The Railways Act, 1989

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The Railways Act, 1989[1]

[Act 24 of 1989]

[*3rd June, 1989*]

An Act to consolidate and amend the law relating to Railways

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

Statement of Objects and Reasons.—The Indian Railways Act, 1890 was enacted at a time when the railways in India were mostly managed by private companies. The Government of India primarily played the role of a coordinating and regulating authority in various matters, such as, inter-railway movement of traffic, fixation of rates, sharing of revenue earnings of through traffic, apportionment of claims liability amongst the railways, providing reasonable facilities to passenger and goods traffic, etc. This role was accordingly reflected in the Act. But now, except for a very small portion of the railways, the entire railway system has become part of the Government of India. To give effect to the changes in the railway system from time to time, the Act had also undergone changes a number of times since its enactment in 1890. In addition, as some of the original provisions enacted in 1890 had continued without any change, a need for their replacement by new provisions more responsive to the needs of the present day was felt and some other provisions have become redundant. There has also been a demand, both within and outside Parliament, for the re-enactment of the Act so as to reflect the large number of changes that have occurred in the railways. It has, therefore, become necessary to consolidate and amend the law relating to railways by a new Act.

2. The Bill, while giving effect to the changes that are necessary due to the change of circumstances, provides, among other things, for the following matters, namely:—

(*i*) The railways are being administered by zonal railways. This position had not been given effect to in the Act. The Bill provides for the constitution of railway zones, abolition of existing zones and appointment of General Managers as heads of these railways administrations.

(*ii*) Power has been given to the Central Government to fix the rates for the carriage of passengers and goods over the railways instead of the existing provisions to fix only the maximum and minimum rates for such carriage and leaving the fixation of specific rates to the railway administrations. In addition, the railway administrations are also being authorised to specify lump sum rates for the carriage of goods.

(*iii*) In accordance with certain judicial pronouncements, the Bill provides for statutory recognition of the railway receipt as a negotiable instrument.

(*iv*) The Bill specifically provides for limiting the monetary liability of railway administrations in respect of payment of compensation of loss, damage, etc. of goods. Provision has, however, been made for full liability subject to the condition that the consignor, while entrusting the goods to a railway administration for carriage, should declare the value of the goods and pay a percentage charge on such value.

(*v*) The offences included in the Act have been rationalised and a few new offences have also been included in the Bill. Punishments for some of the offences had not been changed since the enactment of the Act. Penalties provided for the offences under the Act have been

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1. Received the assent of the President on June 3, 1989 and published in the Gazette of India, Extra., Part II, Section 1, dated June 5, 1989, Sl. No. 29.

made more stringent which would include, among other things, a minimum punishment for many of the offences.

3. The Bill seeks to achieve the aforesaid objects.

4. The Notes on Clauses explain in detail the provisions included in the Bill.

CHAPTER I
PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Railways Act, 1989.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Note.—The Act came into force w.e.f. July 1, 1990 [*Vide* Noti. No. S.O. 475(E) dated 12th June, 1990].

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) "authorised" means authorised by a railway administration;

[2][(1-A) "Authority" means the Rail Land Development Authority constituted under Section 4-A;]

(2) "carriage" means the carriage of passengers or goods by a railway administration;

(3) "Claims Tribunal" means the Railway Claims Tribunal established under Section 3 of the Railway Claims Tribunal Act, 1987 (54 of 1987);

(4) "classification" means the classification of commodities made under Section 31 for the purpose of determining the rates to be charged for carriage of such commodities;

(5) "class rates" means the rate fixed for a class of commodity in the classification;

(6) "Commissioner" means the Chief Commissioner of Railway Safety or the Commissioner of Railway Safety appointed under Section 5;

(7) "commodity" means a specific item of goods;

[3][(7-A) "competent authority" means any person authorised by the Central Government, by notification, to perform the functions of the competent authority for such area as may be specified in the notification;]

(8) "consignee" means the person named as consignee in a railway receipt;

(9) "consignment" means goods entrusted to a railway administration for carriage;

(10) "consignor" means the person, named in a railway receipt as consignor, by whom or on whose behalf goods covered by the railway receipt are entrusted to a railway administration for carriage;

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2. *Ins.* by Act 47 of 2005, S. 2 (w.e.f. 30-8-2006).
3. *Ins.* by Act 11 of 2008, S. 2 (w.r.e.f. 31-1-2008).

(11) "demurrage" means the charge levied for the detention of any rolling stock after the expiry of free time, if any, allowed for such detention;

(12) "endorsee" means the person in whose favour an endorsement is made, and in the case of successive endorsements, the person in whose favour the last endorsement is made;

(13) "endorsement" means the signing by the consignee or the endorsee after adding a direction on a railway receipt to pass the property in the goods mentioned in such receipt to a specified person;

(14) "fare" means the charge levied for the carriage of passengers;

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

(16) "forwarding note" means the document executed under Section 64;

(17) "freight" means the charge levied for the carriage of goods including transhipment charges, if any;

(18) "General Manager" means the General Manager of a Zonal Railway appointed under Section 4;

(19) "goods" includes—

(*i*) containers, pallets or similar articles of transport used to consolidate goods; and

(*ii*) animals;

(20) "Government railway" means a railway owned by the Central Government;

(21) "in transit", in relation to the carriage of goods by railway, means the period between the commencement and the termination of transit of such goods, and unless otherwise previously determined—

(*a*) transit commences as soon as the railway receipt is issued or the consignment is loaded, whichever is earlier;

(*b*) transit terminates on the expiry of the free time allowed for unloading of consignment from any rolling stock and where such unloading has been completed within such free time, transit terminates on the expiry of the free time allowed, for the removal of the goods from the railway premises;

(22) "level crossing" means an inter-section of a road with lines of rails at the same level;

(23) "luggage" means the goods of a passenger either carried by him in his charge or entrusted to a railway administration for carriage;

(24) "lump sum rate" means the rate mutually agreed upon between a railway administration and a consignor for the carriage of goods and for any service in relation to such carriage;

(25) "non-Government railway" means a railway other than a Government railway;

(26) "notification" means a notification published in the Official Gazette;

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[4][(26-A)"officer authorised" means an officer authorised by the Central Government under sub-section (2) of Section 179;]

(27) "parcel" means goods entrusted to a railway administration for carriage by a passenger or a parcel train;

(28) "pass" means an authority given by the Central Government or a railway administration to a person allowing him to travel as a passenger, but does not include a ticket;

(29) "passenger" means a person travelling with a valid pass or ticket;

[5][(29-A)"person interested" includes,—

(*i*) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;

(*ii*) tribals and other traditional forest dwellers, who have lost any traditional rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);

(*iii*) a person interested in an easement affecting the land; and

(*iv*) persons having tenancy rights under the relevant State laws;]

(30) "prescribed" means prescribed by rules made under this Act;

(31) "railway" means a railway, or any portion of a railway, for the public carriage of passengers or goods, and includes—

(*a*) all lands within the fences or other boundary marks indicating the limits of the land appurtenant to a railway;

(*b*) all lines of rails, sidings, or yards, or branches used for the purposes of, or in connection with, a railway;

(*c*) all electric traction equipments, power supply and distribution installations used for the purposes of, or in connection with, a railway;

(*d*) all rolling stock, stations, offices, warehouses, wharves, workshops, manufactories, fixed plant and machinery, roads and streets, running rooms, rest houses, institutes, hospitals, waterworks and water supply installations, staff dwellings and any other works constructed for the purpose of, or in connection with, railway;

(*e*) all vehicles which are used on any road for the purposes of traffic of a railway and owned, hired or worked by a railway; and

(*f*) all ferries, ships, boats and rafts which are used on any canal, river, lake or other navigable inland waters for the purposes of the traffic of a railway and owned, hired or worked by a railway administration,

but does not include—

(*i*) a tramway wholly within a municipal area; and

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4. *Ins.* by Act 51 of 2003, S. 2 (w.e.f. 1-7-2004).
5. *Ins.* by Act 11 of 2008, S. 2 (w.r.e.f. 31-1-2008).

(*ii*) lines of rails built in any exhibition ground, fair, park, or any other place solely for the purpose of recreation;

(32) "railway administration", in relation to—

(*a*) a Government railway, means the General Manager of a Zonal Railway; and

(*b*) a non-Government railway, means the person who is the owner or lessee of the railway or the person working the railway under an agreement;

[6][(32-A) "railway land" means any land in which a Government railway has any right, title or interest;]

(33) "railway receipt" means the receipt issued under Section 65;

(34) "railway servant" means any person employed by the Central Government or by a railway administration in connection with the service of a railway [7][including member of the Railway Protection Force appointed under clause (*c*) of sub-section (1) of Section 2 of the Railway Protection Force Act, 1957 (23 of 1957);]

(35) "rate" includes any fare, freight or any other charge for the carriage of any passenger or goods;

(36) "regulations" means the regulations made by the Railway Rates Tribunal under this Act;

(37) "rolling stock" includes locomotives, lenders, carriages, wagons, rail-cars, containers, trucks, trolleys and vehicles of all kinds moving on rails;

[8][(37-A) "special railway project" means a project, notified as such by the Central Government from time to time, for providing national infrastructure for a public purpose in a specified time-frame, covering one or more States or the Union territories;]

(38) "station to station rate" means a special reduced rate applicable to a specific commodity booked between specified stations;

(39) "traffic" includes rolling stock of every description, as well as passengers and goods;

[9][(40) "Tribunal" means the Tribunal referred to in Section 33;]

(41) "wharfage" means the charge levied on goods for not removing them from the railway after the expiry of the free time for such removal;

(42) "Zonal Railway" means a Zonal Railway constituted under Section 3.

CASE LAW ▸ "Railway".—Staff quarters and residential buildings are not railway, *Emperor* v. *Lodai*, ILR (1928) 50 All 34 : AIR 1927 All 646 : (1927) 28 Cri LJ 648; *Margam Aiyar* v. *S.J. Mercer*, AIR 1914 Mad 196 : (1914) 15 Cri LJ 225

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6. *Ins.* by Act 47 of 2005, S. 2 (w.e.f. 30-8-2006).
7. *Ins.* by Act 51 of 2003, S. 2 (w.e.f. 1-7-2004).
8. *Ins.* by Act 11 of 2008, S. 2 (w.r.e.f. 31-1-2008).
9. *Subs.* by Act 7 of 2017, S. 163(*a*) (w.e.f. 26-5-2017). Prior to substitution it read as:
'(40) "Tribunal" means the Railway Rates Tribunal constituted under Section 33;'

Railway employed in clearing city's refuse is not railway, *Sahari Rajwarni* v. *Corpn. of Calcutta*, AIR 1955 Cal 307.

Cabinman is a railway servant, *Motiram Chandiram* v. *Emperor*, AIR 1941 Sind 117 : (1941) 42 Cri LJ 786

One who is paid partly by railway, partly by contractor is railway servant, *A.V. Joseph* v. *J.L. Lammond*, AIR 1924 Rang 373 (2) : (1925) 26 Cri LJ 190

CHAPTER II
RAILWAY ADMINISTRATIONS

3. Zonal Railways.—(1) The Central Government may, for the purpose of the efficient administration of the Government railways, by notification, constitute such railways into as many Zonal Railways as it may deem fit and specify in such notification the names and headquarters of such Zonal Railways and the areas in respect of which they shall exercise jurisdiction.

(2) The Zonal Railway existing immediately before the commencement of this Act shall be deemed to be Zonal Railways constituted under sub-section (1).

(3) The Central Government may, by notification, declare any unit of the railways engaged in research, development, designing, construction or production of rolling stock, its parts or other equipment used on a railway, to be a Zonal Railway.

(4) The Central Government may, by notification, abolish any Zonal Railway or constitute any new Zonal Railway out of any existing Zonal Railway or Zonal Railways, change the name or headquarters of any Zonal Railway or determine the areas in respect of which a Zonal Railway shall exercise jurisdiction.

CASE LAW ▸ New railway zone, formation of: Concept of 'Efficiency'.—Concept of Efficiency should not be approached in a doctrinaire or pedantic manner. Hence, formation of new railway zone to meet the demands of backward areas is not by itself inconsistent with efficiency. More so, when it fulfilled the further criteria as to increase in traffic load and accessibility, *Federation of Rly. Officers Assn.* v. *Union of India*, (2003) 4 SCC 289.

4. Appointment of General Manager.—(1) The Central Government shall, by notification, appoint a person to be the General Manager of a Zonal Railway.

(2) The general superintendence and control of a Zonal Railway shall vest in the General Manager.

[10][CHAPTER II-A
RAIL LAND DEVELOPMENT AUTHORITY

CASE LAW ▸ Licence to private operators in respect of railway properties.—Periodical revision of licence fees should be done by Railways. More humane and welfare approach to be adopted towards small-scale operators. Such revision of fees should be reasonable, *South Central Railways* v. *S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Assn.*, (2016) 3 SCC 582.

10. *Ins.* by Act 47 of 2005, S. 3 (w.e.f. 30-8-2006).

4-A. Establishment of Railway Land Development Authority.—The Central Government may, by notification, establish an authority to be called the Rail Land Development Authority to exercise the powers and discharge the functions conferred on it by or under this Act.

4-B. Composition of Authority.—(1) The Authority shall consist of a Chairman, Vice-Chairman and not more than four other members.

(2) The Member Engineering, Railway Board shall be the Chairman, ex officio, of the Authority.

(3) The Vice-Chairman and three other members shall be appointed by the Central Government from amongst persons who are or have been working in the Civil Engineering, Finance and Traffic disciplines of any railway administration and having adequate experience in the relevant discipline as the Central Government may consider necessary.

(4) The Central Government shall also appoint a member who shall be a person from outside the railway administration and having adequate experience in such field as it may consider necessary.

4-C. Terms and conditions of appointment of Vice-Chairman and other Members.—The terms and conditions of appointment of the Vice-Chairman and the other Members of the Authority, other than the Chairman, and the manner of filling causal vacancies among them shall be such as may be prescribed.

4-D. Functions of Authority.—(1) The Authority shall discharge such functions and exercise such powers of the Central Government in relation to the development of railway land and as are specifically assigned to it by the Central Government.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may assign to the Authority all or any of the following functions, namely:—

(*i*) to prepare scheme or schemes for use of railway land in conformity with the provisions of this Act;

(*ii*) to develop railway land for commercial use as may be entrusted by the Central Government for the purpose of generating revenue by non-tariff measures;

(*iii*) to develop and provide consultancy, construction or management services and undertake operation in India in relation to the development of land and property;

(*iv*) to carry out any other work or function as may be entrusted to it by the Central Government, by order in writing.

4-E. Powers of Authority to enter into agreements and execute contracts.—Subject to such directions as may be given to it by the Central Government, the Authority shall be empowered to enter into agreements on behalf of the Central Government and execute contracts.

CASE LAW ▸ Licensee for catering.—Allotment of State largesse to private entrepreneurs, particularly small-scale subsistence entrepreneurs should be reasonable, fair, non-arbitrary and non-discriminatory. It should be to protect right to means of livelihood and freedom of occupation of small business units which completely depend upon earnings from their petty business. It should be social justice oriented, being conscious about rising unemployment due to non-governance and non-implementation of constitutional philosophy of egalitarian society which provides opportunity to every body to live a life of dignity. Government policy should be interpreted taking into consideration deprivation of right to livelihood of weaker section of society non-renewal of existing licences of small business units for providing food and catering services and for running catering/fruit juice stalls at railway stations under new Catering Policy and instead compelling them to participate in open bidding held, violative of Articles 14, 19(1)(*g*), 21 and 38. Clarified however, only those licensees would be eligible for renewal of their licences who can declare on affidavit that they do not have licence for more than one shop or kiosk in their name or benami licence at railway stations, with periodical reasonable increase of licence fee, *South Central Railways* v. *S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Assn.*, (2016) 3 SCC 582.

4-F. Procedure of transaction of business of Authority.—The Authority shall have power to regulate, by means of regulations made by it, its own procedure (including quorum at its meetings) and the conduct of all business to be transacted by it, the constitution of Committees and Sub-Committees of Members and the delegation to them any of the powers (excluding the power to make regulations under this Chapter) and to perform duties of the Authority.

4-G. Appointment of officers and other employees of Authority.—(1) For the purpose of enabling it efficiently to discharge its functions under this Act, the Central Government shall provide the Authority with such officers and other employees, and the Authority shall, subject to the rules as may be made by the Central Government in this behalf, appoint, whether on deputation or otherwise, such number of officers and other employees as it may deem necessary.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Authority, shall be such as may be prescribed.

4-H. Salaries, allowances, etc. to be defrayed out of Consolidated Fund of India.—The salaries and allowances payable to the Vice-Chairman and other Members of the Authority and the administrative expenses including the salaries, allowances and pensions payable to the officers and other employees of the Authority shall be defrayed out of the Consolidated Fund of India.

4-I. Power of Authority to make regulations.—(1) The Authority may, with the previous approval of the Central Government, make regulations, consistent with this Act and the rules made thereunder, for carrying out the provisions of this Chapter.

(2) Every regulation made by the Authority under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately

following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.]

CHAPTER III

COMMISSIONERS OF RAILWAY SAFETY

5. Appointment of Chief Commissioner of Railway Safety and Commissioners of Railway Safety.—The Central Government may appoint a person to be the Chief Commissioner of Railway Safety and such other persons as it may consider necessary to be the Commissioners of Railway Safety.

6. Duties of Commissioner.—The Commissioner shall—

(*a*) inspect any railway with a view to determine whether it is fit to be opened for the public carriage of passengers and report thereon to the Central Government as required by or under this Act;

(*b*) make such periodical or other inspections of any railway or of any rolling stock used thereon as the Central Government may direct;

(*c*) make an inquiry under this Act into the cause of any accident on a railway; and

(*d*) discharge such other duties as are conferred on him by or under this Act.

7. Powers of Commissioner.—Subject to the control of the Central Government, the Commissioner, whenever it is necessary so to do for any of the purposes of this Act, may—

(*a*) enter upon and inspect any railway or any rolling stock used thereon;

(*b*) by order in writing addressed to a railway administration, 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; and

(*c*) require the production of any book, document or material object belonging to or in the possession or control of any railway administration which appears to him to be necessary to inspect.

8. Commissioner to be public servant.—The Commissioner shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

9. Facilities to be afforded to Commissioners.—A railway administration shall afford to the Commissioner all reasonable facilities for the discharge of the duties or for the exercise of the powers imposed or conferred on him by or under this Act.

10. Annual report of Commissioners.—The Chief Commissioner of Railway Safety shall prepare in each financial year an annual report giving a full account of the activities of the Commissioners during the financial year immediately

preceding the financial year in which such report is prepared and forward, before such date as may be specified by the Central Government, copies thereof to the Central Government, and that Government shall cause that report to be laid, as soon as may be, after its receipt before each House of Parliament.

CHAPTER IV

CONSTRUCTION AND MAINTENANCE OF WORKS

11. Power of railway administration to execute all necessary works.—Notwithstanding anything contained in any other law for the time being in force, but subject to the provisions of this Act and the provisions of any law for the acquisition of land for a public purpose or for companies, and subject also, in the case of a non-Government railway, to the provisions of any contract between the non-Government railway and the Central Government, a railway administration may, for the purposes of constructing or maintaining a railway—

(*a*) make or construct in or upon, across, under or over any lands, or any streets, hills, valleys, roads, railway, tramways, or any rivers, canals, brooks, streams or other waters, or any drains, waterpipes, gas-pipes, oil-pipes, sewers, electric supply lines, or telegraph lines, such temporary or permanent inclined-planes, bridges, tunnels, culverts, embankments, aqueducts, roads, lines of railways, passages, conduits, drains, piers, cuttings and fences, in-take wells, tube wells, dams, river training and protection works as it thinks proper;

(*b*) alter the course of any rivers, brooks, streams or other water courses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them and divert or alter either temporarily or permanently, the course of any rivers, brooks, streams or other water courses or any roads, streets or ways, or raise or sink the level thereof, in order to carry them more conveniently over or under or by the side of the railway;

(*c*) make drains 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;

[11][(*da*) developing any railway land for commercial use;]

(*e*) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them and substitute others in their stead;

(*f*) erect, operate, maintain or repair any telegraph and telephone lines in connection with the working of the railway;

(*g*) erect, operate, maintain or repair any electric traction equipment, power supply and distribution installation in connection with the working of the railway; and

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11. *Ins.* by Act 47 of 2005, S. 4 (w.e.f. 30-8-2006).

(*h*) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

CASE LAW ▸ Interpretation/Construction.—It is not possible to read this section in a restricted manner. Words "effect, operate, maintain or repair any electric traction equipment, power supply and distribution installation in connection with the working of the railway" in Section 11(*g*) certainly include construction of electricity transmission lines, *Northern Railways* v. *U.P. SEB*, (2012) 3 SCC 329.

▸ Transmission/Distribution of Electricity.—Sections 11(*a*) & 11(*g*) of Railways Act, 1989 clearly authorise Railways to construct necessary transmission lines, dedicated for their own purpose. Generating company also has necessary authority to enter into a power purchasing agreement under Section 43-A of Electricity (Supply) Act, 1948. NTPC has been permitted by Central Government to enter into such agreements. Both Railway and NTPC have obtained permission for Ministries concerned prior to entering into this agreement. Railways found tariff of UPSEB to be excessive and therefore, decided to construct their own transmission lines. Action of Railways of constructing transmission lines, and drawing power from thermal power plants of NTPC, perfectly legal. Hence, notice by UPSEB uncalled for, and quashed, *Northern Railways* v. *U.P. SEB*, (2012) 3 SCC 329.

12. Power to alter the position of pipe, electric supply line, drain or sewer, etc.—(1) A railway administration may, for the purpose of exercising the powers conferred on it by this Act, alter the position of any pipe for the supply of gas, water, oil or compressed air, or the position of any electric supply line, drain or sewer:

Provided that before altering the position of any such pipe, electric supply line, drain or sewer, the railway administration shall give a notice indicating the time at which the work of such alteration shall commence, to the local authority or other person having control over the pipe, electric supply line, drain or sewer.

(2) The railway administration shall execute the work referred to in sub-section (1) to the reasonable satisfaction of the local authority or the person receiving the notice under the proviso to sub-section (1).

13. Protection for Government property.—Nothing in Sections 11 and 12 shall authorise—

(*a*) a railway administration of the Government railway to do anything on or to any works, lands or buildings vested in, or in the possession of, a State Government without the consent of that Government; and

(*b*) a railway administration of a non-Government railway to do anything on or to any works, lands or buildings vested in, or in the possession of, the Central Government or a State Government, without the consent of the Government concerned.

14. Temporary entry upon land to remove obstruction, to repair or to prevent accident.—(1) Where in the opinion of a railway administration—

(*a*) there is imminent danger that any tree, post or structure may fall on the railway so as to obstruct the movement of rolling stock; or

(*b*) any tree, post, structure or light obstructs the view of any signal provided for movement of rolling stock; or

(*c*) any tree, post or structure obstructs any telephone or telegraph line maintained by it,

it may take such steps as may be necessary to avert such danger or remove such obstruction and submit a report thereof to the Central Government in such manner and within such time as may be prescribed.

(2) Where in the opinion of a railway administration—

(*a*) a slip or accident has occurred; or

(*b*) there is apprehension of any slip or accident to any cutting, embankment or other work on a railway,

it may enter upon any lands adjoining the railway and do all such works as may be necessary for the purpose of repairing or preventing such slip or accident and submit a report thereof to the Central Government in such manner and within such time as may be prescribed.

(3) The Central Government may, after considering the report under sub-section (1) or sub-section (2), in the interest of public safety, by order, direct the railway administration that further action under sub-section (1) or sub-section (2) shall be stopped or the same shall be subject to such conditions as may be specified in that order.

15. Payment of amount for damage or loss.—(1) No suit shall lie against a railway administration to recover any amount for any damage or loss caused in the exercise of the powers conferred by any of the foregoing provisions of this Chapter.

(2) A railway administration shall pay or tender payment for any damage or loss caused in the exercise of the powers conferred by any of the foregoing provisions of this Chapter, and in case of a dispute as to the sufficiency of any amount so paid or tendered or as to the persons entitled to receive the amount, it shall immediately refer the dispute for the decision of the District Judge of the district and his decision thereon shall be final:

Provided that where the railway administration fails to make a reference within sixty days from the date of commencement of the dispute, the District Judge may, on an application made to him by the person concerned, direct the railway administration to refer the dispute for his decision.

(3) The reference under sub-section (2) shall be treated as an appeal under Section 96 of the Code of Civil Procedure, 1908 (5 of 1908) and shall be disposed of accordingly.

(4) Where any amount has been paid as required by sub-section (2), the railway administration shall, notwithstanding anything in any other law for the time being in force, be discharged from all liabilities to any person whatsoever in respect of any amount so paid.

16. Accommodation works.—(1) A railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, namely:—

(*a*) such crossings, bridges, culverts and passages over, under or by the sides of, or leading to or from, the railway as may, in the opinion of the State Government, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made; and

(*b*) all necessary bridges, tunnels, culverts, drains, water sources or other passages, over, under or by the sides of the railway, of such dimensions as will, in the opinion of the State Government, be sufficient at all times to convey water as freely from or to the lands lying near or affected by the railway as it was before the making of the railway or as nearly as possible.

(2) Subject to the other provisions of this Act, the works specified in sub-section (1) shall be made at the cost of the railway administration during or immediately after the laying out or formation of the railway over the lands traversed and in such a manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works:

Provided that—

(*a*) a railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners or occupiers of the lands have been paid compensation in consideration of their not requiring the said works to be made;

(*b*) save as hereinafter, in this Chapter, provided, no railway administration shall be liable to execute any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years 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 work 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 railway administration shall not be compelled to provide any other accommodation work for the crossing of such road or stream.

(3) The State Government may specify a date for the commencement of any work to be executed under sub-section (1) and, if within three months next after that date, the railway administration fails to commence the work or having commenced it, fails to proceed diligently to execute it, the Central Government shall, on such failure being brought to its notice by the State Government, issue such directions to the railway administration as it thinks fit.

Explanation.—For the purposes of this section, the expression "lands" shall include public roads.

17. Power of owner, occupier, State Government or local authority to cause additional accommodation works to be made.—(1) If an owner or occupier of

any land affected by a railway considers the works made under Section 16 to be insufficient for the use of the land, or if the State Government or a local authority desires to construct a public road or other work across, under or over a railway, such owner or occupier, or, as the case may be, the State Government or the local authority may, at any time, require the railway administration to make at the expense of the owner or occupier or of the State Government or the local authority, as the case may be, such further accommodation works as are considered necessary and are agreed to by the railway administration.

(2) The accommodation works made under sub-section (1) shall be maintained at the cost of the owner or occupier of the land, the State Government or the local authority, at whose request the works were made.

(3) In the case of any difference of opinion between the railway administration and the owner or occupier, the State Government or the local authority, as the case may be, in relation to—

(*i*) the necessity of such further accommodation works; or

(*ii*) the expenses to be incurred on the construction of such further accommodation works; or

(*iii*) the quantum of expenses on the maintenance of such further accommodation works,

it shall be referred to the Central Government whose decision thereon shall be final.

18. Fences, gates and bars.—The Central Government may, within such time as may be specified by it or within such further time, as it may grant, require that—

(*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 therewith;

(*b*) suitable gates, chains, bars, stiles or hand-rails be erected or renewed by a railway administration at level crossings;

(*c*) persons be employed by a railway administration to open and shut gates, chains or bars.

19. Overbridges and underbridges.—(1) Where a railway administration has constructed lines of rails across a public road at the same level, the State Government or the local authority maintaining the road, may, at any time, in the interest of public safety, require the railway administration to take the road either under or over the railway by means of a bridge or arch with convenient ascents and descents and other convenient approaches, instead of crossing the road on the level, or to execute such other works as may, in the circumstances of the case, appear to the State Government or the local authority maintaining the road to be best adapted for removing or diminishing the danger arising from the level crossing.

(2) The railway administration may require the State Government or the local authority, as the case may be, as a condition of executing any work under sub-section (1), to undertake to pay the whole of the cost of the work and the expense of maintaining the work, to the railway administration or such proportion of the cost and expenses as the Central Government considers just and reasonable.

(3) In the case of any difference of opinion between the railway administration and the State Government or the local authority, as the case may be, over any of the matters mentioned in sub-section (1), it shall be referred to the Central Government, whose decision thereon shall be final.

20. Power of Central Government to give directions for safety.—Notwithstanding anything contained in any other law, the Central Government may, if it is of the opinion that any work undertaken or may be undertaken, is likely to alter or impede the natural course of water flow or cause an increase in the volume of such flow endangering any cutting, embankment or other work on a railway, issue directions in writing to any person, officer or authority responsible for such work to close, regulate or prohibit that work.

[12][CHAPTER IV-A
LAND ACQUISITION FOR A SPECIAL RAILWAY PROJECT

20-A. Power to acquire land, etc.—(1) Where the Central Government is satisfied that for a public purpose any land is required for execution of a special railway project, it may, by notification, declare its intention to acquire such land.

(2) Every notification under sub-section (1), shall give a brief description of the land and of the special railway project for which the land is intended to be acquired.

(3) The State Government or the Union territory, as the case may be, shall for the purposes of this section, provide the details of the land records to the competent authority, whenever required.

(4) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which shall be in a vernacular language.

CASE LAW ▸ Acquisition of land.—Period of one year for making award stipulated under Section 20-F(2) is to be reckoned from date of publication of notification of declaration in Official Gazette. Wherever newspaper publication is required it is specifically provided for by legislature. Even if it is published in newspapers, it would only be for general information and will not serve any purpose under the Act, *Dedicated Freight Corridor Corpn. of India* v. *Subodh Singh*, (2011) 11 SCC 100 : (2011) 3 SCC (Civ) 604.

20-B. Power to enter for survey, etc.—On the issue of a notification under sub-section (1) of Section 20-A, it shall be lawful for any person, authorised by the competent authority in this behalf, to—

(*a*) make any inspection, survey, measurement, valuation or enquiry;
(*b*) take levels;
(*c*) dig or bore into sub-soil;
(*d*) set out boundaries and intended lines of work;
(*e*) mark such levels, boundaries and lines placing marks and cutting trenches; or
(*f*) do such other acts or things as may be considered necessary by the competent authority.

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12. *Ins.* by Act 11 of 2008, S. 3 (w.r.e.f. 31-1-2008).

20-C. Evaluation of damages during survey, measurement, etc.—The damages caused while carrying out works on land such as survey, digging or boring sub-soil, marking boundaries or cutting trenches or clearing away any standing crop, fence or forest or doing such other acts or things which may cause damages while acting under Section 20-B particularly relating to land which is excluded from acquisition proceeding, shall be evaluated and compensation shall be paid to the persons having interest in that land, within six months from the completion of the said works.

20-D. Hearing of objections, etc.—(1) Any person interested in the land may, within a period of thirty days from the date of publication of the notification under sub-section (1) of Section 20-A, object to the acquisition of land for the purpose mentioned in that sub-section.

(2) Every objection under sub-section (1), shall be made to the competent authority in writing, and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.—For the purposes of this sub-section, "legal practitioner" has the same meaning as in clause (*i*) of sub-section (1) of Section 2 of the Advocates Act, 1961 (25 of 1961).

(3) Any order made by the competent authority under sub-section (2) shall be final.

CASE LAW ▸ Natural justice and effective hearing.—Right to hearing of objections under Section 20-D is mandatory and substantive right and must be strictly followed. Non-compliance with same would invalidate acquisition proceedings. Even if scope of objections under Section 20-D, Railways Act, 1989 is limited to purpose for which acquisition is made and not a general right as under Section 5-A, LA Act, right to hearing of objections under Section 20-D is not a mere formality. Formation of opinion must be preceded by due application of mind. In absence of an order passed under Section 20-D(2), subsequent steps taken in acquisition would consequentially get invalidated, *Nareshbhai Bhagubhai* v. *Union of India*, (2019) 15 SCC 1.

20-E. Declaration of acquisition.—(1) Where no objection under sub-section (1) of Section 20-D has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification, that the land should be acquired for the purpose mentioned in sub-section (1) of Section 20-A.

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under sub-section (1) of Section 20-A for its acquisition, but no declaration under

sub-section (1) of this section has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that in computing the said period of one year, the period during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (1) of Section 20-A is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

20-F. Determination of amount payable as compensation.—(1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

(2) The competent authority shall make an award under this section within a period of one year from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that the competent authority may, after the expiry of the period of limitation, if he is satisfied that the delay has been caused due to unavoidable circumstances, and for the reasons to be recorded in writing, he may make the award within an extended period of six months:

Provided further that where an award is made within the extended period, the entitled person shall, in the interest of justice, be paid an additional compensation for the delay in making of the award, every month for the period so extended, at the rate of not less than five per cent of the value of the award, for each month of such delay.

(3) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition, an amount calculated at ten per cent of the amount determined under sub-section (1), for that land.

(4) Before proceeding to determine the amount under sub-section (1) or sub-section (3), as the case may be, the competent authority shall give a public notice published in two local newspapers, one of which shall be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(5) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of Section 20-D, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(6) If the amount determined by the competent authority under sub-section (1) or as the case may be, sub-section (3) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the

arbitrator to be appointed by the Central Government in such manner as may be prescribed.

(7) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.

(8) The competent authority or the arbitrator while determining the amount of compensation under sub-section (1) or sub-section (6), as the case may be, shall take into consideration—

(*a*) the market value of the land on the date of publication of the notification under Section 20-A;

(*b*) the damage, if any sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(*c*) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(*d*) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

(9) In addition to the market-value of the land as above provided, the competent authority or the arbitrator, as the case may be, shall in every case award a sum of sixty per centum on such market-value, in consideration of the compulsory nature of the acquisition.

20-G. Criterion for determination of market value of land.—(1) The competent authority shall adopt the following criteria in assessing and determining the market value of the land,—

(*i*) the minimum land value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds in the area, where the land is situated; or

(*ii*) the average of the sale price for similar type of land situated in the village or vicinity, ascertained from not less than fifty per cent of the sale deeds registered during the preceding three years, where higher price has been paid;

whichever is higher.

(2) Where the provisions of sub-section (1) are not applicable for the reason that:

(*i*) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(*ii*) the registered sale deeds for similar land as mentioned in clause (*i*) of sub-section (1) are not available for the preceding three years; or

(*iii*) the minimum land value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority,

the concerned State Government shall specify the floor price per unit area of the said land based on the average higher prices paid for similar type of land situated in the adjoining areas or vicinity, ascertained from not less than fifty per cent of the sale deeds registered during the preceding three years where higher price has been paid, and the competent authority may calculate the value of the land accordingly.

(3) The competent authority shall, before assessing and determining the market value of the land being acquired under this Act,—

(*a*) ascertain the intended land use category of such land; and

(*b*) take into account the value of the land of the intended category in the adjoining areas or vicinity,

for the purpose of determination of the market value of the land being acquired.

(4) In determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, the competent authority may use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by the competent authority.

(5) The competent authority may, for the purpose of determining the value of trees and plants, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(6) For the purpose of assessing the value of the standing crops damaged during the process of land acquisition proceedings, the competent authority may utilise the services of experienced persons in the field of agriculture as he considers necessary.

20-H. Deposit and payment of amount.—(1) The amount determined under Section 20-F shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under Section 20-F by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent per annum on such excess amount from the date of taking possession under Section 20-I till the date of actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.

20-I. Power to take Possession.—(1) Where any land has vested in the Central Government under sub-section (2) of Section 20-E, and the amount determined by the competent authority under Section 20-F with respect to such land has been deposited under sub-section (1) of Section 20-H with the competent authority by the Central Government, the competent authority may, by notice in writing, direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within a period of sixty days of the service of the notice.

(2) If any person refuses or fails to comply with any direction made under sub-section (1), the competent authority shall apply—

(*a*) in case of any land situated in any area falling within the metropolitan area, to the Commissioner of Police;

(*b*) in case of any land situated in any area other than the area referred to in clause (*a*), to the Collector of a district,

and such Commissioner or Collector, as the case may be, shall enforce the surrender of the land, to the competent authority or to the person duly authorised by it.

20-J. Right to enter into land where land has vested in Central Government.—Where the land has vested in the Central Government under Section 20-E, it shall be lawful for any person authorised by the Central Government in this behalf, to enter and do other act necessary upon the land for carrying out the building, maintenance, management or operation of the special railway project or part thereof or any other work connected therewith.

20-K. Competent authority to have certain powers of civil court.—The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) reception of evidence on affidavits;

(*d*) requisitioning any public record from any court or office;

(*e*) issuing commission for examination of witnesses.

20-L. Utilisation of land for the purpose it is acquired.—(1) The land acquired under this Act shall not be transferred to any other purpose except for a public purpose, and after obtaining the prior approval of the Central Government.

(2) When any land or part thereof, acquired under this Act remains unutilized for a period of five years from the date of taking over the possession, the same shall return to the Central Government by reversion.

20-M. Sharing with landowners the difference in price of a land when transferred for a higher consideration.—Whenever any land acquired under this Act is transferred to any person for a consideration, eighty per cent of the difference in the acquisition cost and the consideration received, which in no case shall be less than the acquisition cost, shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired, and for the purpose, a separate fund may be maintained which shall be administered by the competent authority in such manner as may be prescribed by the Central Government.

20-N. Land Acquisition Act 1 of 1894 not to apply.—Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act.

20-O. Application of the National Rehabilitation and Resettlement Policy, 2007 to persons affected due to land acquisition.—The provisions of the National Rehabilitation and Resettlement Policy, 2007 for project affected families, notified by the Government of India in the Ministry of Rural Development vide number F. 26011/4/2007-LRD, dated the 31st October, 2007, shall apply in respect of acquisition of land by the Central Government under this Act.

20-P. Power to make rules in respect of matters in this chapter.—(1) The Central Government may, by notification, make rules to carry out the purposes of this chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of appointment of arbitrator under sub-section (6) of Section 20-F;

(*b*) the manner in which the amount shall be deposited with the competent authority under sub-sections (1) and (6) of Section 20-H;

(*c*) the manner of maintenance and administration of separate fund for the purposes of Section 20-M.]

CHAPTER V

OPENING OF RAILWAYS

21. Sanction of the Central Government to the opening of railway.—No railway shall be opened for the public carriage of passengers until the Central Government has, by order, sanctioned the opening thereof for that purpose.

22. Formalities to be complied with before giving sanction to the opening of a railway.—(1) The Central Government shall, before giving its sanction to the opening of a railway under Section 21, obtain a report from the Commissioner that—

(*a*) he has made a careful inspection of the railway and the rolling stock that may be used thereon;

(*b*) the moving and fixed dimensions as laid down by the Central Government have not been infringed;

(*c*) the structure of lines 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, comply with the requirements laid down by the Central Government; and

(*d*) in his opinion, the railway can be opened for the public carriage of passengers without any danger to the public using it.

(2) If the Commissioner is of the opinion that the railway cannot be opened without any danger to the public using it, he shall, in his report, state the grounds therefor, as also the requirements which, in his opinion, are to be complied with before sanction is given by the Central Government.

(3) The Central Government, after considering the report of the Commissioner, may sanction the opening of a railway under Section 21 as such or subject to such conditions as may be considered necessary by it for the safety of the public.

23. Sections 21 and 22 to apply to the opening of certain works.—The provisions of Sections 21 and 22 shall apply to the opening of the following works if they form part of, or are directly connected with, a railway used for the public carriage of passengers and have been constructed subsequent to the giving of a report by the Commissioner under Section 22, namely:—

(*a*) opening of additional lines of railway and deviation lines;

(*b*) opening of stations, junctions and level crossings;

(*c*) remodelling of yards and rebuilding of bridges;

(*d*) introduction of electric traction; and

(*e*) any alteration or reconstruction materially affecting the structural character of any work to which the provisions of Sections 21 and 22 apply or are extended by this section.

24. Temporary suspension of traffic.—When an accident has occurred on a railway resulting in a temporary suspension of traffic, and either the original lines of rails and works have been restored to their original standard or a temporary diversion has been laid for the purpose of restoring communication, the original lines of rails and works so restored, or the temporary diversion, as the case may be, may, without prior inspection by the Commissioner, be opened for the public carriage of passengers, subject to the following conditions, namely:—

(*a*) the railway servant incharge of the works undertaken by reason of the accident has certified in writing that the opening of the restored lines of rails and works, or of the temporary diversion will not in his opinion be attended with danger to the public; and

(*b*) a notice of the opening of the lines of rails and works or the diversion shall be sent immediately to the Commissioner.

25. Power to close railway opened for the public carriage of passengers.—Where, after the inspection of any railway opened and used for the public carriage of passengers or any rolling stock used thereon, the Commissioner

is of the opinion that the use of the railway or of any rolling stock will be attended with danger to the public using it, the Commissioner shall send a report to the Central Government who may thereupon direct that—

(*i*) the railway be closed for the public carriage of passengers; or

(*ii*) the use of the rolling stock be discontinued; or

(*iii*) the railway or the rolling stock may be used for the public carriage of passengers subject to such conditions as it may consider necessary for the safety of the public.

26. Reopening of closed railway.—When the Central Government has, under Section 25, directed the closure of a railway or the discontinuance of the use of any rolling stock—

(*a*) the railway shall not be reopened for the public carriage of passengers until it has been inspected by the Commissioner and its reopening is sanctioned in accordance with the provisions of this Chapter; and

(*b*) the rolling stock shall not be used until it has been inspected by the Commissioner and its re-use is sanctioned in accordance with the provisions of this Chapter.

27. Use of rolling stock.—A railway administration may use such rolling stock as it may consider necessary for the construction, operation and working of a railway:

Provided that before using any rolling stock of a design or type different from that already running on any section of the railway, the previous sanction of the Central Government shall be obtained for such use:

Provided further that before giving any such sanction, the Central Government shall obtain a report from the Commissioner that he has made a careful inspection of the rolling stock and, in his opinion, such rolling stock can be used.

28. Delegation of powers.—The Central Government may, by notification, direct that any of its powers or functions under this Chapter, except Section 29, or the rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by a Commissioner.

29. Power to make rules in respect of matters in this Chapter.—(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the duties of a railway administration and the Commissioner in regard to the opening of a railway for the public carriage of passengers;

(*b*) the arrangements to be made for and the formalities to be complied with before opening a railway for the public carriage of passengers;

(*c*) for regulating the mode in which, and the speed at which rolling stock used on railways is to be moved or propelled; and

(*d*) the cases in which and the extent to which the procedure provided in this Chapter may be dispensed with.

CHAPTER VI
FIXATION OF RATES

30. Power to fix rates.—(1) The Central Government may, from time to time, by general or special order fix, for the carriage of passengers and goods, rates for the whole or any part of the railway and different rates may be fixed for different classes of goods and specify in such order the conditions subject to which such rates shall apply.

(2) The Central Government may, by a like order, fix the rates of any other charges incidental to or connected with such carriage including demurrage and wharfage for the whole or any part of the railway and specify in the order the conditions subject to which such rates shall apply.

CASE LAW ▸ Power of fix tariff.—While exercising right of executive to formulate policy, demarcation dividing power of principal and delegate or sub-delegatee should not be ignored, *SKL Co.* v. *Southern Railways*, (2015) 16 SCC 509.

Railways enjoys a monopolistic character, the justification of corollary of which would be the fulfilment and attainment of public interest. Further, if a shift from the Railways being a social vehicle towards it being essentially a milch cow was intended, that mutation was only within the province of Parliament. Further, Railway tariff has to be realistic and keep pace with time and if the State so perceives, it need not be a losing financial proposition, *SKL Co.* v. *Southern Railways*, (2015) 16 SCC 509.

31. Power to classify commodities or alter rates.—The Central Government shall have power to—

(*a*) classify or reclassify any commodity for the purpose of determining the rates to be charged for the carriage of such commodities; and

(*b*) increase or reduce the class rates and other charges.

32. Power of railway administration to charge certain rates.—Notwithstanding anything contained in this Chapter, a railway administration may, in respect of the carriage of any commodity and subject to such conditions as may be specified—

(*a*) quote a station to station rate;

(*b*) increase or reduce or cancel, after due notice in the manner determined by the Central Government, a station to station rate, not being a station to station rate introduced in compliance with an order made by the Tribunal;

(*c*) withdraw, alter or amend the conditions attached to a station to station rate other than conditions introduced in compliance with an order made by the Tribunal; and

(*d*) charge any lump sum rate.

CHAPTER VII

[13][TRIBUNAL]

[14][**33. Tribunal.**—The Railway Claims Tribunal established under Section 3 of the Railway Claims Tribunal Act, 1987 (54 of 1987) shall, on and from the commencement of Part XIV of Chapter VI of the Finance Act, 2017, be the Tribunal for the purposes of this Act and the said Tribunal shall exercise the jurisdiction, authority and powers conferred on it by or under this Act.]

34. Staff of the Tribunal.—[15][* * *]

35. Sittings of the Tribunal.—[16][* * *]

36. Complaints against a railway administration.—Any complaint that a railway administration—

(*a*) is contravening the provisions of Section 70; or

(*b*) is charging for the carriage of any commodity between two stations a rate which is unreasonable; or

(*c*) is levying any other charge which is unreasonable,

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13. *Subs.* for heading "RAILWAY RATES TRIBUNAL" by Act 7 of 2017, S. 163(*b*) (w.e.f. 26-5-2017).

14. *Subs.* by Act 7 of 2017, S. 163(*c*) (w.e.f. 26-5-2017). Prior to substitution it read as:
"33. *Constitution of the Railway Rates Tribunal.*—(1) There shall be a Tribunal, to be called the Railway Rates Tribunal, for the purpose of discharging the functions specified in this Chapter.
(2) The Tribunal shall consist of a Chairman and two other members to be appointed by the Central Government.
(3) A person shall not be qualified for appointment as the Chairman of the Tribunal unless he is, or has been, a Judge of the Supreme Court or of a High Court and of the other two members, one shall be a person, who, in the opinion of the Central Government, has special knowledge of the commercial, industrial or economic conditions of the country, and the other shall be a person, who, in the opinion of the Central Government, has special knowledge and experience of the commercial working of the railways.
(4) The Chairman and the other members of the Tribunal shall hold office for such period, not exceeding five years, as may be prescribed.
(5) In case the Chairman or any other member is, by infirmity or otherwise, rendered incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government may appoint another person to act in his place during his absence.
(6) A person who holds office as the Chairman or other member of the Tribunal shall, on the expiration of the term of his office (not being an office to fill a casual vacancy), be ineligible for reappointment to that office.
(7) Subject to the provisions of sub-sections (5) and (6), the Chairman and other members of the Tribunal shall hold office on such terms and conditions as may be prescribed.
(8) No act or proceeding of the Tribunal shall be invalidated merely by reason of—
(*a*) any vacancy in, or any defect in the constitution of, the Tribunal; or
(*b*) any defect in the appointment of a person acting as a Chairman or other member of the Tribunal.".

15. *Omitted* by Act 7 of 2017, S. 163(*d*) (w.e.f. 26-5-2017). Prior to omission it read as:
"34. *Staff of the Tribunal.*—(1) The Tribunal may, with the previous approval of the Central Government, appoint such officers and employees as it considers necessary for the efficient discharge of its functions under this Chapter.
(2) The terms and conditions of service of the officers and employees of the Tribunal shall be such as may be determined by regulations.".

16. *Omitted* by Act 7 of 2017, S. 163(*d*) (w.e.f. 26-5-2017). Prior to omission it read as:
"35. *Sittings of the Tribunal.*—The Tribunal may sit at such place or places as it may find convenient for the transaction of its business.".

may be made to the Tribunal, and the Tribunal shall hear and decide any such complaint in accordance with the provisions of this Chapter.

CASE LAW ▸ Interpretation/Construction.—'Any other charges'—Meaning, *Union of India* v. *Indian Sugar Mills Assn.*, AIR 1968 SC 22 : (1968) 3 SCR 219.

▸ **Jurisdiction of Civil Court.**—Section excludes civil court's jurisdiction, *Meghji Hirjee & Co.* v. *Bengal Nagpur Railway Co. Ltd.*, AIR 1939 Nag 141.

▸ **Jurisdiction and powers of Tribunal.**—Tribunal has no jurisdiction regarding charges already made, *Upper Doab Sugar Mills Ltd.* v. *Shahdara (Delhi) Saharanpur Light Railway Co. Ltd.*, AIR 1963 SC 217 : (1963) 2 SCR 333.

Tribunal cannot decide validity of rules empowering to collect wharfage and demurrage charges, *Raichand Amulakh Shah* v. *Union of India*, AIR 1964 SC 1268 : (1964) 5 SCR 148.

Tribunal can make order taking effect from the date of complaint, *Hindustan Materials* v. *Railway Rates Tribunal*, AIR 1958 Mad 471; *Shree Bajrang Jute Mills Ltd., In re*, AIR 1962 Mad 218; *Southern Railways* v. *Railway Rates Tribunal*, AIR 1955 Mad 476; *Union of India* v. *Railway Rates Tribunal*, AIR 1975 Mad 28; *Raigarh Jute Mills* v. *Eastern Railway*, AIR 1958 SC 525 : 1959 SCR 236.

Reasonableness of wagon load can be determined by the Tribunal, AIR 1955 Mad 513 : ILR (1956) Mad 67.

Refund of excess freight already paid, cannot be directed by the Tribunal, *Union of India* v. *Orient Paper & Industries Ltd.*, (2009) 16 SCC 286.

▸ **Maintainability.**—Complaint against halting charges maintainable, *Union of India* v. *Motilal Padampat Sugar Mills Co. (P) Ltd.*, (1969) 1 SCC 320 : AIR 1969 SC 630.

▸ **Determination of fare.**—Principles for determination of rates, *Union of India* v. *Indian Sugar Mills Assn.*, AIR 1968 SC 22 : (1968) 3 SCR 219.

▸ **Onus of proof.**—Onus to prove unreasonableness of freight is on complainant, *Raigarh Jute Mills* v. *Eastern Railway*, AIR 1958 SC 525 : 1959 SCR 236.

▸ **Appeal.**—Finding regarding unreasonableness of rent cannot be challenged in appeal to Supreme Court, *Union of India* v. *West Coast Paper Mills Ltd.*, (1970) 3 SCC 606 : AIR 1971 SC 349.

37. Matters not within the jurisdiction of the Tribunal.—Nothing in this Chapter shall confer jurisdiction on the Tribunal in respect of—

(*a*) classification or reclassification of any commodity;

(*b*) fixation of wharfage and demurrage charges (including conditions attached to such charges);

(*c*) fixation of fares levied for the carriage of passengers and freight levied for the carriage of luggage, parcels, railway material and military traffic; and

(*d*) fixation of lump sum rates.

38. Powers of the Tribunal.—(1) The Tribunal shall have the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908) for the purposes of taking evidence on oath, enforcing the attendance of witnesses, compelling the discovery and production of documents, issuing commissions for the examination

of witnesses and of review and shall be deemed to be a civil court for all the purposes of Section 195 and Chapter XXXV of the Code of Criminal Procedure, 1973 (2 of 1974) and any reference in such section or Chapter to the presiding officer of a court shall be deemed to include a reference to the Chairman of the Tribunal.

(2) The Tribunal shall also have power to pass such interim and final orders as the circumstances may require, including orders for the payment of costs.

39. Reference to the Tribunal.—Notwithstanding anything contained in Section 37, the Central Government may make a reference to the Tribunal in respect of any of the matter specified in that section and where any such reference is made in respect of any such matter, the Tribunal shall make an inquiry into that matter and submit its report thereon to the Central Government.

40. Assistance by the Central Government.—(1) The Central Government shall give to the Tribunal such assistance as it may require and shall also place at its disposal any information in the possession of the Central Government which that Government may think relevant to any matter before the Tribunal.

(2) Any person duly authorised in this behalf by the Central Government shall be entitled to appear and be heard in any proceedings before the Tribunal.

41. Burden of proof, etc.—In the case of any complaint under clause (*a*) of Section 36,—

(*a*) whenever it is shown that a railway administration charges one trader or class of traders or the traders in any local area, lower rates for the same or similar goods or lower charges for the same or similar services than it charges to other traders in any other local area, the burden of proving that such lower rate or charge does not amount to an undue preference, shall lie on the railway administration;

(*b*) in deciding whether a lower rate or charge does not amount to an undue preference, the Tribunal may, in addition to any other considerations affecting the case, take into consideration whether such lower rate or charge is necessary in the interests of the public.

42. Decision, etc., of the Tribunal.—The decisions or orders of the Tribunal shall be by a majority of the members sitting and shall be final.

43. Bar of jurisdiction of courts.—No suit shall be instituted or proceeding taken in respect of any matter which the Tribunal is empowered to deal with, or decide, under this Chapter.

44. Reliefs which the Tribunal may grant.—In the case of any complaint made under clause (*b*) or clause (*c*) of Section 36, the Tribunal may—

(*i*) fix such rate or charge as it considers reasonable from any date as it may deem proper, not being a date earlier to the date of the filing of the complaint;

(*ii*) direct a refund of amount, if any, as being the excess of the rate or charge fixed by the Tribunal under clause (*i*).

45. Revision of decisions given by the Tribunal.—Where a railway administration considers that since the date of decision by the Tribunal, there has been a material change in the circumstances on which it was based, it may, after the expiry of one year from such date, make an application to the Tribunal and the Tribunal may, after making such inquiry as it considers necessary, vary or revoke the decision.

46. Execution of decisions or orders of the Tribunal.—The Tribunal may transmit any decision or order made by it to a civil court having local jurisdiction and such civil court shall execute the decision or order as if it were a decree made by that court.

47. Report of the Central Government.—The Tribunal shall present annually a report to the Central Government of all its proceedings under this Chapter.

48. Power of the Tribunal to make regulations.—(1) The Tribunal may, with the previous approval of the Central Government, make regulations consistent with this Act and rules generally to regulate its procedure for the effective discharge of its functions under this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) [17][* * *]

(*b*) the award of costs by the Tribunal in any proceedings before it;

(*c*) the reference of any question to a member or to an officer of the Tribunal or any other person appointed by the Tribunal, for report after holding a local inquiry;

(*d*) the right of audience before the Tribunal, provided that any party shall be entitled to be heard in person, or by a representative duly authorised in writing, or by a legal practitioner;

(*e*) the disposal by the Tribunal of any proceedings before it, notwithstanding that in the course thereof there has been a change in the persons sitting as members of the Tribunal;

(*f*) a scale of fees for and in connection with the proceedings before the Tribunal.

CHAPTER VIII

CARRIAGE OF PASSENGERS

49. Exhibition of certain timings and Tables of fares at stations.—(1) Every railway administration shall cause to be pasted in a conspicuous and accessible place at every station in Hindi and English and also in the regional language commonly in use in the area where the station is situated,—

(*i*) a table of times of arrival and departure of trains which carry passengers and stop at that station, and

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17. *Omitted* by Act 7 of 2017, S. 163(*e*) (w.e.f. 26-5-2017). Prior to omission it read as:
"(*a*) the terms and conditions of service of the officers and employees of the Tribunal;".

(*ii*) list of fares from such station to such other stations as it may consider necessary.

(2) At every station where tickets are issued to passengers, a copy of the timetable in force shall be kept in the office of the station master.

50. Supply of tickets on payment of fare.—(1) Any person desirous of travelling on a railway shall, upon payment of the fare, be supplied with a ticket by a railway servant or an agent authorised in this behalf and such ticket shall contain the following particulars, namely:—

(*i*) the date of issue;
(*ii*) the class of carriage;
(*iii*) the place from and the place to which it is issued; and
(*iv*) the amount of the fare.

(2) Every railway administration shall display the hours during which booking windows at a station shall be kept open for the issue of tickets to passengers.

(3) The particulars required to be specified on a ticket under clauses (*ii*) and (*iii*) of sub-section (1) shall,—

(*a*) if it is for the lowest class of carriage, be set forth in Hindi, English and the regional language commonly in use at the place of issue of the ticket; and
(*b*) if it is for any other class of carriage, be set forth in Hindi and English:

Provided that where it is not feasible to specify such particulars in any such language due to mechanisation or any other reason, the Central Government may exempt such particulars being specified in that language.

51. Provision for case in which ticket is issued for class or train not having accommodation for additional passengers.—(1) A ticket shall be deemed to have been issued subject to the condition of availability of accommodation in the class of carriage and the train for which the ticket is issued.

(2) If no accommodation is available in the class of carriage for which a ticket is issued, and the holder thereof travels in a carriage of a lower class, he shall, on returning such ticket, be entitled to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which he travels.

52. Cancellation of ticket and refund.—If a ticket is returned for cancellation, the railway administration shall cancel the same and refund such amount as may be prescribed.

53. Prohibition against transfer of certain tickets.—A ticket issued in the name of a person shall be used only by that person:

Provided that nothing contained in this section shall prevent mutual transfer of a seat or berth by passengers travelling by the same train:

Provided further that a railway servant authorised in this behalf may permit change of name of a passenger having reserved a seat or berth subject to such circumstances as may be prescribed.

54. Exhibition and surrender of passes and tickets.—Every passenger shall, on demand by any railway servant authorised in this behalf, present his pass or ticket to such railway servant for examination during the journey or at the end of the journey and surrender such ticket—

(*a*) at the end of the journey, or

(*b*) if such ticket is issued for a specified period, on the expiration of such period.

55. Prohibition against travelling without pass or ticket.—(1) No person shall enter or remain in any carriage on a railway for the purpose of travelling therein as a passenger unless he has with him a proper pass or ticket or obtained permission of a railway servant authorised in this behalf for such travel.

(2) A person obtaining permission under sub-section (1) shall ordinarily get a certificate from the railway servant referred to in that sub-section that he has been permitted to travel in such carriage on condition that he subsequently pays the fare payable for the distance to be travelled.

56. Power to refuse to carry persons suffering from infectious or contagious diseases.—(1) A person suffering from such infectious or contagious diseases, as may be prescribed, shall not enter or remain in any carriage on a railway or travel in a train without the permission of a railway servant authorised in this behalf.

(2) The railway servant giving permission under sub-section (1), shall arrange for the separation of the person suffering from such disease from other persons in the train and such person shall be carried in the train subject to such other conditions as may be prescribed.

(3) Any person who enters or remains in any carriage or travels in a train without permission as required under sub-section (1) or in contravention of any condition prescribed under sub-section (2), such person and a person accompanying him shall be liable to the forfeiture of their passes or tickets and removal from railway by any railway servant.

57. Maximum number of passengers for each compartment.—Subject to the approval of the Central Government, every railway administration shall fix the maximum number of passengers which may be carried in each compartment of every description of carriage, and shall exhibit the number so fixed in a conspicuous manner inside or outside each compartment in Hindi, English and also in one or more of the regional languages commonly in use in the areas served by the railway.

58. Earmarking of compartment, etc., for ladies.—Every railway administration shall, in every train carrying passengers, earmark for the exclusive use of females, one compartment or such number of berths or seats, as the railway administration may think fit.

59. Communications between passengers and railway servant in charge of train.—A railway administration shall provide and maintain in every train carrying passengers, such efficient means of communication between the passengers and

the railway servant in charge of the train as may be approved by the Central Government:

Provided that where the railway administration is satisfied that the means of communication provided in a train are being misused, it may cause such means to be disconnected in that train for such period as it thinks fit:

Provided further that the Central Government may specify the circumstances under which a railway administration may be exempted from providing such means of communication in any train.

60. Power to make rules in respect of matters in this Chapter.—(1) The Central Government may, by notification, make rules to carry out the purposes of the Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the convenience and accommodation (including the reservation of seats or berths in trains) to passengers;

(*b*) the amount of refund for the cancellation of a ticket;

(*c*) the circumstances under which change of names of passengers, having reserved seats or berths, may be permitted;

(*d*) the carriage of luggage and the conditions subject to which luggage may be kept in the cloak rooms at the stations;

(*e*) diseases which are infectious or contagious;

(*f*) the conditions subject to which a railway administration may carry passengers suffering from infectious or contagious diseases and the manner in which carriages used by such passengers may be disinfected;

(*g*) generally, for regulating the travelling upon, and the use, working and management of the railways.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which shall not exceed five hundred rupees.

(4) Every railway administration shall keep at every station on its railway a copy of all the rules made under this section and shall also allow any person to inspect it free of charge.

CHAPTER IX

CARRIAGE OF GOODS

61. Maintenance of rate-books, etc., for carriage of goods.—Every railway administration shall maintain, at each station and at such other places where goods are received for carriage, the rate-books or other documents which shall contain the rate authorised for the carriage of goods from one station to another and make them available for the reference of any person during all reasonable hours without payment of any fee.

62. Conditions for receiving, etc., of goods.—(1) A railway administration may impose conditions, not inconsistent with this Act or any rules made thereunder, with respect to the receiving, forwarding, carrying or delivering of any goods.

(2) A railway administration shall maintain, at each station and at such other places where goods are received for carriage, a copy of the conditions for the time being in force under sub-section (1) and make them available for the reference of any person during all reasonable hours without payment of any fee.

63. Provision of risk rates.—(1) Where any goods are entrusted to a railway administration for carriage, such carriage shall, except where owner's risk rate is applicable in respect of such goods, be at railway risk rate.

(2) Any goods, for which owner's risk rate and railway risk rate are in force, may be entrusted for carriage at either of the rates and if no rate is opted, the goods shall be deemed to have been entrusted at owner's risk rate.

64. Forwarding note.—(1) Every person entrusting any goods to a railway administration for carriage shall execute a forwarding note in such form as may be specified by the Central Government:

Provided that no forwarding note shall be executed in the case of such goods as may be prescribed.

(2) The consignor shall be responsible for the correctness of the particulars furnished by him in the forwarding note.

(3) The consignor shall indemnify the railway administration against any damage suffered by it by reason of the incorrectness or incompleteness of the particulars in the forwarding note.

65. Railway receipt.—(1) A railway administration shall,—

(*a*) in a case where the goods are to be loaded by a person entrusting such goods, on the completion of such loading; or

(*b*) in any other case, on the acceptance of the goods by it, issue a railway receipt in such form as may be specified by the Central Government.

(2) A railway receipt shall be *prima facie* evidence of the weight and the number of packages stated therein:

Provided that in the case of a consignment in wagon-load or train-load and the weight or the number of packages is not checked by a railway servant authorised in this behalf, and a statement to that effect is recorded in such railway receipt by him, the burden of proving the weight or, as the case may be, the number of packages stated therein, shall lie on the consignor, the consignee or the endorsee.

66. Power to require statement relating to the description of goods.—(1) The owner or a person having charge of any goods which are brought upon a railway for the purposes of carriage by railway, and the consignee or the endorsee of any consignment shall, on the request of any railway servant authorised in this behalf, deliver to such railway servant a statement in writing signed by such owner or person or by such consignee or endorsee, as the case may be, containing such description of the goods as would enable the railway servant to determine the rate for such carriage.

(2) If such owner or person refuses or neglects to give the statement as required under sub-section (1) and refuses to open the package containing the goods, if so

required by the railway servant, it shall be open to the railway administration to refuse to accept such goods for carriage unless such owner or person pays for such carriage the highest rate for any class of goods.

(3) If the consignee or endorsee refuses or neglects to give the statement as required under sub-section (1) and refuses to open the package containing the goods, if so required by the railway servant, it shall be open to the railway administration to charge in respect of the carriage of the goods the highest rate for any class of goods.

(4) If the statement delivered under sub-section (1) is materially false with respect to the description of any goods to which it purports to relate, the railway administration may charge in respect of the carriage of such goods such rate, not exceeding double the highest rate for any class of goods as may be specified by the Central Government.

(5) If any difference arises between a railway servant and such owner or person, the consignee or the endorsee, as the case may be, in respect of the description of the goods for which a statement has been delivered under sub-section (1), the railway servant may detain and examine the goods.

(6) Where any goods have been detained under sub-section (5) for examination and upon such examination it is found that the description of the goods is different from that given in the statement delivered under sub-section (1), the cost of such detention and examination shall be borne by such owner or person, the consignee or the endorsee, as the case may be, and the railway administration shall not be liable for any loss, damage or deterioration which may be caused by such detention or examination.

67. Carriage of dangerous or offensive goods.—(1) No person shall take with him on a railway, or require a railway administration to carry such dangerous or offensive goods, as may be prescribed, except in accordance with the provisions of this section.

(2) No person shall take with him on a railway the goods referred to in sub-section (1) unless he gives a notice in writing of their dangerous or offensive nature to the railway servant authorised in this behalf.

(3) No person shall entrust the goods referred to in sub-section (1) to a railway servant authorised in this behalf for carriage unless he distinctly marks on the outside of the package containing such goods their dangerous or offensive nature and gives a notice in writing of their dangerous or offensive nature to such railway servant.

(4) If any railway servant has reason to believe that goods contained in a package are dangerous or offensive and notice as required under sub-section (2) or sub-section (3), as the case may be, in respect of such goods is not given, he may cause such package to be opened for the purpose of ascertaining its contents.

(5) Notwithstanding anything contained in this section, any railway servant may refuse to accept any dangerous or offensive goods for carriage or stop, in

transit, such goods or cause the same to be removed, as the case may be, if he has reason to believe that the provisions of this section for such carriage are not complied with.

(6) Nothing in this section shall be construed to derogate from the provisions of the Indian Explosives Act, 1884 (4 of 1884), or any rule or order made under that Act, and nothing in sub-sections (4) and (5) shall be construed to apply to any goods entrusted for carriage by order or on behalf of the Government or to any goods which a soldier, sailor, airman or any other officer of the armed forces of the Union or a police officer or a member of the Territorial Army or of the National Cadet Corps may take with him on a railway in the course of his employment or duty as such.

68. Carriage of animals suffering from infectious or contagious diseases.—A railway administration shall not be bound to carry any animal suffering from such infectious or contagious disease as may be prescribed.

69. Deviation of route.—Where due to any cause beyond the control of a railway administration or due to congestion in the yard or any other operational reasons, goods are carried over a route other than the route by which such goods are booked, the railway administration shall not be deemed to have committed a breach of the contract of carriage by reason only of the deviation of the route.

70. Prohibition of undue preference.—A railway administration shall not make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person or any particular description of traffic in the carriage of goods.

CASE LAW ▸ Onus of proof.—The onus to prove that there had been a violation was on person alleging the same who failed to adduce any evidence to establish that the respondent Railways had given undue preference in favour of any person, especially so in light of the fact that the lease FSLR space was given after an auction process, *SKL Co.* v. *Southern Railways*, (2015) 16 SCC 509.

71. Power to give direction in regard to carriage of certain goods.—(1) The Central Government may, if it is of the opinion that it is necessary in the public interest so to do, by general or special order, direct any railway administration—

(*a*) to give special facilities for, or preference to, the carriage of such goods or class of goods consigned by or to the Central Government or the Government of any State or of such other goods or class of goods;

(*b*) to carry any goods or class of goods by such route or routes and at such rates;

(*c*) to restrict or refuse acceptance of such goods or class of goods at or to such station for carriage,

as may be specified in the order.

(2) Any order made under sub-section (1) shall cease to have effect after the expiration of a period of one year from the date of such order, but may, by a like order, be renewed from time to time for such period not exceeding one year at a time as may be specified in the order.

(3) Notwithstanding anything contained in this Act, every railway administration shall be bound to comply with any order given under sub-section (1) and any action taken by a railway administration in pursuance of any such order shall not be deemed to be a contravention of Section 70.

72. Maximum carrying capacity for wagons and trucks.—(1) The gross weight of every wagon or truck bearing on the axles when the wagon or truck is loaded to its maximum carrying capacity shall not exceed such limit as may be fixed by the Central Government for the class of axle under the wagon or truck.

(2) Subject to the limit fixed under sub-section (1), every railway administration shall determine the normal carrying capacity for every wagon or truck in its possession and shall exhibit in words and figures the normal carrying capacity so determined in a conspicuous manner on the outside of every such wagon or truck.

(3) Every person owning a wagon or truck which passes over a railway shall determine and exhibit the normal carrying capacity for the wagon or truck in the manner specified in sub-section (2).

(4) Notwithstanding anything contained in sub-section (2) or sub-section (3), where a railway administration considers it necessary or expedient so to do in respect of any wagon or truck carrying any specified class of goods or any class of wagons or trucks of any specified type, it may vary the normal carrying capacity for such wagon or truck or such class of wagons or trucks and subject to such conditions as it may think fit to impose, determine for the wagon or truck or class of wagons or trucks such carrying capacity as may be specified in the notification and it shall not be necessary to exhibit the words and figures representing the carrying capacity so determined on the outside of such wagon or truck or such class of wagons or trucks.

73. Punitive charge for overloading a wagon.—Where a person loads goods in a wagon beyond its permissible carrying capacity as exhibited under sub-section (2) or sub-section (3), or notified under sub-section (4), of Section 72, a railway administration may, in addition to the freight and other charges, recover from the consignor, the consignee or the endorsee, as the case may be, charges by way of penalty at such rates, as may be prescribed, before the delivery of the goods:

Provided that it shall be lawful for the railway administration to unload the goods loaded beyond the capacity of the wagon, if detected at the forwarding station or at any place before the destination station and to recover the cost of such unloading and any charge for the detention of any wagon on this account.

CASE LAW ▸ Overloading of wagons.—It is not responsibility of Railways to ensure that no overloading is done at originating station, *S. Goenka Lime and Chemicals Ltd.* v. *Union of India*, 2015 SCC OnLine MP 7375 (MP) : (2016) 1 MP LJ 89 (MP).

74. Passing of property in the goods covered by railway receipt.—The property in the consignment covered by a railway receipt shall pass to the consignee

or the endorsee, as the case may be, on the delivery of such railway receipt to him and he shall have all the rights and liabilities of the consignor.

75. Section 74 not to affect right of stoppage in transit or claims for freight.—Nothing contained in Section 74 shall prejudice or affect—

(*a*) any right of the consignor for stoppage of goods in transit as an unpaid vendor [as defined under the Sale of Goods Act, 1930 (3 of 1930)] on his written request to the railway administration;

(*b*) any right of the railway to claim freight from the consignor; or

(*c*) any liability of the consignee or the endorsee, referred to in that section by reason of his being such consignee or endorsee.

76. Surrender of railway receipt.—The railway administration shall deliver the consignment under a railway receipt on the surrender of such railway receipt:

Provided that in case the railway receipt is not forthcoming, the consignment may be delivered to the person, entitled in the opinion of the railway administration to receive the goods, in such manner as may be prescribed.

77. Power of railway administration to deliver goods or sale proceeds thereof in certain cases.—Where no railway receipt is forthcoming and any consignment or the sale proceeds of any consignment are claimed by two or more persons, the railway administration may withhold delivery of such consignment or sale proceeds, as the case may be, and shall deliver such consignment or sale proceeds in such manner as may be prescribed.

78. Power to measure, weigh, etc.—Notwithstanding anything contained in the railway receipt, the railway administration may, before the delivery of the consignment, have the right to—

(*i*) re-measure, re-weigh or re-classify any consignment;

(*ii*) recalculate the freight and other charges; and

(*iii*) correct any other error or collect any amount that may have been omitted to be charged.

79. Weighment of consignment on request of the consignee or endorsee.—A railway administration may, on the request made by the consignee or endorsee, allow weighment of the consignment subject to such conditions and on payment of such charges as may be prescribed and the demurrage charges if any:

Provided that except in cases where a railway servant authorised in this behalf considers it necessary so to do, no weighment shall be allowed of goods booked at owner's risk rate or goods which are perishable and are likely to lose weight in transit:

Provided further that no request for weighment of consignment in wagon-load or train-load shall be allowed if the weighment is not feasible due to congestion in the yard or such other circumstances as may be prescribed.

80. Liability of railway administration for wrong delivery.—Where a railway administration delivers the consignment to the persons who produces the railway receipt, it shall not be responsible for any wrong delivery on the ground that

such person is not entitled thereto or that the endorsement on the railway receipt is forged or otherwise defective.

81. Open delivery of consignments.—Where the consignment arrives in a damaged condition or shows signs of having been tampered with and the consignee or the endorsee demands open delivery, the railway administration shall give open delivery in such manner as may be prescribed.

82. Partial delivery of consignments.—(1) The consignee or endorsee shall, as soon as the consignment or part thereof is ready for delivery, take delivery of such consignment or part thereof notwithstanding that such consignment or part thereof is damaged.

(2) In the case of partial delivery under sub-section (1), the railway administration shall furnish a partial delivery certificate, in such form as may be prescribed.

(3) If the consignee or endorsee refuses to take delivery under sub-section (1), the consignment or part thereof shall be subject to wharfage charges beyond the time allowed for removal.

83. Lien for freight or any other sum due.—(1) If the consignor, the consignee or the endorsee fails to pay on demand any freight or other charges due from him in respect of any consignment, the railway administration may detain such consignment or part thereof or, if such consignment is delivered, it may detain any other consignment of such person which is in, or thereafter comes into, its possession.

(2) The railway administration may, if the consignment detained under sub-section (1) is—

(*a*) perishable in nature, sell at once; or

(*b*) not perishable in nature, sell, by public auction,

such consignment or part thereof, as may be necessary to realise a sum equal to the freight or other charges:

Provided that where a railway administration for reasons to be recorded in writing is of the opinion that it is not expedient to hold the auction, such consignment or part thereof may be sold in such manner as may be prescribed.

(3) The railway administration shall give a notice of not less than seven days of the public auction under clause (*b*) of sub-section (2) in one or more local newspapers or where there are no such newspapers in such manner as may be prescribed.

(4) The railway administration may, out of the sale proceeds received under sub-section (2), retain a sum equal to the freight and other charges including expenses for the sale due to it and the surplus of such proceeds and the part of the consignment, if any, shall be rendered to the person entitled thereto.

CASE LAW ▸ Interpretation/Construction.—Words "other charges", occurring in Section 83, include penal charges leviable under Section 73, *Jagjit Cotton Textile Mills* v. *Chief Commercial Supdt., N.R.*, (1998) 5 SCC 126.

84. Unclaimed consignment.—(1) If any person fails to take delivery of—

(*a*) any consignment; or

(*b*) the consignment released from detention made under sub-section (1) of Section 83; or

(*c*) any remaining part of the consignment under sub-section (2) of Section 83,

such consignment shall be treated as unclaimed.

(2) The railway administration may,—

(*a*) in the case of an unclaimed consignment which is perishable in nature, sell such consignment in the manner provided in clause (*a*) of sub-section (2) of Section 83; or

(*b*) in the case of an unclaimed consignment which is not perishable in nature, cause a notice to be served upon the consignee if his name and address are known, and upon the consignor if the name and address of the consignee are not known, requiring him to remove the goods within a period of seven days from the receipt thereof and if such notice cannot be served or there is a failure to comply with the requisition in the notice, sell such consignment in the manner provided in clause (*b*) of sub-section (2) of Section 83.

(3) The railway administration shall, out of the sale proceeds received under sub-section (2), retain a sum equal to the freight and other charges including expenses for the sale due to it and the surplus, if any, of such sale proceeds shall be rendered to the person entitled thereto.

85. Disposal of perishable consignments in certain circumstances.—(1) Where by reason of any flood, land-slip, breach of any lines of rails, collision between trains, derailment of, or other accident to a train or any other cause, traffic on any route is interrupted and there is no likelihood of early resumption of such traffic, nor is there any other reasonable route whereby traffic of perishable consignment may be diverted to prevent, loss or deterioration of, or damage to, such consignment, the railway administration may sell them in the manner provided in clause (*a*) of sub-section (2) of Section 83.

(2) The railway administration shall, out of the sale proceeds received under sub-section (1), retain a sum equal to the freight and other charges including expenses for the sale due to it and the surplus, if any, of such sale proceeds, shall be rendered to the person entitled thereto.

86. Sales under Sections 83 to 85 not to affect the right to suit.—Notwithstanding anything contained in this Chapter, the right of sale under Sections 83 to 85 shall be without prejudice to the right of the railway administration to recover by suit, any freight, charge, amount or other expenses due to it.

87. Power to make rules in respect of matters in this Chapter.—(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) goods in respect of which no forwarding note shall be executed under proviso to sub-section (1) of Section 64;

(*b*) dangerous and offensive goods for the purposes of sub-section (1) of Section 67;

(*c*) infectious or contagious diseases for the purposes of Section 68;

(*d*) rates of penalty charges under Section 73;

(*e*) the manner in which the consignment may be delivered without a railway receipt under Section 76;

(*f*) the manner of delivery of consignment or the sale proceeds to the person entitled thereto under Section 77;

(*g*) the conditions subject to which and charges payable for allowing weighment and circumstances for not allowing weighment of consignment in wagon-load or train-load under Section 79;

(*h*) the manner of giving open delivery under Section 81;

(*i*) the form of partial delivery certificate under sub-section (2) of Section 82;

(*j*) the manner of sale of consignment or part thereof under the proviso to sub-section (2) of Section 83;

(*k*) the manner in which a notice under sub-section (3) of Section 83 may be given;

(*l*) generally, for regulating the carriage of goods by the railways.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to one hundred and fifty rupees.

(4) Every railway administration shall keep at each station a copy of the rules for the time being in force under this section, and shall allow any person to refer to it free of charge.

CHAPTER X

SPECIAL PROVISIONS AS TO GOODS BOOKED TO NOTIFIED STATIONS

88. Definitions.—In this Chapter, unless the context otherwise requires,—

(*a*) "essential commodity" means an essential commodity as defined in clause (*a*) of Section 2 of the Essential Commodities Act, 1955 (10 of 1955);

(*b*) "notified station" means a station declared to be a notified station under Section 89;

(*c*) "State Government", in relation to a notified station, means the Government of the State in which such station is situated, or where such station is situated in a Union Territory, the administrator of that Union Territory appointed under Article 239 of the Constitution.

89. Power to declare notified stations.—(1) The Central Government may, if it is satisfied that it is necessary that goods entrusted for carriage by train intended

solely for the carriage of goods to any railway station should be removed without delay from such railway station, declare, by notification, such railway station to be a notified station for such period as may be specified in the notification:

Provided that before declaring any railway station to be a notified station under this sub-section, the Central Government shall have regard to all or any of the following factors, namely:—

(*a*) the volume of traffic and the storage space available at such railway station;

(*b*) the nature and quantities of goods generally booked to such railway station;

(*c*) the scope for causing scarcity of such goods by not removing them for long periods from such railway station and the hardship which such scarcity may cause to the community;

(*d*) the number of wagons likely to be held up at such railway station if goods are not removed therefrom quickly and the need for quick movement and availability of such wagons;

(*e*) such other factors (being relevant from the point of view of the interest of the general public) as may be prescribed:

Provided further that the period specified in any notification issued under this sub-section in respect of any railway station shall not exceed six months in the first instance, but such period may, by notification, be extended from time to time by a period not exceeding six months on each occasion.

(2) If any person entrusting any goods to a railway administration to be carried to a notified station makes an application in such form and manner as may be prescribed and specifies therein the address of the person to whom intimation by registered post of the arrival of the goods at the notified station shall be given and pays the postage charges required for giving such intimation, the railway administration shall, as soon as may be after the arrival of the goods at the notified station, send such intimation accordingly.

(3) There shall be exhibited at a conspicuous place at each notified station a statement in the prescribed form setting out the description of the goods which by reason of the fact that they have not been removed from the station within a period of seven days from the termination of transit thereof are liable to be sold, in accordance with the provision, of sub-section (1) of Section 90, by public auction and the dates on which they would be so sold:

Provided that different statements may be so exhibited in respect of goods proposed to be sold on different dates.

(4) If the goods specified in any statement to be exhibited under sub-section (3) include essential commodities, the railway servant preparing the statement shall, as soon as may be after the preparation of such statement, forward a copy thereof to—

(*a*) the representative of the Central Government, nominated by that Government in this behalf;

(*b*) the representative of the State Government, nominated by that Government in this behalf; and

(*c*) the District Magistrate within the local limits of whose jurisdiction the railway station is situated.

90. Disposal of unremoved goods at notified stations.—(1) If any goods entrusted for carriage to any notified station by a train intended solely for the carriage of goods are not removed from such station by a person entitled to do so within a period of seven days after the termination of transit thereof at such station, the railway administration may, subject to the provisions of sub-section (2), sell such goods by public auction and apart from exhibiting, in accordance with the provisions of sub-section (3) of Section 89, a statement containing a description of such goods, it shall not be necessary to give any notice of such public auction, but the date on which such auction may be held under this sub-section may be notified in one or more local newspapers, or where there are no such newspapers, in such manner as may be prescribed:

Provided that if at any time before the sale of such goods under this sub-section, the person entitled thereto pays the freight and other charges and the expenses due in respect thereof to the railway administration, he shall be allowed to remove such goods.

(2) If any goods which may be sold by public auction under sub-section (1) at a notified station, being essential commodities, are required by the Central Government or the State Government for its own use or if the Central Government or such State Government considers that it is necessary for securing the availability of all or any such essential commodities at fair prices so to do, it may, by order in writing, direct the railway servant in-charge of such auction to transfer such goods to it or to such agency, co-operative society or other person (being an agency, co-operative society or other person subject to the control of the Government) engaged in the business of selling such essential commodities as may be specified in the direction.

(3) Every direction issued under sub-section (2) in respect of any essential commodity shall be binding on the railway servant to whom it is issued and the railway administration and it shall be a sufficient defence against any claim by the person entitled to the goods that such essential commodities have been transferred in compliance with such direction:

Provided that—

(*a*) such direction shall not be binding on such railway servant or the railway administration—

(*i*) if it has not been received by the railway servant sufficiently in time to enable him to prevent the sale of the essential commodities to which it relates; or

(*ii*) if before the time appointed for such sale, the person entitled to such goods pays the freight and other charges and the expenses

due in respect thereof and claims that he be allowed to remove the goods; or

(*iii*) if the price payable for such goods (as estimated by the Central Government or, as the case may be, the State Government) is not credited to the railway administration in the prescribed manner and the railway administration is not indemnified against any additional amount which it may become liable to pay towards the price by reason of the price not having been computed in accordance with the provisions of sub-section (4);

(*b*) where directions are issued in respect of the same goods both by the Central Government and the State Government, the directions received earlier shall prevail.

(4) The price payable for any essential commodity transferred in compliance with a direction issued under sub-section (2) shall be the price calculated in accordance with the provisions of sub-section (3) of Section 3 of the Essential Commodities Act, 1955 (10 of 1955):

Provided that—

(*a*) in the case of any essential commodity being a food-stuff in respect whereof a notification issued under sub-section (3-A) of Section 3 of the Essential Commodities Act, 1955 (10 of 1955), is in force in the locality in which the notified station is situated, the price payable shall be calculated in accordance with the provisions of clauses (*iii*) and (*iv*) of that sub-section;

(*b*) in the case of an essential commodity being any grade or variety of foodgrains, edible oil-seeds or edible oils in respect whereof no notification issued under sub-section (3-A) of Section 3 of the Essential Commodities Act, 1955 (10 of 1955), is in force in the locality in which the notified station is situated, the price payable shall be calculated in accordance with the provisions of sub-section (3-B) of that section;

(*c*) in the case of an essential commodity being any kind of sugar in respect whereof no notification issued under sub-section (3-A) of Section 3 of the Essential Commodities Act, 1955 (10 of 1955), is in force in the locality in which the notified station is situated, the price payable shall, if such sugar has been booked by the producer to himself, be calculated in accordance with the provisions of sub-section (3-C) of that section.

Explanation.—For the purposes of this clause, the expressions "producer" and "sugar" shall have the meanings assigned to these expressions in the *Explanation* to sub-section (3-C) of Section 3, and clause (*e*) of Section 2 of the Essential Commodities Act, 1955 (10 of 1955), respectively.

91. Price to be paid to person entitled after deducting dues.—(1) Out of the proceeds of any sale of goods under sub-section (1) of Section 90 of the price payable therefor under sub-section (4) of that section, the railway administration may retain a sum equal to the freight and other charges due in respect of such goods

and the expenses incurred in respect of the goods and the auction thereof and render the surplus, if any, to the persons entitled thereto.

(2) Notwithstanding anything contained in sub-section (1), the railway administration may recover by suit any such freight or charge or expenses referred to therein or balance thereof.

(3) Any goods sold under sub-section (1) of Section 90 or transferred in compliance with the directions issued under sub-section (2) of that section shall vest in the buyer or the transferee free from all encumbrances but subject to a priority being given for the sum which may be retained by a railway administration under sub-section (1), the person in whose favour such encumbrance subsists may have a claim in respect of such encumbrance against the surplus, if any, referred to in that sub-section.

92. Power to make rules in respect of matters in this Chapter.—(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the factors to which the Central Government shall have regard under clause (*e*) of the first proviso to sub-section (1) of Section 89;

(*b*) the form and manner in which an application may be made under sub-section (2) of Section 89;

(*c*) the form in which a statement is required to be exhibited under sub-section (3) of Section 89;

(*d*) the manner in which the dates of public auctions may be notified under sub-section (1) of Section 90;

(*e*) the manner of crediting to the railway administration the price of goods referred to in sub-clause (*iii*) of clause (*a*) of the proviso to sub-section (3) of Section 90.

CHAPTER XI

RESPONSIBILITIES OF RAILWAY ADMINISTRATIONS AS CARRIERS

93. General responsibility of a railway administration as carrier of goods.—Save as otherwise provided in this Act, a railway administration shall be responsible for the loss, destruction, damage or deterioration in transit, or non-delivery of any consignment, arising from any cause except the following, namely:—

(*a*) act of God;

(*b*) act of war;

(*c*) act of public enemies;

(*d*) arrest, restraint or seizure under legal process;

(*e*) orders or restrictions imposed by the Central Government or a State Government or by an officer or authority subordinate to the Central Government or a State Government authorised by it in this behalf;

(*f*) act or omission or negligence of the consignor or the consignee or the endorsee or the agent or servant of the consignor or the consignee or the endorsee;

(*g*) natural deterioration or wastage in bulk or weight due to inherent defect, quality or vice of the goods;

(*h*) latent defects;

(*i*) fire, explosion or any unforeseen risk:

Provided that even where such loss, destruction, damage, deterioration or non-delivery is proved to have arisen from any one or more of the aforesaid causes, the railway administration shall not be relieved of its responsibility for the loss, destruction, damage, deterioration or non-delivery unless the railway administration further proves that it has used reasonable foresight and care in the carriage of the goods.

94. Goods to be loaded or delivered at a siding not belonging to a railway administration.—(1) Where goods are required to be loaded at a siding not belonging to a railway administration for carriage by railway, the railway administration shall not be responsible for any loss, destruction, damage or deterioration of such goods from whatever cause arising, until the wagon containing the goods has been placed at the specified point of interchange of wagons between the siding and the railway administration and a railway servant authorised in this behalf has been informed in writing accordingly by the owner of the siding.

(2) Where any consignment is required to be delivered by a railway administration at a siding not belonging to a railway administration, the railway administration shall not be responsible for any loss, destruction, damage or deterioration or non-delivery of such consignment from whatever cause arising after the wagon containing the consignment has been placed at the specified point of interchange of wagons between the railway and the siding and the owner of the siding has been informed in writing accordingly by a railway servant authorised in this behalf.

95. Delay or retention in transit.—A railway administration shall not be responsible for the loss, destruction, damage or deterioration of any consignment proved by the owner to have been caused by the delay or detention in their carriage if the railway administration proves that the delay or detention arose for reasons beyond its control or without negligence or misconduct on its part or on the part of any of its servants.

96. Traffic passing over railways in India and railways in foreign countries.—Where in the course of carriage of any consignment from a place in India to a place outside India or from a place outside India to a place in India or from one place outside India to another place outside India or from one place in India to another place in India over any territory outside India, it is carried over the railways of any railway administration in India, the railway administration shall not be responsible under any of the provisions of this Chapter for the loss,

destruction, damage or deterioration of the goods, from whatever cause arising, unless it is proved by the owner of the goods that such loss, destruction, damage or deterioration arose over the railway of the railway administration.

97. Goods carried at owner's risk rate.—Notwithstanding anything contained in Section 93, a railway administration shall not be responsible for any loss, destruction, damage, deterioration or non-delivery in transit, of any consignment carried at owner's risk rate, from whatever cause arising, except upon proof, that such loss, destruction, damage, deterioration or non-delivery was due to negligence or misconduct on its part or on the part of any of its servants:

Provided that—

(*a*) where the whole of such consignment or the whole of any package forming part of such consignment is not delivered to the consignee or the endorsee and such non-delivery is not proved by the railway administration to have been due to fire or to any accident to the train; or

(*b*) where in respect of any such consignment or of any package forming part of such consignment which had been so covered or protected that the covering or protection was not readily removable by hand, it is pointed out to the railway administration on or before delivery that any part of that consignment or package had been pilfered in transit,

the railway administration shall be bound to disclose to the consignor, the consignee or the endorsee how the consignment or the package was dealt with throughout the time it was in its possession or control, but if negligence or misconduct on the part of the railway administration or of any of its servants cannot be fairly inferred from such disclosure, the burden of proving such negligence or misconduct shall lie on the consignor, the consignee or the endorsee.

98. Goods in defective condition or defectively packed.—(1) Notwithstanding anything contained in the foregoing provisions of this Chapter, when any goods entrusted to a railway administration for carriage—

(*a*) are in a defective condition as a consequence of which they are liable to damage, deterioration, leakage or wastage; or

(*b*) are either defectively packed or not packed in such manner as may be prescribed and as a result of such defective or improper packing are liable to damage, deterioration, leakage or wastage,

and the fact of such condition or defective or improper packing has been recorded by the consignor or his agent in the forwarding note, the railway administration shall not be responsible for any damage, deterioration, leakage or wastage or for the condition in which such goods are available for delivery at destination:

Provided that the railway administration shall be responsible for any such damage, deterioration, leakage or wastage or for the condition in which such goods are available for delivery at destination if negligence or misconduct on the part of the railway administration or of any of its servants is proved.

(2) When any goods entrusted to a railway administration for carriage are found on arrival at the destination station to have been damaged or to have suffered deterioration, leakage or wastage, the railway administration shall not be responsible for the damage, deterioration, leakage or wastage of the goods on proof by railway administration,—

(*a*) that the goods were, at the time of entrustment to the railway administration, in a defective condition, or were at that time either defectively packed or not packed in such manner as may be prescribed and as a result of which were liable to damage, deterioration, leakage or wastage; and

(*b*) that such defective condition or defective or improper packing was not brought to the notice of the railway administration or any of its servants at the time of entrustment of the goods to the railway administration for carriage by railway:

Provided that the railway administration shall be responsible for any such damage, deterioration, leakage or wastage if negligence or misconduct on the part of the railway administration or of any of its servants is proved.

99. Responsibility of a railway administration after termination of transit.—(1) A railway administration shall be responsible as a bailee under Sections 151, 152 and 161 of the Indian Contract Act, 1872 (9 of 1872), for the loss, destruction, damage, deterioration or non-delivery of any consignment up to a period of seven days after the termination of transit:

Provided that where the consignment is at owner's risk rate, the railway administration shall not be responsible as a bailee for such loss, destruction, damage, deterioration or non-delivery except on proof of negligence or misconduct on the part of the railway administration or of any of its servants.

(2) The railway administration shall not be responsible in any case for the loss, destruction, damage, deterioration or non-delivery of any consignment arising after the expiry of a period of seven days after the termination of transit.

(3) Notwithstanding anything contained in the foregoing provisions of this section, a railway administration shall not be responsible for the loss, destruction, damage, deterioration or non-delivery of perishable goods, animals, explosives and such dangerous or other goods as may be prescribed, after the termination of transit.

(4) Nothing in the foregoing provisions of this section shall affect the liability of any person to pay any demurrage or wharfage, as the case may be, for so long as the consignment is not unloaded from the railway wagons or removed from the railway premises.

100. Responsibility as carrier of luggage.—A railway administration shall not be responsible for the loss, destruction, damage, deterioration or non-delivery of any luggage unless a railway servant has booked the luggage and given a receipt therefor and in the case of luggage which is carried by the passenger in his charge, unless it is also proved that the loss, destruction, damage or deterioration was due to the negligence or misconduct on its part or on the part of any of its servants.

101. Responsibility as a carrier of animals.—A railway administration shall not be responsible for any loss or destruction of, or injuries to, any animal carried by railway arising from fright or restiveness of the animal or from overloading of wagons by the consignor.

102. Exoneration from liability in certain cases.—Notwithstanding anything contained in the foregoing provisions of this Chapter, a railway administration shall not be responsible for the loss, destruction, damage, deterioration or non-delivery of any consignment,—

(*a*) when such loss, destruction, damage, deterioration or non-delivery is due to the fact that a materially false description of the consignment is given in the statement delivered under sub-section (1) of Section 66; or

(*b*) where a fraud has been practised by the consignor or the consignee or the endorsee or by an agent of the consignor, consignee or the endorsee; or

(*c*) where it is proved by the railway administration to have been caused by, or to have arisen from—

(*i*) improper loading or unloading by the consignor or the consignee or the endorsee or by an agent of the consignor, consignee or the endorsee;

(*ii*) riot, civil commotion, strike, lock-out, stoppage or restraint of labour from whatever cause arising whether partial or general; or

(*d*) for any indirect or consequential loss or damage or for loss of particular market.

103. Extent of monetary liability in respect of any consignment.—(1) Where any consignment is entrusted to a railway administration for carriage by railway and the value of such consignment has not been declared as required under sub-section (2) by the consignor, the amount of liability of the railway administration for the loss, destruction, damage, deterioration or non-delivery of the consignment shall in no case exceed such amount calculated with reference to the weight of the consignment as may be prescribed, and where such consignment consists of an animal, the liability shall not exceed such amount as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), where the consignor declares the value of any consignment at the time of its entrustment to a railway administration for carriage by railway, and pays such percentage charge as may be prescribed on so much of the value of such consignment as is in excess of the liability of the railway administration as calculated or specified, as the case may be, under sub-section (1), the liability of the railway administration for the loss, destruction, damage, deterioration or non-delivery of such consignment shall not exceed the value so declared.

(3) The Central Government may, from time to time, by notification, direct that such goods as may be specified in the notification shall not be accepted for carriage by railway unless the value of such goods is declared and percentage charge is paid as required under sub-section (2).

104. Extent of liability in respect of goods carried in open wagon.—Where any goods, which, under ordinary circumstances, would be carried in covered wagon and would be liable to damage, if carried otherwise, are with the consent of the consignor, recorded in the forwarding note, carried in open wagon, the responsibility of railway administration for destruction, damage or deterioration which may arise only by reason of the goods being so carried, shall be one-half of the amount of liability for such destruction, damage or deterioration determined under this Chapter.

105. Right of railway administration to check contents of certain consignment or luggage.—Where the value has been declared under Section 103 in respect of any consignment a railway administration may make it a condition of carrying such consignment that a railway servant authorised by it in this behalf has been satisfied by examination or otherwise that the consignment tendered for carriage contain the articles declared.

106. Notice of claim for compensation and refund of overcharge.—(1) A person shall not be entitled to claim compensation against a railway administration for the loss, destruction, damage, deterioration or non-delivery of goods carried by railway, unless a notice thereof is served by him or on his behalf,—

(*a*) to the railway administration to which the goods are entrusted for carriage; or

(*b*) to the railway administration on whose railway the destination station lies, or the loss, destruction, damage or deterioration occurs,

within a period of six months from the date of entrustment of the goods.

(2) Any information demanded or enquiry made in writing from, or any complaint made in writing to, any of the railway administrations mentioned in sub-section (1) by or on behalf of the person within the said period of six months regarding the non-delivery or delayed delivery of the goods with particulars sufficient to identify the goods shall, for the purpose of this section, be deemed to be a notice of claim for compensation.

(3) A person shall not be entitled to a refund of an overcharge in respect of goods carried by railway unless a notice therefor has been served by him or on his behalf to the railway administration to which the overcharge has been paid within six months from the date of such payment or the date of delivery of such goods at the destination station, whichever is later.

CASE LAW ▸ Overcharge and illegal realisation of freight.—Excess realisation of charges due to change in notified rates or distances is illegal realisation and not overcharge. Upon correction of notified distance, charges that had been levied for extra distance based on earlier notified distance, held, would fall under illegal realisation of freight and not overcharge. This was so as freight paid as per the rates notified based on the erstwhile notified distance would not be a case of overcharge at all. Hence, requirement of notice under Section 106(3), within a period of six months, for claiming excess amount paid on account of overcharge, not attracted. *Hindustan Petroleum Corpn. Ltd.* v. *Union of India*, (2018) 17 SCC 729.

107. Applications for compensation for loss, etc., of goods.—An application for compensation for loss, destruction, damage, deterioration or non-delivery of goods shall be filed against the railway administration on whom a notice under Section 106 has been served.

108. Person entitled to claim compensation.—(1) If a railway administration pays compensation for the loss, destruction, damage, deterioration or non-delivery of goods entrusted to it for carriage, to the consignee or the endorsee producing the railway receipt, the railway administration shall be deemed to have discharged its liability and no application before the Claims Tribunal or any other legal proceeding shall lie against the railway administration on the ground that the consignee or the endorsee was not legally entitled to receive such compensation.

(2) Nothing in sub-section (1) shall affect the right of any person having any interest in the goods to enforce the same against the consignee or the endorsee receiving compensation under that sub-section.

109. Railway administration against which application for compensation for personal injury is to be filed.—An application before the Claims Tribunal for compensation for the loss of life or personal injury to a passenger, may be instituted against,—

(*a*) the railway administration from which the passenger obtained his pass or purchases his ticket, or

(*b*) the railway administration on whose railway the destination station lies or the loss or personal injury occurred.

110. Burden of proof.—In an application before the Claims Tribunal for compensation for loss, destruction, damage, deterioration or non-delivery of any goods, the burden of proving—

(*a*) the monetary loss actually sustained; or

(*b*) where the value has been declared under sub-section (2) of Section 103 in respect of any consignment that the value so declared is its true value,

shall lie on the person claiming compensation, but subject to the other provisions contained in this Act, it shall not be necessary for him to prove how the loss, destruction, damage, deterioration or non-delivery was caused.

111. Extent of liability of railway administration in respect of accidents at sea.—(1) When a railway administration contracts to carry passengers or goods partly by railway and partly by sea, a condition exempting the railway administration from responsibility for any loss of life, personal injury or loss of or damage to goods which may happen during the carriage by sea from act of God, public enemies, fire, accidents from machinery, boilers and steam and all and every other dangers and accidents of the seas, rivers and navigation of whatever nature and kind shall, without being expressed, be deemed to be part of the contract, and, subject to that condition, the railway administration shall, irrespective of the nationality or ownership of the ship used for the carriage by sea, be responsible for any loss of life, personal injury or loss of or damage to goods which may happen during the carriage by sea, to the extent to which it would be responsible under the

Merchant Shipping Act, 1958 (44 of 1958), if the ships were registered under that Act and the railway administration were owner of the ship and not to any greater extent.

(2) The burden of proving that any such loss, injury or damage as is mentioned in sub-section (1) happened during the carriage by sea shall lie on the railway administration.

112. Power to make rules in respect of matters in this Chapter.—(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of packing of goods entrusted to a railway administration under clause (*b*), sub-section (1) of Section 98;

(*b*) the goods for the purposes of sub-section (3) of Section 99; and

(*c*) the maximum amount payable by the railway administration for the loss, destruction, damage, deterioration or non-delivery of any consignment under sub-section (1) of Section 103.

CHAPTER XII
ACCIDENTS

113. Notice of railway accident.—(1) Where, in the course of working a railway,—

(*a*) any accident attended with loss of any human life, or with grievous hurt, as defined in the Indian Penal Code (45 of 1860), or with such serious injury to property as may be prescribed; or

(*b*) any collision between trains of which one is a train carrying passengers; or

(*c*) the derailment of any train carrying passengers, or of any part of such train; or

(*d*) 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; or

(*e*) any accident of any other description which the Central Government may notify in this behalf in the Official Gazette,

occurs, the stationmaster of the station nearest to the place at which the accident occurs or where there is no stationmaster, the railway servant in charge of the section of the railway on which the accident occurs, shall, without delay, give notice of the accident to the District Magistrate and Superintendent of Police, within whose jurisdiction the accident occurs, the officer in charge of the police station within the local limits of which the accident occurs and to such other Magistrate or police officer as may be appointed in this behalf by the Central Government.

(2) The railway administration within whose jurisdiction the accident occurs, as also the railway administration to whom the train involved in the accident

belongs, shall without delay, give notice of the accident to the State Government and the Commissioner having jurisdiction over the place of the accident.

114. Inquiry by Commissioner.—(1) On the receipt of a notice under Section 113 of the occurrence of an accident to a train carrying passengers resulting in loss of human life or grievous hurt causing total or partial disablement of permanent nature to a passenger or serious damage to railway property, the Commissioner shall, as soon as may be, notify the railway administration in whose jurisdiction the accident occurred of his intention to hold an inquiry into the causes that led to the accident and shall at the same time fix and communicate the date, time and place of inquiry:

Provided that it shall be open to the Commissioner to hold an inquiry into any other accident which, in his opinion, requires the holding of such an inquiry.

(2) If for any reason, the Commissioner is not able to hold an inquiry as soon as may be after the occurrence of the accident, he shall notify the railway administration accordingly.

115. Inquiry by railway administration.—Where no inquiry is held by the Commissioner under sub-section (1) of Section 114 or where the Commissioner has informed the railway administration under sub-section (2) of that section that he is not able to hold an inquiry, the railway administration within whose jurisdiction the accident occurs, shall cause an inquiry to be made in accordance with the prescribed procedure.

116. Powers of Commissioner in relation to inquiries.—(1) For the purpose of conducting an inquiry under this Chapter into the causes of any accident on a railway, the Commissioner shall, in addition to the powers specified in Section 7, have the powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of persons and examining them on oath;
(*b*) requiring the discovery and production of documents;
(*c*) receiving evidence on affidavits;
(*d*) requisitioning any public record or copies thereof from any court or office;
(*e*) any other matter which may be prescribed.

(2) The Commissioner while conducting an inquiry under this Chapter shall be deemed to be a Civil Court for the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

117. Statement made before Commissioner.—No statement made by a person in the course of giving evidence in an inquiry before the Commissioner shall subject him to, or be used against him in, any civil or criminal proceeding, except a prosecution for giving false evidence by such statement:

Provided that the statement is—

(*a*) made in reply to a question which is required by the Commissioner to answer; or

(*b*) relevant to the subject-matter of the inquiry.

118. Procedure, etc.—Any railway administration or the Commissioner conducting an inquiry under this Chapter may send notice of the inquiry to such persons, follow such procedure, and prepare the report in such manner as may be prescribed.

119. No inquiry, investigation, etc., to be made if the Commissioner of Inquiry is appointed.—Notwithstanding anything contained in the foregoing provisions of this Chapter, where a Commission of Inquiry is appointed under the Commissions of Inquiry Act, 1952 (3 of 1952), to inquire into an accident, any inquiry, investigation or other proceeding pending in relation to that accident shall not be proceeded with, and all records or other documents relating to such inquiry shall be forwarded to such authority as may be specified by the Central Government in this behalf.

120. Inquiry into accident not covered by Section 113.—Where any accident of the nature not specified in Section 113 occurs in the course of working a railway, the railway administration within whose jurisdiction the accident occurs, may cause such inquiry to be made into the causes of the accident, as may be prescribed.

121. Returns.—Every railway administration shall send to the Central Government, a return of accidents occurring on its railway, whether attended with injury to any person or not, in such form and manner and at such intervals as may be prescribed.

122. Power to make rules in respect of matters in this Chapter.—(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the injury to property which shall be considered serious under clause (*a*) of sub-section (1) of Section 113;

(*b*) the forms of notice of accidents to be given under Section 113 and the particulars of the accident such notices shall contain;

(*c*) the manner of sending the notices of accidents, including the class of accidents to be sent immediately after the accident;

(*d*) the duties of the Commissioner, railway administration, railway servants, police officers and Magistrates on the occurrence of an accident;

(*e*) the persons to whom notices in respect of any inquiry under this Chapter are to be sent, the procedure to be followed in such inquiry and the manner in which a report of such inquiry shall be prepared;

(*f*) the nature of inquiry to be made by a railway administration into the causes of an accident under Section 120;

(*g*) the form and manner of sending a return of accidents by a railway administration under Section 121.

CHAPTER XIII

LIABILITY OF RAILWAY ADMINISTRATION FOR DEATH AND INJURY TO PASSENGERS DUE TO ACCIDENTS

123. Definitions.—In this Chapter, unless the context otherwise requires,—

(*a*) "accident" means an accident of the nature described in Section 124;

(*b*) "dependant" means any of the following relatives of a deceased passenger, namely:—

(*i*) the wife, husband, son and daughter, and in case the deceased passenger is unmarried or is a minor, his parent;

(*ii*) the parent, minor brother or unmarried sister, widowed sister, widowed daughter-in-law and a minor child of a predeceased son, if dependant wholly or partly on the deceased passenger;

(*iii*) a minor child of a predeceased daughter, if wholly dependant on the deceased passenger;

(*iv*) the paternal grandparent wholly dependant on the deceased passenger.

[18][(*c*) "untoward incident" means—

(1)(*i*) the commission of a terrorist act within the meaning of sub-section (1) of Section 3 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

(*ii*) the making of a violent attack or the commission of robbery or dacoity; or

(*iii*) the indulging in rioting, shoot-out or arson,

by any person in or on any train carrying passengers, or in a waiting hall, cloakroom or reservation or booking office or on any platform or in any other place within the precincts of a railway station; or

(2) the accidental falling of any passenger from a train carrying passengers.]

CASE LAW ▸ Object.—Purpose of provisions in Sections 123 to 129, is to provide a speedier procedure for accident victims to claim compensation and not to provide any sort of benefit to Railway Administration, *Rathi Menon* v. *Union of India*, (2001) 3 SCC 714 : 2001 SCC (Cri) 1311.

▸ **Untoward incident.**—Unless exceptions available to the Railway Administration are pleaded and established satisfactorily, it is liable to compensate any passenger falling down accidentally from a train and an untoward incident occurs. Railway Administration is responsible for death of passenger irrespective of its wrongful act, neglect or default on its part, *Union of India* v. *Dnyandeo Namdeo Sawant*, 2013 SCC OnLine Bom 951 : (2013) 6 Mah LJ 629.

124. Extent of liability.—When in the course of working a railway, an accident occurs, being either a collision between trains of which one is a train carrying passengers or the derailment of or other accident to a train or any part of a train carrying passengers, then whether or not there has been any wrongful act, neglect or default on the part of the railway administration such as would

18. *Ins.* by Act 28 of 1994, S. 2 (w.e.f. 1-8-1994).

entitle a passenger who has been injured or has suffered a loss to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of a passenger dying as a result of such accident, and for personal injury and loss, destruction, damage or deterioration of goods owned by the passenger and accompanying him in his compartment or on the train, sustained as a result of such accident.

Explanation.—For the purposes of this section "passenger" includes a railway servant on duty.

CASE LAW ▸ Bona fide passenger.—Mere presence of a body in railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. Also, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Further, initial burden on claimant can be discharged by filing an affidavit of relevant facts and burden will then shift on Railways and the issue can be decided on the facts shown or the attending circumstances, *Union of India* v. *Rina Devi*, (2019) 3 SCC 572.

▸ **Interest on compensation.**—Interest on account of delay in payment of compensation is payable from the date of claim application, *Kalandi Charan Sahoo* v. *South-East Central Railways*, (2019) 12 SCC 387.

[19][**124-A. Compensation on account of untoward incidents.**—When in the course of working a railway an untoward incident occurs, 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 passenger who has been injured or the dependant of a passenger who has been killed to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:

Provided that no compensation shall be payable under this section by the railway administration if the passenger dies or suffers injury due to—

(*a*) suicide or attempted suicide by him;
(*b*) self-inflicted injury;
(*c*) his own criminal act;
(*d*) any act committed by him in a state of intoxication or insanity;
(*e*) any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident.

Explanation.—For the purposes of this section, "passenger" includes—

(*i*) a railway servant on duty; and

19. *Ins.* by Act 28 of 1994, S. 3 (w.e.f. 1-8-1994).

(*ii*) a person who has purchased a valid ticket for travelling, by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.]

CASE LAW ▸ Applicability.—Falling down of a bona fide passenger (i.e. a passenger travelling with a valid ticket or pass) from the train while trying to board it covered under this provision. Contention that the passenger was not actually inside the train while falling down is inconsequential, *Union of India* v. *Prabhakaran Vijaya Kumar*, (2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813.

▸ **Interpretation/Construction.**—Arrangements of words "as may be prescribed", is to be understood to mean "as may be prescribed from time to time", *Rathi Menon* v. *Union of India*, (2001) 3 SCC 714 : 2001 SCC (Cri) 1311.

Where words used in beneficial or welfare statute are capable of two constructions construction which is more in consonance with object of the Act should be preferred, *Nirmala Pravinchandra Soni* v. *Union of India*, 2015 SCC OnLine Bom 3438 (Bom): (2015) 2 Mah LJ 431 (Bom).

▸ **Claim for compensation.**—Date from which accrues claim to compensation under this section, is the date of the incident, *Thazhathe Purayil Sarabi* v. *Union of India*, (2009) 7 SCC 372 : (2009) 3 SCC (Cri) 408 : (2009) 3 SCC (Civ) 133.

Negligence is not a ground to deny compensation under Section 124-A. Falling from train to death due to one's own negligence does not come within any of the exception enumerated in Section 124-A proviso to deny compensation. In absence of malicious intent or mens rea, such negligence can neither be held as criminal act under Section 124-A proviso(c), *Jameela* v. *Union of India*, (2010) 12 SCC 443.

▸ **Interest.**—Railway Claims Tribunal Act, 1987 nor the Railways Act, 1989 having any provision for interest. In the absence of statutory provision, Section 3, Interest Act and Section 34 CPC, are invocable, *Thazhathe Purayil Sarabi* v. *Union of India*, (2009) 7 SCC 372 : (2009) 3 SCC (Cri) 408 : (2009) 3 SCC (Civ) 133.

▸ **Condonation of delay.**—The Railways Act is a beneficial legislation meant for providing compensation to the victims or the legal representatives of the victims of the Railway Accidents. As such, in such matters, the Tribunal is not supposed to take a pedantic or hyper technical view but is expected to adopt a humane and lenient approach. Its approach should be justice oriented. Acceptance of explanation furnished should be a normal course in such matters unless there is some contrary evidence imputing the intention or the bona fides of the claimants making delay in approaching the Court. When there is a prima facie merit in the application or appeal, the Courts or the Tribunals shall not shut the doors of justice only on the technical ground of limitation. Delay in respect of such cases has to be liberally condoned where there is a prima facie merit in the case brought out before the Court or the Tribunal, *Manoranjan* v. *Union of India*, 2016 SCC OnLine Bom 10826 : (2017) 1 Mah LJ 163.

▸ **Right to compensation on account of untoward incident.**—Concept of "self-inflicted injury" would require intention to inflict such injury and not mere negligence of any particular degree. Further, invocation of the principle of contributory negligence cannot be done in the case of liability based on "no fault theory". Held, death or injury in the course of boarding or de-boarding a train will be an "untoward incident" entitling a victim to compensation and will not fall under the proviso to S. 124-A merely on plea of negligence of victim as a contributing factor, *Union of India* v. *Rina Devi*, (2019) 3 SCC 572.

▸ **Quantum of compensation.**—The liability will accrue on the date of the accident and the amount applicable as on that date will be the amount recoverable. Compensation will be payable as applicable on the

date of the accident with interest as may be considered reasonable from time to time on the same pattern as in accident claim cases. However, if the amount so calculated is less than the amount prescribed as on the date of the award of the Tribunal, the claimant will be entitled to higher of the two amounts, *Union of India* v. *Radha Yadav*, (2019) 3 SCC 410.

▸ **Right to compensation.**—Entitlement to compensation accrues on date of accident/incident as opposed to date of filing of application seeking compensation or the date on which compensation is awarded by Tribunal. Following the ruling in *Pratap Narain Singh Deo*, (1976) 1 SCC 289, held, compensation will be payable as applicable on the date of accident with interest as may be considered reasonable from time to time on same pattern as in accident claim cases. However, if the amount so calculated is less than the amount prescribed as on the date of award of Tribunal, claimant will be entitled to higher of the two amounts, *Union of India* v. *Rina Devi*, (2019) 3 SCC 572.

▸ **Compensation for untoward incident.**—Section 124-A warrants payment of compensation whenever an untoward incident occurs whether or not such an incident has occurred by any wrongful act, neglect or default on the part of the Railway Administration, *Kalandi Charan Sahoo* v. *South-East Central Railways*, (2019) 12 SCC 387.

125. Application for compensation.—(1) An application for compensation under Section 124 [20][or Section 124-A] may be made to the Claims Tribunal—

(*a*) by the person who has sustained the injury or suffered any loss, or

(*b*) by any agent duly authorised by such person in this behalf, or

(*c*) where such person is a minor, by his guardian, or

(*d*) where death has resulted from the accident [21][or the untoward incident], by any dependant of the deceased or where such a dependant is a minor, by his guardian.

(2) Every application by a dependant for compensation under this section shall be for the benefit of every other dependant.

126. Interim relief by railway administration.—(1) Where a person who has made an application for compensation under Section 125 desires to be paid interim relief, he may apply to the railway administration for payment of interim relief along with a copy of the application made under that section.

(2) Where, on the receipt of an application made under sub-section (1) and after making such inquiry as it may deem fit, the railway administration is satisfied that circumstances exist which require relief to be afforded to the applicant immediately, it may, pending determination by the Claims Tribunal of the actual amount of compensation payable under Section 124 [22][or Section 124-A] pay to any person who has sustained the injury or suffered any loss, or where death has resulted from the accident, to any dependant of the deceased, such sum as it considers reasonable for affording such relief, so, however, that the sum paid shall not exceed the amount of compensation payable at such rates as may be prescribed.

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20. *Ins.* by Act 28 of 1994, S. 4 (w.e.f. 1-8-1994).
21. *Ins.* by Act 28 of 1994, S. 4 (w.e.f. 1-8-1994).
22. *Ins.* by Act 28 of 1994, S. 4 (w.e.f. 1-8-1994).

(3) The railway administration shall, as soon as may be, after making an order regarding payment of interim relief under sub-section (2), send a copy thereof to the Claims Tribunal.

(4) Any sum paid by the railway administration under sub-section (2) shall be taken into account by the Claims Tribunal while determining the amount of compensation payable.

127. Determination of compensation in respect of any injury or loss of goods.—(1) Subject to such rules as may be made, the rates of compensation payable in respect of any injury shall be determined by the Claims Tribunal.

(2) The compensation payable in respect of any loss of goods shall be such as the Claims Tribunal may, having regard to the circumstances of the case, determine to be reasonable.

128. Saving as to certain rights.—(1) The right of any person to claim compensation under Section 124 [23][or Section 124-A] shall not affect the right of any such person to recover compensation payable under the Workmen's Compensation Act, 1923 (8 of 1923), or any other law for the time being in force; but no person shall be entitled to claim compensation more than once in respect of the same accident.

(2) Nothing in sub-section (1) shall affect the right of any person to claim compensation payable under any contract or scheme providing for payment of compensation for death or personal injury or for damage to property or any sum payable under any policy of insurance.

129. Power to make rules in respect of matters in this Chapter.—(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the compensation payable for death;

(*b*) the nature of the injuries for which compensation shall be paid and the amount of such compensation.

CHAPTER XIV

REGULATION OF HOURS OF WORK AND PERIOD OF REST

130. Definitions.—In this Chapter, unless the context otherwise requires,—

(*a*) the employment of a railway servant is said to be "continuous" except when it is excluded or has been declared to be essentially intermittent or intensive;

(*b*) the employment of a railway servant is said to be "essentially intermittent" when it has been declared to be so by the prescribed authority on the ground that the daily hours of duty of the railway servant normally include periods of inaction aggregating to fifty per cent or more

23. *Ins.* by Act 28 of 1994, S. 4 (w.e.f. 1-8-1994).

(including at least one such period of not less than one hour or two such periods of not less than half an hour each) in a tour of twelve hours' duty (on the average over seventy-two consecutive hours), during which the railway servant may be on duty, but is not called upon to display either physical activity or sustained attention;

(*c*) the employment of a railway servant is said to be "excluded", if he belongs to any one of the following categories, namely:—

(*i*) railway servants employed in a managerial or confidential capacity;

(*ii*) armed guards or other personnel subject to discipline similar to that of any of the armed police forces;

(*iii*) staff of the railway schools imparting technical training or academic education;

(*iv*) such staff as may be specified as supervisory under the rules;

(*v*) such other categories of staff as may be prescribed;

(*d*) the employment of a railway servant is said to be "intensive" when it has been declared to be so by the prescribed authority on the ground that it is of a strenuous nature involving continued concentration or hard manual labour with little or no period of relaxation.

131. Chapter not to apply to certain railway servants.—Nothing in this Chapter shall apply to any railway servant to whom the Factories Act, 1948 (63 of 1948) or the Mines Act, 1952 (35 of 1952) or the Railway Protection Force Act, 1957 (23 of 1957) or the Merchant Shipping Act, 1958 (44 of 1958), applies.

132. Limitation of hours of work.—(1) A railway servant whose employment is essentially intermittent shall not be employed for more than seventy-five hours in any week.

(2) A railway servant whose employment is continuous shall not be employed for more than fifty-four hours a week on an average in a two-weekly period of fourteen days.

(3) A railway servant whose employment is intensive shall not be employed for more than forty-five hours a week on an average in a two-weekly period of fourteen days.

(4) Subject to such rules as may be prescribed, temporary exemptions of railway servants from the provisions of sub-section (1) or sub-section (2) or sub-section (3) may be made by the prescribed authority if it is of opinion that such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway or in cases 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, or in other cases of exceptional pressure of work:

Provided that where such exemption results in the increase of hours of employment of a railway servant referred to in any of the sub-sections, he shall

be paid overtime at not less than two times his ordinary rate of pay for the excess hours of work.

133. Grant of periodical rest.—(1) Subject to the provisions of this section, a railway servant—

(*a*) whose employment is intensive or continuous shall, for every week commencing on a Sunday, be granted a rest of not less than thirty consecutive hours;

(*b*) whose employment is essentially intermittent shall, for every week commencing on a Sunday, be granted a rest of not less than twenty-four consecutive hours including a full night.

(2) Notwithstanding anything contained in sub-section (1),—

(*i*) any locomotive or traffic running staff shall be granted, each month, a rest of at least four periods of not less than thirty consecutive hours each or at least five periods of not less than twenty-two consecutive hours each, including a full night;

(*ii*) the Central Government may, by rules, specify the railway servants to whom periods of rest on scales less than those laid down under sub-section (1) may be granted and the periods thereof.

(3) Subject to such rules as may be made in this behalf, if the prescribed authority is of the opinion that such circumstances as are referred to in sub-section (4) of Section 132 are present, it may exempt any railway servant from the provisions of sub-section (1) or clause (*i*) of sub-section (2):

Provided that a railway servant so exempted shall, in such circumstances as may be prescribed, be granted compensatory periods of rest for the periods he has foregone.

134. Railway servant to remain on duty.—Nothing in this Chapter or the rules made thereunder shall, where due provision has been made for the relief of a railway servant, authorise him to leave his duty until he has been relieved.

135. Supervisors of railway labour.—(1) Subject to such rules as may be made in this behalf, the Central Government may appoint supervisors of railway labour.

(2) The duties of supervisors of railway labour shall be—

(*i*) to inspect railways in order to determine whether the provisions of this Chapter or of the rules made thereunder are duly observed; and

(*ii*) to perform such other functions as may be prescribed.

(3) A supervisor of railway labour shall be deemed to be a Commissioner for the purposes of Sections 7 and 9.

136. Power to make rules in respect of matters in this Chapter.—(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the authorities who may declare the employment of any railway servant essentially intermittent or intensive;

(*b*) the appeals against any such declaration and the manner in which, and the conditions subject to which any such appeal may be filed and heard;

(*c*) the categories of staff that may be specified under sub-clauses (*iv*) and (*v*) and clause (*c*) of Section 130;

(*d*) the authorities by whom exemptions under sub-section (4) of Section 132 or sub-section (3) of Section 133 may be made;

(*e*) the delegation of power by the authorities referred to in clause (*d*);

(*f*) the railway servants to whom clause (*ii*) of sub-section (2) of Section 133 apply and the periods of rest to be granted to them;

(*g*) the appointment of supervisors of railway labour and their functions.

CHAPTER XV

PENALTIES AND OFFENCES

137. Fraudulently travelling or attempting to travel without proper pass or ticket.—(1) If any person, with intent to defraud a railway administration,—

(*a*) enters or remains in any carriage on a railway or travels in a train in contravention of Section 55, or

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

he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than a fine of five hundred rupees.

(2) The person referred to in sub-section (1) shall also be liable to pay the excess charge mentioned in sub-section (3) in addition to the ordinary single fare for the distance which he has travelled, or where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the train originally started, or if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were so examined or, in case of their having been examined more than once, were last examined.

(3) The excess charge referred to in sub-section (2) shall be a sum equal to the ordinary single fare referred to in that sub-section or [24][two-hundred and] fifty rupees, whichever is more.

(4) Notwithstanding anything contained in Section 65 of the Indian Penal Code (45 of 1860), the court convicting an offender may direct that the person in default of payment of any fine inflicted by the court shall suffer imprisonment for a term which may extend to six months.

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24. *Ins.* by Act 56 of 2003, S. 2 (w.e.f. 1-7-2004).

138. Levy of excess charge and fare for travelling without proper pass or ticket or beyond authorised distance.—(1) If any passenger,—

(*a*) 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 a demand being made therefor under Section 54, or

(*b*) travels in a train in contravention of the provisions of Section 55,

he shall be liable to pay, on the demand of any railway servant authorised in this behalf, the excess charge mentioned in sub-section (3) in addition to the ordinary single fare for the distance which he has travelled or, where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the train originally started, or, if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were so examined or in the case of their having been examined more than once, were last examined.

(2) If any passenger,—

(*a*) 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

(*b*) travels in or on a carriage beyond the place authorised by his pass or ticket,

he shall be liable to pay, on the demand of any railway servant authorised in this behalf, any difference between the fare paid by him and the fare payable in respect of the journey he has made and the excess charge referred to in sub-section (3).

(3) The excess charge shall be a sum equal to the amount payable under sub-section (1) or sub-section (2), as the case may be, or [25][two hundred and] fifty rupees, whichever is more:

Provided that if the passenger has with him a certificate granted under sub-section (2) of Section 55, no excess charge shall be payable.

(4) If any passenger liable to pay the excess charge and the 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 a demand being made therefor under one or other of these sub-sections, as the case may be, any railway servant authorised by the railway administration in this behalf may apply to any Metropolitan Magistrate or a Judicial Magistrate of the first or second class, as the case may be, for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so 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 but not less than ten days.

(5) Any sum recovered under sub-section (4) shall, as and when it is recovered, be paid to the railway administration.

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25. *Ins.* by Act 56 of 2003, S. 3 (w.e.f. 1-7-2004).

139. Power to remove persons.—Any person failing or refusing to pay the fare and the excess charge referred to in Section 138 may be removed by any railway servant authorised in this behalf who may call to his aid any other person to effect such removal:

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 a woman or a child if unaccompanied by a male passenger, shall not be so removed except either at the station from where she or he commences her or his journey or at a junction or terminal station or station at the headquarters of a civil district and such removal shall be made only during the day.

140. Security for good behaviour in certain cases.—(1) When a court convicting a person of an offence under Section 137 or Section 138 finds that he has been habitually committing or attempting to commit that offence and the court is of the opinion that it is necessary or desirable to require that person to execute a bond for good behaviour, such court may, at the time of passing the sentence on the person, order him to execute a bond with or without sureties, for such amount and for such period not exceeding three years as it deems fit.

(2) An order under sub-section (1) may also be made by an appellate court or by the High Court when exercising its powers of revision.

141. Needlessly interfering with means of communication in a train.—If any passenger or any other person, without reasonable and sufficient cause, makes use of, or interferes with, any means provided by a railway administration in a train for communication between passengers and the railway servant in charge of the train, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, where a passenger, without reasonable and sufficient cause, makes use of the alarm chain provided by a railway administration, such punishment shall not be less than—

(*a*) a fine of five hundred rupees, in the case of conviction for the first offence; and

(*b*) imprisonment for three months in case of conviction for the second or subsequent offence.

142. Penalty for transfer of tickets.—(1) If any person not being a railway servant or an agent authorised 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 possession of a ticket against which reservation of a seat or berth has been made or any half of a return ticket or a season ticket,

in order to enable any other person to travel therewith, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which

may extend to five hundred rupees, or with both, and shall also forfeit the ticket which he sells or attempts to sell or parts or attempts to part.

(2) If any person purchases any ticket referred to in clause (*a*) of sub-section (1) or obtains the possession of any ticket referred to in clause (*b*) of that sub-section from any person other than a railway servant or an agent authorised in this behalf, he shall be punishable with imprisonment for a term which may extend to three months and with fine which may extend to five hundred rupees and if the purchaser or holder of any ticket aforesaid travels or attempts to travel therewith, he shall forfeit the ticket which he so purchased or obtained and shall be deemed to be travelling without a proper ticket and shall be liable to be dealt with under Section 138:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, the punishment under sub-section (1) or sub-section (2) shall not be less than a fine of two hundred and fifty rupees.

143. Penalty for unauthorised carrying on of business of procuring and supplying of railway tickets.—(1) If any person, not being a railway servant or an agent authorised in this behalf,—

(*a*) carries on the business of procuring and supplying tickets for travel on a railway or for reserved accommodation for journey in a train; or

(*b*) purchases or sells or attempts to purchase or sell tickets with a view to carrying on any such business either by himself or by any other person,

he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees, or with both, and shall also forfeit the tickets which he so procures, supplies, purchases, sells or attempts to purchase or sell:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than imprisonment for a term of one month or a fine of five thousand rupees.

(2) Whoever abets any offence punishable under this section shall, whether or not such offence is committed, be punishable with the same punishment as is provided for the offence.

CASE LAW ▸ **Interpretation/Construction.**—Word "business", implies continuity, *State of M.P.* v. *Mukesh*, (2006) 13 SCC 197 : (2007) 2 SCC (Cri) 680.

144. Prohibition on hawking, etc., and begging.—(1) If any person canvasses for any custom or hawks or exposes for sale any article whatsoever in any railway carriage or upon any part of a railway, except under and in accordance with the terms and conditions of a licence granted by the railway administration in this behalf, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than a fine of one thousand rupees.

(2) If any person begs in any railway carriage or upon a railway station, he shall be liable for punishment as provided under sub-section (1).

(3) Any person referred to in sub-section (1) or sub-section (2) may be removed from the railway carriage or any part of the railway or railway station, as the case may be, by any railway servant authorised in this behalf or by any other person whom such railway servant may call to his aid.

145. Drunkenness or nuisance.—If any 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 abusive or obscene language; or

(*c*) wilfully or without excuse interferes with any amenity provided by the railway administration so as to affect the comfortable travel of any passenger,

he may be removed from the railway by any railway servant and shall, in addition to the forfeiture of his pass or ticket, be punishable with imprisonment which may extend to six months and with fine which may extend to five hundred rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than—

(*a*) a fine of one hundred rupees in the case of conviction for the first offence; and

(*b*) imprisonment of one month and a fine of two hundred and fifty rupees, in the case of conviction for second or subsequent offence.

146. Obstructing railway servant in his duties.—If any person wilfully obstructs or prevents any railway servant in the discharge of his duties, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

147. Trespass and refusal to desist from trespass.—(1) If any person enters upon or into any part of a railway without lawful authority, or having lawfully entered upon or into such part misuses such property or refuses to leave, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than a fine of five hundred rupees.

(2) Any person referred to in sub-section (1) may be removed from the railway by any railway servant or by any other person whom such railway servant may call to his aid.

148. Penalty for making a false statement in an application for compensation.—If in any application for compensation under Section 125, any person makes a statement which is false or which he knows or believes to be false

or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

149. Making a false claim for compensation.—If any person requiring compensation from a railway administration for loss, destruction, damage, deterioration or non-delivery of any consignment makes a claim which is false or which he knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

150. Maliciously wrecking or attempting to wreck a train.—(1) Subject to the provisions of sub-section (2), if any person unlawfully,—

(*a*) puts or throws upon or across any railways, any wood, stone or other matter or thing; or

(*b*) takes up, removes, loosens or displaces any rail, sleeper or other matter or things belonging to any railway; or

(*c*) turns, moves, unlocks or diverts any points or other machinery belonging to any railway; or

(*d*) makes or shows, or hides or removes, any signal or light upon or near to any railway; or

(*e*) does or causes to be done or attempts to do any other act or thing in relation to any railway,

with intent or with knowledge that he is likely to endanger the safety of any person travelling on or being upon the railway, he shall be punishable with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, where a person is punishable with rigorous imprisonment, such imprisonment shall not be less than—

(*a*) three years, in the case of a conviction for the first offence; and

(*b*) seven years, in the case of conviction for the second or subsequent offence.

(2) If any person unlawfully does any act or thing referred to in any of the clauses of sub-section (1)—

(*a*) with intent to cause the death of any person and the doing of such act or thing causes the death of any person; or

(*b*) with knowledge that such act or thing is so imminently dangerous that it must in all probability cause the death of any person or such bodily injury to any person as is likely to cause the death of such person,

he shall be punishable with death or imprisonment for life.

151. Damage to or destruction of certain railway properties.—(1) If any person, with intent to cause, or knowing that he is likely to cause damage or destruction to any property of a railway referred to in sub-section (2), causes by fire, explosive substance or otherwise, damage to such property or destruction of

such property, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(2) The properties of a railway referred to in sub-section (1) are railway track, bridges, station buildings and installations, carriages or wagons, locomotives, signalling, telecommunications, electric traction and block equipments and such other properties as the Central Government being of the opinion that damage thereto or destruction thereof is likely to endanger the operation of a railway, may, by notification, specify.

152. Maliciously hurting or attempting to hurt persons travelling by railway.—If any person unlawfully throws or causes to fall or strike at against, into or upon any rolling stock forming part of a train any 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 rolling stock or in or upon any other rolling stock forming part of the same train, he shall be punishable with imprisonment for life, or with imprisonment for a term which may extend to ten years.

153. Endangering safety of persons travelling by railway by wilful act or omission.—If any person by any unlawful act or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person travelling on 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 punishable with imprisonment for a term which may extend to five years.

154. Endangering safety of persons travelling by railway by rash or negligent act or omission.—If any person in a rash and negligent manner 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 travelling or being upon any railway, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

155. Entering into a compartment reserved or resisting entry into a compartment not reserved.—(1) If any passenger—

(*a*) having entered a compartment wherein no berth or seat has been reserved by a railway administration for his use, or

(*b*) having unauthorisedly occupied a berth or seat reserved by a railway administration for the use of another passenger,

refuses to leave it when required to do so by any railway servant authorised in this behalf, such railway servant may remove him or cause him to be removed, with the aid of any other person, from the compartment, berth or seat, as the case may be, and he shall also be punishable with fine which may extend to five hundred rupees.

(2) If any passenger resists the lawful entry of another passenger into a compartment not reserved for the use of the passenger resisting, he shall be punishable with fine which may extend to two hundred rupees.

156. Travelling on roof, step or engine of a train.—If any passenger or any other person, after being warned by a railway servant to desist, persists in travelling

on the roof, step 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 punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both and may be removed from the railway by any railway servant.

157. Altering or defacing pass or ticket.—If any passenger wilfully alters or defaces his pass or ticket so as to render the date, number or any material portion thereof illegible, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

158. Penalty for contravention of any of the provisions of Chapter XIV.—Any person under whose authority any railway servant is employed in contravention of any of the provisions of Chapter XIV or of the rules made thereunder shall be punishable with fine which may extend to five hundred rupees.

159. Disobedience of drivers or conductors of vehicles to directions of railway servant, etc.—If any driver or conductor of any vehicle while upon the premises of a railway disobeys the reasonable directions of any railway servant or police officer, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

160. Opening or breaking a level crossing gate.—(1) If any person, other than a railway servant or a person authorised in this behalf, opens any gate or chain or barrier set up on either side of a level crossing which is closed to road traffic, he shall be punishable with imprisonment for a term which may extend to three years.

(2) If any person breaks any gate or chain or barrier set up on either side of a level crossing which is closed to road traffic, he shall be punishable with imprisonment for a term which may extend to five years.

161. Negligently crossing unmanned level crossing.—If any person driving or leading a vehicle is negligent in crossing an unmanned level crossing, he shall be punishable with imprisonment which may extend to one year.

Explanation.—For the purposes of this section, "negligence" in relation to any person driving or leading a vehicle in crossing an unmanned level crossing means the crossing of such level crossing by such person—

(*a*) without stopping or caring to stop the vehicle near such level crossing to observe whether any approaching rolling stock is in sight, or

(*b*) even while an approaching rolling stock is in sight.

162. Entering carriage or other place reserved for females.—If a male person knowing or having reason to believe that a carriage, compartment, berth or seat in a train or room or other place is reserved by a railway administration for the exclusive use of females, without lawful excuse,—

(*a*) enters such carriage, compartment, room or other place, or having entered such carriage, compartment, room or place, remains therein; or

(*b*) occupies any such berth or seat having been required by any railway servant to vacate it,

he shall, in addition to being liable to forfeiture of his pass or ticket, be punishable with fine which may extend to five hundred rupees and may also be removed by any railway servant.

163. Giving false account of goods.—If any person required to furnish an account of goods under Section 66, gives an account which is materially false, he and, if he is not the owner of the goods, the owner also shall, without prejudice to his liability to pay any freight or other charge under any provision of this Act, be punishable with fine which may extend to five hundred rupees for every quintal or part thereof of such goods.

164. Unlawfully bringing dangerous goods on a railway.—If any person, in contravention of Section 67, takes with him any dangerous goods or entrusts such goods for carriage to the railway administration, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees or with both and shall also be liable for any loss, injury or damage which may be caused by reason of bringing such goods on the railway.

165. Unlawfully bringing offensive goods on a railway.—If any person, in contravention of Section 67, takes with him any offensive goods or entrusts such goods for carriage to the railway administration, he shall be punishable with fine which may extend to five hundred rupees and shall also be liable for any loss, injury or damage which may be caused by reason of bringing such goods on the railway.

166. Defacing public notices.—If any person without lawful authority—

(*a*) pulls down or wilfully damages any board or document set up or posted by the order of a railway administration on a railway or any rolling stock; or

(*b*) obliterates or alters any letters or figures upon any such board or document or upon any rolling stock,

he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

167. Smoking.—(1) No person in any compartment of a train shall, if objected to by any other passenger in that compartment, smoke therein.

(2) Notwithstanding anything contained in sub-section (1), a railway administration may prohibit smoking in any train or part of a train.

(3) Whosoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with fine which may extend to one hundred rupees.

168. Provision with respect to commission of offence by the children of acts endangering safety of person travelling on railway.—(1) If a person under the age of twelve years is guilty of any of the offences under Sections 150 to 154, the court convicting him may require the father or guardian of such person to execute,

within such time as the court may fix, a bond for such amount and for such period as the court may direct for the good conduct of such person.

(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 punishable with fine which may extend to fifty rupees.

169. Levy of penalty on non-Government railway.—If a non-Government railway fails to comply with, any requisition made, decision or direction given, by the Central Government, under any of the provisions of this Act, or otherwise contravenes any of the provisions of this Act, it shall be open to the Central Government, by order, to levy a penalty not exceeding two hundred and fifty rupees and a further penalty not exceeding one hundred and fifty rupees for every day during which the contravention continues:

Provided that no such penalty shall be levied except after giving a reasonable opportunity to the non-Government railway to make such representation as it deems fit.

170. Recovery of penalty.—Any penalty imposed by the Central Government under Section 169, shall be recoverable by a suit in the District Court having jurisdiction in the place where the head office of the non-Government railway is situated.

171. Section 169 or 170 not to preclude Central Government from taking any other action.—Nothing in Section 169 or 170 shall preclude the Central Government from resorting to any other action to compel a non-Government railway to discharge any obligation imposed upon it by or under this Act.

172. Penalty for intoxication.—If any railway servant is in a state of intoxication while on duty, he shall be punishable with fine which may extend to five hundred rupees and when the performance of any duty in such state is likely to endanger the safety of any person travelling on or being upon a railway, such railway servant shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

173. Abandoning train, etc., without authority.—If any railway servant, when on duty, is entrusted with any responsibility connected with the running of a train, or of any other rolling stock from one station or place to another station or place, and he abandons his duty before reaching such station or place without authority or without properly handing over such train or rolling stock to another authorised railway servant, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

174. Obstructing running of train, etc.—If any railway servant (whether on duty or otherwise) or any other person obstructs or causes to be obstructed or attempts to obstruct any train or other rolling stock upon a railway,—

(*a*) by squatting or picketing or during any *rail roko* agitation or *bandh*; or

(*b*) by keeping without authority any rolling stock on the railway; or

(*c*) by tampering with, disconnecting or interfering in any other manner with its hose pipe or tampering with signal gear or otherwise,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

175. Endangering the safety of persons.—If any railway servant, when on duty, endangers the safety of any person—

(*a*) by disobeying any rule made under this Act; or

(*b*) by disobeying any instruction, direction or order under this Act or the rules made thereunder; or

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

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

176. Obstructing level crossing.—If any railway servant unnecessarily—

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

(*b*) keeps a level crossing closed against the public,

he shall be punishable with fine which may extend to one hundred rupees.

177. False returns.—If any railway servant required to furnish a return by or under this Act, signs and furnishes a return which is false in any material particular or which he knows or believes to be false, or does not believe to be true, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

178. Making a false report by a railway servant.—If any railway servant who is required by a railway administration to inquire into a claim for loss, destruction, damage, deterioration or non-delivery of any consignment makes a report which is false or which he knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

179. Arrest for offences under certain sections.—[26][(1) If any person commits any offence mentioned in Sections 150 to 152, he may be arrested without warrant or other written authority by any railway servant or police officer not below the rank of a head constable.

(2) If any person commits any offence mentioned in Sections 137 to 139, 141 to 147, 153 to 157, 159 to 167 and 172 to 176, he may be arrested, without warrant or other written authority, by the officer authorised by a notified order of the Central Government.

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26. *Subs.* by Act 51 of 2003, S. 3 (w.e.f. 1-7-2004).

(3) The railway servant or the police officer or the officer authorised, as the case may be, may call to his aid any other person to effect the arrest under sub-section (1) or sub-section (2), as the case may be.

(4) Any person so arrested under this section shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate.]

180. Arrest of persons likely to abscond, etc.—(1) If any person who commits any offence under this Act, other than an offence mentioned in [27][sub-section (2) of] Section 179, or is liable to pay any excess charge or other sum demanded under Section 138, fails or refuses to give his name and address or there is reason to believe that the name and address given by him are fictitious or that he will abscond, [28][the officer authorised] may arrest him without warrant or written authority.

(2) The officer [29][authorised] may call to his aid any other person to effect the arrest under sub-section (1).

(3) Any person arrested under this section shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate unless he is released earlier on giving bail or if his true name and address are ascertained on executing a bond without sureties for his appearance before the Magistrate having jurisdiction to try him for the offence.

(4) The provisions of Chapter XXIII of the Code of Criminal Procedure, 1973 (2 of 1974), shall so far as may be, apply to the giving of bail and the execution of bonds under this section.

[30][**180-A. Inquiry by officer authorised to ascertain commission of offence.**—For ascertaining facts and circumstances of a case, the officer authorised may make an inquiry into the commission of an offence mentioned in sub-section (2) of Section 179 and may file a complaint in the competent court if the offence is found to have been committed.

180-B. Powers of officer authorised to inquire.—While making an inquiry, the officer authorised shall have power to,—

(*i*) summon and enforce the attendance of any person and record his statement;

(*ii*) require the discovery and production of any document;

(*iii*) requisition any public record or copy thereof from any office, authority or person;

(*iv*) enter and search any premises or person and seize any property or document which may be relevant to the subject-matter of the inquiry.

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27. *Ins.* by Act 51 of 2003, S. 4 (w.e.f. 1-7-2004).
28. *Subs.* by Act 51 of 2003, S. 4 (w.e.f. 1-7-2004).
29. *Subs.* by Act 51 of 2003, S. 4 (w.e.f. 1-7-2004).
30. *Ins.* by Act 51 of 2003, S. 5 (w.e.f. 1-7-2004).

180-C. Disposal of persons arrested.—Every person arrested for an offence punishable under sub-section (2) of Section 179 shall, if the arrest was made by a person other than the officer authorised, be forwarded, without delay, to such officer.

180-D. Inquiry how to be made against arrested person.—(1) When any person is arrested by the officer authorised for an offence punishable under this Act, such officer shall proceed to inquire into the charge against such person.

(2) For this purpose, the officer authorised may exercise the same powers and shall be subject to the same provisions as the officer in charge of a police station may exercise and is subject to the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), when investigating a cognizable case:

Provided that—

(*a*) if the officer authorised is of the opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall either admit him to bail to appear before a Magistrate having jurisdiction in the case, or forward him in custody to such Magistrate;

(*b*) if it appears to the officer authorised that there is not sufficient evidence or reasonable ground of suspicion against the accused person, he shall release the accused person on his executing a bond, with or without sureties as the officer authorised may direct, to appear, if and when so required, before the Magistrate having jurisdiction.

180-E. Search, seizure and arrest how to be made.—All searches, seizures and arrests made under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating respectively to searches and arrests made under the Code.

180-F. Cognizance by Court on a complaint made by officer authorised.—No court shall take cognizance of an offence mentioned in sub-section (2) of Section 179 except on a complaint made by the officer authorised.

180-G. Punishment for certain offences in relation to inquiry.—Whoever intentionally insults or causes any interruption in the inquiry proceedings or deliberately makes a false statement before the inquiring officer shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.]

181. Magistrate having jurisdiction under the Act.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try an offence under this Act.

182. Place of trial.—(1) Any person committing an offence under this Act or any rule made thereunder shall be triable for such offence in any place in which he may be or which the State Government may notify in this behalf, as well as in any other place in which he is liable to be tried under any law for the time being in force.

(2) Every notification under sub-section (1) shall be published in the Official Gazette, and a copy thereof shall be exhibited for the information of the public in some conspicuous place at such railway stations as the State Government may direct.

CHAPTER XVI
MISCELLANEOUS

183. Power to provide other transport services.—(1) A railway administration may, for the purpose of facilitating the carriage of passengers or goods or to provide integrated service for such carriage, provide any other mode of transport.

(2) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to the carriage of passengers or goods by the mode of transport referred to in sub-section (1).

184. Taxation on railways by local authorities.—(1) Notwithstanding anything to the contrary contained in any other law, a railway administration shall not be liable to pay any tax in aid of the funds of any local authority unless the Central Government, by notification, declares the railway administration to be liable to pay the tax specified in such notification.

(2) While a notification of the Central Government under sub-section (1) is in force, the railway administration shall be liable to pay to the local authority either the tax specified in the notification or, in lieu thereof, such sum, if any, as an officer appointed in this behalf by the Central Government may, having regard to all the circumstances of the case, from time to time, determine to be fair and reasonable.

(3) The Central Government may at any time revoke or vary a notification issued under sub-section (1).

(4) Nothing in this section shall be construed to prevent any railway administration from entering into a contract with any local authority for the supply of water or light, or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render to the railway administration.

185. Taxation on railways for advertisement.—(1) Notwithstanding anything to the contrary contained in any other law, a railway administration shall not be liable to pay any tax to any local authority in respect of any advertisement made on any part of the railway unless the Central Government, by notification, declares the railway administration to be liable to pay the tax specified in such notification.

(2) The Central Government may at any time revoke or vary a notification issued under sub-section (3).

186. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government, any railway administration, a railway servant or any other person for anything which is in good

faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

187. Restriction on execution against railway property.—(1) No rolling stock, machinery, plant, tools, fittings, materials or effects used or provided by a railway administration for the purpose of 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 or of any local authority or person having by law the power to attach or distrain property or otherwise to cause property to be taken in execution, without the previous sanction of the Central Government.

(2) Nothing in sub-section (1) shall be construed to affect the authority of any court to attach the earnings of a railway in execution of a decree or order.

188. Railway servants to be public servants for the purposes of Chapter IX and Section 409 of the Indian Penal Code.—(1) Any railway servant, who is not a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860), shall be deemed to be a public servant for the purposes of Chapter IX and Section 409 of that Code.

(2) In the definition of "legal remuneration" in Section 161 of the Indian Penal Code (45 of 1860), the word "Government" shall, for the purposes of sub-section (1), be deemed to include any employer of a railway servant as such.

189. Railway servants not to engage in trade.—A railway servant shall not—

(*a*) purchase or bid for, either in person or by an agent, in his own name or in that of another, or jointly or in shares with others, any property put to auction under Section 83 or Section 84 or Section 85 or Section 90; or

(*b*) in contravention of any direction of the railway administration in this behalf, engage in trade.

190. Procedure for delivery to railway administration of property detained by a railway servant.—If a railway servant is discharged from service or is suspended, or dies or absconds or absents himself, and he or his wife or widow or any member of his family or his representative 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, office or other building with its appurtenances, or any books, papers, keys, equipment 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, any Metropolitan Magistrate or Judicial 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 station, office or other building and remove any person found therein and take possession thereof, or to take possession of the books, papers or other matters, and to deliver the same to the railway administration or to a person appointed by the railway administration in that behalf.

191. Proof of entries in records and documents.—Entries made in the records or other documents of a railway administration shall be admitted in evidence in all proceedings by or against the railway administration, and all such

entries may be proved either by the production of the records or other documents of the railway administration containing such entries or by the production of a copy of the entries certified by the officer having custody of the records or other documents under his signature and stating that it is a true copy of the original entries and that such original entries are contained in the records or other documents of the railway administration in his possession.

192. Service of notice, etc., on railway administration.—Any notice or other document required or authorised by this Act to be served on a railway administration may be served, in the case of a Zonal Railway, on the General Manager or any of the railway servant authorised by the General Manager, and in the case of any other railway, on the owner or lessee of the railway or the person working the railway under an agreement—

(*a*) by delivering it to him; or

(*b*) by leaving at his office; or

(*c*) by registered post to his office address.

193. Service of notice, etc., by railway administration.—Unless otherwise provided in this Act or the rules framed thereunder, any notice or other document required or authorised by this Act to be served on any person by a railway administration may be served—

(*a*) by delivery it to the person; or

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

(*c*) by registered post addressed to the person at his usual or last known place of abode.

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

195. Representation of railway administration.—(1) A railway administration may, by order in writing, authorise any railway servant or other person to act for, or represent it, as the case may be, in any proceeding before any civil, criminal or other court.

(2) A person authorised by a railway administration to conduct prosecutions on its behalf shall, notwithstanding anything in Section 302 of the Code of Criminal Procedure, 1973 (2 of 1974), be entitled to conduct such prosecutions without the permission of the Magistrate.

196. Power to exempt railway from Act.—(1) The Central Government may, by notification, exempt any railway from all or any of the provisions of this Act.

(2) Every notification issued under sub-section (1) shall be laid as soon as may be after it is issued before each House of Parliament.

197. Matters supplemental to the definitions of "railway" and "railway servant".—(1) For the purposes of Sections 67, 113, 121, 123, 147, 151 to 154,

160, 164, 166, 168, 170, 171, 173 to 176, 179, 180, 182, 184, 185, 187 to 190, 192, 193, 195 and of this section, the word "railway" 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 clause (31) of Section 2.

(2) For the purposes of Sections 7, 24, 113, 146, 172 to 176 and 188 to 190, the expression "railway servant" includes a person employed under a railway in connection with the service thereof by a person fulfilling a contract with the railway administration.

198. General power to make rules.—Without prejudice to any power to make rules contained elsewhere in this Act, the Central Government may make rules generally to carry out the purposes of this Act.

199. Rules to be laid before Parliament.—Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

200. Repeal and saving.—(1) The Indian Railways Act, 1890 (9 of 1890) is hereby repealed.

(2) Notwithstanding the repeal of the Indian Railways Act, 1890 (9 of 1890) (hereinafter referred to as the repealed Act)—

(*a*) anything done or any action taken or purported to have been done or taken (including any rule, notification inspection, order or notice made or issued, or any appointment or declaration made or any licence, permission, authorisation or exemption granted or any document or instrument executed or any direction given or any proceedings taken or any penalty or fine imposed) under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act;

(*b*) any complaint made to the Railway Rates Tribunal under sub-section (1) of Section 41 of the repealed Act but not disposed of before the commencement of this Act and any complaint that may be made to the said Tribunal against any act or omission of a railway administration under the repealed Act shall be heard and decided by the Tribunal constituted under this Act in accordance with the provisions of Chapter VII of this Act.

(3) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of Section 6 of the General Clauses Act, 1897 (10 of 1897), with regard to the effect of repeal.

MINISTRY OF RAILWAYS

(CENTRAL RAILWAY)

NOTIFICATION

Mumbai, the 18th January, 2021

S.O. 238(E).—In exercise of the powers conferred by clause (37A) of Section 2 of The Railways Act, 1989 (24 of 1989) the Central Government hereby notifies "**3rd & 4th line between Kalyan-Badlapur (14.05 km)"** project under MTUP-III A as a **Special Railway Project** for acquisition of land in Thane District in the State of Maharashtra, for providing national infrastructure for a public purpose with effect from the date of publication of this notification in the Official Gazette.

[F. No. MT/W/366/MRVC-PH. III]

MANOJ SHARMA, Chief Administrative Officer (Construction)

अधिसूचना

मुंबई, 18 जनवरी, 2021

का.आ. 239(अ).—केन्द्रीय सरकार, रेलवे अधिनियम, 1989 (1989 का 24) की धारा 2 के खंड (37 क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से,मुंबई शहर परिवहन परियोजना-III A के अंतर्गत "**इएमयु मेंटेनेंस सुविधाए यांनी भिवपुरी इएमयु कारशेड और पीओएच सुविधाए**" परियोजना को भूमि अधिग्रहण के हेतु रायगड जिला में लोक प्रयोजन के लिए राष्ट्रीय अवसंरचना उपबंधित करने हेतु, महाराष्ट्र राज्य में **विशेष रेल परियोजना** के रूप में अधिसूचित करती है |

[फा.सं. एमटी/डब्ल्यु/366/एमआरविसि - पीएच.III]

मनोज शर्मा, मुख्य प्रशासनिक अधिकारी (निर्माण)

NOTIFICATION

Mumbai, the 18th January, 2021

S.O. 239(E).—In exercise of the powers conferred by clause (37A) of Section 2 of The Railways Act, 1989 (24 of 1989) the Central Government hereby notifies "**EMU Maintenance facilities i.e. Bhivpuri EMU Carshed and POH facilities**" project under MTUP-III A as a **Special Railway Project** for acquisition of land in Raigad District in the State of Maharashtra, for providing national infrastructure for a public purpose with effect from the date of publication of this notification in the Official Gazette.

[F. No. MT/W/366/MRVC-PH. III]

MANOJ SHARMA, Chief Administrative Officer (Construction)

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व्यवसायी द्वारा सुने जाने का अवसर प्रदान करेगा और ऐसे सभी आक्षेपों को सुने जाने के पश्चात और ऐसी और जांच किए जाने के पश्चात यदि कोई हो जिसे सक्षम प्राधिकारी ठीक समझे, आदेश द्वारा या आक्षेपों को या तो अनुज्ञात या अननुज्ञात कर सकेगा;

उक्त अधिनियम की धारा 20-घ की उप-धारा (2) के अधीन सक्षम प्राधिकारी द्वारा किया गया कोई आदेश अंतिम होगा;

इस अधिसूचना के अंतर्गत आने वाले भूमि रेखांक और अन्य ब्यौरे उपलब्ध है और हितबद्ध व्यक्ति द्वारा पूर्वोक्त सक्षम प्राधिकारी के पूर्वोक्त कार्यालय में उनका निरीक्षण किया जा सकता है । ।

अनुसूची

पश्चिम बंगाल राज्य के पश्चिम बर्धमान जिला में "दामोदर-मोहिशिला (8.2 किमी) दोहरी लाइन" विशेष रेल परियोजना के लिए सन्निर्माण या उसके बिना अर्जित की जाने वाली भूमि का संक्षिप्त विवरण

क्रम संख्या	जिले का नाम	तहसील/ नगर निगम	ग्राम का नाम	सर्वेक्षण संख्या	राजस्व सर्वेक्षण प्लॉट संख्या	नवीनतम राजस्व सर्वेक्षण प्लॉट संख्या	क्षेत्र (एकड़ में)
1	पश्चिम बर्धमान	आसनसोल	हीरापुर	1648	4332P	4809	0.610

[फा. सं. दपूरे/नि-सं/मु/एल ए/डीएमए-एमओएच/दोहरीकरण-6]

कमल बैठा, मुख्य प्रशासनिक अधिकारी (निर्माण)

MINISTRY OF RAILWAYS

(South Eastern Railway)

(CONSTRUCTION ORGANIZATION)

NOTIFICATION

(Revised in supersession of 20A gazette notification vide S.O.3325(E), dated.25.09.2020 & allied corrigendum vide S.O.3428(E), dated.30.09.2020)

Kolkata, the 10th February, 2021

S.O. 637(E).—In exercise of powers conferred by sub-section (1) of Section 20A of the Railways (Amendment) Act, 2008 (hereinafter referred to as the said Act.), the Central Government, after being satisfied that for the public purpose, the land, the brief description of which is given in the Schedule below, is required for execution, maintenance, management and operation of Special Railway Project "Damodar-Mohishila (8.2km) doubling" in the district of Paschim Bardhaman in the State of West Bengal, hereby declares its intention to acquire such land.

Any person interested in the said land may, within a period of thirty days from the date of publication of the notification in the Official Gazette, object, under sub-section (1) of section 20D of the said Act to the acquisition and use of such land for the aforesaid purpose.

Every such objection shall be made to the competent authority, viz. Dy.Chief Engineer/ Construction/Adra/South Eastern Railway in his office at Kashipur Road, near Police station, Adra, Dist.-Purulia (West Bengal), PIN-723121 in writing and shall set out the grounds thereof and competent authority shall give the objector an opportunity of being heard, either in person or by legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Any order made by the competent authority under sub-section (2) of section 20D of the said Act shall be final.

The land plans and other details of the land covered under notification are available and can be inspected by the interested person at the aforesaid office of the competent authority.

SCHEDULE

Brief description of land to be acquired with or without structures for Special Railway Project "Damodar-Mohishila (8.20km) doubling" in the district of Paschim Bardhaman in the state of West Bengal.

Sl. No.	Name of District	Name of Tehsil/ Municipality	Name of village	Survey Number	Revenue Survey Plot Number	L.R Plot Number	Approx. Area (in acre)
1	2	3	4	5	6	7	8
1.	Paschim Bardhaman	Asansol	Hirapur	1648	4332P	4809	0.610

[F. No. SER/CON-Orgn./HQ/LA/DMA-MOH/doubling-6]

KAMAL BAITHA, Chief Admn. Officer (Con.)/SER

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503. उज्जैन (पार्सल)

504. वडोदरा जं. (पार्सल)

505. वडोदरा मार्शलिंग यार्ड

506. वालसाड (पार्सल)

507. वापी (पार्सल)

508. विंडमिल

पश्चिम मध्य रेलवे

509. भोपाल (पार्सल)

510. हरदा

511. इटारसी

512. जबलपुर (पार्सल)

513. जुकेही

514. कछपुरा

515. कटनी (पार्सल)

516. कोटा (गुड्स एंड पार्सल)

517. मंडीदीप

518. निशातपुरा

519. पिपरिया

520. सतना

521. सागर

522. शिवपुरी

523. विदिशा

[फा. सं. टीसी-I/2020/223/efile/1 (3323420)]

बरजेश धर्माणी, कार्यपालक निदेशक, यातायात वाणिज्य (दर)

MINISTRY OF RAILWAYS

(Railway Board)

NOTIFICATION

New Delhi, the 12th February, 2021

S.O. 655 (E).—In exercise of the powers conferred by sub-section (1) of Section 89 of the Railways Act, 1989 (No.24 of 1989), the Central Government, being satisfied that it is necessary that the goods booked by trains intended solely for the carriage of goods to any Railway Station should be removed without delay from such Railway Station and having regard to the factors specified in the first proviso to that sub-section hereby declares the following Railway Stations as 'Notified Stations' for the purpose of removal of goods without delay from such Stations for a period of six months with effect from 25.02.2021, namely:-

Central Railway

1. Ahmednagar (Goods & Parcel)
2. Akola (Parcel)
3. Arag
4. Baramati
5. Belapur
6. Betul
7. Bhigwan
8. Bhusawal (Parcel)
9. Butibori
10. Dadar (Parcel)
11. Daund (Goods & Parcel)
12. Dhamangaon
13. Dhule
14. Gur Market Kolhapur
15. Jalgaon (Goods & Parcel)
16. Kalaburagi (Parcel)
17. Kalamboli
18. Kalmeshwar
19. Kalyan (Goods & Parcel)
20. Karad
21. Khamgaon
22. Khandwa (Goods & Parcel)
23. Kolhapur (Parcel)
24. Kurduwadi
25. Latur
26. Lokmanya Tilak Terminus (Parcel)
27. Lonand
28. Loni
29. Malkapur
30. Manmad (Parcel)
31. Miraj (Goods & Parcel)
32. Nagothane
33. Nandgaon
34. Nasik Road (Goods & Parcel)
35. New Mulund Goods Shed
36. Pandharpur

37. Pen
38. Pune (Parcel)
39. Roha
40. Sangli
41. Sangola (Parcel)
42. Saswad Road
43. Satara
44. Solapur (Goods & Parcel)
45. Taj Sultanpur
46. Taloja Panchanand
47. Turbhe APM Complex
48. Usmanabad
49. Wadi
50. Wadibunder/Mumbai CSMT (Parcel & Luggage)

Eastern Railway

51. Asansol
52. Barachak
53. Barddhaman
54. Chitpur
55. Cossimbazar
56. Cossipore Road
57. Dankuni
58. Durgapur
59. Howrah (Parcel)
60. Jasidih
61. Krishnanagar City Jn.
62. Kolkata (Parcel)
63. Malda Town
64. New Alipore (Kolkata)
65. Raniganj
66. Sahibganj
67. Sargachhi
68. Sealdah (Parcel)
69. Siuri
70. Shrirampur
71. Tapasi

East Central Railway

72. Ara
73. Bapudham Motihari
74. Barauni
75. Barkakana
76. Bettiah
77. Bhurkunda
78. Daltonganj
79. Danapur
80. Darbhanga
81. Dauram Madhepura
82. Fatuha
83. Gaya
84. Karpurigram
85. Khagaria
86. Krishnashila
87. Kuju
88. Laheriasarai
89. Narayanpur Anant
90. Naugachhia
91. Pahleja
92. Pandit Deen Dayal Upadhyaya Jn.
93. Pipradih
94. Raxaul
95. Saharsa
96. Sarai
97. Sasaram
98. Sheikhpura
99. Sitamarhi
100. Sonnagar
101. Warisali Ganj

East Coast Railway

102. Balangir
103. Bargarh
104. Belsonda
105. Bhadrak
106. Bhubaneswar (Parcel)

107. Brahmapur (Parcel)
108. Cuttack
109. Hirakud
110. Jagannathapur
111. Jajpur Keonjhar Road
112. Kapilas Road Jn.
113. Kesinga
114. Khurda Road
115. Lapanga
116. Mancheswar
117. Nayagarh
118. Nergundi Jn.
119. Palasa (Parcel)
120. Puri (Parcel)
121. Rayagada
122. Sambalpur (Parcel)
123. Sukinda Road
124. Titlagarh (Parcel)
125. Visakhapatnam (Parcel)
126. Vizianagaram (Parcel)

Northern Railway

127. Adarsh Nagar
128. Alamnagar
129. Amausi
130. Ambala Cantt
131. Amritsar
132. Anand Vihar (Parcel)
133. Badli
134. Bahadurgarh
135. Ballabhgarh
136. Barabanki
137. Bareilly Cantt.
138. Bareta
139. Bari Brahmana
140. Batala
141. Bhagtanwala
142. Bijnor

143. Budalda
144. Chandigarh
145. Chaukhandi
146. Delhi (Parcel)
147. Delhi Kishanganj
148. Delhi Sarai Rohilla (Parcel)
149. Dhandari Kalan
150. Faizabad
151. Faridabad
152. Faridabad New Town
153. Faridkot
154. Farukhnagar
155. Firozpur City
156. Garhmukteswar
157. Gauriganj
158. Ghaziabad
159. Gohana
160. Gurgaon
161. Hardoi
162. Jakhal
163. Jalandhar City
164. Jammu Tawi
165. Jhajjar
166. Jind City
167. Kaithal
168. Kapurthala
169. Karnal
170. Kathua
171. Kotkapura Jn.
172. Kurukshetra
173. Lucknow (Parcel)
174. Ludhiana (Parcel)
175. Mandi Gobindgarh
176. Mansa
177. Maur
178. Meerut Mandi
179. Moga

180. Mohan Lal Ganj
181. Moradabad Jn.
182. Muktsar
183. Muzaffarnagar
184. Narwana
185. New Delhi (Parcel)
186. Nizamuddin (Parcel)
187. Palwal
188. Panipat
189. Partapur
190. Pathri
191. Pratapgarh Jn.
192. Rae Bareli
193. Rajpura
194. Rampur
195. Rampura Phul
196. Rohtak
197. Roorkee
198. Roza
199. Safindoo
200. Saharanpur
201. Sahnewal
202. Sangrur
203. Shahabad Markanda
204. Shahganj
205. Shakurbasti
206. Shivpur
207. Sonic
208. Sonipat
209. Sultanpur
210. Sunam Udhamsingh Wala
211. Taraori
212. TKD/Mineral Siding
213. Tohana
214. Uchana
215. Udhampur
216. Varanasi (Parcel)

217. Vyasnagar

218. Yamunanagar Jagadhari

North Central Railway

219. Agra Cantt. (Parcel)

220. Agra Fort (Parcel)

221. Aligarh (Goods & Parcel)

222. Allahabad (Parcel)

223. Gwalior (Goods & Parcel)

224. Iradatganj

225. Jhansi (Goods & Parcel)

226. Kanpur Central (Goods & Parcel)

227. Mathura Jn. (Goods & Parcel)

228. Mirzapur (Parcel)

229. Morena (Goods & Parcel)

230. Naini Goods Shed

231. Yamuna Bridge

North Eastern Railway

232. Anand Nagar

233. Azamgarh

234. Babhnan

235. Baheri

236. Bakshi ka Talab

237. Ballia

238. Balrampur

239. Basti

240. Bazpur

241. Bhopatpur

242. Bilaspur Road

243. Biswan

244. Burhwal

245. Chauri Chaura

246. Chhapra Gramin

247. Chhapra (Parcel)

248. Chilwariya

249. Deoria Sadar

250. Dobhi

251. Farrukhabad

252. FCC (GKC)
253. FIK (GDK)
254. Gautamsthan
255. Gola Gokarannath
256. Gonda Kachehri
257. Gorakhpur (Parcel)
258. Haldi Road
259. Hathua
260. Indara
261. Kashipur
262. Katra
263. Khalilabad
264. Khairabad Awadh
265. Kusmhi
266. Lalkuan
267. Lar Road
268. Lucknow (Parcel)
269. Madhosingh
270. Mahmudabad Awadh
271. Mairwa
272. Mau
273. Nakaha Jungle
274. Nandganj
275. Nautanwa
276. Padrauna
277. Parsendi
278. Rudrapur City
279. Sardarnagar
280. Siwan
281. Subhagpur
282. Tahsil Fatehpur
283. Thompsanganj
284. Tulsipur
285. Ujhani

Northeast Frontier Railway

286. Agartala
287. Azara

288. Baihata
289. Barpeta Road
290. Basugaon
291. Bathnaha
292. Bhairabi
293. Bhanga
294. Bhojo
295. Bihara
296. Binaguri
297. Changrabandha
298. Changsari
299. Dalgaon
300. Dalkhola
301. Dekargaon (B.G.)
302. Dharmanagar
303. Dhubri
304. Dhupguri
305. Dibrugarh (Goods & Parcel)
306. Digaru
307. Dimapur
308. Duliajan
309. Falakata
310. Fakiragram Jn.
311. Furkating
312. Gosaigaonhat
313. Guwahati (Parcel)
314. Haibargaon (B.G.)
315. Harmuti (B.G.)
316. Hasimara (B.G.)
317. Jagi Road
318. Jalalgarh
319. Jirania
320. Jiribam
321. Jogbani
322. Jogighopa
323. Jorai
324. Jorhat

325. Katihar
326. Kishanganj
327. Kokrajhar
328. Kumarghat
329. Lanka (B.G.)
330. Lakwa
331. Mathabhanga
332. Naharlagun
333. New Bongaigaon
334. New Cooch Behar (B.G.)
335. New Guwahati
336. New Jalpaiguri (B.G.)
337. New Tinsukia (Goods & Parcel)
338. Pathshala
339. Purnea
340. Rangapani
341. Rangiya
342. Ranipatra
343. Salchapra
344. Siliguri Jn
345. Surjakamal
346. Tangla
347. Tetelia
348. Tuli
349. Udaipur

North Western Railway

350. Alwar Goods Shed
351. Bhagat Ki Kothi
352. Jodhpur (Parcel)
353. Kanakpura
354. Khori

Southern Railway

355. Aluva (Parcel)
356. Arakkonam
357. Chennai Egmore (Parcel)
358. Chettinad
359. Coimbatore North Jn.

360. Coimbatore (Parcel)
361. Dindigul Jn. (Goods & Parcel)
362. Ernakulam Jn. (Parcel)
363. Ernakulam Town (Parcel)
364. Erode Jn. (Goods & Parcel)
365. Katpadi Jn.
366. Kollam Jn. (Goods & Parcel)
367. Korukkupet
368. Kozhikkode (Parcel)
369. Kudalnagar
370. Madurai (Parcel)
371. Milavittan Goods Shed
372. Mangaluru Central (Parcel)
373. Nagercoil (Parcel)
374. Palakkad Jn. (Parcel)
375. Puratchi Thalaivar Dr. M.G. Ramachandran Central Railway (Parcel)
376. Rajapalayam (Parcel)
377. Royapuram
378. Salem Jn.
379. Salem Market
380. Tambaram (Parcel)
381. Tiruchchirappalli Jn. (Goods & Parcel)
382. Tirunelveli Jn. (Parcel)
383. Tiruppur Goods Shed
384. Thrisur (Parcel)
385. Thiruvananthapuram Central (Parcel)

South Central Railway

386. Aurangabad
387. Jalna
388. Maltekdi
389. Nizamabad
390. Raichur
391. Sanatnagar New Goods Complex
392. Warangal

South Eastern Railway

393. Balasore
394. Bandhdih

395. Bankura
396. Bhaga
397. Birarajpur Goods Shed
398. Bokaro Steel City
399. Chandil
400. Chandrakona Road
401. Chaurashi
402. Hatia
403. Jhantipahari
404. Kalaikunda
405. Kharagpur
406. Namkom
407. Nimpura Goods Shed Complex
408. Purulia
409. Radhanagar
410. Ranchi (Parcel)
411. Rukni
412. Sankrail Goods Terminal Yard
413. Tatanagar Jn.

South East Central Railway

414. Akaltara
415. Amlai
416. Balaghat
417. Balod
418. Baraduar (PSBD)
419. Baradwar
420. Belha
421. Bhatapara
422. Bhilai Departure Yard
423. Bhupdeopur
424. Bilaspur (Goods & Parcel)
425. Binaiki
426. Bishrampur
427. Chhindwara (Goods & Parcel)
428. Dadhapara
429. Durg (Goods & Parcel)
430. Garha

431. Gatora
432. Gondia (Goods & Parcel)
433. Itwari (Parcel)
434. Jairamnagar Public Siding
435. Janjgir Naila
436. Kalumna
437. Kanhan
438. Kargi Road
439. Kharsia
440. Kotarlia Public Siding
441. Mandirhasaud
442. Raipur (Parcel)
443. Raipur Store Depot
444. Rajnandgaon
445. Robertson
446. Silyari
447. SQT/Bhillai Marshalling Yard
448. Tilda
449. WRS Goods Shed Complex Public Siding

South Western Railway

450. Amaravati Colony
451. Bagalkot (Goods & Parcel)
452. Ballari (Goods & Parcel)
453.K Belagavi (Parcel)
454. Davangere (Parcel)
455. Desur
456. Gadag (Parcel)
457. Hassan
458. Hosapete (Parcel)
459. Hubballi (Parcel)
460. Koppal
461. Krantivira Sangolli Rayanna (Bengaluru station) (Parcel)
462. Mandya
463. Mysuru (Parcel)
464. Mysuru New Goods Terminal
465. Navalur
466. Raybag

467. Shivamogga Town

468. Vasco-da-gama (Parcel)

469. Vijayapura (Goods & Parcel)

470. Whitefield Satellite Goods Terminal

471. Yesvantpur Jn. (Parcel)

Western Railway

472. Ahmedabad (Parcel)

473. Anand (Goods & Parcel)

474. Bandra Terminus (Luggage & Parcel)

475. Bharuch (Goods & Parcel)

476. Bhimasar

477. Bhuj (Parcel)

478. Boisar

479. Boisar New Goods Shed

480. Dondaicha

481. Gandhidham (Goods & Parcel)

482. Godhra (Goods & Parcel)

483. Hapa

484. Indore (Parcel) B.G.

485. Jamnagar (Parcel)

486. Kankariya

487. Kapadvanj

488. Karambeli

489. Lakshmibai Nagar

490. Mangaliagaon

491. Mahesana (Goods & Parcel)

492. Mumbai Central (Luggage & Parcel)

493. Nadiad (Goods & Parcel)

494. Nagda (Parcel)

495. Palanpur (Goods & Parcel)

496. Rajkot (Goods & Parcel)

497. Ranoli

498. Ratlam (Goods & Parcel)

499. Siddhapur

500. Surat (Goods, Parcel & Luggage)

501. Surendra Nagar

502. Udhna New Goods shed

503. Ujjain (Parcel)

504. Vadodara Jn. (Parcel)

505. Vadodara Marshalling Yard

506. Valsad (Parcel)

507. Vapi (Parcel)

508. Windmill

West Central Railway

509. Bhopal (Parcel)

510. Harda

511. Itarsi

512. Jabalpur (Parcel)

513. Jukehi

514. Kachhpura

515. Katni (Parcel)

516. Kota (Goods & Parcel)

517. Mandideep

518. Nishatpura

519. Pipariya

520. Satna

521. Saugor

522. Shivpuri

523. Vidisha

[F.No.TC-I/2020/223/efile/1 (3323420)]

BARJESH DHARMANI, Executive Director, Traffic Commercial (Rates)

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अनुसूची

उत्तर प्रदेश राज्य के गौतमबुद्धनगर जिले में विशेष रेल परियोजना अर्थात ईस्टर्न डेडीकेटेड फ्रेट कोरीडोर के लिए संरचना सहित या उसके बिना अर्जित की जाने वाली भूमि का संक्षिप्त विवरण।

क्रम संख्या	तहसील	ग्राम	खसरा संख्या	अर्जन के लिए प्रस्तावित क्षेत्रफल (हे० में)
(1)	(2)	(3)	(4)	(5)
1	सदर	अस्तौली	9	0.0100
			11	0.0130
			12	0.0200
			16	0.0100
			203	0.0150
			204	0.0150
			205	0.0100
			207	0.0050
2	सदर	रघुनाथपुर	1	0.0100
3	दादरी	रिठोरी	280(k)	0.1260
4	दादरी	मायचा	68	0.0100
			69	0.0250
			254	0.0250
5	दादरी	चमरावली बोडाकी	397	0.0780
6	दादरी	चमरावली रामगढ	503	0.0120
			506	0.0140
			509	0.0750
			663	0.0150
			673	0.0150
			674	0.0150
7	दादरी	पल्ला	663	0.0610

[फा. सं. 2021/एलएमएल–II/12/2/ईसी/2122]

ए. के. सिन्हा, कार्यकारी निदेशक (भू. एवं सु. और स्टे.वि.)

MINISTRY OF RAILWAY

(RAILWAY BOARD)

NOTIFICATION

New Delhi, the 25th February, 2021

S.O. 904(E).—In exercise of the powers conferred by sub-section (1) of Section 20A of the Railways Act, 1989 (24 of 1989) (hereinafter referred to as the said Act), the Central Government after being satisfied that for the public purpose the land the brief description of which is given in the schedule annexed hereto is required for the purpose of execution, maintenance, management and operation of the Special Railway Project namely Eastern Dedicated Freight Corridor in the district of Gautam Budh Nagar in the State of Uttar Pradesh hereby declares its intention to acquire such land;

Any person interested in the said land may within a period of thirty days from the date of publication of this notification in the Official Gazette, raise objection to the acquisition of such land for the aforesaid purpose under sub-section (1) of Section 20D of the said Act;

Every such objection shall be made to the Competent Authority namely, Deputy Collector, Gautam Budh Nagar, Uttar Pradesh in writing and shall set out the grounds thereof and the Competent Authority shall give the objector an opportunity of being heard either in person or by legal practitioner and may after hearing all such objections and after making such further enquiry if any as the Competent Authority thinks necessary by order either allow or disallow the objections;

Any order made by the Competent Authority under sub-section (2) of Section 20D of the said Act shall be final;

The land plans and other details of the land covered under this notification are available and can be inspected by the interested person at the aforesaid office of the Competent Authority.

SCHEDULE

Brief description of the land to be acquired with or without structure for the Special Railway Project namely Eastern Dedicated Freight Corridor in the district of Gautam Budh Nagar in the State of Uttar Pradesh.

Sr. No.	Tehsil	Name of the Village	Plot No.	Area Propose for land Acquisition (in Hect.)
(1)	(2)	(3)	(4)	(5)
1	Sadar	Astauli	9	0.0100
			11	0.0130
			12	0.0200
			16	0.0100
			203	0.0150
			204	0.0150
			205	0.0100
			207	0.0050
2	Sadar	Raghunathpur	1	0.0100
3	Dadri	Rithori	280(k)	0.1260
4	Dadri	Maycha	68	0.0100
			69	0.0250
			254	0.0250
5	Dadri	Chamrawali Boraki	397	0.0780
6	Dadri	Chamrawali Ramgarh	503	0.0120
			506	0.0140
			509	0.0750
			663	0.0150
			673	0.0150
			674	0.0150
7	Dadri	Palla	663	0.0610

[F. No. 2020/LML-II/12/2/EC/ 2122]

A. K. SINHA, Executive Director (Land & Amenities)

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क्रम संख्या	तलुका का नाम	ग्राम का नाम	सर्वेक्षण / ब्लॉक संख्या	क्षेत्रफल हैक्टयर में
(1)	(2)	(3)	(4)	(5)
			263	0.0298
			263	0.0009
			267	0.0263
			266	0.1700
			265	0.0035
			264	0.0866
			263	0.0070
			262	0.0769
			331	0.0897
			332	0.0392
			328	0.0058
			301	0.0363
			326	0.2235
			327	0.0003
			301	0.0366
			298	0.0098
			299	0.0940
			300	0.0298
			301	0.0975
			295	0.1068
			294	0.0004
			301	0.0031
			714	0.0031
			715	0.0004
			715	0.0263
			713	0.0472
			716	0.1169
			713	0.1561
			97	0.3889
			99	0.0202
			93	0.2475
			96	0.0250
			95	0.1661
			77	0.0285

[फा. सं. 2021/एलएमएल–II/12/1/डब्ल्यू सी/2125]
ए. के. सिन्हा, कार्यकारी निदेशक (भू. एवं सु. और स्टे. वि.)

MINISTRY OF RAILWAYS

(Railway Board)

NOTIFICATION

New Delhi, the 26th February, 2021

S.O. 944(E).—In exercise of the powers conferred by sub-section (1) of section 20A of the Railway Act, 1989 (24 of 1989) (hereinafter referred to as the said Act), the Central Government after being satisfied that for the public purpose the land the brief description of which has been given in the schedule annexed hereto is required for execution, maintenance, management and operation of special Railway Project, Western Dedicated Freight Corridor in the district of Valsad in the State of Gujarat, hereby declares its intention to acquire such land;

Any person interested in the said land may within thirty days from the date of publication of this notification in the official Gazette, raise objection to the acquisition and use of such land for the aforesaid purpose under sub-section (1) of section 20D of the said Act;

Every such objection shall be made to the Competent Authority namely, Deputy Collector, Valsad, Office of Deputy Collector, Second Floor, Collector Office, Valsad, Gujarat in writing and shall set out the grounds thereof and the Competent Authority shall give the objector an opportunity of being heard either in person or by legal practitioner and may after hearing all such objections and after making such further enquiry if any as the Competent Authority thinks necessary by order either allow or disallow the objections;

Any order made by the Competent Authority under sub-section (2) of section 20D of the said Act shall be final;

The land plans and other details of the land covered under this notification are available and can be inspected by the interested person at the aforesaid office of the Competent Authority.

SCHEDULE

Brief description of the land to be acquired with or without structures falling within the Special Railway Projects, Western Dedicated Freight Corridor in the district of Valsad in the State of Gujarat.

Serial Number	Name of the Taluka	Name of the Village	Survey/ Block Number	Area in Hectares
(1)	(2)	(3)	(4)	(5)
(1)	Umargaon	(1) Solsumba	1178	0.0668
			1152	0.0726
			1151	0.0449
			117	0.1413
			98	0.0534
			113	0.0309
			115	0.0744
			118	0.0210
			1127	0.0857
			1124	0.0766
			1123	0.0385
			1122	0.0550
			119	0.1303
			120	0.0643
			202	0.0055
			121	0.0152
			203	0.1772
			162	0.1383
			163	0.0443
			164	0.0058
			165	0.0713
			122	0.1060
			168	0.3052
			167	0.1367
			169	0.1594
			170	0.2107
			171	0.1204
			190	0.0894
		(2) Tumb	253	0.1334
			254	0.0406
			273	0.0377
			270	0.0269
			269	0.0274
			285	0.0288
			289	0.0317
			290	0.0294
			289	0.0345
			291	0.0024
			292	0.0399
			295	0.0112
			297	0.0296

Serial Number	Name of the Taluka	Name of the Village	Survey/ Block Number	Area in Hectares
(1)	(2)	(3)	(4)	(5)
			298	0.0069
			327	0.0046
			331	0.0213
			329	0.0243
			330	0.0671
			263	0.0298
			263	0.0009
			267	0.0263
			266	0.1700
			265	0.0035
			264	0.0866
			263	0.0070
			262	0.0769
			331	0.0897
			332	0.0392
			328	0.0058
			301	0.0363
			326	0.2235
			327	0.0003
			301	0.0366
			298	0.0098
			299	0.0940
			300	0.0298
			301	0.0975
			295	0.1068
			294	0.0004
			301	0.0031
			714	0.0031
			715	0.0004
			715	0.0263
			713	0.0472
			716	0.1169
			713	0.1561
			97	0.3889
			99	0.0202
			93	0.2475
			96	0.0250
			95	0.1661
			77	0.0285

[F. No. 2021/LML-II/12/1/WC/2125]

A. K. SINHA, Executive Director (L&A and SD)

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अनुसूची

उत्तर प्रदेश राज्य के मुजफ्फरनगर जिले में विशेष रेल परियोजना अर्थात ईस्टर्न डेडीकेटेड फ्रेट कोरोडोर के लिए संरचना सहित या उसके बिना अर्जित की जाने वाली भूमि का संक्षिप्त विवरण।

जिला– मुजफ्फरनगर

क्र0 सं0	परगना	तहसील	ग्राम	खसरा नम्बर	अर्जन के लिए प्रस्तावित क्षेत्रफल (हे. में)
(1)	(2)	(3)	(4)	(5)	(6)
1	मुजफ्फरनगर	सदर	कछौली	146	0.0085
2			जटनंगला	21	0.4297
3			कल्लरपुर	176	0.0588
				177	0.0255
				830	0.0110
				877	0.1161
				1192	0.0098
				1109	0.0394
				333	0.1083
				335	0.0429
				332	0.0995
				331	0.0483
				97	0.0080
				120	0.0111
				152	0.0069
				839	0.0111
				823	0.0156
				876	0.0227
				879	0.0301
4			सलेमपुर	51	0.0700
5			सीमली	274	0.0320
6		खतौली	खानूपुर	40	0.0474
				39	0.0186
7			जहांगीरपुर	107	0.0300
				109	0.0275

[फा. सं. 2021/एलएमएल–II/12/2/ईसी/2127]

ए. के. सिन्हा, कार्यकारी निदेशक (भू.एवं सु. और स्टे.वि.)

MINISTRY OF RAILWAY

(Railway Board)

NOTIFICATION

New Delhi, the 1st March, 2021

S.O. 973(E).—In exercise of the powers conferred by sub-section (1) of Section 20A of the Railways Act, 1989 (24 of 1989) (hereinafter referred to as the said Act), the Central Government after being satisfied that for the public purpose the land the brief description of which is given in the schedule annexed hereto is required for the purpose of execution, maintenance, management and operation of the Special Railway Project namely, Eastern Dedicated Freight Corridor in the district of Muzaffarnagar in the State of Uttar Pradesh hereby declares its intention to acquire such land;

Any person interested in the said land may within a period of thirty days from the date of publication of this notification in the Official Gazette, raise objection to the acquisition of such land for the aforesaid purpose under sub-section (1) of Section 20D of the said Act;

Every such objection shall be made to the Competent Authority namely, Additional District Magistrate (Finance and Revenue), Muzaffarnagar, Uttar Pradesh in writing and shall set out the grounds thereof and the Competent Authority shall give the objector an opportunity of being heard either in person or by legal practitioner and may after hearing all such objections and after making such further enquiry if any as the Competent Authority thinks necessary by order either allow or disallow the objections;

Any order made by the Competent Authority under sub-section (2) of Section 20D of the said Act shall be final;

The land plans and other details of the land covered under this notification are available and can be inspected by the interested person at the aforesaid office of the Competent Authority.

SCHEDULE

Brief description of the land to be acquired with or without structure for the Special Railway Project namely, Eastern Dedicated Freight Corridor in the district of Muzaffarnagar in the State of Uttar Pradesh.

Name of District- Muzaffarnagar

Sr. No.	**Pargana**	**Tehsil**	**Name of the Village**	**Plot No.**	**Area Propose for land Acquisition (in hect.)**
(1)	(2)	(3)	(4)	(5)	(6)
1	Muzaffarnagar	Sadar	Kacholli	146	0.0085
2			Jatnangla	21	0.4297
3			Kallarpur	176	0.0588
				177	0.0255
				830	0.0110
				877	0.1161
				1192	0.0098
				1109	0.0394
				333	0.1083
				335	0.0429
				332	0.0995
				331	0.0483
				97	0.0080
				120	0.0111
				152	0.0069
				839	0.0111
				823	0.0156
				876	0.0227
				879	0.0301
4			Salempur	51	0.0700
5			Seemli	274	0.0320
6		Khatauli	Khanupur	40	0.0474
				39	0.0186
7			Jahangirpur	107	0.0300
				109	0.0275

[F. No. 2021/LML-II/12/2/EC/2127]

A. K. SINHA, Executive Director (L&A and SD)

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MINISTRY OF RAILWAY

(SOUTH EAST CENTRAL RAILWAY)

NOTIFICATION

Bilaspur**,**, the 3rd March, 2021

Notice under Section (20A) of the Railways Act 1989

S.O. 1037(E).—In exercise of powers conferred by sub section (1) of section 20A of the Railways Act 1989(24 of 89)(hereinafter referred as the said Act), the Central Government, after being satisfied that for the public purpose, the land, brief description of which is given in the schedule annexed hereto, is required for the execution of Special Railway Project, namely, Kharsia to Dharamjaygarh with spur from Gharghoda to Donga Mahua (104 KM), in the State of Chhattisgarh, hereby declares its intention to acquire such land;

Any person interested in the said land may, within a period of 30 days from the date of publication of this notification in the Official gazette, raise objection to the acquisition of such land for the aforesaid purpose under sub-section 20D of the said Act;

Every objection shall be made to the Competent Authority, namely, Additional Collector, Raigarh, Collectorate Office, Raigarh, Chhattisgarh in writing, and shall set out grounds thereof and the Competent Authority shall give the objector an opportunity of being heard, either in person or through a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the Competent Authority thinks necessary, by order, either allow or disallow the objections;

Any order made by the Competent Authority under sub-section (2) of section 20D of the said Act shall be final. The land plans and other details of the land covered under this notification are available and can be inspected by the interested person at the aforesaid office of the Competent Authority.

SCHEDULE

Brief description of the land to be acquired, with or without structure, for the Special Railway Project, namely, Kharsia to Dharamjaygarh with spur from Gharghoda to Donga Mahua (104 KM) in the State of Chhattisgarh.

Kharsia to Korichhapar 0 to 45 KM Supplementary –V (Land acquisition for catch water drain and circulating area Gharghorda)

Name of District : Raigarh				Name of District : Raigarh			
Tehsil : Gharghorda				Tehsil : Gharghorda			
Sr.No.	Village Name	Khasra/Plot No.	Area (In Hect.)	Sr.No.	Village Name	Khasra/Plot No.	Area (In Hect.)
1	2	3	4	1	2	3	4
1.	Baihamuda	48/3	0.090		Kanchanpur	610/6	0.018
		54/2	0.340			610/12	0.057
		55/2	0.030			610/3	0.008
			Total 0.46				

Name of District : Raigarh							
Tehsil : Gharghorda							
Sr.No.	Village Name	Khasra/Plot No.	Area (In Hect.)				
2.	Kanchanpur	305/1	0.044				
		305/3	0.049				
		298/2	0.007				
		298/4	0.028				
		298/5	0.007				
		610/15	0.015				
		301/1	0.013				
		301/2	0.018				
		301/3	0.017				
		300/4	0.004				
		603/5	0. 0125				
		603/16	0.031				
		603/4	0.019				
		603/3	0.008				
		603/7	0.004				
		605/1	0.042				
		607/2	0.056				
		608/1	0.0065				
		609/1	0. 0305				
						616/2	0.044
						616/1	0.044
						615/1	0.040
						615/2	0.042
						619/2	0.008
						693/38	0.020
						693/18	0.060
						693/4	0.062
						617/1	0.013
						617/3	0.012
						686/1	0.094
						686/3	0.048
						604/1	0.027
						618	0.022
							Total 1.0305
				Name of District : Raigarh			
				Tehsil : Kharsia			
				Sr.No.	Village Name	Khasra/Plot No.	Area (In Hect.)
				1	2	3	4
				3	Bhaloonara	55/1/Ga	0.020
							Total 0.020
				Name of District : Raigarh			
				4	Tehsil : Dhramjaygarh		
					Behramoda	Khasra/plot	Area in hect
						1/2/Ga /1	0.049
							Total 0.049

Total :- 1.5595 Hect.

[F. No. CAO / C / BSP / East- Rail Corridor]

R.N. SUNKAR, Chief Administrative officer (Con.)

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उक्त अधिनियम की धारा 20घ की उप–धारा (2) के अधीन सक्षम प्राधिकारी द्वारा किया गया कोई आदेश अंतिम होगा;

इस अधिसूचना के अधीन आने वाली भूमि का रेखांकन और अन्य ब्यौरे सक्षम प्राधिकारी के उपरोक्त कार्यालय में उपलब्ध हैं और हितबद्ध व्यक्ति द्वारा उनका निरीक्षण किया जा सकता है।

अनुसूची

उत्तर प्रदेश राज्य के सहारनपुर जिले में विशेष रेल परियोजना अर्थात ईस्टर्न डेडीकेटेड फ्रेट कोरीडोर के लिए संरचना सहित या उसके बिना अर्जित की जाने वाली भूमि का संक्षिप्त विवरण।

जिला– सहारनपुर

क्र0 सं0	परगना	तहसील	ग्राम	खसरा नम्बर	क्षेत्रफल (हे0 में)
(1)	(2)	(3)	(4)	(5)	(6)
1	देवबन्द	देवबन्द	रणखण्डी	2296	0.0120
				832	0.0194
2			देवबन्द	1544	0.0378
3			बहादुरपुर	321/1	0.0240

[फा. सं. 2020/एलएमएल–II/12/2/ईसी/2128]

ए. के. सिन्हा, कार्यकारी निदेशक (भू.एवं सु. और स्टे.वि.)

MINISTRY OF RAILWAYS

(Railway Board)

NOTIFICATION

New Delhi, the 10th March, 2021

S.O. 1159(E).—In exercise of the powers conferred by sub-section (1) of Section 20A of the Railways Act, 1989 (24 of 1989) (hereinafter referred to as the said Act), the Central Government after being satisfied that for the public purpose the land the brief description of which is given in the Schedule annexed hereto is required for the purpose of execution, maintenance, management and operation of the Special Railway Project namely, Eastern Dedicated Freight Corridor in the district of Saharanpur in the State of Uttar Pradesh hereby declares its intention to acquire such land;

Any person interested in the said land may within a period of thirty days from the date of publication of this notification in the Official Gazette, raise objection to the acquisition of such land for the aforesaid purpose under sub-section (1) of Section 20D of the said Act;

Every such objection shall be made to the Competent Authority namely, Special Land Acquisition Officer, Combined Organization, Collectorate Office, Court Road, Saharanpur, Uttar Pradesh in writing and shall set out the grounds thereof and the Competent Authority shall give the objector an opportunity of being heard either in person or by legal practitioner and may after hearing all such objections and after making such further enquiry if any as the Competent Authority thinks necessary by order either allow or disallow the objections;

Any order made by the Competent Authority under sub-section (2) of Section 20D of the said Act shall be final;

The land plans and other details of the land covered under this notification are available and can be inspected by the interested person at the aforesaid office of the Competent Authority.

SCHEDULE

Brief description of the land to be acquired with or without structure for the Special Railway Project namely, Eastern Dedicated Freight Corridor in the district of Saharanpur in the State of Uttar Pradesh.

Name of District- Saharanpur

S. No.	Pargana	Tehsil	Name of the Village	Plot No.	Area (in hect.)
(1)	(2)	(3)	(4)	(5)	(6)
1	Deoband	Deoband	Rankhandi	2296	0.0120
				832	0.0194
2			Deoband	1544	0.0378
3			Bahadurpur	321/1	0.0240

[F. No. 2020/LML-II/12/2/EC/2128]

A.K. SINHA, Executive Director (L&A and SD)

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उक्त अधिनियम की धारा 20घ की उप–धारा (2) के अधीन सक्षम प्राधिकारी द्वारा किया गया कोई आदेश अंतिम होगा;

इस अधिसूचना के अधीन आने वाली भूमि का रेखांकन और अन्य ब्यौरे उपलब्ध है और हितबद्ध व्यक्ति द्वारा सक्षम प्राधिकारी के उपरोक्त कार्यालय में उनका निरीक्षण किया जा सकता है।

vuqlqph

mRrj iznsk jkT; ds ejB fty ea fo'k"k jy ifj;kstuk vFkkr bLVu MMhdVM ÝV dkjhMkj ds fy, lajpuk lfgr ;k mlds fcuk vftlr dh tku okyh Hkfe dk lf{kIr fooj.kA

Ø-l-	rglhy	ijxuk	xke	[kljk l0	{k=Qy ¼g- e½
¼1½	¼2½	¼3½	¼4½	¼5½	¼6½
1	सदर	मेरठ	उपलेहड़ा	316	0.0366
2			घाट	433	0.3320
3				429	0.0040
4			पेपला	346	0.0365
5				333	0.0110
6			गोविन्दपुर उर्फ घसौली	95	0.0135
7				96	0.0295
8				93	0.0140
9				17	0.0535
10			जंगेठी	497	0.0100
11				471	0.0150
12				470	0.0115
13				468	0.0120
14				467	0.0245
15	सरधना	दौराला	खिर्वानौआबाद	482	0.0265
16			समसपुर सुरानी	260	0.0125
17			मछरी	918	0.0025
18				920	0.0128
19				921	0.0115
20				922	0.0045
21				923	0.0228
22			दौराला	173	0.0114
23			मटौर	657	0.0045
24				719	0.0058
25				720	0.0168
26				725	0.0093
27			सकौती	465	0.0540

[फा. स. 2021/एलएमएल–II/12/2/ईसी/2141]

ए.के. सिन्हा, कार्यकारी निदेशक (भू. एवं सु. और स्टे.वि.)

MINISTRY OF RAILWAYS

(Railway Board)

NOTIFICATION

New Delhi, the 26th March, 2021

S.O. 1423(E).—In exercise of the powers conferred by sub-section (1) of Section 20A of the Railways Act, 1989 (24 of 1989) (hereinafter referred to as the said Act), the Central Government after being satisfied that for the public purpose the land the brief description of which is given in the schedule annexed hereto is required for the

purpose of execution, maintenance, management and operation of the Special Railway Project namely, Eastern Dedicated Freight Corridor in the district of Meerut in the State of Uttar Pradesh hereby declares its intention to acquire such land;

Any person interested in the said land may within a period of thirty days from the date of publication of this notification in the Official Gazette, raise objection to the acquisition of such land for the aforesaid purpose under sub-section (1) of Section 20D of the said Act;

Every such objection shall be made to the Competent Authority namely, Additional Divisional Magistrate (Land Acquisition), Joint Organization, Meerut, Uttar Pradesh in writing and shall set out the grounds thereof and the Competent Authority shall give the objector an opportunity of being heard either in person or by legal practitioner and may after hearing all such objections and after making such further enquiry if any as the Competent Authority thinks necessary by order either allow or disallow the objections;

Any order made by the Competent Authority under sub-section (2) of Section 20D of the said Act shall be final;

The land plans and other details of the land covered under this notification are available and can be inspected by the interested person at the aforesaid office of the Competent Authority.

SCHEDULE

Brief description of the land to be acquired with or without structure for the Special Railway Project namely, Eastern Dedicated Freight Corridor in the district of Meerut in the State of Uttar Pradesh.

Sl. No.	Tehsil	Pargana	Name of the village	Plot No.	Area (in Hect.)
(1)	(2)	(3)	(4)	(5)	(6)
1	Sadar	Meerut	Uplehda	316	0.0366
2			Ghat	433	0.3320
3				429	0.0040
4			Pepla	346	0.0365
5				333	0.0110
6			Govindpur Urf Ghasoli	95	0.0135
7				96	0.0295
8				93	0.0140
9				17	0.0535
10			Jangethi	497	0.0100
11				471	0.0150
12				470	0.0115
13				468	0.0120
14				467	0.0245
15	Sardhana	Daurala	Khirwanoabad	482	0.0265
16			Samaspur Surani	260	0.0125
17			Machhri	918	0.0025
18				920	0.0128
19				921	0.0115
20				922	0.0045
21				923	0.0228
22			Daurala	173	0.0114
23			Mator	657	0.0045
24				719	0.0058
25				720	0.0168
26				725	0.0093
27			Sakoti	465	0.0540

[F. No. 2021/LML-II/12/2/EC/2141]

A.K. SINHA, Executive Director (L&A and SD)

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MINISTRY OF RAILWAYS

(RAILWAY BOARD)

NOTIFICATION

New Delhi, the 1st April, 2021.

S.O. 1454(E).—In exercise of the powers conferred by sub-section (1) of Section 20A of the Railways Act, 1989 (24 of 1989) (hereinafter referred to as the said Act), the Central Government after being satisfied that for the public purpose the land the brief description of which is given in the schedule annexed hereto is required for the purpose of execution, maintenance, management and operation of the Special Railway Project namely, Eastern Dedicated Freight Corridor in the district of Ghaziabad in the State of Uttar Pradesh hereby declares its intention to acquire such land;

Any person interested in the said land may within a period of thirty days from the date of publication of this notification in the Official Gazette, raise objection to the acquisition of such land for the aforesaid purpose under sub-section (1) of Section 20D of the said Act;

Every such objection shall be made to the Competent Authority namely, Additional District Magistrate (Land Acquisition), Joint Organization, Ghaziabad, Uttar Pradesh in writing and shall set out the grounds thereof and the Competent Authority shall give the objector an opportunity of being heard either in person or by legal practitioner and may after hearing all such objections and after making such further enquiry if any as the Competent Authority thinks necessary by order either allow or disallow the objections;

Any order made by the Competent Authority under sub-section (2) of Section 20D of the said Act shall be final;

The land plans and other details of the land covered under this notification are available and can be inspected by the interested person at the aforesaid office of the Competent Authority.

SCHEDULE

Brief description of the land to be acquired with or without structure for the Special Railway Project namely, Eastern Dedicated Freight Corridor in the district of Ghaziabad in the State of Uttar Pradesh.

Name of District- Ghaziabad

Sl. No.	**Name of the village**	**Plot No.**	**Area (in Hectare)**
(1)	**(2)**	**(3)**	**(4)**
1	Kilhora	956	0.0100
		827	0.0280
		642	0.0050
		643	0.0216
		645	0.0180
		646	0.0080
		647	0.0080
		649	0.0070
2	Aurangabad Fazalgarh	35	0.0040
3	Palota	408	0.0045
4	Shakurpur	152	0.0130
		172/2	0.0020
		90	0.0110
		173	0.0090

		174	0.0055
		178	0.0025
5	Saidpur Hussainpur Dilna	774	0.0165
		386	0.0390
		399	0.0040
		400	0.0045

[F. No. . 2020/LML-II/12/2/EC/2139]

A. K. SINHA, Exe. Dir. (L&A and SD)

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2	उप खंड अधिकारी , कल्याण सब डिवीजन, कल्याण	कल्याण	ठाणे

[फा.सं. एमटी/डब्ल्यु/370/एमआरविसि - पीएच.III]

मनोज शर्मा, मुख्य प्रशासनिक अधिकारी (निर्माण)

MINISTRY OF RAILWAYS

(Central Railway)

NOTIFICATION

Mumbai, the 10th May, 2021

Notification under Section 2 of the Railways Act, 1989

S.O. 1837(E).— In exercise of the powers conferred by clause (7A) of Section 2 of the Railways Act, 1989 (24 of 1989), the Central Government hereby authorise the officer mentioned in columns (2) of the table below as " **Competent Authority**" to perform the functions as such authority under the said Act with effect from the date of publication of this notification in the Official Gazette in respect of the special railway project of "**3rd & 4th line between Kalyan-Badlapur (14.05 Km)** under MUTP-III A" in the State of Maharashtra, relating to Tehsil Mentioned in Column (3) of the said table for the public purpose of execution maintenance, Management and operation of such special Railway Project.

TABLE

S. No.	Competent Authority	Taluka	District
1	2	3	4
1	Sub Divisional Officer Ulhasnagar Sub Division, Ulhasnagar	Ulhasnagar	Thane
2	Sub Divisional Officer Kalyan Sub Division, Kalyan	Kalyan	Thane

[F. No. MT/W/370/MRVC-PH. III]

MANOJ SHARMA, Chief Administrative Officer (Construction)

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