

- (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 generally of the foregoing power, such rules may be provided for all or any of the following matters, namely;
 - (a) the authorities who may declare the employment of any railway servant essentially intermittent or intensive;
 - (b) the appeals against any such declaration and the manner in which, and the conditions subject to which any such appeal may be filed and heard;
 - (c) the categories of staff that may be specified under sub-clauses (iv) and (v) of Cl. © of sec. 130;
 - (d) the authorities by whom exemptions under sub-section (4) of sec. 132 or sub-section (3) of sec. 133 may be made;
 - (e) the delegation of power by the authorities referred to in Cl. (d);
 - (f) the railway servants to whom Cl. (ii) of Sub-section (2) of Sec. 133 apply and the periods of rest to be granted to them;
 - (g) the appointment of supervisors of railway labour and their functions.

Section 136 empowers the Central Government to make rules for carrying out the purposes of Chapter XIV. The matter in respect of which rules are to be made by the central Government are enumerated in sub-section (2).

CHAPTER XV

Penalties and Offences

137. Fraudulently traveling or attempting to travel without proper pass or ticket. – (1) If any person, with intend to defraud a railway administration, -

- (a) enter or remains in any carriage on a railway or travels in a train in contravention of Sec.55, or

- (b) 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,

he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than a fine of five hundred rupees.

(2) The person referred to in sub-section (1) shall also be liable to pay the excess charge mentioned in sub-section (3) in addition to the ordinary single fare for the distance which he has traveled, or where there is any doubt as to the station from which the train originally started, or if the tickets of passengers traveling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were so examined or, in case of their having been examined more than once, were last examined.

(3) The excess charge referred to in sub-section (2) shall be a sum equal to the ordinary single fare referred to in that sub-section or fifty rupees, whichever ever is more.

(4) Notwithstanding anything contained in Sec. 65 of the Indian Penal code, (45 of 1860) the court convicting an offender may direct that the person in default of payment of any fine inflicted by the court shall suffer imprisonment for a term which may extend to six months.

Comment

Section 137 provides for punishment for traveling or attempting to travel fraudulently without a pass or ticket.

Penal Provision : The law in its wisdom seeks to punish the guilty who commits the sin and not the person, who is innocent.

138. Levy of excess charge and fare for traveling without proper pass or ticket or beyond authorized distance.

(1) If any passenger,-

(a) being in or having alighted from a train, fails or refuses to present for examination or to deliver up his pass or ticket immediately on a demand being made therefore under Sec. 54, or