

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1959

No. 13 OF 1959

[1st May, 1959]

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

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Railways (Amendment) Act, Short title, 1959.
2. In section 40 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), for the word "President", the word "Chairman" shall be substituted. Amendment of section 40.
3. In section 68 of the principal Act,— Amendment of section 68.
 - (a) in sub-section (1), after the words "railway servant", the words "empowered in this behalf by the railway administration" shall be inserted;
 - (b) in sub-section (2), the words "if empowered in this behalf by the railway administration," shall be omitted.
4. In section 108 of the principal Act, for the words "with fine which may extend to fifty rupees", the words "with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both" shall be substituted. Amendment of section 108.
5. In sub-section (1) of section 109 of the principal Act, for the words "refuses to leave it when required to do so by any railway servant, he shall be punished with fine which may extend to twenty rupees", the following words shall be substituted, namely:— Amendment of section 109.

"or having unauthorisedly occupied a berth or seat reserved by a railway administration for the use of another passenger, refuses to leave it when required to do so by any railway servant, he may be removed from the compartment or the berth or seat, as the case may be, 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 and he shall also be punishable with fine which may extend to twenty rupees”.

Amendment
of section
112.

6. In section 112 of the principal Act,—

(1) in sub-section (1), for the words “in addition to the amount of the single fare for any distance which he may have travelled”, the following words shall be substituted, namely:—

“and shall also be liable to pay the excess charge hereinafter in this section mentioned in addition to the ordinary single fare for the distance which he has travelled, or where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the train originally started, or if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were examined or, in case of their having been examined more than once, were last examined”;

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The excess charge referred to in sub-section (1), shall be a sum equivalent to the ordinary single fare referred to in that sub-section or fifty *nayē* *paise*, whichever is greater.”.

Insertion of
new section
113B.

7. After section 113A of the principal Act, the following section shall be inserted, namely:—

Security for
good
behaviour
in certain
cases.

“113B. (1) When a court convicting a person of an offence under section 112 or section 113 finds that he has been habitually committing or attempting to commit that offence and the court is of opinion that it is necessary or desirable to require that person to execute a bond for good behaviour, such court may at the time of passing the sentence on the person order him to execute a bond, with or without sureties, for such amount and for such period not exceeding three years as it thinks fit.

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

8. In section 114 of the principal Act, for the words "with fine which may extend to two hundred rupees", the words "with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both" shall be substituted. Amendment of section 114.

9. In section 116 of the principal Act, for the words "with fine which may extend to fifty rupees", the words "with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both" shall be substituted. Amendment of section 116.

10. After section 120 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 120A.

"120A. (1) If a person canvasses for any custom or hawks or exposes for sale any article whatsoever, in any railway carriage or upon any part of a railway, except under and in accordance with the terms and conditions of a licence granted by the railway administration in this behalf, he shall be punishable with fine which may extend to two hundred and fifty rupees. Canvassing or hawking on a railway.

(2) Any such person as is referred to in sub-section (1) may be removed from the carriage or part of the railway 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."

11. In section 121 of the principal Act, for the words "with fine which may extend to one hundred rupees", the words "with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both" shall be substituted. Amendment of section 121.

12. In section 131 of the principal Act, after the figures "101," the figures "108, 112," shall be inserted. Amendment of section 131.