for the loss, destruction or deterioration of any luggage belonging to or in charge of a passenger unless a railway servant has booked and given a receipt therefore.

175. (1) When any articles mentioned in the second schedule are contained in any parcel or package delivered to a railway administration for carriage by railway, and the value of such articles in the parcel or package exceeds 2[ ten thousand rupees]5, the railway administration shall not be responsible for the loss, destruction or deterioration of the parcel or package unless the person sending or delivering the parcel or package to the administration caused its value and contents to be declared or declared them at the time of the delivery of the parcel or package for carriage by railway and, if so required by the administration, paid or engaged to pay a percentage on the value so declared by way of the delivery of the parcel or package for carriage by railway and if so required by the administration, paid or engaged to pay a percentage on the value so declared by way of compensation for increase risk.

(2) When any parcel or package of which the value has been declared under sub-section (1) has been lost or destroyed or has deteriorated, the compensation recoverable in respect of such

---

1. C.f the Carrier Act, 1830 (11 Geo, 4 & 1 will, 4, c. (69) s. 1.

2. Subs. By the Indian Railways (Amdt.) Act, 1947 (6 of 1947) for " one hundred rupees".

3. Vide Railways (Amendment ) Act, 1995.

4. Vide Railways (Amendment ) Act, 1995.

5. Vide Railways (Amendment ) Act, 1995.

(Chapter VII- Responsibility of Railway Administration as Carrier)

loss, destruction or deterioration shall not exceed the value so declared, and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

(4) A railway administration may make it a condition of carrying a parcel declared to contain any article mentioned in the second schedule that a railway servant authorized in this behalf has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein.

76. In any suit against a railway administration for compensation for loss, destruction or deterioration of animals or goods delivered to a railway administration for carriage by railway, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

77. A person shall not be entitled to a refund of any over-charge in respect of animals or goods carried by railway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the railway administration within six months from the date of the delivery of the animals or goods for carriage by railway.

78. Notwithstanding anything in the foregoing provisions of this chapter, a railway administration shall not be responsible for the loss, destruction of any goods with respect to the description of which an account materially false has been delivered under sub-section (1) of section 58 if the loss, destruction or deterioration is in any way brought about by the false account, nor in any case for an amount exceeding the value of the goods if such value were calculated in accordance with the description contained in the false account.

79. Where an officer, soldier, sailor, airman or follower, while being or traveling as such on duty upon a railway belonging to, and worked by, the Government, loses his life or receives any personal injury in such circumstances that, if he were not an officer, soldier, sailor, airman or follower being or traveling as such on duty upon the railway, compensation would

Burden of proof in suits in respect of loss of animals or goods.

Notification of claims to refunds of overcharges and to compensation for losses.

Exoneration from responsibility in case of goods falsely described.

Settlement of compensation for injuries to officers, soldiers, airmen and followers on duty.

1. Ins. By the Amending Act, 1934 (35 of 1934), s.2 and Sch.
2. Ins. By the Repealing and Amending Act, 1927 (10 of 1927), s.2 and Sch 1.
3. Ins. By A.O. 1949, Sch.

(Chapter VII- Responsibility of Railway Administration as Carriers.)

be payable under Act.No. XIII of 1855 or to him, as the case may be, the form and amount of the compensation to be made in respect of the loss of his life or his injury shall, where there is any provision in this behalf in the military, naval or air-force law to which he was immediately before his death, or is, subject, be determined in accordance with that law and not otherwise.<sup>6</sup>

Suits for compensation for injury to through booked traffic.

76. Notwithstanding anything in any agreement purporting to limit the liability of a railway administration with respect to traffic while on the railway of another administration, a suit for

compensation for loss of the life of , or personal injury to, a passenger , or for loss, destruction or deterioration of animals or goods where the passenger was or the animals or goods were booked through over the railways of two or more railway administrations, may be brought either against the railway administration from which the passenger obtained his pass or purchased his ticket, or to which the animals or goods were delivered by the consignor thereof , as the case may be, or against the railway administration on whose railway the loss, injury, destruction or deterioration occurred.

77. [Limitation of liability of railway administration in respect of traffic on inland waters by vessel not being part of railway.] Rep. By the Indian Railways Act (1890) Amendment Act, 1896 (IX of 1896), s. 5.

78. Omitted. 7 582-A. (1) When in the course of working a railway an accident occurs, being either a collision between the trains of which one is a train carrying passengers or the derailment of or then, whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would entitle a person who has been injured or has suffered loss to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding any other provision of law to the contrary, be liable to pay compensation as provided in sub-section (2)<sup>8</sup> for loss occasioned by the death of a passenger dying as a result of such accident, and for personal injury and loss, destruction or deterioration of animals or goods owned by the passenger and accompanying the passenger in the compartment or on the train, sustained as a result of such accident :

---

1. The Fatal Accident Act, 1855.

2. Ins. By the Amending Act, 1934 (35 of 1934), s.2 and Sch.

3. Ins. By the Repealing and Amending Act, 1927 (10 of 1927), s. 2 and Sch.1.

4. Subs. By A.O., 1961, Art.2 and Sch., for "king's enemies", (with effect from the 23rd March, 1956).

5. Vide Federal Laws (Regulations & Declarations) ordinance 1981.

6. (Vide Federal Law (Regulations & Declarations) Ordinance, 1981 and Railways (Amendment) Act, 1995).

7. (Vide Federal Law (Regulations & Declarations) Ordinance, 1981 and Railways (Amendment) Act, 1995). Omitted.

8. Vide Railways (Amendment) Act, 1995.

(Chapter VII. Responsibility of Railway Administration as Carriers. Chapter VIII. – Accidents.)

4 Provided that where in such accident a person other than a passenger dies or is injured, the railway administration shall, after such inquiry as to the wrongful act neglect or default of railway administration, pay compensation to the heirs of deceased or, as the case may be, to the injured to the extent as provided in sub-section (2).

5(2) The liability of railway administration under this section shall be one hundred thousand rupees for the passenger dying as a result of railway accident referred to in sub-section (1) and ten thousand rupees for an injured passenger."

## ACCIDENTS

383. When any of the following accidents occur in the course of working a railway, namely :-  
(a) any accident attended with loss of human life, or

Exceptional provision.

---

1. See now the Merchant Shipping Act, 1894 (57 & 58 Vict., C. 60).
2. S. 82-A inst. By the Indian Railways (Amdt.) Act, 943 (3 of 1943).
3. C.f. the Railways (Amendment) Act, 1871 (34 & 35 Vict., c, 78).
4. Vide Railways (Amendment) Act, 1995.
5. Vide Railways(Amendment) Act, 1995.

(Chapter VIII.- Accident)

Power to make rules regarding notices of and inquiries into accidents.

with grievous hurt as defined in the Pakistan Penal Code, or with serious injury to property ; (a)  
any collision between trains of which one is a train carrying passengers ;  
(b) the derailment of any train carrying passengers or of and part of such a train ;  
(c) any accident of a description usually attended with loss of human life or with such grievous  
hurt as aforesaid or with serious injury to property ;  
(d) any accident of any other description which the 1[5 Federal Government ] may notify in this  
behalf in the 2[ official Gazette] ;

the railway administration working the railway and, if the accident happens to a train belonging  
to any other railway administration, the other railway administration also shall, without  
unnecessary delay, send notice of the accident to the 3[5 Federal Government ] and to the  
Inspector appointed for the railway ; and the station -master nearest to the place at which the  
servant incharge of the section of the railway on which the accident occurred shall, without  
unnecessary delay, give notice of the accident to the officer incharge of the police-station within  
the local limits of which it occurred, or to such other Magistrate and police-officer as the 1[5  
Federal Government ] appoints in this behalf.

84. The 1[5 Federal Government ] may make rules 4 consistent with this Act and any other  
enactment for the time being in force for all or any of the following purpose, namely :-

- (a) for prescribing the forms of the notices mentioned in the last foregoing section, and the  
particulars of the accident which those notices are to contain ;
  - (b) for prescribing the class of accidents of which notice is to be sent by telegraph immediately  
after the accident has occurred ;
-

1. Subs. By A.O. 1964, Art, 2 and sch, for "Central Government" as amended by A.O., 1937 and A.O. 1949.
2. Subs. By A.O 1937, for "Gazent of India".
3. For rules under ss. 84 and 85 as to notices of accidents occurring in the course of working a railway, see Gen, R. & O.
4. For rules under ss. 84 and 85 as to notices of accidents occurring in the course of working a railway, see Gen. R. & O.
5. Subs. By P.O.4 of 1975, s.2 and Sch.
6. vide Railways (Amendment) Act, 1995.

XLV of 1860.

(Chapter IX-Penalties and Officers. Chapter X- Supplemental Provisions)

V of 1898

Servant or police officer may call to his aid, may, without warrant or other written authority, arrest him.

(2) The person arrested shall be released on his giving bail or, if his true name and address are ascertained, on his executing a bound without sureties for for his appearance before a Magistrate when required.

(3) If the person cannot give bail and his true name and address are not ascertained, he shall with the least possible delay be taken before the nearest Magistrate having jurisdiction.

9(4) The provisions of Chapter XXXIX and XLII of the Code of Criminal Procedure, 1898 (Act-V of 1898), shall, so far as may be, apply to bail given and bonds executed under this section.

133. No. Magistrate other 2\* \* \* than a Magistrate" of the first class" shall try any offence under this Act.

10133-A certain Railways servants to have powers of Magistrate Notwithstanding anything contained in the code of criminal procedure 1898 (act V of 1898) or in section 133,any Railway servant, not inferior in rank to a Railway servant in basic pay scale 17, who is authorized by the Federal Government in this behalf may exercise the powers of a Magistrate of the first class under the said, in respect of offence as punishable under section 112, section 114, or section 116:

Provided that such railway servant shall have authority to award a sentence of fine only.

134. (1) Any person committing any offence against this Act, or any rule there under shall be triable for such offence in any place in which he may be or which the 3[7 Federal Government] may 4 notify in this behalf, as well as in any other place in which he might be might be tried under any law for the time being in force.

(2) Every notification under sub-section (1) shall be published in the 5[Official Gazette], and a copy therefore shall be exhibited for the information of the public in some conspicuous place at each of such Railway stations at the 3[7 Federal Government] may direct.

Magistrates  
H a v I n g  
Jurisdiction under Act.

Place of trial.



maintenance of chowkidar or baildar or for the conservancy of a river.

X of 1897

---

1. For definition of "Local Authority" see. Sub-section (5) infra and the General Clauses Act. 1897 (10 of 1897). S 3(28).
2. Subs. By A.O 1964, Act. 2 and sch., for "Central Government" as amended by A.O., 1937, and A.O 1961.
3. (1) For notification under this section declaring every Railway administration to be liable to pay every tax which it is lawfully required to pay by or on behalf of any local authority in aid of the funds of such authority, see Gazette of India 1907 Pt. I.p. 1075.  
(2) For notification imposing water rates on the East Indian Railways in respect of certain Municipalities, see Gazette of India, 1893 and 1894, Pt. I. Pp 358 and 438 respectively.
4. See now the General Causes Act. 1897 (10 of 1897). S (28).
5. Subs. By P.O 4 of 1975, s 2 and Sch.
6. Vide Federal Laws (Regulations and Declarations) ordinance 1981 and vide Railways (Amendment) Act. 1995.

1890 Act IX] Railways

(Chapter X.-Supplement Provisions)

1 136. (1) None of the rolling -stock, machinery, plant, tools, fittings, materials or effects used or provided by a railway administrations for the purpose of the traffic on its railway, or of its stations or workshops, shall be liable to be taken in execution of any decree or order of any court 2[or of any local authority or person having by law power to attach or distance property or otherwise to cause property to be taken in execution] without the previous sanction 3[9Federal Government]. (2) Nothing in sub-section (1) is to be construed as affecting the authority of any Court to attach the earnings of a railway in execution of a decree or order.

137. 4\* \* \* \* \*

(3) A railway servant shall not-

- (a) Purchase or bid for, either in person or by agent, in his own name or in that of another, or joint or in shares with others, any property put up to auction under Section 55 or Section 56, or,
- (b) In contravention of any direction of the railway administration in this behalf, engage in trade.

5\* \* \* \* \*

6138. If a railway servant is discharged or suspended from his office, or dies, absconds or absents, himself, and he or his wife or widow, or any of his family or representatives, refuses or neglects, after notice in writing for that purpose, to deliver up to the railway administration, or to a person appointed by the railway administration in this behalf, any station, dwelling-house, office or other building with its appurtenances, or any books, papers or other matters,

belonging to the railway administration and in the possession or custody of such railway servant at the occurrence of any such event as aforesaid, 7[any 8\* \* \* Magistrate of the First Class] may, on application made by or on behalf of the railway administration, order any police-officer, with proper assistance , to enter upon the building.

Restriction on executive against railway property.

Railway servants to be public servants for the purposes of Chapter IX of the Pakistan Penal Code.

Procedure for summary delivery to railway administration of property detained by railway servant.

- 
1. C.f. the Railway Companies Act, 1867 (30 & 31 Vict., c. 127), s. 4.
  2. Inst, by the Indian Railways Act, (1890), Amdt. Act 1896(9 of 1896), S.7.
  3. Subs. By A.O., 1964, Art 2 and Sch., for "Central Government", as amended by A.O., 1949, Sch., and A.O., 1937.
  4. Sub-sections (1) and (2) omitted by the Railways(Amdt). Act, 1956(23 of 1956), s.2.
  5. Sub-section (4) omitted *ibid*.
  6. C.f. the Railways Clauses Act, 1845 (8 & 9 Vict., c, 20),s.106, s.3.
  7. Subs, by the Repealing and Amending Act., 1945 (6 of 1945) and Sch.II, for "any Magistrate of the First Class", Sch.
  8. The words "presidency Magistrate or " omitted by A.O., 1949,Sch.
  9. Subs, by P.O. 4 of 1975, s.2 and Sch.

Railways [1890: Act. IX

(Chapter X. -Supplemental Provisions)

and remove any person found therein and take possession thereon, or to take possession of the books, papers or other matters, and to deliver the same to the railway administration or a person appointed by the railway administration in that behalf.

Service of notices on railway administrations.

Service of notices on railway administrations.

Presumption where notice is

139. [Mode of signifying communications from the Government-General-in-Council.] Rep. By A.O., 1937.

140. Any notice or other document required or authorized by this Act to be served on a railway administration may be served, 1\* \* \* on the Manager 2\* \* \*-

- (a) by delivering the notice or other document to the Manager 3\* \* ;or
- (b) by leaving it at his office ; or

6(c) by forwarding it by post in a prepaid letter addressed to the Manager 3\* \* at this office and registered under The Post Office Act, 1898 (VI of 1898).

5141. Any notice or other document required or authorized by this Act this Act to be served on any person by a railway administration may be served-

(a) by delivering it to the person ; or

(b) by leaving it at the usual or last known place of abode of the person ; or

7(c) by forwarding it by post in a prepaid letter addressed to the Manager3\* \* at his office and registered under The Post Office Act, 1898 (VI of 1898).

142. Where a notice or other document is served by post, it shall be deemed to have been served at the time when the letter

VI of 1898.

VI of 1898.

- 
1. The words "in the case of a railway administration by the Government or Native State" rep. By the Federal Laws (Revision and Declaration) Act, 1951 (26 or 1951), s.3 and II Sch.
  2. The word and commas " and, in the case of a railway administration by a Railway company, on the Agent in India of the railway company" rep., ibid .
  3. The words "or Agent" rep., ibid .
  4. See now the post Office Act, 1898 (6 of 1898).
  5. Cf. the Companies Clauses Act, 1845 (8 & 9 Vict.,c.16),s.136, and the Railways Clauses Act, 1845 (8 & 9 Vict.,c20),s.34.
  6. Vide Federal Laws (Regulations & Declarations) ordinance 1981.
  7. Vide Federal Laws (Regulations & Declarations) ordinance 1981.

1890: Act IX] Railways

(Chapter X. – Supplemental Provisions)

Containing it would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice or other document was properly addressed and registered. 143. (1) A rule under Section 22, Section 34, or Section 84, or the cancellation, rescission or variation of a rule under any of those sections or under Section 47, sub-section (4), shall not take effect until it has been published in the 1[official Gazette].

(2) Where any rule made under this Act, or the cancellation, rescission or variation of any such rule is required by this Act to be published in the 1[official Gazette], it shall, besides being so published, be further notified to persons affected thereby in such manner as the 2[authority making, canceling, rescission or varying the rule], by general or special order, directs.

3\* \* \* \* \*

4[144.9 Omitted

145. (1) The Manager of a railway 5\* \* \* may, by instrument in writing, authorize any railway servant or other person to act for or represent him in any proceeding before any Civil, Criminal or other Court.

10(2) A person authorized by a Manager 6\* \* to conduct prosecutions on behalf of a railway administration shall, notwithstanding anything in Section 495 of the 7Code of Criminal

Served by post.

Provisions with respect to rules.

Representation of Managers and Agents of Railways in Courts.

-----  
1.Subs by A.O., 1937, for "Gazette of India".

2.Subs by ibid, for "G.G. in C."

3.Sub-section (3), which read "The G.G. in C. may cancel or vary any rule made by him under this Act," was rep., ibid.

4.Section 144 inst.by A.O., 1949,Sch The original Section 144 reg: Delegation of powers of Government\_General\_in\_Council was repealed by A.O., 197.

5.The words and commas "administered by the Government or a Native State, and the Agent in India of a railway administered by a railway company ", rep by the Federal Laws (Revision and declaration Act, 1951 (26 of 1951), s.3 and II Sch.

6.The words "or Agent" rep., ibid.

7.See now the code of Criminal Procedure, 1898 (5 of 1898).

8.Subs by P.O.4 of 1975,s.2 and Sch.

9.Vide Federal Laws (Regulations & Declarations) ordinance 1981.

10.Vide Federal Laws (Regulations & Declarations) ordinance 1981.

Railways [1890: Act. IX

(Chapter X. -Supplemental Provisions)

Power to extend Act to certain tramways.

Power to exempt railway from the operation of the provisions of the Act.

Matters supplemental to the definitions of "railway" and "railway servant".

Procedure, 1898 (Act, V of 1898) be entitled to conduct such prosecutions without the permission of the Magistrate. 1[146. 2[(1) This Act or any portion thereof may, by notification in the official Gazette, be extended to any tramway by the [Provincial Government]

(2) This section does not apply to any tramway not worked by steam or other mechanical power.]

5[147. Provincial Government, in relation to Section 8 A, 11 and 51, and the Federal Government, in relation to the remaining provisions of the Act, may, by notification in the official Gazette, exempt any railway from the operation thereof.]

6148. (1) For the purposes of Section 3, clause (5), (6) and (7), and Sections 4 to 19 (both inclusive), 47 to 52 (both inclusive), 59,79,83,to,92 (both inclusive), 96,97,98,100,101,103,104,107,111,122,124 to 132 (both inclusive), 134 to 138 (both inclusive), 140,141,145 and 147, the "railways", whether it occurs alone or as a prefix to another word, has reference to a railway or portion of a railway under construction and to a railway or portion of a railway not used for the public carriage of passengers, animals or goods as well as to a railway falling within the definition of that word in Section 3, clauses (4),.

(2) For the purpose of Section 5,21,83,100,101,103,104,121,122,125 and 4\* \* \* 138, the expression "railway servant" includes a person employed upon a railway in connection with the service thereof by a person fulfilling a contract with the railway administration.

149. [Amendment of the Indian Penal Code.]Rep, by the Repealing Act, 1938 (1 of 1938), s.2 and Schedule.

150. [Amendment of the Sindh-Pishin Railway Act, 1887.]Rep. by the Repealing Act, 1938 (1 of 1938), s.2 and Schedule.

[THE FIRST SCHEDULE-ENACTMENTS REPEALED.] Rep. by the Repealing Act, 1938 (1 of 1938), s.2 and Schedule.

V of 1898.

---

1.Subs by A.O., 1937, for original section.

2.Sub-section (1) as amended by A.O., 1949,and A.O., 1961, has been subs by A.O., 1964,Art.2 and Sch.

3.Subs by A.O., 1964,Art.2 and Sch.,for the existing Section 147.

4.Certain words and figures omitted by the Railways (Amdt.), Act, 1956 (23 of 1956), s.3.

5.Subs by P.O.4 of 1975, Art.2 and Sch.

6.Vide Federal Laws (Regulations 7 Declarations) ordinance 1981.

(The Second Schedule)

THE SECOND SCHEDULE

Articles To be Declared and Insured

(See Section 75)

XX of 1869

(a) Gold and silver, coined or uncoined, manufactured or unmanufactured;

(b) Plated articles;

(c) 4( c ) Cloths and tissue and lace of which gold or silver forms part, not being the uniform or part of the uniform of an officer, soldier, sailor, police officer or of any public officer, 1[Pakistan]

or foreign, entitled to wear uniform.

(d) Pearls, precious stones, jewellery and trinkets;

(e) Watches, clocks and timepieces of any description,

(f) Government securities;

(g) Government stamps.

(h) Bills of exchange, hundis, promissory notes, bank notes, and orders or other securities of payment of money.

(i) Maps, writings and title deed.

(j) Paintings, engraving, lithograph, photograph, carvings, sculpture and other works of art.

3(ii) Pens and pencils. (Imported)

(k) Art pottery and all articles made of glass, china or marble.

(l) Skills in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials.

(m) Shawls, 3 \* and woolen carpet.

(n) Lace and furs.

(o) Opium.

(p) Ivory, ebony, coral, and sandalwood.

(q) Musk, sandalwood oil and other essential oils used in the preparation of it or other perfume;

(r) Musical and science fit instruments; 2[Mercury (Quick Silver)] ;

3( r r) televisions sets, tape recorder, washing machine, refrigerators, Air conditioner, electric shavers knitting machine, X-ray machine, E.C.G machine, Telephone apparatus, calculator and computers;

3(rrr) Motor vehicles, and motor tractors exceeding rupees ten thousand in value;

5(rrrr) Electric cooking range, electric microwave oven, electric geaser, video cassette recorder, video cassette player, deep freezer, personal computer, amplifier camera movie camera, computer disk.

---

1. Subs. By A.O., 1961. Art 2 and Sch., for "British" (with effect from the 23rd March, 1956)

2. Added by Notification No. 2928 T.C dated. The 2nd August 1944.

3. Inc. by S.R.O 743 (1) 77 dated the 8th August, 1977 see Gazette of Pakistan 1977. (ibid) Extra ordinary, Pt II 1417.

4. Vide federal Laws (Regulation & Declaration) ordinance 1981.

5. Vide Railways (Amendment) Act. 1995.

Railways [1890 : Act IX

(The Second Schedule)

Prevention of Cruelty to Animals [1890 : Act IX

THE SECOND SCHEDULE-COULD

(s) any article of special value which the 6[Federal Government] may, by notification in the 2[official Gazette] add to this schedules.

---

1. Subs. By A.O 1964, Art 2 and Sch. for "Central Government" which had been subs. By A.O., 1949, Sch., for "Federal Railway Authority" as amended by A.O., 1937.
2. Subs. By A.O., 1937 for Gazette of India.
3. For arts added to this schedule by Notification see Gen. R and O and for such an instance see G. of P., Pt 1. dated the 7th September 1951. p. s12
4. For statement of objects and Reasons, see Gazette of India 1890, Pt. V.p 4; for Report of select committee see ibid., p 95 and for proceeding-in-Council, see ibid pt. VI pp. 4. 10 and 62.

The Act. Has been declared in force in Baluchistan by., s. 3 of the British Baluchistan Laws Regulation 1913 (2 of 1913) :

It has been applied to Puller I in the Excluded area of upper Tanawal to the extent the act is applicable I the N.W.F.P subject to certain modification and also extended to the excluded area of upper Tanawal (N.W.F.P) other than Phulera with effect from sch. Date and subject to such modifications as may be notified see N.W.F.P (Upper Tanawal) (Excluded Area) Laws Regulation. 1950.

It has also been extended to the leased Areas of Baluchistan, see the Leased Areas (Laws) Orders, 1950 (G.G.O 3 of 1950) and applied in the Federal Area of Baluchistan see Gazette of India, 1937, , Pt I, p 1499.

5. Subs. By Central Laws,(Statute Reform) Ordinance, 1960 (21 of 1960), s 3 and 2nd Sch. (with effect from the 14th October, 1955) for, all the Provinces and the capital of the Federation" which had been subs. By A.O., 1949, Arts. 3 (2) and 4, for "the whole of British India."
6. Subs. By P.O., 4 of 1975, s 2 and Sch.