

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

- c. any tree, post or structure obstructs any telephone or telegraph line maintained by it, it may take such steps as may be necessary to avert such danger or remove such obstruction and submit a report thereof to the Central Government in such manner and within such time as may be prescribed.
- 2) Where in the opinion of a railway administration
- a. a slip or accident has occurred ; or
 - b. there is apprehension of any slip or accident to any cutting, embankment or other work on a railway,
- it may enter upon any lands adjoining the railway and do all such works as may be necessary for the purpose of repairing or preventing such slip or accident and submit a report thereof to Central Government in such manner and within such time as may be prescribed.
- 3) The Central Government may, after considering the report under sub-section (1) or sub-section (2), in the interest of public safety, by order, direct the railway administration that further action under sub-section (1) or sub-section (2) shall be stopped or the same shall be subject to such conditions as may be specified in that order..

3 Sections relating to Opening of Railways:

Section 24: Temporary Suspension of Traffic When an accident has occurred on a railway resulting in a temporary suspension of traffic, and either the original lines of rails and works have been restored to their original standard or a temporary diversion has been laid for the purpose of restoring communication, the original lines of rails and works so restored, or the temporary diversion, as the case may be, may, without prior inspection by the Commissioner, be opened for the public carriage of passengers, subject to the following conditions, namely:-

- (a) The railway servant incharge of the works undertaken by reason of the accident has certified in writing that the opening of the restored lines of rails and works, or of the temporary diversion will not in his opinion be attended with danger to the public; and
- (b) A notice of the opening of the lines of rails and works or the diversion shall be sent immediately to the Commissioner.

4 Sections relating to Accidents:

Section 113: Notice of Railway Accident –

- 1) Where, in the course of working a railway. –
- (a) any accident attended with loss of any human life, or with grievous hurt, as defined in the Indian Penal Code (45 of 1860), or with such serious injury to property as may be prescribed; or
 - (b) any collision between trains of which one is a train carrying passengers; or
 - (c) the derailment of any train carrying passengers, or of any part of such train; or
 - (d) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property; or
 - (e) any accident of any other description which the Central Government may notify in this behalf in the Official Gazette, occurs, the Station Master of the station nearest to the place at which the accident occurs or where there is no Station Master, the railway servant in charge of the section of the railway on which the accident occurs, shall, without delay give notice of the accident to the District Magistrate and Superintendent of Police, within whose jurisdiction the accident occurs the, Officer-in-charge of the police station within the local limits of which the accident occurs and to such other Magistrate or Police Officer as may be appointed in this behalf by the Central Government.
- (2) The railway administration within whose jurisdiction the accident occurs, as also the railway administration to whom the train involved in the accident belongs, shall, without delay, give notice of the accident to the State Government and the Commissioner having jurisdiction over the place of the accident.