The Railways Act, 1890

(ACT NO. IX OF 1890)

[21st March, 1890]

[1]♣An Act to consolidate, amend and add to the law relating to the Railway.

WHEREAS it is expedient to consolidate, amend and add to the law relating to the railway; It is hereby enacted as follows:-

CHAPTER I
PRELIMINARY

Title, extent and commencement

1. (1) This Act may be called the Railway Act, 1890.

(2) It extends to the whole of Bangladesh and applies also to all citizens of Bangladesh, wherever they may be.

(3) It shall come into force on the first day of May, 1890.

[Repealed]

2. [Repealed by the Repealing Act, 1938 (Act No. I of 1938), section 2 and Schedule.]

Definitions

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

[2][* * *]

(2) “ferry” includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying bridge and a temporary bridge, and the approaches to, and landing places of, a ferry:

(3) “inland water” means any canal, river, lake or navigable water:

(4) the railway means the railway or any portion of the railway, for the public carriage of passengers, animals or goods, and includes□

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

(b) all lines of rails, sidings, or branches worked over for the purposes of, or in connection with, the railway;

(c) all stations, offices, warehouses, wharves, workshops, manufactories, fixed plant and machinery and other works constructed for the purposes of, or in connection with, the railway; and

(d) all ferries, ships, boats and rafts which are used on inland waters for the purposes of the traffic of the railway and belong to or are hired or worked by the authority administering the railway:

[3][* * *]

[4][(6) “railway administration” or “administration” means the manager of the Bangladesh railway and includes the Government.]

(7) “the railway servant” means any person employed by the railway administration in connection with the service of the railway:

(8) Inspector” means an Inspector of the railway appointed under this Act:

(9) goods” includes inanimate things of every kind:

(10) “rolling-stock” includes locomotive engines, tenders, carriages, wagons, trucks and trollies of all kinds:

(11) "traffic” includes rolling-stock of every description, as well as passengers, animals and goods:

(12) “through traffic” means traffic which is carried over the railway of two or more the railway administration.

(13) “rate” includes any fare, charge or other payment for the carriage of any passenger, animal or goods:

(14) “terminals” includes charges in respect of stations, sidings, wharves, depots, warehouses, cranes and other similar matters, and of any services rendered thereat:

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

(16) “ticket” includes a single ticket, a return ticket and a season ticket:

(17) “maund” means a weight of three thousand two hundred tolas, each tola being a weight of one hundred and eighty grains Troy: and

(18) “Collector” means the chief officer in charge of the land- revenue administration of a district, and includes any officer specially appointed by the Government to discharge the functions of a Collector under this Act.

CHAPTER II
INSPECTION OF RAILWAY

Appointment and duties of Inspectors

4. (1) The Government may appoint persons, by name or by virtue of their office, to be inspectors of the railway.

(2) The duties of an Inspector of the railway shall be-

(a) to inspect the railway with a view to determine whether they are fit to be opened for the public carriage of passengers, and to report thereon to the Government as required by this Act;

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

(c) to make inquiry under this Act into the cause of any accident on the railway;

(d) to perform such other duties as are imposed on him by this Act, or any other enactment for the time being in force relating to the railway.

Powers of Inspectors

5. An Inspector shall, for the purpose of any of the duties which he is required or authorised to perform under this Act, be deemed to be a public servant within the meaning of the [5][Penal Code], and, subject to the control of the Government, shall for that purpose have the following powers, namely:-

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

(b) by an order in writing under his hand addressed to the railway administration, to require the attendance before him of any railway servant, and to require answers or returns to such inquiries as he thinks fit to make from such railway servant or from the railway administration;

(c) to require the production of [6][the] book or document belonging to or in the possession or control of any railway administration [7][* * *] which it appears to

him to be necessary to inspect.

Facilities to be afforded to Inspectors

6. The railway administration shall afford to the Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Act.

CHAPTER III

CONSTRUCTION AND MAINTENANCE OF WORKS

Authority of railway administrations to execute all necessary works

7. (1) Subject to the provisions of this Act and, in the case of immoveable property not belonging to the railway administration, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes

[8][* * *] the railway administration may, for the purpose of constructing the railway or the accommodation or other works connected therewith, and notwithstanding anything in any other enactment for the time being in force,-

(a) make or construct in, upon, across, under or over any lands, or, any streets, hills, valleys, roads, the railway [9][* * *] or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, lines of the railway, ways, passages, conduits, drains, piers, cuttings and fences as the railway administration thinks proper;

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

(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;

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

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

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

Protection for Government property

[10][8A. Nothing in the two last preceding sections shall authorise the doing of anything on or to any works, land or building vested in, or in possession of, the Government without its consent.]

Alteration of pipes, wires and drains

8. The railway administration may, for the purpose of exercising the powers conferred upon it by this Act, alter the position of any pipe for the supply of gas, water or compressed air or the position of any electric wire or of any drain not being a main drain:

Provided that-

(a) when the railway administration desires to alter the position of any such pipe, wire or drain, it shall give reasonable notice of its intention to do so, and of the time at which it will begin to do so, to the Local authority or company having control over the pipe, wire or drain, or, when the pipe, wire or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire or drain is;

(b) a local authority, company or person receiving notice under proviso (a) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so sent and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electricity or the maintenance of the drainage, as the case may be.

Temporary entry upon land for

9. (1) The Government may authorise any railway administration, in case of any slip or other accident happening or being apprehended to any cutting,

repairing or preventing accident

embankment or other work under the control of the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident, and to do all such works as may be necessary for the purpose.

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

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

10. (1) The railway administration shall do as little damage as possible in the exercise of the powers conferred by any of the foregoing provisions of this Chapter, and compensation shall be paid for any damage caused by the exercise thereof.

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

Accommodation works

11. (1) The 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 and so many convenient crossings, bridges, arches, culverts and passages over, under or by the sides of, or leading to or from, the railway as may, in the opinion of the 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 arches, tunnels, culverts, drains, water courses or other passages, over or under or by the sides of the railway, of such dimensions as will, in the opinion of the Government, be sufficient at all times to convey water as freely from or to the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be.

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

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

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

(b) save as hereinafter in this Chapter provided, the railway administration shall not, except on the requisition of the Government, be compelled to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of ten years from the date on which the railway passing through the lands was first opened for public traffic;

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

(4) The Government may appoint a time for the commencement of any work to be executed under sub-section (1), and if for fourteen days next after that time the railway administration fails to commence the work or, having

commenced it, fails to proceed diligently to execute it in a sufficient manner, the Government may execute it and recover from the railway adminisration the cost incurred by it in the execution thereof.

Power for owner-occupier orlocal authority to cause additional accommodation works to be made

12. If an owner or occupier of any land affected by the railway considers the works made under the last foregoing section to be insufficient for the commodious use of the land, or if the Government or a local authority desires to construct a public road or other work across, under or over the railway, he or it, as the case may be, may at any time require the railway administration to make at his or its expense such further accommodation works as he or it thinks necessary and are agreed to by the railway administration or as, in case of difference of opinion, may be authorised by the Government.

Fences, screens, gates and bars

13. The Government may require that, within a time to be specified in the requisition, or within such further time as it may appoint in this behalf,-

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

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

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

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

Over and under bridges

14. (1) Where the railway administration has constructed the railway across a public road on the level, the Government may at any time, if it appears to it necessary for the public safety, require the railway administration, within such time as it thinks fit, to carry 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, in the circumstances of the case, may appear to the Government to be best adapted for removing or diminishing the danger arising from the level-crossing.

(2) The Government may require as a condition of making a requisition under sub-section (1), that the local authority, if any, which maintains the road, shall undertake to pay the whole of the cost to the railway administration of complying with the requisition or such portion of the cost as the Government thinks just.

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

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

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

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

(2) In case of emergency the power mentioned in sub-section (1) may be exercised by the railway administration without the permission of a Magistrate.

(3) Where a tree felled or otherwise dealt with under sub-section (1) or sub-section (2) was in existence before the railway was constructed or the signal was fixed, any Magistrate may, upon the application of the persons interested in the tree, award to those persons such compensation as he thinks reasonable.

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

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

CHAPTER IV

OPENING OF THE RAILWAY

Right to use locomotives

16. (1) The railway administration may, with the previous sanction of the Government, use upon the railway locomotive engines or other motive power, and rolling-stock to be drawn or propelled thereby(2) But rolling-stock shall not be moved upon the railway by steam or other motive power until such general rules for the railway as may be deemed to be necessary have been made, sanctioned and published under this Act.

Notice of intended opening of the railway

17. (1) Subject to the provisions of sub-section (2), the railway administration shall, one month at least before it intends to open any railway for the public carriage of passengers, give to the Government notice in writing of its intention.

(2) The Government may, in any case, if it thinks fit, reduce the period of, or dispense with, the notice mentioned in sub-section (1).

Sanction of the government a condition precedent to the opening of the railway

18. The railway shall not be opened for the public carriage of passengers until the Government, or an Inspector empowered by the Government, in this behalf, has by order sanctioned the opening thereof for that purpose.

Procedure in sanctioning the opening of the railway

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

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

(b) that the moving and fixed dimensions prescribed by the Government have not been infringed;

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

(d) that the railway is sufficiently supplied with rolling-stock;

(e) that general rules for the working of the railway when opened for the public carriage of passengers have been made, sanctioned and published under this Act; and

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

(2) If in the opinion of the Inspector the railway cannot be so opened without danger to the public using it, he shall state that opinion, together with the grounds therefor, to the Government, and the Government may thereupon order the railway administration to postpone the opening of the railway.

(3) An order under the last foregoing sub-section must set forth the requirements to be complied with as a condition precedent to the opening of the railway being sanctioned, and shall direct the postponement of the opening of the railway until those requirements have been complied with or the Government is otherwise satisfied that the railway can be opened without danger to the public using it.

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

(5) When sanction for the opening of the railway is given subject to conditions, and the railway administration fails to fulfil those conditions, the sanction shall be deemed to be void and the railway shall not be worked or used until the conditions are fulfiled to the satisfaction of the Government.

Application of the provisions of the three last foregoing sections to material alterations of the railway

20. (1) The provisions of sections 17, 18 and 19 with respect to the opening of the railway shall extend to the opening of the works mentioned in sub-section (2) when those works form part of, or are directly connected with, the railway used for the public carriage of passengers and have been constructed after the inspection which preceded the first opening of the railway.

(2) The works referred to in sub-section (1) are additional lines of railway, deviation lines, stations, junctions and crossings on the level, and any alteration or re-construction materially affecting the structural character of any

work to which the provisions of sections 17, 18 and 19 apply or are extended by this section.

Exceptional provision

21. When an accident has occurred resulting in a temporary suspension of traffic, and either the original line and works have been rapidly restored to their original standard, or a temporary diversion has been laid for the purpose of restoring communication, the original line and works so restored, or the temporary diversion, as the case may be, may, in the absence of the Inspector, be opened for the public carriage of passengers, subject to the following conditions, namely:-

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

(b) that notice by telegraph of the opening of the line and works or the diversion shall be sent, as soon as may be, to the Inspector appointed for the railway.

Power to make rules with respect to the opening of railways

22. The Government may make rules defining the cases in which, and in those cases the extent to which, the procedure prescribed in sections 17 to 20 (both inclusive) may be dispensed with.

Power to close an opened railway

23. (1) When, after inspecting any open railway used for the public carriage of passengers, or any rolling-stock used thereon, an Inspector is of opinion that the use of the railway or of any specified rolling-stock will be attended with danger to the public using it, he shall state that opinion, together with the grounds therefor, to the Government; and the Government may thereupon order that the railway be closed for the public carriage of passengers, or that the use of the rolling-stock so specified be discontinued, or that the railway or the rolling-stock so specified be used for the public carriage of passengers on such conditions only as the Government may consider necessary for the safety of the public.

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

Re-opening of a closed railway

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

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

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

Delegation of powers under this Chapter to Inspectors

25. (1) The Government may, by general or special order, authorise the discharge of any of its functions under this Chapter by an Inspector, and may cancel any sanction or order given by an Inspector discharging any such function or attach thereto any condition which the Government might have imposed if the sanction or order had been given by itself.

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

CHAPTER V
TRAFFIC FACILITIES

[Repealed]

26-40. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

Bar of jurisdiction of ordinary Courts in certain matters

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

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

42. [11][(1) The railway administration shall afford all reasonable facilities for the receiving, forwarding and delivering of traffic upon and from railways and for the return of rolling-stock.]

(2) [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

[12][* * *].

Prohibition of undue preference

[13][42A. (1) The railway administration shall not make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person [14][* * *], or any particular description of traffic, in any respect whatsoever, or subject any particular person [15][* * *] or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(2) Any complaint that the railway administration is contravening the provisions of this section shall be determined by the Government.]

Powers of the Government to fix maximum and minimum rates

[16][42B. (1) The Government may by general or special order fix maximum and minimum rates for the whole or any part of the railway, and prescribe the conditions in which such rates will apply.

(2) Any complaint that the railway administration is contravening any order issued by the Government in accordance with the provisions of this section shall be determined by [17][it].]

Undue preference in case of unequal rates for like traffic for services

43. (1) Whenever it is shown that the railway administration charges one trade or class of traders or the traders in any [18][* * *] area lower rates for the same or similar animals or goods, or lower rates for the same or similar services, than it charges to other traders or classes of traders or to the traders in another [19][* * *] area, the burden of proving that such lower charge

does not amount to an undue preference shall lie on the railway administration.

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

Provision for facilities and equal treatment where ships or boats are used which are not parts of the railway

44. Where the railway administration is a party to an agreement for procuring the traffic of the railway to be carried on any inland water by any ferry, ship, boat or raft which does not belong to or is not hired or worked by the railway administration, the provisions of the two last foregoing sections applicable to the railway shall extend to the ferry, ship, boat or raft in so far as it is used for the purposes of the traffic of the railway.

Terminals

45. The railway administration may charge reasonable terminals.

Power of Government to fix terminals

46. (1) The Government shall decide any question or dispute which may arise with respect to the terminals charged by the railway administration.

(2) In deciding the question or dispute, the Government shall have regard only to the expenditure reasonably necessary to provide the accommodation in respect of which the terminals are charged irrespective of the outlay which may have been actually incurred by the railway administration in providing that accommodation.

Decisions in accordance with this Chapter shall be binding

[20][46A. Any decision given by the Government, in accordance with the provisions of this Chapter, shall be final and binding on all parties concerned.]

[Omitted]

46B. [Omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

CHAPTER VI
WORKING OF RAILWAYS

General

General rules

47. (1) [21][The railway administration or], an officer to be appointed by the Government in this behalf, shall make general rules consistent with this Act for the following purposes, namely:-

(a) for regulating the mode in which, and the speed at which, rolling-stock used on the railway is to be moved or propelled;

(b) for providing for the accommodation and convenience of passengers and regulating the carriage of their luggage;

(c) for declaring what shall be deemed to be, for the purposes of this Act, dangerous or offensive goods, and for regulating the carriage of such goods;

(d) for regulating the conditions on which the railway administration will carry passengers suffering from infectious or contagious disorders, and providing for the disinfection of carriages which have been used by such passengers;

(e) for providing for and regulating the duties of the railway servants in relation to train operations;

(f) for regulating the terms and conditions on which the railway administration will warehouse or retain goods at any station on behalf of the consignee or owner; and

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

(2) The rules made under sub-section (1) may provide that any person committing a breach of any of those rules, except those falling under clause (e) of that sub-section, shall be punished with fine which may extend to any sum not exceeding fifty Taka.

(3) A rule made under this section shall not take effect until it has received the sanction of the Government and been published in the official Gazette:

Provided that-

(a) [Omitted by Article 2 and Schedule of the Central Laws (Adaptation) Order, 1961.]

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

(4) [Omitted by Article 2 and Schedule of the Central Laws (Adaptation) Order, 1961.]

[22][* * *]

(6) The railway administration shall keep at each station on its railway a copy of the general rules for the time being in force under this section on the railway, and shall allow any person to inspect it free of charge at all reasonable times.

-51A. [Omitted]

48-51A. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Returns

52. The railway administration shall, in forms to be prescribed by the Government, prepare, half-yearly or at such intervals as the Government may prescribe, such returns of its capital and revenue transactions and of its traffic as the Government may require, and shall forward a copy of such returns to the Government at such times as it may direct.

Carriage of Property

Maximum load for wagons

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

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

truck.

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

Power for railway administrations to impose conditions for working traffic

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

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

(3) The railway administration shall not be bound to carry animal suffering from any infectious or contagious disorder.

Lien for rates, terminals and other charges

55. (1) If a person fails to pay on demand made by or on behalf of the railway administration any rate, terminal or other charge due from him in respect of any animals or goods, the railway administration may detain the whole or any of the animals or goods or, if they have been removed from the railway, any other animals or goods of such person then being in or thereafter coming into its possession.

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

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

(4) If a person on whom a demand for any rate, terminal or other charge due from him has been made fails to remove from the railway within a reasonable time any animals or goods which have been detained under sub-section (1) or any animals or goods which have remained unsold after a sale under sub-section (2), the railway administration may sell the whole of them and dispose of the proceeds of the sale as nearly as may be under the provisions of sub-section (3).

(5) Notwithstanding anything in the foregoing sub-sections, the railway administration may recover by suit any such rate, terminal or other charge as aforesaid or balance thereof.

Disposal of unclaimed things on the railway

56. (1) When any animals or goods have come into the possession of the railway administration for carriage or otherwise and are not claimed by the owner or other person appearing to the railway administration to be entitled thereto, the railway administration shall, if such owner or person is known, cause a notice to be served upon him, requiring him to remove the animals or goods.

(2) If such owner or person is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the railway administration may within a reasonable time, subject to the provisions of any other enactment for the time being in force, sell the animals or goods as nearly as may be under the provisions of the last foregoing section, rendering the surplus, if any, of the proceeds of the sale to any person entitled thereto.

Power for the railway administrations to require indemnity on delivery of goods in

57. Where any animals, goods or sale-proceeds in the possession of the railway administration are claimed by two or more persons, or the ticket or receipt given for the animals or goods is not forthcoming, the railway administration may withholds delivery of the animals, goods or sale-proceeds until the person entitled in its opinion to receive them has given an

certain cases

indemnity, to the satisfaction of the railway administration, against the claims of any other person with respect to the animals, goods or sale-proceeds.

Requisitions for written accounts of description of goods

58. (1) The owner or person having charge of any goods which are brought upon the railway for the purpose of being carried thereon, and the consignee of any goods which have been carried on the railway, shall, on the request of any railway servant appointed in this behalf by the railway administration, deliver to such servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing such a description of the goods as may be sufficient to determine the rate which the railway administration is entitled to charge in respect thereof.

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

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

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

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under sub-section (1), the

person who delivered the account, or, if that person is not the owner of the goods, then that person and the owner jointly and severally, shall be liable to pay to the railway administration the cost of the detention and examination of the goods, and the railway administration shall be exonerated from all responsibility for any loss which may have been caused by the detention or examination thereof.

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

Dangerous or offensive goods

59. (1) No person shall be entitled to take with him, or to require the railway administration to carry, any dangerous or offensive goods upon the railway.

(2) No person shall take any such goods with him upon the railway without giving notice of their nature to the station-master or other railway servant in charge of the place where he brings the goods upon the railway, or shall tender or deliver any such goods for carriage upon the railway without distinctly marking their nature on the outside of the package containing them or otherwise giving notice in writing of their nature to the railway servant to whom he tenders or delivers them.

(3) Any railway servant may refuse to receive such goods for carriage, and, when such goods have been so received without such notice as is mentioned in sub-section (2) having to his knowledge been given, may refuse to carry them or may stop their transit.

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

(5) Nothing in this section shall be construed to derogate from the Explosives Act, 1884, or any rule under that Act, and nothing in sub-section (1), (3) and (4) shall be construed to apply to any goods tendered or delivered for carriage by order or on behalf of the Government or to any goods which an

officer, soldier, sailor, airman or police-officer [23][* * *] may take with him upon the railway in the course of his employment or duty as such.

Exhibition to the public of authority for quoted rates

60. At every station at which the railway administration quotes a rate to any other station for the carriage of traffic other than passengers and their luggage, the railway servant appointed by the administration to quote the rate shall, at the request of any person, show to him at all reasonable times, and without payment of any fee, the rate books or other documents in which the rate is authorised by the administration or administrations concerned.

Requisitions on the railway administrations for details of gross charges

61. (1) Where any charge is made by and paid to the railway administration in respect of the carriage of goods over its railway, the administration shall, on the application of the person by whom or on whose behalf the charge has been paid, render to the applicant an account showing how much of the charge comes under each of the following heads, namely:-

(a) the carriage of the goods on the railway;

(b) terminals;

(c) demurrage; and

(d) collection, delivery and other expenses;

but without particularizing the several items of which the charge under each head consists.

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

Carriage of Passengers

Communication between passengers and the railwayservants

62. The Government may require any railway administration to provide and maintain in proper order, in any train worked by it which carries passengers, such efficient means of communication between the passengers and the railway servants in charge of the train as the Government has approved.

in charge of trains

Maximum number of passengers for each compartment

63. The railway administration shall fix, subject to the approval of the Government, 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 English or in [24][Bengali].

Reservation of Compartments for females

64. (1) One and after the first day of January, 1891, the railway administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartments at least of the lowest class of carriage forming part of the train.

(2) One such compartment so reserved shall, if the train is to run for a distance exceeding fifty miles, be provided with a closet.

Exhibition of time-tables and tables of fares at stations

65. The railway administration shall cause to be posted in a conspicuous and accessible place at every station on its railway, in English and in [25][Bengali], a copy of the time-tables for the time being in force on the railway, and lists of the fares chargeable for travelling from the station where the lists are posted to every place for which card-tickets are ordinarily issued to passengers at that station.

Supply of tickets on payment of fares

66. (1) Every person desirous of travelling on the railway shall, upon payment of his fare, be supplied with a ticket, specifying the class of carriage for which, and the place from and the place to which, the fare has been paid, and the amount of the fare.

[26][(2) The matters required by sub-section (1) to be specified on a ticket shall be set forth in Bengali or in English].

Provision for case in which tickets have been issued for trains not

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

(2) A person to whom a ticket has been issued and for whom there is not room available in the train for which the ticket was issued shall on returning

having room available for additional passengers

the ticket within three hours after the departure of the train be entitled to have his fare at once refunded.

(3) A person for whom there is not room available in the class of carriage for which he has purchased a ticket and who is obliged to travel in a carriage of a lower class shall be entitled on delivering up his ticket to a refund of the difference between the fare paid by him and the fare payable for the class of carriage in which he travelled.

Prohibition against travelling without pass or ticket

68. (1) No person shall, without the permission of the railway servant, enter or remain in any carriage on the railway for the purpose of travelling therein as a passenger unless he has with him a proper pass or ticket.

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

Exhibition and surrender of passes and tickets

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

Return and season tickets

70. A return ticket or season ticket shall not be transferable and may be used only by the person for whose journey to and from the places specified thereon it was issued.

Power to refuse to carry persons suffering from infectious or

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

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

contagious disorder

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

[27]CHAPTER VIA

LIMITATION OF EMPLOYMENT OF THE RAILWAY SERVANTS

Definitions

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

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

[28][* * *]

[Omitted]

71B. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Limitation of hours of work

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

(2) The railway servant whose employment is essentially intermittent shall not be employed for more than eighty-four hours in any week.

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

(a) when such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway, in 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; and

(b) in cases of exceptional pressure of work not falling within the scope of clause (a):

Provided that the railway servant exempted under clauses (b) shall be paid for overtime at not less than one and a quarter times his ordinary rate of pay.

Grant of periodical rest

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

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

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

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

Provided that the railway servant shall, as far as may be possible, be granted compensatory periods of rest for the periods he has foregone.

Power to make rules

71E. (1) The Government may make rules-

[29][* * *];

(b) prescribing the authorities who may declare that the employment of any railway servant or class or the railway servants is essentially intermittent;

(c) specifying the railway servants or classes of the railway servants to whom sub-section (2) of section 71D shall apply;

(d) prescribing the authorities by whom exemptions under sub-section (3) of section 71C or sub-section (3) of section 71D may be made;

(e) providing for the delegation of their powers by the authorities prescribed under clause (d); and

(f) providing for any other matter which is to be provided for by rules or which the Government may deem to be requisite for carrying out the purposes of

this Chapter.

(2) Such rules shall be subject to the provisions of section 143.

71F. Nothing in this Chapter or the rules made thereunder shall authorise the railway servant to leave his duty where due provision has been made for his relief, until he has been relieved.

Railway servant to remain on duty

71F. Nothing in this Chapter or the rules made thereunder shall authorise the railway servant to leave his duty where due provision has been made for his relief, until he has been relieved.

Supervisors of Railway Labour

71G. (1) The Government may appoint persons to be Supervisors of the Railway Labour.

(2) The duties of Supervisors of the Railway Labour shall be-

(a) to inspect the railway in order to determine if the provisions of this Chapter and of the rules made thereunder are duly observed, and

(b) such other duties as the Government may prescribe.

(3) A Supervisor of the Railway Labour shall be deemed to be an Inspector for the purposes of sections 5 and 6.

Penalty

71H. Any person under whose authority any railway servant is employed in contravention of any of the provisions of this Chapter or of the rules made thereunder shall be punishable with fine which may extend to five hundred Taka.]

CHAPTER VII

RESPONSIBILITY OF THE RAILWAY ADMINISTRATIONS AS CARRIERS

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

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

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

(b) is otherwise in a form approved by the Government.

(3) Nothing [30][* * *] in the Carriers Act, 1865, regarding the responsibility of common carriers with respect to the carriage of animals or goods, shall affect the responsibility as in this section defined of the railway administration.

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

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

(a) in the case of elephants, one thousand five hundred Taka per head,

(b) in the case of horses, seven hundred and fifty Taka per head,

(c) in the case of mules, camels or horned cattle, two hundred Taka per head, and

(d) in the case donkeys, sheep, goats, dogs or other animals, thirty Taka per head,

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

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

(3) In every proceeding against the railway administration for the recovery of compensation for the loss, destruction or deterioration of any animal, the burden of proving the value of the animal, and, where the animal has been injured, the extent of the injury, shall lie upon the person claiming the compensation.

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

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

Further provision with respect to the liability of the railway administration as a carrier of articles of special value

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

(2) When any parcel or package of which the value has been declared under sub-section (1) has been lost or destroyed or has deteriorated, the compensation recoverable in respect of such loss, destruction or deterioration shall not exceed the value so declared, and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

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

Burden of proof in suits in respect of

76. In any suit against the railway administration for compensation for loss, destruction or deterioration of animals or goods delivered to the railway

loss of animals or goods

administration for carriage by the railway, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

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

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

Exoneration from responsibility in case of goods falsely described

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

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

79. Where an officer, soldier, sailor, airman or follower, while being or travelling as such on duty upon the railway

[31][* * *], loses his life or receives any personal injury in such circumstances that, if he were not an officer, soldier, sailor, airman or follower being or travelling as such on duty upon the railway, compensation would be payable under Act No. XIII of 1855 or to him, as the case may be, the form and amount of the compensation to be made in respect of the loss of his life or his injury shall, where there is any provision in this behalf in the military, naval or air-force regulations to which he was immediately before his death, or is, subject, be determined in accordance with those regulations, and not otherwise.

Suits for compensation for injury to through-

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

booked traffic

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

[Repealed]

81. [Repealed by section 5 of the Indian Railway Amendment Act, 1896 (Act No. IX of 1896).]

Limitation of liability of the railway administration in respect of accidents at sea

82. (1) When the railway administration contracts to carry passengers, animals or goods partly by the 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 animals or goods which may happen during the carriage by sea from the act of God, the enemies of Bangladesh, 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 soever 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 animals or goods which may happen during the carriage by sea, to the extent to which it would be responsible under the [32][Merchant Shipping Act, 1894], if the ship were registered under the former of those Acts 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.

Liability of the Railway Administration in respect

[33][82A. (1) When in the course of working the 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

of accidents to trains carrying passengers

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 entitle a person who has been injured or has suffered loss to maintain an action and recover damages in respect thereof, the railway administration shall, notwithstanding any other provision of law to the contrary, be liable to pay compensation to the extent set out in sub-section (2) 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 or deterioration of animals or goods owned by the passenger and accompanying the passenger in his compartment or on the train, sustained as a result of such accident.

(2) The liability of the railway administration under this section shall in no case exceed ten thousand Taka in respect of any one person.]

CHAPTER VIII
ACCIDENTS

Report of the railway accidents

83. When any of the following accidents occur in the course of working the railway, namely:-

(a) any accident attended with loss of human life, or with grievous hurt as defined in the [34][Penal Code], or with serious injury to property;

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

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

(d) any accident of a description usually attended with loss of human life or with such grevious hurt as aforesaid or with serious injury to property;

(e) any accident of any other description which the Government may notify in this behalf in the official Gazette;

the railway administration working the railway and, if the accident happens to a train belonging to any other railway administration, the other railway administration also shall, without unnecessary delay, send notice of the accident to the Government and to the Inspector appointed for the railway; and the station master nearest to the place at which the accident occurred or,

where there is no station-master, the railway servant in charge of the section of the railway on which the accident occurred shall, without unnecessary delay, give notice of the accident to the Magistrate of the district in which the accident occurred, and to the officer in charge of the police-station within the local limits of which it occurred, or to such other Magistrate and police-officer as the Government appoints in this behalf.

Power to make rules regarding notices of and inquiries into accidents

84. The Government may make rules consistent with this Act and any other enactment for the time being in force for all or any of the following purposes, namely:-

(a) for prescribing the forms of the notices mentioned in the last foregoing section, and the particulars of the accident which those notices are to contain;

(b) for prescribing the class of accidents of which notice is to be sent by telegraph immediately after the accident has occurred;

(c) for prescribing the duties of the railway servants, police-officers, Inspectors and Magistrates on the occurrence of an accident.

Submission of return of accidents

85. The railway administration shall send to the Government a return of accidents occurring upon its railway, whether attended with personal injury or not, in such form and manner and at such intervals of time as the Government directs.

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

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

CHAPTER IX

PENALTIES AND OFFENCES

Forfeitures by the Railway Companies

[Omitted]

87-98. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Offences by the Railway Servants

Breach of duty imposed by section 60

99. If the railway servant whose duty it is to comply with the provisions of section 60 negligently or wilfully omits to comply therewith, he shall be punished with fine which may extend to twenty Taka.

Drunkenness

100. If the railway servant is in a state of intoxication while on duty, he shall be punished with fine which may extend to fifty Taka, or, where the improper performance of the duty would be likely to endanger the safety of any person travelling or being upon the railway, with imprisonment for a term which may extend to one year, or with fine, or with both.

Endangering the safety of persons

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

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

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

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

he shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred Taka or with both.

Compelling passengers to enter carriages already full

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

Omission to give notice of accident

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

Obstructing level-crossings

104. If the 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 punished with fine which may extend to twenty Taka.

False returns

105. If any return which is required by this Act is false in any particular to the knowledge of any person who signs it, that person shall be punished with fine which may extend to five hundred Taka, or with imprisonment which may extend to one year, or with both.

Other offences

Giving false account of goods

106. If a person requested under section 58 to give an account with respect to any goods gives an account which is materially false, he and, if he is not the owner of the goods, the owner also shall be punished with fine which may extend to ten Taka for every maund or part of a maund of the goods, and the fine shall be in addition to any rate or other charge to which the goods may be liable.

Unlawfully bringing dangerous or offensive goods upon the railway

107. If in contravention of section 59 a person takes with him any dangerous or offensive goods upon the railway, or tenders or delivers any such goods for carriage upon the railway, he shall be punished with fine which may extend to five hundred Taka and shall also be responsible for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the railway.

Alighting from a train at a place not fixed for the purpose

[35][108A. If a passenger, having a proper pass or ticket with him or not, without reasonable and sufficient cause, alight from the train which has stopped at a place other than a station or a place appointed by the railway administration for passengers to leave the train and discontinues his journey, he shall be punished with fine which may extend to fifty Taka.]

Needlessly interfering

with means of communication in a train

108. (1) If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by the railway administration for communication between passengers and the railway servants in-charge of a train, he shall be punished with a fine which shall not be less than one hundred Taka but not exceeding two hundred Taka or with imprisonment for a period of one month or with both.

(2) If an adult passenger of a compartment in which an offence under sub-section (1) has been committed refuses, without reasonable and sufficient cause, to render any assistance, when such assistance is demanded of him, to the railway servant in identifying the passenger guilty of the offence, he shall be punished with fine which shall not be less than fifty Taka and which may extend to one hundred Taka.

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

109. (1) If a passenger, having entered a compartment which is reserved by the railway administration for the use of another passenger, or which already contains the maximum number of passengers exhibited therein or thereon under section 63, refuses to leave it when required to do so by any railway servant, he shall be punished with fine which may extend to twenty Taka.

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

Smoking

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

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

Defacing public notices

111. If a person, without authority in this behalf, pulls down or wilfully injures any board or document set up or posted by order of the railway administration on the railway or any rolling-stock, or obliterates or alters any of the letters or figures upon any such board or document, he shall be punished with fine which may extend to fifty Taka.

Fraudulently travelling or attempting to travel without proper pass or ticket

112. (1) If a person, with intent to defraud the railway administration,-

(a) enters or remains in any carriage on the railway in contravention of section 68, or

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

he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred Taka in addition to the amount of the single fare for any distance which he may have travelled. The burden of proof that there was no intention to defraud shall lie on the accused.

(2) Notwithstanding anything contained in section 65 of the [36][Penal Code], the Court convicting an offender under this section may direct that the offender in default of payment of any fine inflicted by the Court, shall suffer imprisonment for a term which may extend to three months.

Power to remove persons from the railway carriage

[37][113A. Any person who, without having obtained the permission of the Railway servant, travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place authorised by his pass or ticket, or who being in a carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 69, may be removed from the carriage by any railway servant authorised by the railway administration in this behalf or by any other person whom such railway servant may call to his aid, unless he then and there pays the fare and the excess charge which he is liable to pay under section 113:

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

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

Travelling without pass or ticket or with insufficient pass or ticket of beyond authorised distance

113. (1) If a passenger travels in a train without having a proper pass or a proper ticket with him, or, being in or having alighted from a train, fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor under section 69, he shall be liable to pay, on the demand of any railway servant appointed by the railway administration in this behalf, the excess charge hereinafter in this section mentioned, in addition to the ordinary single fare 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 examined or, in the case of their having been examined more than once, from the place where the tickets were last examined.

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

(3) The excess charge referred to in sub-section (1) and sub-section (2) shall be a sum equivalent, to the amount otherwise payable under those sub-sections, or [38][Taka five], whichever is greater:

Provided that where the passenger has immediately after incurring the charge and before being detected by the railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest [39][multiple of ten poisha, or Taka one], whichever is greater:

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

(4) If a passenger liable to pay the excess charge and fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in sub-section (2), fails or refuses to pay the same on demand being made therefor under one or other of those sub-sections, as the case may be, any railway servant appointed by the railway administration in this behalf may apply to any or Magistrate of the first or second class 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. Any sum recovered under this sub-section shall, as it is recovered, be paid to the railway administration.

Transferring any half of return ticket

114. If a person sells or attempts to sell, or parts or attempts to part with the possession of, any half of a return ticket in order to enable any other person to travel therewith, or purchase such half of a return ticket, he shall be punished with fine which may extend to fifty Taka, and, if the purchaser of such half of a return ticket travels or attempts to travel therewith, he shall be punished with an additional fine which may extend to the amount of the single fare for the journey authorised by the ticket.

Disposal of fines under the two last foregoing sections

115. That portion of any fine imposed under section 112 or the last foregoing section which represents the single fare therein mentioned shall, as the fine is recovered, be paid to the railway administration before any portion of the fine is credited to the Government.

Altering or defacing pass or ticket

116. If a 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 punished with fine which may extend to fifty Taka.

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

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

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

Entering carriage in motion, or otherwise improperly travelling on the railway

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

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

Entering carriage or other place reserved for females

119. If a male person, knowing a carriage, compartment, room or other place to be reserved by the railway administration for the exclusive use of females, enters the place without lawful excuse, or, having entered it, remains therein after having been desired by any railway servant to leave it, he shall be

punished with fine which may extend to one hundred Taka, in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Drunkenness or nuisance on the railway

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

(a) is in a state of intoxication, or

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

(c) wilfully and without lawful excuse interferes with the comfort of any passenger or extinguishes any lamp, he shall be punished with fine which may extend to fifty Taka in addition to the forfeiture of any fare which he may have paid and of any pass or ticket which he may have obtained or purchased, and may be removed from the railway by any railway servant.

Obstructing railway servant in his duty

121. If a person wilfully obstructs or impedes any railway servant in the discharge of his duty, he shall be punished with fine which may extend to one hundred Taka.

Trespass and refusal to desist from trespass

122. (1) If a person unlawfully enters upon the railway, he shall be punished with fine which may extend to twenty Taka.

(2) If a person so entering refuses to leave the railway on being requested to do so by any railway servant, or by any other person on behalf of the railway administration, he shall be punished with fine which may extend to fifty Taka, and may be removed from the railway by such servant or other person.

Disobedience of omnibus drivers to directions of the railway servants

123. If a driver or conductor of a tramcar, omnibus, carriage, or other vehicle while upon the premises of the railway disobeys the reasonable directions of any railway servant or police-officer, he shall be punished with fine which may extend to twenty Taka.

Opening or not properly

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

shutting gates

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

(b) if, in the absence of a gate-keeper, a person omits to shut and fasten such a gate as aforesaid as soon as he and any animal, vehicle or other thing under his charge have passed through the gate,

the person shall be punished with fine which may extend to fifty Taka.

Cattle-trespass

125. (1) The owner or person in charge of any cattle straying on the railway provided with fences suitable for the exclusion of cattle shall be punished with fine which may extend to five Taka for each head of cattle, in addition to any amount which may have been recovered or may be recoverable under the Cattle-trespass Act, 1871.

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

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

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

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

Maliciously wrecking or attempting to wreck a train

126. If a person unlawfully-

(a) puts or throws upon or across any railway any wood, stone or other matter or thing, or

(b) takes up, removes, loosens or displaces any rail, sleeper or other matter or thing belonging to any railway, or

(c) turns, moves, unlocks or diverts any points or other machinery belonging to any railway, or

(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 or being upon the railway, he shall be punished with transportation for life or with imprisonment for a term which may extend to ten years.

Maliciously hurting or attempting to hurt persons travelling by the railway

127. If a 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 punished with transportation for life or with imprisonment for a term which may extend to ten years.

Endangering safety of persons travelling by the railway by wilful act or omission

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

Endangering safety or persons

129. If a person rashly or negligently does any act, or omits to do what he is legally bound to do, and the act or omission is likely to endanger the safety of

travelling by the railway by rash or negligent act or omission

any person travelling or being upon the railway, he shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Procedure

Power to detain and search in cases of suspected theft

[40][130A. Notwithstanding anything contained in any law for the time being in force, any railway servant, not being below the rank of Head Watchman, and authorised in this behalf by the railway administration, may detain and search any person who is employed in, or is found in or in the vicinity of any railway workshops, store, depot or other place for the deposit or handling of any property entrusted or belonging to the railway administration, and is suspected of removing such property without authority.]

Other offences

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

130.(1) If a minor under the age of twelve years is with respect to any railway guilty of any of the acts or omissions mentioned or referred to in any of the four last foregoing sections, he shall be deemed, notwithstanding anything in section 82 or section 83 of the [41][Penal Code], to have committed an offence, and the Court convicting him may, if it thinks fit, direct that the minor, if a male, shall be punished with whipping, or may require the father or guardian of the minor to execute, within such time as the Court may fix, a bond binding himself, in such penalty as the Court directs, to prevent the minor from being again guilty of any of those acts or omissions.

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

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

Procedure

Arrest for offences against certain sections

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

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

Arrest of persons likely to abscond or unknown

132. (1) If a person commits any offence under this Act, other than an offence mentioned in the last foregoing section, or fails or refuses to pay any excess charge or other sum demanded under section 113, and there is reason to believe that he will abscond or his name and address are unknown, and he refuses on demand to give his name and address, or there is reason to believe that the name or address given by him is incorrect, any railway servant or police-officer, or any other person whom such railway servant or police-officer may call to his aid, may, without warrant or other written authority, arrest him.

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

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

(4) The provisions of Chapters XXXIX and XLII of the [42][Code of Criminal Procedure, 1898,] shall, so far as may be, apply to bail given and bonds executed under this section.

Magistrates having jurisdiction under Act

133. No Magistrate other than a Magistrate whose powers are not less than those of a Magistrate of the second class shall try any offence under this Act.

Place of trial

134. (1) Any person committing any offence against this Act or any rule thereunder shall be triable for such offence in any place in which he may be

or which the Government may notify in this behalf, as well as in any other place in which he might 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 copy thereof shall be exhibited for the information of the public in some conspicuous place at each of such railway stations as the Government may direct.

CHAPTER X
SUPPLEMENTAL PROVISIONS

Taxation of railways by local authorities

135. Notwithstanding anything to the contrary in any enactment or in any agreement or award based on any enactment, the following rules shall regulate the levy of taxes in respect of the railway and from the railway administrations in aid of the funds of local authorities, namely:-

(1) The railway administration shall not be liable to pay any tax in aid of the funds of any local authority unless the Government has, by notification in the official Gazette, declared the railway administration to be liable to pay the tax.

(2) While a notification of the Government under clause (1) of this section is in force, the railway administration shall be liable to pay to the local authority either the tax mentioned in the notification or, in lieu thereof, such sum, if any, as an officer appointed in this behalf by the Government may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

(3) The Government may at any time revoke or vary a notification under clause (1) of this section.

(4) Nothing in this section is to be construed as debarring any railway administration from entering into a contract with any local authority for the supply of water or light, or for the scavenging of the railway premises or for any other service which the local authority may be rendering or be prepared to render within any part of the local area under its control.

(5) “Local authority” in this section means a local authority as defined in the [43][General Clauses Act, 1897], and includes any authority legally entitled to or

entrusted with the control or management of any fund for the maintenance of watchmen or for the conservancy of a river.

Restriction on execution against the railway property

136. (1) None of the rolling-stock, machinery, plant, tools, fittings, materials or effects used or provided by the railway administration for the purpose of the traffic on its railway, or of its stations or workshops, shall be liable to be taken in execution

of any decree or order of any Court or of any local authority or person having by law power to attach or distrain property or otherwise to cause property to be taken in execution without the previous sanction of the Government.

(2) Nothing in sub-section (1) is to be construed as affecting the authority of any Court to attach the earnings of the railway in execution of a decree or order.

The railway servants to be public servants for the purposes of Chapter IX of the Penal Code

137. Sub-sections (1) and (2) [Omitted by section 2 of the Railway (Amendment) Act, 1956, (Act No. XXIII of 1956).]

(3) The railway servant shall not-

(a) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property put up to auction under section 55 or section 56, or,

(b) in contravention of any direction of the railway administration in this behalf, engage in trade.

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

138. If the railway servant is discharged or suspended from his office, or dies, absconds or absents himself, and he or his wife or widow, or any of his family or representatives, refuses or neglects, after notice in writing for that purpose, to deliver up to the railway administration, or to a person appointed by the railway administration in this behalf, any station, dwelling-house, office or other building with its appurtenances, or any books, papers or other matters, belonging to the railway administration and in the possession or custody of such railway servant at the occurrence of any such event as aforesaid, any Magistrate of the first class may, on application made by or on behalf of the railway administration, order any police-officer, with proper

assistance, to enter upon the building 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 a person appointed by the railway administration in that behalf.

[Repealed]

139. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

Service of notices on the railway administrations

140. Any notice or other document required or authorised by this Act to be served on the railway administration may be served, on the Manager-

(a) by delivering the notice or other document to the Manager; or

(b) by leaving it at his office; or

(c) by forwarding it by post in a prepaid letter addressed to the Manager at his office and registered under Part III of the [44][Post Office Act, 1898].

Service of notices by the railway administrations

141. Any notice or other document required or authorised by this Act to be served on any person by the railway administration may be served-

(a) by delivering it to the person; or

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

(c) by forwarding it by post in a prepaid letter addressed to the person at his usual or last known place of abode and registered under Part III of the [45][Post Office Act, 1898].

Presumption where notice is served by post

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

Provisions with respect to rules

143. (1) A rule under section 22, section 34 or section 84, or the cancellation, rescission or variation of a rule under any of those sections or under section 47, sub-section (4), shall not take effect until it has been published in the official Gazette.

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

[Omitted]

144. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Representation of Managers and Agents of the Railways in Courts

145. (1) The Manager of the railway administration,

may, by instrument in writing, authorise any railway servant or other person to act for or represent him in any proceeding before any Civil, Criminal or other Court.

(2) A person authorised by a Manager to conduct prosecutions on behalf of the railway administration shall, notwithstanding anything in section 495 of the [46][Code of Criminal Procedure, 1898,] be entitled to conduct such prosecutions without the permission of the Magistrate.

[Omitted]

146. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

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

[47][147. The Government may, by notification in the official Gazette, exempt the railway from the operation of any of the provisions of the Act.]

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

148. (1) For the purposes of section 3, clauses (5), (6) and (7), and sections 4 to 19 (both inclusive), 47 to 52 (both inclusive), 59, 79, 83 to 92 (both inclusive), 96, 97, 98, 100, 101, 103, 104, 107, 111, 122, 124 to 132 (both inclusive), 134 to 138 (both inclusive), 140, 141, 144, 145, and 147, the word the railway, whether it occurs alone or as a prefix to another word, has reference to the railway or portion of the railway under construction and to the railway or portion of the railway not used for the public carriage of

passengers, animals or goods as well as to the railway falling within the definition of that word in section 3, clause (4).

(2) For the purposes of sections 5, 21, 83, 100, 101, 103, 104, 121, 122, 125 and 138, the expression “the railway servant” includes a person employed upon the railway in connection with the service thereof by a person fulfilling a contract with the railway administration.

[Repealed]

149. [Repealed by section 2 and Schedule of the Repealing Act, 1938 (Act No. I of 1938).]

[Repealed]

150. [Repealed by section 2 and Schedule of the Repealing Act, 1938 (Act No. I of 1938).]

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[1] Throughout this Act, except otherwise provided, the words “Bangladesh”, “Government”, “Taka”, "the railway", "The railway administration" and "the railway administration" were substituted, for the words “Pakistan”, “Provincial Government” or “Central Government”, “rupees”, "a railway" or "railways", "A Railway Administration" or "Every railway administration" and "railway administration" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[2] Clause (1) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[3] Clause (5) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[4] Clause (6) was substituted, for clause (6) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[5] The words “Penal Code” were substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[6] The word “the” was substituted, for the word “any” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[7] The brackets and words “(except a communication between a railway company and its legal advisers)” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[8] The words and commas “and for companies, and subject also, in the case of a railway company, to the provisions of any contract between the company and the Government” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[9] The words “or railways” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[10] Section 8A was substituted, for section 8A by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[11] Sub-section (1) was substituted, for sub-section (1) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[12] Sub-sections (3) and (4) were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[13] Section 42Awas inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

[14] The words “or railway administration” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[15] The words “or railway administration” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[16] Section 42B was inserted by section 2 of the Indian Railways (Amendment) Act, 1939 (Act No. XXXIII of 1939)

[17] The word “it” was substituted, for the words “that Government” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[18] The word “Local” was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[19] The word “Local” was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[20] Section 46Awas inserted by the Government of India (Adaptation of Indian Laws) Order, 1937

[21] The words "The railway administration or" were substituted, for the words "Every railway company and in the case of railway administered by the Government" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[22] Sub-section (5) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[23] The words and letter “or a member of the Pakistan National Guard” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[24] The word “Bangali” was substituted, for the words and commas “one or more of the vernacular languages in common use in the territory traversed by the railway, or both in English and in one or more of such vernacular languages as the Provincial Government, after consultation with the railway administration, may determine” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[25] The word “Bangali” was substituted, for the words “a vernacular languages in common use in the territory where the station is situate” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[26] Sub-section (2) was substituted, for sub-section (2) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[27] CHAPTER VIAwas inserted by the Indian Railways (Amendment) Act, 1930 (Act No. XIV of 1930).

[28] Clause (b) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[29] Clause (a) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[30] The words “in the common law of England or” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[31] The words and commas “belonging to, and worked by, the Government or an Acceding State” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[32] The words, commas and figure “Merchant Shipping Act, 1894,” were substituted, for the words, commas and figures “Merchant Shipping Act, 1854, and the Merchant Shipping Act, Amendment Act, 1862,” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[33] Section 82Awas inserted by section 2 of the Indian Railways (Amendment) Act, 1943 (Act No. III of 1943)

[34] The words “Penal Code” were substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[35] Section 108Awas inserted by section 3 of the Railways (East Pakistan Amendment) Act, 1968 (Act No. II of 1969)

[36] The words “Penal Code” were substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[37] Section 113Awas added by section 5 of the Indian Railways (Amendment) Act, 1941 (Act No. VI of 1941)

[38] The words “Taka five” were substituted, for the words “eight annas” by section 2 and the Railways (Amendment) Act, 1975 (Act No. XX of 1975).

[39] The words and comma “multiple of ten poisha, or Taka one” were substituted, for the words and comma “anna, or two annas” by section 2 and the Railways (Amendment) Act, 1975 (Act No. XX of 1975).

[40] Section 130Awas inserted by section 5 of the Railways (Amendment) Act, 1957 (Act No. XXVI of 1957)

[41] The words “Penal Code” were substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[42] The words and commas “Code of Criminal Procedure, 1898,” were substituted, for the words and commas “Code of Criminal Procedure, 1882,” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[43] The words and commas “General Clauses Act, 1897,” were substituted, for the words and commas “General Clauses Act, 1887,” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[44] The words, comma and figure “Post Office Act, 1898” were substituted, for the words and comma “Indian Post Office Act, 1866” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[45] The words, comma and figure “Post Office Act, 1898” were substituted, for the words and comma “Indian Post Office Act, 1866” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[46] The words, commas and figure “Code of Criminal Procedure, 1898,” were substituted, for the words, commas and figure “Code of Criminal Procedure, 1882,” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[47] Section 147 was substituted, for section 147 by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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