

## Railways Act, 1989

### Chapter 5 - Opening of Railways

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No railway shall be opened for the public carriage of passengers until the Central Government has, by order, sanctioned the opening thereof for that purpose.

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#### Section 22 - Formalities to be complied with before giving sanction to the opening of a railway

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(1) The Central Government shall, before giving its sanction to the opening of a railway under section 21, obtain a report from the Commissioner that--

- (a) he has made a careful inspection of the railway and the rolling stock that may be used thereon;
- (b) the moving and fixed dimensions as laid down by the Central Government have not been infringed;
- (c) the structure of lines of rails, strength of bridges, general structural character of the works and the size of, and maximum gross load upon, the axles of any rolling stock, comply with the requirements laid down by the Central Government; and
- (d) in his opinion, the railway can be opened for the public carriage of passengers without any danger to the public using it.

(2) If the commissioner is of the opinion that the railway cannot be opened without any danger to the public using it, he shall, in his report, state the grounds therefor, as also the requirements which, in his opinion, are to be complied with before sanction is given by the Central Government.

(3) The Central Government, after considering the report of the Commissioner, may sanction the opening of a railway under section 21 as such or subject to such conditions as may be considered necessary by it for the safety of the public.

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#### Section 23 - Sections 21 and 22 to apply to the opening of certain works

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The provisions of sections 21 and 22 shall apply to the opening of the following works if they form part of, or are directly connected with, a railway used for the public carriage of passengers and have been constructed subsequent to the giving of a report by the Commissioner under section 22, namely:--

- (a) opening of additional lines of railway and deviation lines;
  - (b) opening of stations, junctions and level crossings;
  - (c) re-modelling of yards and re-building of bridges;
  - (d) introduction of electric traction; and
  - (e) any alteration or reconstruction materially affecting the structural character of any work to which the provisions of sections 21 and 22 apply or are extended by this section.
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#### Section 24 - Temporary suspension of traffic

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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.

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## **Section 25 - Power to close railway opened for the public carriage of passengers**

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Where, after the inspection of any railway opened and used for the public carriage of passengers or any rolling stock used thereon, the Commissioner is of the opinion that the use of the railway or of any rolling stock will be attended with danger to the public using it, the Commissioner shall send a report to the Central Government who may thereupon direct that--

- (i) the railway be closed for the public carriage of passengers; or
- (ii) the use of the rolling stock be discontinued; or
- (iii) the railway or the rolling stock may be used for the public carriage of passengers subject to such conditions as it may consider necessary for the safety of the public.

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## **Section 26 - Re-opening of closed railway**

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When the Central Government has, under section 25, directed the closure of a railway or the discontinuance of the use of any rolling stock--

- (a) the railway shall not be re-opened for the public carriage of passengers until it has been inspected by the Commissioner and its re-opening is sanctioned in accordance with the provisions of this Chapter; and
- (b) the rolling stock shall not be used until it has been inspected by the Commissioner and its re-use is sanctioned in accordance with the provisions of this Chapter.

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## **Section 27 - Use of rolling stock**

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A railway administration may use such rolling stock as it may consider necessary for the construction, operation and working of a railway:

Provided that before using any rolling stock of a design or type different from that already running on any section of the railway, the previous sanction of the Central Government shall be obtained for such use:

Provided further that before giving any such sanction, the Central Government shall obtain a report from the Commissioner that he has made a careful inspection of the rolling stock and, in his opinion, such rolling stock can be used.

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## **Section 28 - Delegation of powers**

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The Central Government may, by notification, direct that any of its powers or functions under this Chapter, except section 29, or the rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by a

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**Section 29 - Power to make rules in respect of matters in this Chapter**

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(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the duties of a railway administration and the Commissioner in regard to the opening of a railway for the public carriage of passengers;

(b) the arrangements to be made for and the formalities to be complied with before opening a railway for the public carriage of passengers;

(c) for regulating the mode in which, and the speed at which rolling stock used on railways is to be moved or propelled; and

(d) the cases in which and the extent to which the procedure provided in this Chapter may be dispensed with.