

Railways Act, 2020 (1963)

Date of Authentication and Publication

2020.4.32(16 Aug. 1963)

Amendments:

1. Judicial Administration Reforms Act, 2031.4.18 (2 Aug. 1974)
2031 (1974)
2. Judicial Administration Reforms (Fourth Amendment) Act, 2043(1986)
2043.7.24 (10 Nov. 1986)
3. Administration of Justice Act, 2048.2.16 (30 May 1991)
2048(1991)
- 4¹. Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010)
2066.10.7(21 Jan. 2010)

Act Number 8 of the year 2020 (1963)

.....²

An Act Made to Amend and Consolidate Some Nepal

Acts Relating to Railways

Preamble: Whereas, it is expedient to examine prevailing Nepal laws relating to railways and make necessary amendments to and consolidation of such laws in tune with the country, time and circumstance for the public interest and convenience of the general public;

Now, therefore, His Majesty King Mahendra Bir Bikram Shah Dev has, on the advice and **with** the consent of the National *Panchayat*, made this Act.

¹ This Act came into force on 15 *Jestha* 2065(28 May 2008).

² Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

1. **Short title and commencement:** (1) This Act may be called as the “Railways Act, 2020 (1963)”.

(2) It shall come into force on 1st *Bhadra* of the year 2020(1963).

2. **Definitions:** Unless the subject or context otherwise requires, in this Act:

(a) "Railway" means any railway or any part thereof held or made publicly for the transportation of passengers, animals or goods, and this term also including the following:

(1) Any land of railway which has been fenced or otherwise demarcated,

(2) Line or any part of such line of railway and engine, vehicle plying over it or any goods related thereto,

(3) Railway station, office, godwon, factory, machine, machinery and any other construction work carried out or use for railway purpose.

(b) “Train” means a public vehicle plying with the help of a machine over the line.

(c) “Railway employee” means any employee appointed for the railway service or work.

(d) “Ticket” means evidence as prescribed indicating the payment of fare as prescribed to travel by a train.

(e) “Bill of lading” means evidence as prescribed indicating the payment of fare as prescribed to transport animals or goods by a train.

(f) “Line” means a line of railway.

(g) “Manager” means the main employee who operates, or causes to be operated, railway smoothly.

(h) “As prescribed” means as prescribed in the Rules framed under this Act.

3. Train to be plied as prescribed: (1) A train has to be plied as prescribed.

(2) If in plying a train with care as prescribed or doing any other act relating thereto, any kind of loss or damage is caused due to accident or wrong-doing or mala fide act committed by any person other than a railway employee, no action shall be instituted against nor shall punishment be imposed on the railway employee plying the train or working for the railway pursuant to this Act.

4. Qualification of train locomotive driver: A person who does not have the following qualification shall not be deemed to be qualified to be a train locomotive driver:

- (a) Having obtained experience of that work for at least three years or more than that, or
- (b) Having acquired skills from any college, railway institution or training school recognized by the Government of Nepal and obtained the certificate of qualification of this work.

5. Crimes relating to railway: (1) No person shall dig, chop out the soil of the line, throw put soil or stone at the line, put stone, wood or other matter in the line, take out the line or clips, slippers etc, thereof, lose joints or temper with, exchange or close other parts or hide, temper with, take out any signal or light of the railway, or exhibit, change, wipe out, remove, chop out the same differently or do or cause to be done any act with may result in dropping of anything or falling down from the train or any other kind of accident.

Provided that, where a person authorized by the railway administration or any one ordered by that person does any act upon being

necessary to build or adjust anything or matter relating to railway, this Sub-section shall not apply thereto.

(2) If any person does, or causes to be done, any act prohibited by Sub-section (1) or the Rules framed under this Act, such person shall be punished as follows:

- (a) Punishment of a fine not exceeding Three Hundred Rupees or of imprisonment for a term of Three months or both where nothing has fallen down, been omitted, or where train has not been collided or where no kind of loss or damage has been caused to the railway or other person,
- (b) Punishment of a fine not exceeding One Thousand Rupees or of imprisonment for a term not exceeding One year, for the first time, a fine not exceeding Three Thousand Rupees or of imprisonment for a term not exceeding Three years, for the second time, and of imprisonment for a term that three times as high as that imposed last time for each time from the third time onwards where the train goes out of line or falls from the line or meets with an accident in any other manner or any kind of loss or damage is caused to another person.

Provided that, where the term of imprisonment so imposed exceeds Twenty years, punishment of imprisonment for a term not exceeding Twenty years shall be imposed.

(3) No person shall in any manner cultivate any railway land fenced or otherwise demarcated by the railway administration nor shall build a house in such a land except where anything is done by a person authorized by the railway administration or by the order of that person upon being necessary for any act relating to railway; and if any person cultivates or builds a house in such a land, that person shall be punished with a fine not exceeding One Hundred Rupees for the first time, Five Thousand Rupees for the second time or imprisonment for a term of One year or both, and the house shall also be demolished.

6. **Additional punishment to railway employee:** Notwithstanding anything contained in Sub-section (2) of Section 5, if a person doing or causing to be done any act in contravention of the Section is a railway employee, the employee shall be punished with the following additional punishment, in addition to the punishment set forth in that Sub-section (2):

(a) Punishment of a fine not exceeding Five Hundred Rupees or of imprisonment for a term not exceeding Three months or both where the train has not fallen down, gone out from the line or where the train has not been collided or where no other kind of loss or damage has been caused to any one,

(b) Punishment of a fine not exceeding One Thousand Rupees or of imprisonment for a term not exceeding Two years or both where the train has fallen down, gone out from the line or where the train has been collided or where any other kind of loss or damage has been caused to anyone.

7. **Punishment to be imposed pursuant to law relating to homicide if act is done with intention to kill:** If any person commits, or causes to be committed, any offense punishable under Sub-section (2) of Section 5 with

intention to kill anyone or with recklessness that such act may result in the death of any one and any one dies consequently, such person shall be liable to punishment pursuant to the Chapter on Homicide of the *Muluki Ain*.

8. Wound expenses or obsequies expenses: (1) If any person commits any offense punishable under this Act and such act results in any kind of wound or injury to anyone in the death of any one, the wound expenses or obsequies expenses as follows shall also be recovered from the offender, in addition to the punishment imposed under this Act:

- (a) Obsequies expenses to the nearest heir to the deceased where anyone has died, and
- (b) Wound expenses to the person who has sustained injury or been wounded in a sum from One Thousand Rupees to Three Thousand Rupees in the event of mutilation of an organ which though cured cannot function and in a sum from Five Hundred Rupees to One Thousand Rupees in the event of mutilation of an organ which can function.

(2) If a person who is obliged to pay the obsequies expenses or wound expenses pursuant to Sub-section (1) fails to pay the same, the expenses shall be recovered from his or her assets in accordance with the prevailing Nepal laws.

(3) Notwithstanding anything contained in the other prevailing Nepal laws, no ten percent fee shall be charged on the obsequies expenses or wound expenses recovered pursuant to this Action.

9. Punishment to one who throws stone etc. at train: If a person throws a stone or other solid substance or dust, waste or foul at a train or hits the train with such substance, the person shall be liable to a fine not exceeding One

Hundred Rupees or imprisonment for a term not exceeding Seven days, in addition to the punishment imposed under the other laws.

- 10. Prohibition on entering railway premises without permission of concerned authority or without ticket:** Except where it is necessary to inquire any railway employee into any matter relating to railway, no unauthorized person shall enter and stay in the railway premises without obtaining permission for the competent authority to that effect or without obtaining a ticket; and if a person so enters and stays, the concerned authority of the railway administration may fine such a person with a sum not exceeding Twenty Rupees.

Explanation: For the purposes of this Section, the words “railway premises” mean the railway station and the premises of railway restricted by the railway administration by publishing a notice.

- 11. Punishment to one who attempts to commit or aids in the commission of offense:** (1) If any person attempts to commit any act punishable under this Act but the act has not been completed, that person shall be liable to punishment that is half the punishment imposable for the commission of that offense.

(2) If any person aids and abets the commission of any act punishable under this Act, that person shall be liable to the same punishment as is imposable on the principal offender.

- 12. Ticket to be purchased to travel by train or transport goods by train:** (1) While getting in, travelling or transporting goods by, a train, a person has to travel or transport goods by the train as prescribed by obtaining a ticket or bill of lading upon payment of such tariff as specified as prescribed.

Provided that, nothing contained in this Sub-section shall apply where permission has been given by the concerned authority of the railway administration, as prescribed, in the circumstances as prescribed to get into, travel or transport goods by a train without fare.

(2) If a person gets into, travels or transports goods by, a train in contravention of any matter set forth in Sub-section (1), the person shall be liable to punishment as follows:

- (a) Where a ticket has not been obtained, a fine equal to the amount in question, along with the recovery of such amount from such a person.
- (b) A fine not exceeding Fifty Rupees where any other act has been committed.

(3) The competent concerned railway employee shall recover the amount in question or fine as referred to in Sub-section (2); and if any person does not pay such amount, the employee may get such person and goods, if any, off the train at the next station, and hand over such person to the concerned police office for instituting case against such person.

12A.³ Power of Chief District Office or railway manager to inspect

trains: The Chief District Officer⁴ or railway manager or other employee of up to gazette officer level deputed by him or her may, if it appears necessary to inspect any train to inquire into whether any person is travelling or transporting goods by the train in an illegal manner, stop the running train and inspect it, and if, in so inquiring into the matter, if any person is found on the spot to have been traveling or transporting goods in contravention of Section 12, such Officer, manager or person may impose a fine not exceeding Fifty Rupees or imprisonment for a term not exceeding Fifteen

³ Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

⁴ Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

days or with both punishments, in addition to the punishment impossible under that Section.

13. **Prohibition on holding, transporting explosive materials:** If any person intends to hold or transport any explosives pursuant to the Explosives Act, 2018(1961), the person shall not hold or transport such explosives without special permission of the railway manager.
14. **To safely retain goods the custody of which railway has taken:** After the authorized railway employee has received any goods belong to any person and duly issued a receipt thereof, the railway administration shall bear the amount of loss and damage, if any, caused in any manner except where such loss and damage has been caused due to accident of training because of circumstance beyond.

Provided that, if the goods have been perished, decayed, lost, damaged or become out of order due to the failure to take delivery of such goods within the specified time limit, the railway administration shall not be liable to the owner of goods.
15. **To charge demurrage wharfage:** If the delivery of the goods transported by a train is not taken within the prescribed time, the demurrage or wharfage shall also be charged at the prescribed rate. If the delivery of goods is not taken even after the expiry of the deadline of the notice of wharfage or of the time-limit of demurrage, the tariff of the goods and demurrage or wharfage charged thereon or both shall be recovered from the proceeds of the auction sale of the said goods pursuant to the prevailing laws.
16. **Power to arrest without warrant:** If one thinks that any person has committed any offense punishable under this Act or is about to commit such offense, one shall arrest such a person without warrant and hand him or her over to the concerned police officer or railway officer.

Provided that, where a driver who is driving a train or a guard commits such an offense, the driver or guard shall not be arrested on the way until the train reaches the final destination. The police employees shall accompany the driver or guard so that he or she cannot escape or go away and do or cause to be done as per law when the train reached that place.

17. **To try cases:** Except where an act results in death or mutilation, any cases relating to the offenses under this Act may be summarily tried and settled by the local Chief District Officer⁵, and a person who is not satisfied therewith may make an appeal to the Court of Appeal⁶ in accordance with law.
18. **Limitation:** Except where the offense punishable under Section 7 is committed, a law suit shall not be entertained if it is not filed within Thirty Five days of the commission of any other offense punishable under this Act.
19. **Power to frame Rules:** The Government of Nepal may frame Rules to implement the provisions of this Act.
20. **Prevailing laws to govern matters not provided for in this Act:** The matters provided for herein shall be governed by this Act, and the matters not provided for in this Act shall be governed by the prevailing laws.

⁵ Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

⁶ Amended by Administration of Justice Act, 2048(1991).