

Bill No. LXIX of 2008

**THE RAILWAY PROPERTY (UNLAWFUL POSSESSION)
AMENDMENT BILL, 2008**

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BILL

to amend the Railway Property (Unlawful Possession) Act, 1966.

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

1. (1) This Act may be called the Railway Property (Unlawful Possession) Amendment Act, 2008. Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

29 of 1966.

2. In the Railway Property (Unlawful Possession) Act, 1966 (hereinafter referred to as the principal Act), in section 3,— Amendment
of section 3.

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Penalty for theft, dishonest misappropriation or unlawful possession of railway property.”;

(ii) for the words “Whoever is found, or is proved”, the words “Whoever commits theft, or dishonestly misappropriates or is found, or is proved” shall be substituted;

(iii) after clause (b), the following *Explanation* shall be inserted, namely:—

“*Explanation.*—For the purposes of this section, “theft” and “dishonest misappropriation” shall have the same meanings as assigned to them respectively in section 378 and section 403 of the Indian Penal Code.”.

45 of 1860.

Amendment
of section 4.

3. In section 4 of the principal Act,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Punishment for abetment, conspiracy or connivance at offences.”;

(ii) for the words “Any owner”, the words “Whoever abets or conspires in the commission of an offence punishable under this Act, or any owner” shall be substituted.

(iii) the following *Explanation* shall be inserted, namely:—

“*Explanation.*—For the purposes of this section, the words “abet” and “conspire” shall have the same meanings as assigned to them respectively in sections 107 and 120A of the Indian Penal Code.”.

45 of 1860.

Amendment
of section 8.

4. In section 8 of the principal Act,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Inquiry how to be made.”;

(ii) in sub-section (I), for the words “When any person is arrested”, the words “When an officer of the Force receives information about the Commission of an offence punishable under this Act, or when any person is arrested” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Railway Property (Unlawful Possession) Act was enacted in the year 1966 so as to bring within its ambit the unlawful possession of goods entrusted to the railways and to make the punishment for such offences more deterrent. It was also intended to equip the Railway Protection Force with requisite powers of investigation and prosecution for offences related to railway property.

2. Since the enactment of the Act, the Railway Protection Force has safeguarded the railway property against unlawful possession, theft, etc. and has gained adequate expertise in handling such matters. At present sections 3 and 4 of the Act related to the offences of unlawful possession and theft of railway property do not cover the offences due to abetment or conspiracy to an offence of theft and misappropriation of railway property. It has been realised that the ambit of sections 3 and 4 needs to be enlarged so as to cover all facets of crime related to the theft of railway property to make the Act more effective in curbing the offence of theft of railway property. It is also necessary to amend section 8 of the Act so that an inquiry officer can proceed to inquire into thefts of railway property on receipt of information about the commission of an offence punishable under the Act.

3. The Bill seeks to achieve the above objects.

NEW DELHI;

LALU PRASAD.

The 10th December, 2008.

ANNEXURE

EXTRACTS FROM THE RAILWAY PROPERTY (UNLAWFUL POSSESSION) ACT, 1966

(29 OF 1966)

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Penalty for unlawful possession of railway property.

3. Whoever is found, or is proved to have been, in possession of any railways property reasonably suspected of having been stolen or unlawfully obtained shall, unless he proves that the railway property came into his possession lawfully, be punishable—

(a) for the first offence, with imprisonment for a term which may extend to five years, or with fine, or with both and in the absence of special and adequate reasons to be mentioned in the judgment of the court, such imprisonment shall not be less than one year and such fine shall not be less than one thousand rupees;

(b) for the second or a subsequent offence, with imprisonment for a term which may extend to five years and also with fine and in the absence of special and adequate reasons to be mentioned in the judgment of the court, such imprisonment shall not be less than two years and such fine shall not be less than two thousand rupees.

Punishment for connivance at offences.

4. Any owner or occupier of land or building, or any agent of such owner or occupier incharge of the management of that land or building, who willfully connives at an offence against the provisions of this Act, shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

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Inquiry how to be made against arrested persons.

8. (1) When any person is arrested by an officer of the Force for an offence punishable under this Act or is forwarded to him under section 7, he shall proceed to inquire into the charge against such person.

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RAJYA SABHA

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further to amend the Railway Property (Unlawful Possession) Act, 1966.

(Shri Lalu Prasad, Minister of Railways)