

## ACT No. IV OF 1883.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th February, 1883.)

## An Act to amend the Indian Railway Act, 1879.

IV of 1879. **W**HEREAS it is expedient to amend the Indian Railway Act, 1879, in manner hereinafter appearing; It is hereby enacted as follows:— Preamble.

1. This Act may be called the Indian Railway Act, 1883; Short title.

and it shall come into force at once.

2. For section five of the said Act the following sections shall be substituted, namely:— Commencement.  
New sections substituted for section 5 of Act IV of 1879.

“ 5. A Railway, or portion or extension of, or addition to, a Railway, shall not be opened for the public conveyance of passengers until the Railway Administration has given to the Governor General in Council notice in writing of the intention of opening the same, and until the Governor General in Council has by order sanctioned the opening of the same. Railway when to be opened.

“ 5A. The Governor General in Council may from time to time appoint, by name or by virtue of their office, officers to be Inspecting-officers under this Act. Governor General in Council may appoint Inspecting-officers.

“ 5B. (1) The sanction referred to in section five shall not be given until an officer appointed under section 5A has, after inspection of the Railway, portion, extension or addition, as the case may be, reported to the Governor General in Council that in his opinion the opening of the same would not be attended with danger to the public using it. Sanction not to be given until after report by Inspecting-officer.

“(2) Notwithstanding

“(2) Notwithstanding anything hereinbefore contained, the Governor General in Council may, in any particular case or in any particular class of cases, by special order, confer on any officer appointed under section 5A power to sanction the opening of a Railway, portion, extension or addition, if in the officer's opinion the opening of the same will not be attended with danger to the public using it.

“(3) In such case it shall not be necessary to make the report required by sub-section (1); but the Governor General in Council may by order cancel the sanction given under sub-section (2), or direct that the sanction shall be subject to such conditions as he thinks fit.

“(4) The sanction given under this section may be either absolute or subject to such conditions as the Governor General in Council, or the officer appointed under section 5 A, as the case may be, thinks necessary for the safety of the public.

“(5) When sanction for the opening of any Railway, or portion or extension of, or addition to, any Railway is given subject to conditions, and the Railway Administration fails or neglects to fulfil, or comply with, those conditions, the sanction shall on the failure or neglect forthwith be deemed to be void, and the Railway, or portion, or extension, or addition, as the case may be, shall not be used unless and until sanction is again obtained under this section for the opening thereof.

When alterations affecting safety of passengers are made in Railway, sanction to be again obtained for opening.

Powers of Inspector of Railways.

“5C. If, after a Railway has been opened as hereinbefore provided, any portion of it is so altered by the Railway Administration as to cause danger to, or affect the safety of, passengers carried thereon, the portion so altered shall not be used for the public conveyance of passengers, unless and until sanction is obtained, in accordance with the provisions of section 5B, for the opening of it.

“5D. (1) Every officer appointed under section 5A shall, for the purpose of the inspection, be deem-

ed

ed to be a public servant within the meaning of the Indian Penal Code, and shall, subject to the control of the Governor General in Council, have the following powers, namely :—

“(a) he may enter on and inspect any Railway or portion thereof which has been opened for the public conveyance of passengers, or any rolling-stock used thereon ;

“(b) he may, by an order in writing under his hand, require the attendance of any Railway-servant whom he thinks fit to call before him and examine for the said purpose, and may require any such servant to answer, or furnish returns regarding, such inquiries for the said purpose as he thinks fit to make ;

“(c) he may require and enforce the production of all books, papers and documents belonging to or in the possession of any Railway Administration which in his opinion are necessary for the said purpose.

“(2) Every Railway Administration whose Railway or rolling-stock is being inspected under this Act shall afford all reasonable facilities for making the inspection to the officer making it.

“5E. When, after inspecting any Railway or portion of a Railway, or any rolling-stock used thereon, any officer appointed under section 5A reports to the Governor General in Council that in his opinion the use of the Railway or portion or of any specified rolling-stock will be attended with danger to the public using it, the Governor General in Council may, by order, direct that the Railway or portion be closed for the public conveyance of passengers, or that the rolling-stock so specified shall no longer be used, as the case may be.

Governor General in Council empowered to close Railway.

“5F. (1) When a Railway or portion of a Railway has been closed under section 5E, it shall not be re-opened for the public conveyance of passengers unless and until it has been inspected, and its opening

Re-opening of Railway.

ing sanctioned, in accordance with the provisions of section 5B.

“(2) When the Governor General in Council has directed under section 5E that any rolling-stock shall not be used, the rolling-stock shall not be used unless and until an officer appointed under section 5A reports that it is fit for use and the Governor General in Council sanctions its use.”

Amendment of, and addition to, section 8.

3. In section eight of the said Act, in clause (d), the word “and” shall be omitted, and after clause (d) the following clause shall be, and be deemed to have always been, inserted :—

“(dd) for regulating the conduct of the Railway-servants, and ”.

New section to be substituted for section 21 of Act IV of 1879.

4. For section twenty-one of the said Act the following section shall be substituted :—

Penalty for opening or re-opening Railway in contravention of sections 5 and 5F, and keeping open after order under section 5E.

“21. Any Railway Administration opening or using, in contravention of section five, section 5B, or section 5C, any Railway, or any portion or extension of, or addition to, a Railway, or keeping, in contravention of an order of the Governor General in Council under section 5E, any Railway or portion thereof open, or re-opening, in contravention of section 5F, sub-section (1), any Railway or portion thereof, or using, in contravention of section 5F, sub-section (2), any rolling-stock, shall forfeit to Government the sum of one thousand rupees for every day during which the Railway, portion, extension or addition remains open or is used in contravention of any of those sections or of the order of the Governor General in Council, as the case may be, or during which the rolling-stock is so used.”