

The Railways Act, 1890

(ACT NO. IX OF 1890)

1♣An Act to consolidate, amend and add to the law relating to the Railway.

WHEREAS it is expedient to consolidate, amend and add to the law relating to the railway; It is hereby enacted as follows:-

CHAPTER I PRELIMINARY

- Title, extent and commencement**
1. (1) This Act may be called the Railway Act, 1890.
- (2) It extends to the whole of Bangladesh and applies also to all citizens of Bangladesh, wherever they may be.
- (3) It shall come into force on the first day of May, 1890.
- [Repealed]**
2. [Repealed by the Repealing Act, 1938 (Act No. I of 1938), section 2 and Schedule.]
- Definitions**
3. In this Act, unless there is something repugnant in the subject or context,-
- 2[* * *]
- (2) "ferry" includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying bridge and a temporary bridge, and the approaches to, and landing places of, a ferry:
- (3) "inland water" means any canal, river, lake or navigable water:
- (4) the railway means the railway or any portion of the railway, for the public carriage of passengers, animals or goods, and includes
- (a) all land within the fences or other boundary-marks indicating the limits of the land appurtenant to the railway;

(b) all lines of rails, sidings, or branches worked over for the purposes of, or in connection with, the railway;

(c) all stations, offices, warehouses, wharves, workshops, manufactories, fixed plant and machinery and other works constructed for the purposes of, or in connection with, the railway; and

(d) all ferries, ships, boats and rafts which are used on inland waters for the purposes of the traffic of the railway and belong to or are hired or worked by the authority administering the railway:

³[* * *]

⁴[(6) "railway administration" or "administration" means the manager of the Bangladesh railway and includes the Government.]

(7) "the railway servant" means any person employed by the railway administration in connection with the service of the railway:

(8) "Inspector" means an Inspector of the railway appointed under this Act:

(9) "goods" includes inanimate things of every kind:

(10) "rolling-stock" includes locomotive engines, tenders, carriages, wagons, trucks and trollies of all kinds:

(11) "traffic" includes rolling-stock of every description, as well as passengers, animals and goods:

(12) "through traffic" means traffic which is carried over the railway of two or more the railway administration.

(13) "rate" includes any fare, charge or other payment for the carriage of any passenger, animal or goods:

(14) "terminals" includes charges in respect of stations, sidings, wharves, depots, warehouses, cranes and other similar matters, and of any services rendered thereat:

(15) "pass" means an authority given by the railway administration, or by an officer appointed by the railway administration in this behalf, and authorising the person to whom it is given to travel as a passenger on the railway gratuitously:

(16) "ticket" includes a single ticket, a return ticket and a season ticket:

(17) "maund" means a weight of three thousand two hundred tolas, each tola being a weight of one hundred and eighty grains Troy: and

(18) "Collector" means the chief officer in charge of the land- revenue administration of a district, and includes any officer specially appointed by the Government to discharge the functions of a Collector under this Act.

CHAPTER II

INSPECTION OF RAILWAY

Appointment and duties of Inspectors

4. (1) The Government may appoint persons, by name or by virtue of their office, to be inspectors of the railway.

(2) The duties of an Inspector of the railway shall be-

(a) to inspect the railway with a view to determine whether they are fit to be opened for the public carriage of passengers, and to report thereon to the Government as required by this Act;

(b) to make such periodical or other inspections of any railway or of any rolling-stock used thereon as the Government may direct;

(c) to make inquiry under this Act into the cause of any accident on the railway;

(d) to perform such other duties as are imposed on him by this Act, or any other enactment for the time being in force relating to the railway.

Powers of Inspectors

5. An Inspector shall, for the purpose of any of the duties which he is required or authorised to perform under this Act, be deemed to be a public servant within the meaning of the ⁵[Penal Code], and, subject to the control of the Government, shall for that purpose have the following powers, namely:-

(a) to enter upon and inspect any railway or any rolling-stock used thereon;

(b) by an order in writing under his hand addressed to the railway administration, to require the attendance before him of any railway servant, and to require answers or returns to such inquiries as he thinks fit to make from such railway servant or from the railway administration;

(c) to require the production of ⁶[the] book or document belonging to or in the possession or control of any railway administration ⁷[* * *] which it appears to him to be necessary to inspect.

Facilities to be afforded to Inspectors

6. The railway administration shall afford to the Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Act.

CHAPTER III

CONSTRUCTION AND MAINTENANCE OF WORKS

Authority of railway administrations to execute all necessary works

7. (1) Subject to the provisions of this Act and, in the case of immoveable property not belonging to the railway administration, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes

⁸[* * *] the railway administration may, for the purpose of constructing the railway or the accommodation or other works connected therewith, and notwithstanding anything in any other enactment for the time being in force,-

(a) make or construct in, upon, across, under or over any lands, or, any streets, hills, valleys, roads, the railway ⁹[* * *] or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, lines of the railway, ways, passages, conduits, drains, piers, cuttings and fences as the railway administration thinks proper;

(b) alter the course of any rivers, brooks, streams, or watercourses, for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them, and divert or alter, as well temporarily as permanently, the course of any rivers, brooks, streams or watercourses or any roads, streets or ways, or raise or sink the level thereof, in order the more conveniently to carry them over or under or by the side or the railway, as the railway administration thinks proper;

(c) make drains or conduits into, through or under any lands adjoining the railway for the purpose of conveying water from or to the railway;

(d) erect and construct such houses, warehouses, offices and other buildings, and such yards, stations, wharves, engines, machinery, apparatus and other works and conveniences as the railway administration thinks proper;

(e) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them and substitute others in their stead; and

(f) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

(2) The exercise of the powers conferred on the railway administration by sub-section (1) shall be subject to the control of the Government.

Alteration of pipes, wires and drains

8. The railway administration may, for the purpose of exercising the powers conferred upon it by this Act, alter the position of any pipe for the supply of gas, water or compressed air or the position of any electric wire or of any drain not being a main drain:

Provided that-

(a) when the railway administration desires to alter the position of any such pipe, wire or drain, it shall give reasonable notice of its intention to do so, and of the time at which it will begin to do so, to the Local authority or company having control over the pipe, wire or drain, or, when the pipe, wire or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire or drain is;

(b) a local authority, company or person receiving notice under proviso (a) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so sent and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electricity or the maintenance of the drainage, as the case may be.

Protection for