Comment

Section 160 provides for punishment for a person opening or breaking a level crossing gate.

161. Negligently crossing unmanned level crossing : If any person driving or leading a vehicle is negligent in crossing an unmanned level crossing, he shall be punishable with imprisonment which may extend to one year.

Explanation : For the purposes of this section, " negligence" in relation to any person driving or leading a vehicle in crossing an unmanned level crossing means the crossing of such level crossing by such person-

   (a)   without stopping or caring to stop the vehicle near such level crossing to observe whether any approaching rolling stock is in sight, or

   (b)   even while an approaching rolling stock is in sight.

Comment

Section 161 lays down the punishment for any person negligently driving or leading a vehicle across in unmanned level crossing.

Loss due to negligence burden to disapprove negligence lies on bailee.- It is well settled that in cases governed by Secs. 152 and 152 Contract Act the loss or damages of goods entrusted to a bailee is prima facia evidence of negligence and therefore the burden to disapprove negligence lies on the bailee. The bailee has to prove that he exercised due care and was not negligent.

162. Entering carriage or other place reserved for females.- If a male person knowing or having reason to believe that a carriage, compartment berth or seat in a train or room or other place is reserved by a railway administration for the exclusive use of females, without lawful excuse,-

   (a)   enters such carriage, compartment, room or other place,, or having entered such carriage, compartment, room or place, remains therein ; or

   (b)   occupies any such berth or seat having been required by any railway servant to vacate it,

he shall in addition to being liable to forfeiture of his pass or ticket, be punishable with fine which may extend to five hundred rupees and may also removed by any railway servant.

Comment

Section 162 provides for punishment for entering a carriage or other ploace reserved for females.

163. Giving false account of goods. - If any person required to furnish an account of goods under Sec. 66 gives an account which is materially false he and, if he is not the owner also shall, without prejudice to his liability to pay any freight or other charge under any provision of this Act, be punishable with fine which may extend to five hundred rupees every quintal or part thereof of such goods.

Comment

Section 163 lays down punishment for any person furnishing false account of goods on requisition by railway servant.

Estoppel, doctrine does not apply when fraud has been played authorities.- The doctrine of promissory estoppal does not apply when a false certificate has been obtained and fraud has been played on the authorities.

164. Unlawfully bringing dangerous goods on a railways. – If any person, in contravention of Sec. 67, takes with him any dangerous goods or entrusts such goods for carriage to the railway administration, he shall be punishable with imprisonment for a term which m ay extended to three years, or with fine which may extended to one thousand rupees or with both and shall also be liable for any loss, injury or damage which may be caused by reason of bringing such goods on railway.

165. Unlawfully bringing offensive goods on a railway. – If any person, in contravention of Sec. 67, takes with him any offensive goods entrusts such goods for carriage to the railway administration, he shall be punishable with fine which may extend to five hundred rupees and shall also be liable for any loss, injury or damage which may be caused by reason of bringing such goods on a railway.

Comment

Section 164 and 165 respectively provide for punishment for unlawfully bringing dangerous and offensive goods on a railway.

166. Defacing public notices. – If any person without lawful authority -

(a) pulls down or willfully damages any board or document set up or posted by the order of a railway administration on a railway or any rolling stock ; or