

APPENDIX – III

EXTRACT FROM THE RAILWAYS ACT, 1989

The following relevant sections of the Railways Act, 1989 are reproduced for ready reference.

1 Sections relating to Commissioner of Railway Safety:

Section 5: Appointment of Chief Commissioner of Railway Safety and Commissioners of Railway Safety. —

The Central Government may appoint a person to be the Chief Commissioner of the Railway safety and such other persons as it may consider necessary to be the Commissioners of Railway Safety.

Section 6 : Duties of Commissioner:- The Commissioner shall –

- a. inspect any railway with a view to determine whether it is fit to be opened for the public carriage of passengers and report thereon to the Central Government as required by or under this Act;
- b. make such periodical or other inspections of any railway or of any rolling stock used thereon as the Central Government may direct;
- c. make an inquiry under this Act into the cause of any accident on a railway; and
- d. discharge such other duties as are conferred on him by or under this Act.

Section 7: Powers of Commissioner – Subject to the control of the Central Government, the Commissioner, whenever it is necessary so to do for any of the purposes of this Act, may:-

- a. enter upon and inspect any railway or any rolling stock used thereon;
- b. by order in writing addressed to a railway administration, require the attendance before him of any railway servant and to require answers or return to such inquiries as he thinks fit to make from such railway servant or from the railway administration; and
- c. require the production of any book, document or material object belonging to or in the possession or control of any railway administration which appears to him to be necessary to inspect.

Section 8: Commissioner to be Public Servant The Commissioner shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

Section 9: Facilities to be afforded to Commissioners A railway administration shall afford to the Commissioner all reasonable facilities for the discharge of the duties or for the exercise of the powers imposed or conferred on him by or under this Act.

Section 10: Annual report of Commissioners The Chief Commissioner of Railway Safety shall prepare in each financial year an annual report giving a full account of the activities of the Commissioners during the financial year immediately preceding the financial year in which such report is prepared and forwarded before such date as may be specified by the Central Government, copies thereof to the Central government, and that Government shall cause that report to be laid, as soon as may be, after its receipt before each House of Parliament.

2 Sections relating to Construction and Maintenance of Works:

Section 14: Temporary entry upon land to remove obstruction, to repair or to prevent accident. —

- 1) Where in the opinion of a Railway Administration
 - a. there is imminent danger that any tree, post or structure may fall on the railway so as to obstruct the movement of rolling stock; or
 - b. any tree, post, structure or light obstructs the view of any signal provided for movement of rolling stock; or