

## ACT No. XXV OF 1871.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th September 1871.)

## An Act to amend the Railway Act.

WHEREAS it is expedient further to amend Act No. XVIII of 1854 (*relating to Railways in India*); It is hereby enacted as follows:—

1. This Act may be called "The Railway Act Amendment Act, 1871 :"

It shall be read with, and taken as part of, the said Act No. XVIII of 1854 (*relating to Railways in India*) and Act No. XIII of 1870 (*to apply the provisions of Act No. XVIII of 1854 to Railways belonging to, or worked by, Government*);

and it shall come into force on the passing thereof.

2. Act XVIII of 1854 shall be read as if, for sections one, eighteen, nineteen, twenty, twenty-one, twenty-six and twenty-nine of the said Act, the following sections were substituted:—

"I. For the purposes of this Act, 'Railway' includes land within the fences or other boundary-marks prescribed under section twenty-one, and all lines of rail, sidings or branches, worked over by locomotive engines for the purposes of, or in connexion with, a Railway; also all stations, offices, warehouses, fixed machinery and other works constructed or being constructed for the purposes of, or in connexion with, a Railway.

No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance

Preamble.

Short title.

Construction.

Commencement.  
Amendment  
of certain  
sections of  
Act XVIII  
of 1854.

'Railway.'

Fares to be  
pre-paid.

Passenger tickets to be given up on demand.

Penalty.

distance for which the fare has been paid, and shall, when required, show his ticket to any servant of any said Company duly authorized to examine the same, and shall deliver up such ticket upon demand, to any of the Company's servants duly authorized to collect tickets. Any person not producing or delivering up his ticket as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled."

Construction of the words 'cattle' and 'public road.'

"XVIII. The word 'cattle' shall have the meaning attached to it in the Cattle Trespass Act, 1871, and the expression 'public road' in sections eleven and twenty-six of the said Act, shall be deemed to include a Railway.

Any person employed on a Railway may exercise the powers of seizure provided by the said section eleven."

Penalty for cattle-trespass within fences of a Railway.

"XIX. The owner or person in charge of any cattle trespassing or straying on any Railway provided with fences suitable for the exclusion of cattle shall, on conviction before a Magistrate, be liable to a fine not exceeding ten rupees for each animal, in addition to any amount that may be recovered under the Cattle Trespass Act."

Penalty for wilfully driving cattle upon a Railway.

"XX. Whenever cattle are wilfully driven or knowingly permitted to be on any Railway provided with fences suitable for the exclusion of cattle, otherwise than for the purpose of crossing the Railway at a gate or bar provided for public use, the person in charge of such cattle, or, if he cannot be identified, then the owner of the said cattle, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees for each animal, in addition to any amount that may be recovered under the said Act.

Fines imposed under this or the preceding section may be recovered in the manner provided by section twenty-five of the said Act."

"XXI. The

“ XXI. The Governor General in Council, or the Local Government with the sanction of the Governor General in Council, shall make rules, and may in like manner, from time to time, vary the same, for the provision of boundary-marks or fences for any Railway or any part thereof and for roads constructed in connexion therewith, and of gates or bars at places where any Railway crosses a road on the level, and for the employment of persons to open and shut such gates or bars ;

Power to make rules as to fences, gates and bars.

and may by such rules determine what kind of fences shall, for the purposes of sections nineteen and twenty, be deemed to be suitable for the exclusion of cattle.”

“ XXVI. Every Railway Company, or, in the case of a Railway not managed by a Company, the officer for the time being entrusted with the control of such Railway, shall make general rules and regulations for the use, working and general administration of the Railway, and may in like manner, from time to time, vary the same.

Power of Railway Company or controlling officer of a Railway to make rules and regulations.

All such general rules and regulations or variations thereof shall be submitted to the Governor General in Council for sanction, and, when sanctioned, shall be published in the *Gazette of India*, and shall be otherwise notified to the public and to the officers and persons employed upon such Railway in such a manner as the Governor General in Council, from time to time, directs.

Publication of such rules.

Any such rule or regulation may contain a provision that any person committing a breach of it shall be liable to a fine not exceeding fifty rupees, or, in default of payment of such fine, to imprisonment of either description for a term which may extend to two months.

The Governor General in Council may at any time cancel any rule or regulation so sanctioned.

Any Justice of the Peace may try an European British subject for an offence under this section, and on conviction award a sentence within the limits thereby prescribed for such offence.”

“ XXIX. If

Penalty for endangering the safety of persons.

“XXIX. If any officer or person employed upon a Railway endangers the safety of any person by

(1) disobeying any general rule or regulation sanctioned and notified in the manner prescribed by section twenty-six, or

(2) disobeying any rule or order not inconsistent with the general rules or regulations aforesaid, and which he was bound by the terms of his service to obey, and of which he had notice, or

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

he shall be liable to imprisonment of either description for any term not exceeding three years, or to fine not exceeding five hundred rupees, or to both.”

Addition of section XLIV.

Power to declare authority by which powers of Local Governments are to be exercised in case of Railways.

Amendment of part of section 3, Act XIII of 1870.

3. After section XLIII of the said Act, the following section shall be added:—

“XLIV. The Governor General in Council may from time to time, by notification in the *Gazette of India*, declare what Government shall be deemed to be the Local Government in respect of the whole or any part of a Railway for the purposes of the Act.”

4. Instead of so much of section three of Act XIII of 1870 as begins with the words “but in sections seventeen” and ends with the section, the following shall be read:—

“but in sections seventeen, twenty-three, forty-one and forty-two, the expressions ‘Railway Company,’ ‘such Railway Company,’ ‘the Company,’ and ‘they’ (when referring to a Company) shall mean the officer for the time being entrusted with the control of such Railway.”