

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1973

No. 45 OF 1973

[15th September, 1973]

An Act further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Indian Railways (Amendment) Act, 1973.

Amend-
ment of
section
47.

2. (1) In section 47 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act),—

(a) in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

“(bb) for the cancellation of tickets (whether with reservation of accommodation or not), the circumstances under which, and the time-limit within which, such cancellation may be allowed and the charges payable therefor;”;

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

(2) All charges levied and collected, or purported to have levied and collected under the principal Act for cancellation of tickets (whether with reservation of accommodation or not) at any time before the commencement of this Act, shall be deemed to have been validly levied and collected in accordance with law and accordingly no suit or other proceeding shall be maintained in any court for the refund of any such charges.

Amend-
ment of
section
82C.

3. In section 82C of the principal Act,—

(a) in sub-section (1), for the words “may be made”, the words “may be made to the Claims Commissioner” shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) If an applicant desires to be paid interim relief under section 82HH, he may send to the railway administration a copy of the application made under sub-section (1) with a request for payment of such interim relief.”;

(c) in the *Explanation*, after the words “In this section”, the words, figures and letters “and section 82HH” shall be inserted.

4. In section 82E of the principal Act, in the proviso to sub-section (1),—

Amendment of section 82E.

(a) in clause (ii), the word “and” shall be omitted;

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

“(iii) the payment by way of interim relief, if any, made to the applicant by the railway administration under section 82HH is not adequate; and

(iv) the amount of compensation directed to be paid under this section together with the payment by way of interim relief, if any, made under section 82HH is not likely to exceed the actual amount of compensation that may ultimately become payable.”.

5. After section 82H of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 82HH.

“82HH. (1) Where on receipt of an application under sub-section (2A) of section 82C and after making such enquiry as it may deem fit, the railway administration is satisfied that circumstances exist which require relief to be afforded to an applicant for compensation immediately, it may, pending determination of the actual amount of compensation payable under section 82A, pay to any person who has sustained injury or suffered any loss, or where death has resulted from the accident, to any dependent of the deceased, such sum as it considers reasonable for affording such relief, so however, that the sum paid shall not exceed the amount of compensation payable at the rates prescribed under the rules made under section 82J.

Interim relief by railway administration.

(2) The railway administration shall, as soon as may be, after making an order regarding payment of interim relief under sub-section (1), send a copy thereof to the Claims Commissioner.

(3) Any sum paid by the railway administration under sub-section (1) shall be taken into account by the Claims Commissioner while determining the amount of compensation payable.”.

6. In section 108 of the principal Act, for the figures and letter “82H”, the figures and letters “82HH” shall be substituted.

Amendment of section 108.

7. In section 108 of the principal Act, the following proviso shall be inserted at the end, namely:—

Amendment of section 108.

“Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, where a passenger, without reasonable and sufficient cause, makes use of the alarm chain provided by a railway administration, he shall be punished—

(a) in the case of conviction for the first offence, with fine which shall not be less than twenty-five rupees; and

(b) in the case of conviction for the second or subsequent offence, with imprisonment for a term which shall not be less than one month.”.

8. In section 118 of the principal Act,—

Amendment of section 118.

(a) in sub-section (1), for the words “with fine which may extend to twenty rupees”, the words “with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees; or with both” shall be substituted;

(b) in sub-section (2) for the words “with fine which may extend to fifty rupees”, the words “with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred and fifty rupees, or with both” shall be substituted.

9. In section 120A of the principal Act,—

Amendment of section 120A.

(a) in sub-section (1), the following proviso shall be inserted at the end, namely:—

“Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such fine shall be not less than fifty rupees.”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) If any person convicted of an offence under sub-section (1) commits a like offence afterwards, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred and fifty rupees, or with both.”;

(c) In sub-section (2), after the word, brackets and figure “sub-section (1)”, the words, brackets, figure and letter “or sub-section (1A)” shall be inserted

10. In section 122 of the principal Act,—

Amendment of section 122.

(a) in sub-section (1), for the words “with fine which may extend to twenty rupees” the words “with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both” shall be substituted;

(b) in sub-section (2), for the words “with fine which may extend to fifty rupees”, the words “with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred and fifty rupees, or with both” shall be substituted.

11. Section 126 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

Amendment of section 126.

(a) in sub-section (1) as so re-numbered, for the words "If a person unlawfully—", the words, brackets and figure "Subject to the provisions of sub-section (2), if a person unlawfully—" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) If a person unlawfully does any act or thing referred to in clause (a) or clause (b) or clause (c) or clause (d) or clause (e) of sub-section (1),—

(i) with intent to cause the death of any person and the doing of such act or thing causes the death of any person; or

(ii) with knowledge that such act or thing is so imminently dangerous that it must in all probability cause the death of any person or such bodily injury to any person as is likely to cause the death of such person,

he shall be punished with death or imprisonment for life."

12. After section 126 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 126A.

"126A. (1) Whoever, with intent to cause or knowing that he is likely to cause damage or destruction to any of the properties of a railway referred to in sub-section (2) causes by fire, explosive substance or otherwise, damage to such property to the amount of one hundred rupees or upwards, or destruction of such property, shall be punished with imprisonment for a term which may extend to ten years.

Damage to, or destruction of, certain railway properties.

(2) The properties of a railway referred to in sub-section (1) are railway track, bridges, station buildings and installations, carriages or wagons, locomotives, signalling, telecommunication, electric traction and block equipments and such other properties as the Central Government, being of opinion that damage thereto or destruction thereof is likely to endanger the operation of a railway, may, by notification in the Official Gazette, specify.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation.—Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates."

13. In section 131 of the principal Act, in sub-section (1), after the figures "126," the figures and letter "126A", shall be inserted:

Amendment of section 131.