

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE RAILWAY (AMENDMENT) BILL, 2022

I, Chairman of the Standing Committee on Law and Justice, have the honour to present this report on the Bill further to amend the Railways Act, 1890 [The Railways (Amendment) Bill, 2022] (Government Bill) referred to the Committee on 10th August 2022.

2. The Committee comprises the following:-

1. Ch. Mahmood Bashir Virk	Chairman
2. Mr. Usman Ibrahim	Member
3. Mr. Mohsin Nawaz Ranjha	Member
4. Ms. Mehnaz Akbar Aziz	Member
5. Shaikh Rohale Asghar	Member
6. Ms. Zahra Wadood Fatemi	Member
7. Ms. Nafisa Shah	Member
8. Mr. Qadir Khan Mandokhail	Member
9. Syed Naveed Qamar	Member
10. Ms. Aliya Kamran	Member
11. Ms. Kishwer Zehra	Member
12. Mr. Junaid Akbar	Member
13. Malik Umer Aslam Khan	Member
14. Dr. Muhammad Afzal Khan Dhandla	Member
15. Mr. Riaz Fatyana	Member
16. Mr. Muhammad Farooq Azam Malik	Member
17. Mr. Atta Ullah	Member
18. Dr. Ramesh Kumar Vankwani	Member
19. Mr. Lal Chand	Member
20. Ms. Shunila Ruth	Member
21. Mr. Azam Nazeer Tarar Minister for Law and Justice	Ex-officio

3. The Committee considered the Bill as introduced in the National Assembly placed at **(Annex-A)**, in its meeting held on 12th September 2022 and proposed the following amendments therein; -

Clause 2

After clause 1, the following new clause 2, shall be inserted and the remaining clause shall be renumbered, accordingly;

“2. Amendment of section 126, Act IX of 1890.- In the Railways Act,1890 (IX of 1890), hereinafter referred to as the said Act, in section 126; -

a) the words “death or” shall be omitted; and

- b) for the expression “twenty thousand rupees” the expression “one million rupees, keeping in view gravity of the offence”, shall be substituted.

Clause 3

For clause 3, re-numbered as aforesaid, the following shall be substituted, namely: -

“3. **Amendment of section 127, Act IX of 1890.**- In the said Act, in section 127;-

- a) the words “death or” shall be omitted; and
b) for the expression “twenty thousand rupees” the expression “one million rupees, keeping in view gravity of the offence”, shall be substituted.

4. The Committee recommended with the majority that the Bill as reported by the Standing Committee placed as **(ANNEX-B)** may be passed by the National Assembly. However, the Dissent note of Ms. Aliya Kamran, MNA placed at **(ANNEX-C)**.

Sd/-
TAHIR HUSSAIN
Virk)
Secretary
Islamabad, 30th September 2022

Sd/-
(Ch. **Mahmood Bashir**
Chairman

AS REPORTED BY THE STANDING COMMITTEE

A

BILL

further to amend the Railways Act, 1890

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

It is hereby enacted as follows:-

1. **Short title and commencement:** - (1) This Act may be called the Railways (Amendment) Act, 2022.
(2). It shall come into force as once.
2. **Amendment of section 126, Act IX of 1890.**- In the Railways Act, 1890 (IX of 1890), hereinafter referred to as the said Act, in section 126, -
 - a) the words “death or” shall be omitted; and
 - b) for the expression “twenty thousand rupees”, the expression “one million rupees, keeping in view gravity of the offence”, shall be substituted.
3. **Amendment of section 127, Act IX of 1890.**- In the said Act, in section 127, -
 - a) the words “death or” shall be omitted; and
 - b) for the expression “twenty thousand rupees” the expression “one million rupees, keeping in view gravity of the offence”, shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In sections 126 and 127 of the Railways Act, 1890 punishment of death is proposed to be substituted with imprisonment for life. The death penalty is used in a disproportionate manner under the Railways Act that violates the fundamental right to life which happens to be the most basic of all human rights. The risk of executing innocent people exists and the arbitrary application of the death penalty can never be ruled out under the said law.

Hence, the draft bill has been prepared to achieve the above said objects.

Sd/-

Senator Azam Nazeer Tarar
Federal Minister for Law and Justice

Dissenting Note: -

Maliciously hurting or attempting to do so while traveling by rail is a sabotage activity as such is a heinous offence amount to be terrorism also, hence required exemplary punishment but here a suggestion is being made for reduction in sentence which is not understandable as such opposed.

Sd/-
Aliya Kamran (MNA)