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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 14th November, 1995

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 6th November, 1995, and is hereby published for general information:—

ACT NO. IV OF 1995

An Act further to amend the Railways Act, 1890

WHEREAS it is expedient further to amend the Railways Act, 1890 (IX of 1890), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Railways (Amendment) Act, 1995.

(2) It shall come into force at once.

(1021)

Price: Rs. 01.10

2. **Amendment of section 3, Act IX of 1890.**—In the Railways Act, 1890 (IX of 1890), hereinafter referred to as the said Act, in section 3,—

(a) for clause (10) the following shall be substituted, namely:—

“(10) “rolling-stock” includes locomotives, tenders, rail-cars, diesel multiple units (dmus), track recording and inspection cars, carriages, wagons, trucks and trollies;” and

(b) for clause (17) the following shall be substituted, namely:—

“(17) “one kilogram” means a weight of one thousand grams, each gram being a weight of one thousand miligrams; and”.

3. **Amendment of section 4, Act IX of 1890.**—In the said Act, in section 4, for sub-section (1) the following shall be substituted, namely:—

“(1) The Federal Government may appoint one or more suitable persons not below the rank of the General Manager of Railway Administration, to be the Inspectors of Railways.”.

4. **Amendment of section 16, Act IX of 1890.**—In the said Act, in section 16, in sub-section (1), for the words “locomotive engines” the word “locomotives” shall be substituted.

5. **Amendment of section 42, Act IX of 1890.**—In the said Act, in section 42,—

(a) in sub-section (3), for the word “mile” the word “kilometre” shall be substituted; and

(b) in sub-section (4), in the proviso,—

(i) in clause (a), for the word “maund” the figure and word “forty kilograms” shall be substituted; and

(ii) in clause (h), for the words “mileage rates than the mileage” the words “rates per kilometre than the” shall be substituted.

6. **Amendment of section 47, Act IX of 1890.**—In the said Act, in section 47,—

(a) in sub-section (1), for the words and commas “Every railway company and, in the case of a railway administered by the Government, an officer to be appointed by the Federal Government in this behalf, the words “The Federal Government” shall be substituted.

(b) in sub-section (2), for the words “fifty rupees” the words “five hundred rupees” shall be substituted; and

(c) sub-section (5) shall be omitted.

7. **Amendment of section 64, Act IX of 1890.**—In the said Act, in section 64, sub-section (2) shall be omitted.

8. **Amendment of section 71H, Act IX of 1890.**—In the said Act, in section 71H, for the words “five hundred rupees” the words “five thousand rupees” shall be substituted.

9. **Amendment of section 73, Act IX of 1890.**—In the said Act, in section 73, in sub-section (1),—

- (a) in clause (a), for the words “one thousand five hundred” the words “fifty thousand” shall be substituted;
- (b) in clause (b), for the words “seven hundred and fifty” the words “ten thousand” shall be substituted;
- (c) in clause (c), for the words “two hundred” the words “fifteen thousand” shall be substituted; and
- (d) in clause (d), for the word “thirty” the words “one thousand” shall be substituted.

10. **Amendment of section 75, Act IX of 1890.**—In the said Act, in section 75, in sub-section (1), for the words “three hundred rupees” the words “ten thousand rupees” shall be substituted.

11. **Amendment of section 79, Act IX of 1890.**—In the said Act, in section 79, for the word “those” the word “that” shall be substituted.

12. **Amendment of section 82A, Act IX of 1890.**—In the said Act, in section 82A,—

(a) in sub-section (1),—

- (i) for the words, brackets and figure “to the extent set out in sub-section (2) and to that extent only” the words, brackets and figure “as provided in sub-section (2)” shall be substituted; and
- (ii) for the full-stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that where in such accident a person other than a passenger dies or is injured, the railway administration shall, after such inquiry as to the wrongful act, neglect or default of railway administration, pay compensation to the heirs of deceased or, as the case may be, to the injured to the extent as provided in sub-section (2).”; and

(b) for sub-section (2) the following shall be substituted, namely:—

“(2) The liability of railway administration under this section shall be one hundred thousand rupees for a passenger dying as a result of railway accident referred to in sub-section (1) and ten thousand rupees for an injured passenger.”

13. **Amendment of section 83, Act IX of 1890.**—In the said Act, in section 83, for the words “Magistrate of the district” the words “District Magistrate” shall be substituted.

14. **Amendment of section 95, Act IX of 1890.**—In the said Act, in section 95, the words “or the provision of closets therein” shall be omitted.

15. **Amendment of section 101, Act IX of 1890.**—In the said Act, in section 101,—

- (a) in clause (c), after the comma at the end, the word “or” shall be added and after clause (c), amended as aforesaid, the following new clause shall be added, namely:—

“(d) by tampering with railway’s equipment, machinery or installation or misuse or non-use thereof,”; and

- (b) for the words “two years” the words “five years imprisonment of either description” shall be substituted and for the words “five hundred” the words “ten thousand” shall be substituted.

16. **Amendment of section 103, Act IX of 1890.**—In the said Act, in section 103, for the words “fifty rupees” the words “five thousand rupees” shall be substituted.

17. **Amendment of section 104, Act IX of 1890.**—In the said Act, in section 104, for the words “fine which may extend to twenty rupees” the words and commas “imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both” shall be substituted.

18. **Amendment of section 105, Act IX of 1890.**—In the said Act, in section 105, for the words “five hundred rupees” the words “two thousand rupees” shall be substituted.

19. **Amendment of section 106, Act IX of 1890.**—In the said Act, in section 106, for the words “fine which may extend to ten rupees for every maund or part of a maund of the goods” the words and commas “or with fine which may extend to five thousand rupees” shall be substituted.

20. **Amendment of section 107, Act IX of 1890.**—In the said Act, in section 107, for the words “fine which may extend to five hundred rupees” the words and commas “imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both” shall be substituted.

21. **Amendment of section 108, Act IX of 1890.**—In the said Act, in section 108, for the words “fifty rupees” the words “two thousand rupees” shall be substituted.

22. **Amendment of section 109, Act IX of 1890.**—In the said Act, in section 109,—

- (a) in sub-section (1), for the words "twenty rupees" the words "one thousand rupees" shall be substituted.
- (b) in sub-section (2), for the words "twenty rupees" the words "one thousand rupees" shall be substituted; and
- (c) after sub-section (2), the following new sub-section shall be added, namely:—

"(3) In addition to the fine imposed on the passenger referred to in sub-sections (1) and (2), he shall be removed from the compartment."

23. **Amendment of section 111, Act IX of 1890.**—In the said Act, in section 111, for the word "fifty" the words "one thousand" shall be substituted.

24. **Amendment of section 112, Act IX of 1890.**—In the said Act, in section 112, in sub-section (1), for the words "three months" the words "six months", and for the words "one hundred rupees" the words "two thousand rupees" shall be substituted.

25. **Amendment of section 113, Act IX of 1890.**—In the said Act, in section 113,—

- (a) in sub-section (1), the commas and words " , or if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were examined or, in case of their having been examined more than once, from the place where the tickets were last examined" shall be omitted; and
- (b) in sub-section (3),—
 - (i) the comma and words " , or eight annas, whichever is greater" shall be omitted; and
 - (ii) in the proviso, for the words and commas "anna, or two annas, whichever is greater" the word "rupee" shall be substituted.

26. **Amendment of section 114, Act IX of 1890.**—In the said Act, in section 114, for the words and commas "six months, or with fine which may extend to five hundred rupees, or with both" the words and commas "one year, or with fine which may extend to ten thousand rupees, or with both" shall be substituted.

27. **Amendment of section 116, Act IX of 1890.**—In the said Act, in section 116, for the words "fine which may extend to fifty rupees" the words and commas "imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both" shall be substituted.

28. **Amendment of section 117, Act IX of 1890.**—In the said Act, in section 117,—

- (a) in sub-section (1), for the words “twenty rupees” the words “five hundred rupees” shall be substituted; and
- (b) in sub-section (2), for the words “one hundred rupees” the words “one thousand rupees” shall be substituted.

29. **Amendment of section 118, Act IX of 1890.**—In the said Act, in section 118,—

- (a) in sub-section (1), for the words “twenty rupees” the words “five hundred rupees” shall be substituted; and
- (b) in sub-section (2), for the words “fifty rupees” the words “one thousand rupees” shall be substituted.

30. **Amendment of section 119, Act IX of 1890.**—In the said Act, in section 119, for the words “fine which may extend to one hundred rupees” the words and commas “imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both” shall substituted.

31. **Amendment of section 120, Act IX of 1890.**—In the said Act, in section 120, for the words “fine which may extend to fifty rupees” the words and commas “imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both” shall be substituted.

32. **Amendment of section 121, Act IX of 1890.**—In the said Act, in section 121, for the words “fine which may extend to one hundred rupees” the words and commas “imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both” shall be substituted.

33. **Amendment of section 122, Act IX of 1890.**—In the said Act, in section 122,—

- (a) in sub-section (1), for the words “fine which may extend to twenty rupees” the words and commas “imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both” shall be substituted;
- (b) in sub-section (2), for the words “fine which may extend to fifty rupees” the words and commas “imprisonment of either description for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both” shall be substituted; and
- (c) after sub-section (2), amended as aforesaid, the following new sub-section shall be added, namely:—

“(3) Whoever trespasses upon and makes or attempts to make or abets

or helps or aids to make an unauthorised temporary or permanent construction over the railway or on its property or commits or attempts to commit any act which may be to the detriment or against the interest of the railway, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to twenty thousand rupees, or with both.”.

34. **Amendment of section 123, Act IX of 1890.**—In the said Act, in section 123, for the words “fine which may extend to twenty rupees” the words and commas “imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both” shall be substituted.

35. **Amendment of section 124, Act IX of 1890.**—In the said Act, in section 124, for the words “fine which may extend to fifty rupees” words and commas “imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both” shall be substituted.

36. **Amendment of section 125, Act IX of 1890.**—In the said Act, in section 125,—

- (a) in sub-section (1), for the words “five rupees” the words “fifty rupees” shall be substituted; and
- (b) in sub-section (2), for the words “ten rupees” the words “fifty rupees” shall be substituted.

37. **Amendment of section 126, Act IX of 1890.**—In the said Act, in section 126,—

- (a) for clause (e) the following shall be substituted, namely:—

“(e) does or attempts to do or causes to be done or abets or conspires the doing of an act which causes or is likely to cause, any explosion by an explosive substance or by any other means upon or near railway or any property belonging to railways,”;

- (b) for the comma and words “, he shall be punished with transportation for life or with imprisonment for a term which may extend to ten years” the words and commas “or any property belonging to the railway or of such property, he shall, whether and injury to any person or property has actually been caused or not, be punished with death or imprisonment for life and shall also be liable to forfeiture of property and fine which may extend to twenty thousand rupees” shall be substituted; and

(c) the following Explanation shall be added at the end, namely:—

“explosive substance” shall have the same meaning as in the Explosive Substances Act, 1908 (VI of 1908).”

38. **Substitution of section 127, Act IX of 1890.**—In the said Act, for section 127 the following shall be substituted, namely:—

“127. *Maliciously hurting or attempting to hurt persons travelling by railway or damaging property belonging to railway.*—If a person unlawfully throws or causes to fall or strike at, against, into or upon any property belonging to any railway, including rolling-stock forming part or a train, any explosive substance, wood; stone or other matter or thing with intent, or with knowledge that he is likely, to endanger the safety of any person being in or upon such property, he shall be punished with death or imprisonment for life, and shall also be liable to forfeiture of property and fine which may extend to twenty thousand rupees.”

39. **Amendment of section 129, Act IX of 1890.**—In this said Act, in section 129, for the words “one year” the words “two years” shall be substituted.

40. **Amendment of section 130, Act IX of 1890.**—In the said Act, in section 130, in sub-section (1), the commas and words “, if it thinks fit, direct that the minor, if a male, shall be punished with whipping, or may” shall be omitted.

41. **Amendment of section 131, Act IX of 1890.**—In the said Act, in section 131,—

(a) in sub-section (1),—

(i) after the figure and comma “101,” the figures and commas “103, 105, 108, 112, 114,” shall be inserted; and

(ii) after the figure and comma “121,” the figures and commas “122, 124,” shall be inserted; and

(b) in sub-section (2), for the word “commit” the word “send” shall be substituted.

42. **Insertion of new section 131A, Act IX of 1890.**—In the said Act, after section 131, amended as aforesaid, the follownig new section shall be inserted, namely:—

“131A. *Summary trial of certain offences.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), offences under sections 121, 123, 124 and 125 may be tried summarily.”

43. **Amendment of section 133A, Act IX of 1890.**—In the said Act, in section 133A, for the words and figure "Grade 17 of the National Pay Scales" the words and figure "Basic Pay Scale 17" shall be substituted.

44. **Amendment of section 135, Act IX of 1890.**—In the said Act, in section 135, in clause (5), for the word "watchmen" the words "*chowkidar* or *baildar*" shall be substituted.

45. **Amendment of the Second Schedule, Act IX of 1890.**—In the said Act, in the Second Schedule, after item (rrr), the following new item shall be inserted, namely:—

"(rrrr) electric cooking range, electric microwave oven, electric geaser, video cassette recorder, video cassette player, deep freezer, personal computer, amplifier, camera, movie camera, computer disk."

ABDUL RAUF KHAN LUGHMANI,
Secretary.