

RAILWAYS ACT 1989 - IMPORTANT SECTIONS

CARRIAGE OF PASSENGERS (Statutory obligations of the Railways):

Section – 49: *Exhibition of certain timings & tables of fares at station*

- A table of times of arrival and departure of trains which carry passengers and stop at that station.
- List of fares from such stations to other stations as it may consider necessary.
- Lowest ticket should be printed in three languages.
- Particulars should be shown on the tickets.

Section – 50: *Supply of tickets on payment of fares*

Any person desirous of travelling on a railway shall upon payment of the fare be supplied with a ticket which shall contain the following particulars

- Date of issue
- Class of carriage
- Place from and place to
- Amount of fare

The railway shall display the hours during which booking windows at a station are kept open.

In case of lowest class of carriage, Class of carriage and Place from & to be printed in Hindi, English and regional language. In other class of carriage in Hindi and English.

Section - 51: *Provision for case in which ticket is issued for class or train not having accommodation for additional passengers*

- When a ticket is issued it is deemed that accommodation is available in the class of carriage and train for which the ticket is issued.
- If no accommodation is available in the class of carriage for which a ticket is issued and the passenger travels in lower class, he shall on returning the tickets be entitled to a refund.

Section – 52: *Cancellation of ticket and refund*

If a ticket is returned for cancellation, the Railway Administration shall grant refund as per rules.

Section – 53: *Prohibition against transfer of certain tickets*

A ticket issued in the name of a person, shall not be transferred to another person. Mutual transfer of seat / berth by passengers travelling by the same train is permitted. However transfer of tickets in certain cases will be permitted by railways.

Section – 54: *Exhibition & surrender of pass / ticket*

Every passenger on demand should exhibit pass / ticket and surrender the pass / ticket on completion of journey.

Section – 55: *Prohibition against traveling without pass or ticket*

No person shall enter or remain in carriage without pass or ticket or guard certificate.

Section – 56: *Power to refuse to carry persons suffering from infectious or contagious diseases*

Person suffering from such infectious or contagious diseases shall not enter or remain in any carriage in a railway or travel in train without the permission of a railway servant authorized in this behalf.

Section – 57: *Maximum number of passengers for each compartment*

Shall be earmarked and stenciled in each passenger carrying compartment.

Section -58: *Earmarking of compartment for ladies*

A separate compartment shall be earmarked for ladies by every passenger carrying train and also required number of berths / seats earmarked for travel of ladies.

Section - 59: *Communication between passengers and railway servant in charge*

A railway administration shall provide communication in every passenger carrying train between the passengers and the railway servant in charge of the train.

Penalties and offences:

Section 137: *Fraudulently traveling or attempting to travel without proper ticket or pass.*

- Enters or remains in any carriage on a railway or travels in a train in contravention of section 55 or
 - Uses or attempts to use a single pass or a 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.
1. He shall be punished with imprisonment for a term which may extend to 6 months or with a fine which may extend to Rs.1000/- or with both.
 2. In absence of adequate reasons such punishment shall not be less than a fine of Rs.500/-
 3. He shall be liable to pay the excess charge also.
 4. The excess charge shall be a sum equal to the fare payable subject to minimum of Rs. 250/- which ever is more.
 5. In default of payment of any fine, shall suffer imprisonment extend up to 6 months.

Section 138: *Levy of excess charge and fare for travelling without proper pass or ticket or beyond authorized distance.*

- Being in or having alighted from a train fails or refuses to present for examination or to deliver his pass or ticket immediately on a demand being made therefore under section 54 or
 - Travel in a train in contravention of the provisions of section 55.
1. He shall be liable to pay on the demand the excess charge, in addition to the fare. (Either from train starting station or from the last ticket checking point which ever is nearer)
 2. The excess charge shall be a sum equal to the fare payable subject to minimum of Rs. 250/- which ever is more.
 3. In default of payment of any fine, shall suffer imprisonment which may extend up to one month but not less than 10 days.
 4. Any sum recovered under this section will be paid to railway administration.

Section 139: *Power to remove persons.*

- Any person failing or refusing to pay fare and the excess charge referred to in section 138 may be removed by any authorized railway servant.
- He may call to his aid any other person to effect such removal.
- However, nothing in this section precludes a passenger removed from a higher class from continuing his journey in carriage of a class for which he holds a pass or ticket.
- A woman or a child if unaccompanied by a male passenger shall not be removed except either at the station from where she commences journey or at a junction station or terminal station or at headquarters of a civil district and such removal shall be made only during the day.

Important penalties and offences:

Section	Reason	Penalty
137	Fraudulently travelling or attempting to travel without proper pass or ticket	Fine up to Rs.1000/- or imprisonment up to 6 months or both
138	Travelling without proper pass or ticket or travelling beyond the authorized distance.	Levy of fare + excess charge
139	Persons failing or refusing to pay the fare and the excess charge as per section 138	Will be detained
141	Needlessly interfering with means of communication in a train	Fine upto Rs.1000/- or imprisonment upto 1 year or both
142	Transfer of tickets without business motive	Fine up to Rs.500 or imprisonment upto 3 months or or both
143	Unauthorized carrying on of business of procuring and supplying of railway tickets.	Fine upto Rs.10,000/- or imprisonment upto 3 years or both.
144	Prohibition on hawking , begging etc.	Fine upto Rs.2000/- or imprisonment upto 1 year or both
145	Drunkenness or nuisance	First offence: Fine upto Rs.100/- . Subsequent offence: Fine upto Rs.250 or imprisonment upto 1 month or both.
157	Altering or defacing pass or ticket.	Fine upto Rs.500/- or imprisonment upto 3 months or both.
162	Male traveling in ladies compartment	A fine up to Rs. 500/-
164	Unlawfully bringing dangerous goods into railway premises.	Fine upto Rs.1000/- or imprisonment upto 3 years or both.
165	Unlawfully bringing offensive goods into railway premises.	Fine up to Rs.500/- and shall also be liable for any loss, injury or damage caused by bringing such goods
167	Prohibition of smoking	Fine upto Rs. 200/-

COGNIZABLE AND NON-COGNIZABLE OFFENCES

Classification of Crimes.

The Criminal Procedure Code (Cr.P.C.) classifies all the crimes into two categories: (i) Cognizable and (ii) Non-Cognizable.

A Cognizable offence or case is defined as the one which an Officer in-charge of a Police Station may investigate without the order of a magistrate and effect arrest without warrant. The Police have a direct responsibility to take immediate action on the receipt of a complaint or of credible information in such crimes, visit the scene of the crime, investigate the facts, apprehend the offender and arrange him before a Court of Law having jurisdiction over the matter.

Non-Cognizable crimes are defined as those which cannot be investigated by police without the order of a competent magistrate. The Police do not initiate investigation in Non-Cognizable crimes except with magisterial permission.

<i>Section</i>	<i>Topic</i>
137	<i>Fraudulently travelling or attempting to travel without proper pass or ticket.</i>
138	<i>Levy of excess charge and fare for travelling without proper pass or ticket or beyond authorized distance</i>
139	<i>Power to remove persons</i>
140	<i>Security for good behavior in certain cases</i>
141	<i>Needlessly interfering with means of communication in a train</i>
142	<i>Penalty for transfer of tickets.</i>
143	<i>Penalty for un-authorized carrying on of business of procuring and supplying of railway tickets.</i>
144	<i>Prohibition on hawking, etc., and begging</i>
145	<i>Drunkenness or nuisance.</i>
146	<i>Obstructing railway servant in his duties</i>
147	<i>Trespass and refusal to desist from trespass.</i>
150	<i>Maliciously wrecking or attempting to wreck a train.</i>
151	<i>Damage to or destruction of certain railway properties.</i>
152	<i>Maliciously hurting or attempting to hurt persons travelling by railway</i>
153	<i>Endangering safety of persons travelling by railway by willful act or omission</i>
154	<i>Endangering safety of persons travelling by railway by rash or negligent act or omission.</i>
155	<i>Entering into a compartment reserved or resisting entry into a compartment not reserved.</i>
156	<i>Travelling on roof, step or engine of a train</i>
157	<i>Altering or defacing pass or ticket.</i>
159	<i>Disobedience of drivers or conductors of vehicles to directions of railway servant, etc.</i>
162	<i>Entering carriage or other place reserved for females</i>
164	<i>Unlawfully bringing dangerous goods on a railway</i>
165	<i>Unlawfully bringing offensive goods on a railway</i>
166	<i>Defacing public notices</i>
167	<i>Smoking.</i>
172	<i>Penalty for intoxication</i>
174	<i>Obstructing running of train, etc.</i>

179. Arrest for offences under certain sections.—

(1) If any person commits any offence mentioned in sections 150 to 152, he may be arrested without warrant or other written authority by any railway servant or police officer not below the rank of a head constable.

(2) If any person commits any offence mentioned in sections 137 to 139, 141 to 147, 153 to 157, 159 to 167 and 172 to 176, he may be arrested, without warrant or other written authority, by the officer authorised by a notified order of the Central Government.

(3) The railway servant or the police officer or the officer authorised, as the case may be, may call to his aid any other person to effect the arrest under sub-section (1) or sub-section (2), as the case may be.

(4) Any person so arrested under this section shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate.

180. Arrest of persons likely to abscond, etc.—

(1) If any person who commits any offence under this Act, other than an offence mentioned in sub-section (2) of section 179, or is liable to pay any excess charge or other sum demanded under section 138, fails or refuses to give his name and address or there is reason to believe that the name and address given by him are fictitious or that he will abscond, [the officer authorised may arrest him without warrant or written authority.

(2) The officer authorized may call to his aid any other person to effect the arrest under sub-section (1).

(3) Any person arrested under this section shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate unless he is released earlier on giving bail or if his true name and address are ascertained on executing a bond without sureties for his appearance before the Magistrate having jurisdiction to try him for the offence.

(4) The provisions of Chapter XXIII of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to the giving of bail and the execution of bonds under this section.

180A. Inquiry by officer authorised to ascertain commission of offence.—For ascertaining facts and circumstances of a case, the officer authorised may make an inquiry into the commission of an offence mentioned in sub-section (2) of section 179 and may file a complaint in the competent court if the offence is found to have been committed.]

180B. Powers of officer authorised to inquire.—While making an inquiry, the officer authorised shall have power to,—

- (i) summon and enforce the attendance of any person and record his statement;
- (ii) require the discovery and production of any document;
- (iii) requisition any public record or copy thereof from any office, authority or person;
- (iv) enter and search any premises or person and seize any property or document which may be relevant to the subject-matter of the inquiry.

180C. Disposal of persons arrested.—Every person arrested for an offence punishable under sub-section (2) of section 179 shall, if the arrest was made by a person other than the officer authorised, be forwarded, without delay, to such officer.

180D. Inquiry how to be made against arrested person.—

(1) When any person is arrested by the officer authorised for an offence punishable under this Act, such officer shall proceed to inquire into the charge against such person.

(2) For this purpose, the officer authorised may exercise the same powers and shall be subject to the same provisions as the officer in charge of a police station may exercise and is subject to the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), when investigating a cognizable case: Provided that—

(a) If the officer authorised is of the opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall either admit him to bail to appear before a Magistrate having jurisdiction in the case, or forward him in custody to such Magistrate;

(b) If it appears to the officer authorised that there is no sufficient evidence or reasonable ground of suspicion against the accused person, he shall release the accused person on his executing a bond, with or without sureties as the officer authorised may direct, to appear, if and when so required, before the Magistrate having jurisdiction.]

180E. Search, seizure and arrest how to be made.—All searches, seizures and arrests made under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating respectively to searches and arrests made under that Code.

180F. Cognizance by Court on a complaint made by officer authorised.—No court shall take cognizance of an offence mentioned in sub-section (2) of section 179 except on a complaint made by the officer authorised.

180G. Punishment for certain offences in relation to inquiry.—Whoever intentionally insults or causes any interruption in the inquiry proceedings or deliberately makes a false statement before the inquiring officer shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.