

# ACT No. VI OF 1941.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 17th  
March, 1941.)

## An Act further to amend the Indian Railways Act, 1890.

IX of 1890.

WHEREAS it is expedient further to amend the Indian Railways Act, 1890, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Indian Railways Short title.  
(Amendment) Act, 1941.

IX of 1890.

2. (1) Section 68 of the Indian Railways Act, 1890 Amendment of section 68, Act IX of 1890. (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and in the said section as so re-numbered after the word "enter" the words "or remain in" shall be inserted.

(2) To the said section as so re-numbered and amended the following sub-section shall be added, namely:—

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

3. (1) Section 112 of the said Act shall be re-numbered as sub-section (1) of that section and in the Amendment of section 112, Act IX of 1890. sub-section as so re-numbered—

(a) in clause (a), for the words and figures "in contravention of section 68 any carriage on a railway" the words and figures "or remains in any carriage on a railway in contravention of section 68" shall be substituted; and

(b) after the words "shall be punished" the words "with imprisonment for a term which may extend to three months or" shall be inserted.

(2) To

Price anna 1 or 1½d.

*Indian Railways (Amendment).* [Act VI

(2) To the said section as so re-numbered and amended the following sub-section shall be added, namely :—

“(2) Notwithstanding anything contained in section 65 of the Indian Penal Code, the Court <sup>XLV of 1860.</sup> 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.”

Amendment of  
section 113,  
Act IX of  
1890.

4. In section 113 of the said Act,—

(a) for sub-section (3) the following sub-section shall be substituted, namely :—

“(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 eight annas, whichever is greater :

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

(b) in sub-section (4), for the words beginning with “the sum payable by him shall” and ending with “be paid to the railway administration” the following words shall be substituted, namely :—

“any railway servant appointed by the railway administration in this behalf may apply to any 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”.

of 1941.] *Indian Railways (Amendment)*.

5. After section 113 of the said Act the following section shall be inserted, namely :—

Insertion of  
new section  
113A in Act  
IX of 1930.

"113A. Any person who, without having obtained the permission of a railway servant, travels or attempts to travel in a carriage without having a proper pass or ticket with him, or in a carriage of a higher class than that for which he has obtained a pass or purchased a ticket, or in a carriage beyond the place 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 :

Power to  
remove persons  
from railway  
carriage.

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."