



## THE RAILWAYS (TRANSPORT OF GOODS) ACT, 1947



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# THE RAILWAYS (TRANSPORT OF GOODS) ACT, 1947

<sup>1</sup>ACT No. XII OF 1947

[17th March, 1947]

## An Act to confer for a limited period special powers for regulating the transport of goods on railways.

WHEREAS it is expedient to confer for a limited period special powers for regulating the transport of goods on railways; It is hereby enacted as follows:-

**1. Short title, extent, commencement and duration.**— (1) This Act may be called the Railways (Transport of Goods) Act, 1947.

(2) It extends to <sup>2</sup>[the whole of Pakistan].

(3) It shall come into force on the 25th day of March 1947, and shall remain in force for <sup>3</sup>[<sup>4</sup>[thirty-one] years] only.

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1947, Pt. V, p.16.

This Act has been applied to Baluchistan with certain modification, see Gazette of India, 1947, Pt. I, p. 576.

It has been extended to—

(a) the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950); and

(b) the Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

This Act has been further amended in its application to the Province of West Pakistan by the West Pakistan Act 14 of 1963 (with effect from the 19th July, 1963); and also by the West Pakistan Ordinance 4 of 1965, s. 2 (with effect from the 18th March, 1965).

This Act has been amended on its application to the Province of W.P. by W.P. Ordinance 4 of 1967.

<sup>2</sup>Subs. by the Railways (Transport of Goods) Act, 1957 (9 of 1957), s. 2, for "all the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, for "the whole of British India".

<sup>3</sup>The original words "one year" have successively been amended by the Railways (Transport of Goods) (Amdt.) Act, 1948 (2 of 1948), the Railways (Transport of Goods) (Amdt.) Act, 1949 (2 of 1949), the Railways (Transport of Goods) (Revival and Continuance) Act, 1950 (34 of 1950), the Railways (Transport of Goods) (Continuance) Act, 1950 (81 of 1950), the Railways (Transport of Goods) (Continuance) Act, 1953 (21 of 1953), Act 9 of 1957, and the Railways (Transport of Goods) (Amdt.) Ordinance, 1960 (9 of 1960), to read as above.

<sup>4</sup>Subs. by the Railways (Transport of Goods) (Amdt.) Act, 1973 (46 of 1973), s.2 for "twenty-six", which was previously amended by various enactments.

## 2. Interpretation. (1) In this Act,—

1\* \* \* \* \*

(b) “grains and pulses” means *bajree*, barley, beans, black gram, *chowlee* seeds, *chuni*, dry cow-peas, *dhall*, gram parched gram, horse gram Indian corn *jowari*, *karamony*, *khesari*, *moong*, *mussoor*, *mutt*, oats, *oorid*, paddy, peas, *raggi*, *rajgeera*, rice (including beaten or pounded rice), common sago, sun-dried tapioca, toor and wheat;

(c) “railway administration” has the meaning assigned to it in the Railways Act, 1890 ([IX of 1890](#)).

(2) For the purposes of this Act the transport of goods shall be deemed to be sponsored only if such transport—

(a) is required on the written demand of, or

(b) is in accordance with any programme of transport drawn up in writing by, or

(c) is certified in this behalf on the consignment note relating to the goods by—

the <sup>2</sup>[Federal Government], a Provincial Government <sup>3</sup>\* \* \* or the Government of an <sup>4</sup>[Acceding State], or any person authorised in writing in this behalf by any such Government as aforesaid <sup>5</sup>\* \* \*.

**3. Power to give directions in regard to the transport of goods by railways.** The <sup>6</sup>[Federal Government] or any person authorised in this behalf by the <sup>6</sup>[Federal Government] by notification in the official Gazette may, by general or special order, direct any railway administration—

<sup>7</sup>[(a) to give, subject to such conditions or restrictions as the <sup>6</sup>[Federal Government] or the person so authorised may impose, special facilities or preference—

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<sup>1</sup> Clause (a) as amended by the Railways (Transport of Goods) (Amdt.) Act, 1957 (9 of 1957), omitted by A. O., 1964, Art. 2 and Sch.

<sup>2</sup> Subs. by the Railways (Transport of Goods) (Amdt.) Act, 1973 (46 of 1973), s.3, for “Central Government”.

<sup>3</sup> The words “the Chief Commissioner” which were subs. by Act 9 of 1957, for “a Chief Commissioner” omitted by A. O., 1964, Art. 2 and Sch.

<sup>4</sup> Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and 3rd Sch., for “Indian State”.

<sup>5</sup> The words “or by the Chief Commissioner”, as amended by Act 9 of 1957, omitted by A. O., 1964, Art. 2 and Sch.

<sup>6</sup> Subs. by Act 46 of 1973, s.3, for “Provincial Government” which had been subs. by A. O., 1964, Art. 2 and Sch., for “Central Government”.

<sup>7</sup> Subs. by the Railways (Transport of Goods) (Amdt.) Act, 1949 (2 of 1949), s. 3, for the original clause (a).

(i) for the transport of the goods specified in the second column of the Schedule, on compliance with the conditions, if any set out in the corresponding entry in the third column thereof, or

(ii) if the <sup>1</sup>[Federal Government] or the person so authorized deems it necessary for reasons of urgent public interest, for the transport of any goods or classes of goods not so specified, or]

(b) to refuse to carry such goods or classes of goods as may be specified in the order, either absolutely or between places so specified.

**4. Directions to be complied with.** Notwithstanding anything to the contrary contained in the Railways Act, 1890 ([IX of 1890](#)), every railway administration shall be bound to comply with any direction given to it under section 3.

**5. Protection of action taken.** No suit or other legal proceedings shall lie against the <sup>2</sup>[State] or any railway administration or any person for any damage caused or likely to be caused in consequence of any direction issued under section 3 or of the compliance of any railway administration therewith, nor shall any railway administration have any liability, whether under the Railways Act, 1890 ([IX of 1890](#)), or otherwise, by reason only of its compliance with any such direction.

**6. Power to amend Schedule.** The <sup>1</sup>[Federal Government] may from time to time by notification in the official Gazette amend the Schedule so as to include therein goods of other descriptions or exclude therefrom goods of any description or vary in respect of any description of goods the conditions set out in the third column of the Schedule and thereupon the Schedule shall have effect as if it had been so enacted.

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<sup>1</sup>Subs. by the Railways (Transport of Goods) (Amendment) Act, 1973 (46 of 1973), s.4, for "Provincial Government", which was previously amended by A.O., 1964, Art.2 and Sch. for "Central Government".

<sup>2</sup>Subs. by the Railways (Transport of Goods) (Amdt.) Ordinance, 1960 (9 of 1960), s.3, for "Crown".