STANDING ORDER No. 111

Sub:- Streamlining the procedure for expeditious disposal of Railway Act cases.

*****

Railway Protection Force (RPF) is empowered to register and enquire offences envisaged under 29 sections of the Railways Act, 1989. A number of Railway Act cases remain pending ‘under enquiry’ and ‘under trial’ for longer period due to various reasons. Also different RPF Posts & different Zonal Railways are adopting different practices to deal with Railway Act cases. To streamline the procedure & expeditious disposal of Railway Act cases pending enquiry and pending trial, following guidelines are being issued:-

(A). Registration of the case and information to the jurisdictional Court:- Constructive interpretation of Section 179 and 180 (D) of the Railways Act & Section 57, 4(2), 157(1) of Cr.P.C. makes it clear that the E.O. has to ‘forthwith send a report’ to the Magistrate. Prime factor is receipt of information of the offence.

Therefore, in all cases registered under the Railways Act (with or without arrest of accused/registered against known/unknown accused), jurisdictional Court must be informed immediately after registration of case.

(B). Procedure to be followed and Supervision:- Cases registered under the Railways Act may be classified into two categories:

Petty Cases: These cases are disposed by the court immediately after the accused is/are produced. Cases registered under following Sections of the Railways Act falls in this category: 137, 138, 139, 141, 142, 144, 145, 147, 155, 156, 157, 159, 162, 163, 164, 165, 166, 167 and 172 (19 Sections).

Non petty cases: These cases require detail enquiry and prolonged prosecution: cases registered under following sections of the Railways Act falls in this category: 143, 146, 153, 154, 160, 161, 173, 174, 175, 176 (10 Sections).
However, there may be zonal variations due to local factors. In some zones, cases registered under Sections 141, 144, 166 are pending trial for a longer period.

Zonal Railways may classify sections into one or the two categories and follow procedure as outlined below:

(i) In petty cases (whether registered against known or unknown accused/with or without arrest) enquiry to be completed by the E.O. within 15 days.

If E.O. fails to complete enquiry within 15 days; he shall seek permission of the Post in-charge in writing for extension of seven days. Beyond this period extension shall be given by the jurisdictional ASC for reasons to be recorded in writing.

If the accused is/are not arrested/not traced within 30 days from the date of registration of the case, E.O. will seek permission of the concerned ASC through Post in charge for closure of case. In such cases, ASC shall be competent authority to accord executive permission for closure of the case. Accordingly, E.O. will inform the Court about closure of the case.

(ii) In non petty cases (whether registered against known or unknown accused/with or without arrest of accused) enquiry shall be completed by the E.O., within 45 days’ from the date of registration of case.

In case enquiry is not completed within 45 days, E.O. will seek permission, in writing giving reasons for delay, through Post in charge, of the concerned ASC for extension of 30 days’. Beyond this period any extension shall be granted by Sr.DSC/DSC after perusal of case file and for reasons to be recorded in writing.

If the accused is/are not arrested or not traced, executive permission, for closure of such cases, shall be granted by Sr.DSC/DSC for reasons to be recorded in writing. After this permission, E.O. shall inform the concerned Court about closure of the case.

(C) A booklet was issued by the Railway Board outlining documents to be submitted and procedure to be followed by the E.O. in each section of the Railways Act after registration of a case. This document was circulated in 2004 and Zones were directed to train the E.O. on these lines. However, with the passage of time this document has gone into oblivion and cases are being filed in Court mostly based on convention.

A copy of the guidelines is enclosed with the Standing Order. To ensure effective and deterrent punishment documents to be prepared and procedure to be followed, as outlined in enclosed booklet circulated by the Board, must be adhered to.

(D) Enquiry must be completed within the limitation period as explained in para 4(B).

(E) For cases registered u/s 143, details of booking through personal IDs using same IP address may be obtained from IRCTC.
(F) For cases registered under sections 146, 153, 154, 160, 161, 162, 173, 174, 175, 176 videography and photography must be attempted to the extent possible.

(G) Ideal situation will be to have a National/Zonal data base of the accused of following sections: 141, 143, 144, 153, 154, 160, 161 and 174 as there are chances of same accused committing offences again and again.

Till such time Zonal/National data is developed, Posts must tally from their records about repeated offenders, brings it to the notice of the court in writing with supporting documents and seek higher punishment.

In such cases, where punishment given by the lower court is inadequate, appeal may be filed in higher Court with the permission of Sr.DSC/DSC.

(H) Post in charge shall monitor the progress of both pending enquiry and pending trial cases and ensure corrective measures to avoid undue delay.

(I) Post in charge shall maintain following details in excel format in the computer available at post and update it periodically:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Case Regd. No.</th>
<th>Date of regd.</th>
<th>Section(s) of the Rly Act</th>
<th>Name &amp; designation of the E.O.</th>
<th>Date of completion of enquiry &amp; submission to the Court</th>
<th>Name of the Court</th>
<th>Next date with stage of the case</th>
<th>Final Disposal Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

Note:

(a) Stages of case means to specify whether case is pending for appearance of accused, pending for evidence before charge, pending for after charge evidence etc.

(b) Entries in column No. 08 will be progressive and flow with the cause list of courts.

(J) Progress of all pending enquiry and pending trial cases be reviewed by the Gazetted Officers during inspection of Post/Out Post and be made a part of their Inspection Note ensuring adherence to legal provisions and guidelines issued on this subject.

(K) Pending warrants, summons must be executed regularly. E.O. must ensure proper recording of the identity and address of the accused and must rely upon verifiable documents like Aadhar Card, Savings Bank Account, Voter I-card, Passport, Photo I-card by Govt./Semi Govt. agencies.

(L) Prosecuting Officer should be encouraged to resort to the 'plea bargaining' as prescribed under Chapter-XXI of the Cr.P.C. and also for holding Lok Adalats (where ever applicable) in order to reduce the pendency.
(M) Post in charge and E.O. shall liaise with PP/APP to impress upon the Court for early disposal of cases through measures like dates on short gaps; not allowing adjournment of flimsy/false grounds etc.

(N) E.O. and Post in charge shall be responsible for producing prosecution witnesses in time.

DA:- 39 Pages.

(Arun Kumar)
Director General
Railway Protection Force

All PCSCs/RPF/Zonal Railways, KRCL,
ICF, RPSF, CORE, Construction, JR RPF Academy

All Officers, Force Headquarter, New Delhi
All Branches, Force Headquarter, New Delhi
MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd December, 2003/Pusa 2, 1925 (Saka)

The following Act of Parliament received the assent of the President on the 23rd December, 2003 and is hereby published for general information:

THE RAILWAYS (SECOND AMENDMENT) ACT, 2003

No. 51 of 2003

[23rd December, 2003]

An Act further to amend the Railways Act, 1989.

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Railways (Second Amendment) Act, 2003.

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

2. In section 2 of the Railways Act, 1989 (hereinafter referred to as the principal Act),—

(a) after clause (26), the following clause shall be inserted, namely:

"(26A) "officer authorised" means an officer authorised by the Central Government under sub-section (2) of section 179;"

(b) in clause (34), after the words "service of a railway", the following shall be inserted, namely:

"including member of the Railway Protection Force appointed under clause (c) of sub-section (1) of section 2 of the Railway Protection Force Act, 1957."
3. For section 179 of the principal Act, the following section shall be substituted, namely:—

"179. (1) If any person commits any offence mentioned in sections 150 to 152, he may be arrested without warrant or other written authority by any railway servant or police officer not below the rank of a head constable.

(2) If any person commits any offence mentioned in sections 137 to 139, 141 to 147, 153 to 157, 159 to 167 and 172 to 176, he may be arrested, without warrant or other written authority, by the officer authorised by a notified order of the Central Government.

(3) The railway servant or the police officer or the officer authorised, as the case may be, may call to his aid any other person to effect the arrest under sub-section (1) or sub-section (2), as the case may be.

(4) Any person so arrested under this section shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate."

4. In section 180 of the principal Act,

(a) in sub-section (1),—

(i) for the word and figures "section 179", the words, brackets and figures "sub-section (2) of section 179" shall be substituted;

(ii) for the words "any railway servant authorised in this behalf or any police officer not below the rank of a head constable", the words "the officer authorised" shall be substituted;

(b) in sub-section (2), for the words "The railway servant or the police officer", the words "The officer authorised" shall be substituted.

5. After section 180 of the principal Act, the following sections shall be inserted, namely:—

"180A. For ascertaining facts and circumstances of a case, the officer authorised may make an inquiry into the commission of an offence mentioned in sub-section (2) of section 179 and may file a complaint in the competent court if the offence is found to have been committed.

180B. While making an inquiry, the officer authorised shall have power to,—

(i) summon and enforce the attendance of any person and record his statement;

(ii) require the discovery and production of any document;

(iii) requisition any public record or copy thereof from any office, authority or person;

(iv) enter and search any premises or person and seize any property or document which may be relevant to the subject-matter of the inquiry.

C. Every person arrested for an offence punishable under sub-section (2) of section 179 shall, if the arrest was made by a person other than the officer authorised, be forwarded, without delay, to such officer.

180D. (1) When any person is arrested by the officer authorised for an offence punishable under this Act, such officer shall proceed to inquire into the charge against such person.
(2) For this purpose, the officer authorised may exercise the same powers and shall be subject to the same provisions as the officer in charge of a police station may exercise and is subject to the provisions of the Code of Criminal Procedure, 1973, when investigating a cognizable case.

Provided that—

(a) if the officer authorised is of the opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall either admit him to bail to appear before a Magistrate having jurisdiction in the case, or forward him in custody to such Magistrate;

(b) if it appears to the officer authorised that there is not sufficient evidence or reasonable ground of suspicion against the accused person, he shall release the accused person on his executing a bond, with or without sureties as the officer authorised may direct, to appear, if and when so required, before the Magistrate having jurisdiction.

180E. All searches, seizures and arrests made under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating respectively to searches and arrests made under that Code.

180F. No court shall take cognizance of an offence mentioned in sub-section (2) of section 179 except on a complaint made by the officer authorised.

180G. Whoever intentionally insults or causes any interruption in the inquiry proceedings or deliberately makes a false statement before the inquiring officer shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

T. K. VISHWANATHAN,
Secy. to the Govt. of India.
SALIENT FEATURES OF THE RAILWAYS (SECOND AMENDMENT) ACT, 2003

1. Two new definitions have been added.
2. The definition of Railway Servant has been extended which includes member of the Railway Protection Force.
3. The offences under sub-section (2) of section 179, will be like the cognizable offences under Cr. P.C. pertaining to 'officer authorised'.
4. The 'officer authorised' have been vested with the powers of arrest, inquiry and prosecution for 29 offences exclusively.
5. A clear classification amongst the Railway servant, Police & Officer Authorised has been provided to deal with the various offences.
6. By entrusting the power of inquiry and prosecution, a major relief has been given to the State Police under section 179 (2) while the Police under the Principal Act also dealt these offences.
7. The authorisation of arrest without warrant under section 180 of the Principal Act has been conferred upon the 'officer authorised' exclusively.
8. The 'officer authorised' has been vested with the powers of inquiry and investigation in 29 offences leaving aside the certain serious offences under sections 150, 151 & 152 by bifurcating the principal provision of section 179.
9. Under Section 180 (F) of the amended Act an injunction is provided that no court shall take cognizance of an offence mentioned in sub-section (2) of section 179 except on a complaint of an 'officer authorised' (similar to the provision of Prevention of Food Adulteration Act) while under the Principal Act and under RP (UP) Act no such provision has been given.
10. The inquiry officer has been armed with the authority to prosecute the persons intentionally insulting, causing interruption in inquiry, proceedings or deliberately making false statement before inquiry officer under specific penal provision in Section 180 (G) while no such specific provision was available in the Principal Act.
INVESTIGATION & PROCEDURE UNDER RAILWAY'S ACT

SECTIONS OF RAILWAY ACT

C 0 Section 127: Fraudulently travelling or attempting to travel without proper pass or ticket.

(1) If any person, with intent to defraud a railway administration:
   a) Enters or remains in any carriage on a railway or travels in a train in
      contravention of Section 55, or
   b) Uses or attempts to use a single pass or a single ticket which has already been
      used on a previous journey, or in the case of a return ticket, a half thereof
      which has already been so used.

He shall be punishable with imprisonment for a term, which may extend to six
months, or with fine which may extend to one thousand rupees, or with both.

DOCUMENTS TO BE PREPARED/ REQUIRED:

i) Complaint from Ticket checking staff
ii) Seizure of Tickets or Pass already used, if any
iii) Statement of the offender
iv) Arrest Report
v) Statement of independent witnesses recorded at the spot, if any
vi) Certification of identity and Address of the offender
vii) Complaint to the concerned Court

PROCEDURE TO BE FOLLOWED:

i) No staff below the rank of Head Constable will receive the offender from
   the Ticket Checking Staff
ii) The offender will be brought to the RPF Post
iii) The E.O. will prepare all the above mentioned documents
iv) The entry will be made in the General Diary and relevant register (C3-C)
v) The E.O. will prepare Case Diary for the date of arrest and enquiry
vi) The E.O. will produce the accused in the Court of law within 24 hrs. with
    the complaint of charges against the accused.

y Section 138: Levy of excess charge and fare for travelling without proper pass or ticket
or beyond authorised distance. (1) If any passenger—

a) being in or having alighted from a train, fails or refuses to present for
   examination or to deliver up his pass or ticket immediately on a demand being
   made therefor under Section 54 or
b) travels in a train in contravention of the provisions of Section 55

He shall be liable to pay, on the demand of any railway servant authorised in this
behalf, the excess charge mentioned in sub-section (3) in addition to the ordinary
single fare for the distance which he has traveled or, where there is any doubt as
to the station from which he started, the ordinary single fare from the station from which the train originally started, or, if the tickets of the passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare from the place where the tickets were so examined or in the case of their having been examined more than once, were last examined.

Punishment charge of fare as the case may be and in default of payment imprisonment which may extend to 01 month but not less than 10 days.

DOCUMENTS TO BE PREPARED/REQUIRED

i) Complaint of Ticket Checking staff
ii) Statement of offender
iii) Arrest report.
iv) Complaint to the court.

PROCEDURE TO BE FOLLOWED.

i) Necessary post diary entry
ii) Statement of the offender
iii) Arrest report.
iv) Registration of the case in relevant register
v) Production of the accused to the Court with complaint.

Section 139: Power to remove persons. Any person failing or refusing to pay the fare and the excess charge referred to in Section 138 may be removed by any railway servant authorised in this behalf who may call to his aid any other person to effect such removal.

DOCUMENTS TO BE PREPARED/REQUIRED

i) Complaint of Ticket Checking staff

Note: On refusal to leave the place the offender shall be dealt under Section 147.

C.9 Section 141: Necessarily interfering with means of communication in a train. If any passenger or any other person, without reasonable and sufficient cause, makes use of, or interferes with, any means provided by a railway administration in a train for communication between passengers and the railway servant in charge of the train, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

DOCUMENTS TO BE PREPARED/REQUIRED:

i) Guard Certificate regarding the incident showing the date, time, place, train number and coach number etc.
ii) Statement of Coach Attendant, Conductor or TTE
iii) Statement of the offender
iv) Statement of witnesses recorded at the spot
v) Statement of person who apprehended the offender, if any
vi) Arrest Report
vii) Certification of Identity and Address of the offender
viii) Complaint to the concerned Court

PROCEDURE TO BE FOLLOWED:

i) No staff below the rank of Head Constable will receive the offender.
ii) The offender will be brought to the nearest RPF Post
iii) The E.O. will prepare the above-mentioned documents and ensure availability of documents from Train Guard in-charge
iv) The entry will be made in the General Diary and relevant register (C3-C)
v) The E.O. will obtain certificate from TNC (Trains Clerk) in favour of the attachment of the subject coach.
vii) The E.O. will prepare Case Diary for the date of arrest and enquiry
viii) The E.O. will produce the accused in the Court of law within 24 hrs. with the complaint of charges against the accused.

Section 142: If any person not being a railway servant or an agent authorised in this behalf—

(a) sells or attempts to sell any ticket or any half of a return ticket, or
(b) parts or attempts to part with the possession of a ticket against a return ticket against which reservation of a seat or berth has been made or any half of a return ticket or a season ticket, or
(c) purchases any ticket referred to in (a) or obtains the possession of a any ticket referred to in (b) from any person other than a railway servant, or an agent authorised in this behalf.

He shall be punishable with imprisonment for a term which may extend to three months and with fine which may extend to five hundred rupees and if the purchaser or holder of any ticket aforesaid travels or attempts to travel therewith, he shall forfeit the ticket which he so purchased or obtained and shall be deemed to be travelling without a proper ticket and shall be liable to be dealt with under Section 138.

DOCUMENTS TO BE PREPARED/ REQUIRED:

i) Seizure of the ticket to be sold to other person by the offender
ii) Seizure of the Reservation/Requisition Form(s) filled up by the offender for purchasing tickets to sell to other person(s)
iii) Seizure of the money used for transaction of tickets
iv) Statement of the offender
v) Statement of the Booking Clerk
vi) Statement of witnesses (to be recorded at the spot)
vii) Statement of the person purchasing the tickets from the offender, if any
viii) Statement of person who apprehended the offender, if any
ix) Arrest Report
x) Certification of Identity and Address of the offender
xi) Complaint to the concerned Court

PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to the nearest RPF Post
ii) The E.O. will prepare the above mentioned documents
iii) The entry will be made in the General Diary and relevant register (C3-C)
iv) The E.O. will conduct personal search of the offender
v) Search of the premises of the offender reported/disclosed to be used for transaction of such tickets
vi) The E.O. will prepare Case Diary for the date of arrest and enquiry
vii) The P.O. will produce the accused in the Court of law within 24 hrs. with the complaint of charges against the accused.

Section 143: Penalty for unauthorised carrying on a business of procuring and supplying of Railway tickets. (1) If any person, not being a railway servant or an agent authorised in this behalf-

(a) carries on the business of procuring and supplying tickets for travel on a railway or for reserved accommodation for journey in a train, or

(b) purchases or sells or attempts to purchase or sell tickets with a view to carrying on any such business either by himself or by any other person, he shall be punishable with imprisonment for a term which may extend to three years imprisonment or with fine which may extend to ten thousand rupees or with both, and shall also forfeit the tickets which he so procures, supplies, purchases, sells or attempts to purchase or sell.

DOCUMENTS TO BE PREPARED/REQUIRED:

i) Seizure of the ticket(s) and diary etc., maintained by the offender pertaining to the name and addresses of the parties to whom tickets are to be sold
ii) Seizure of the relevant Requisition/Reservation Form(s) used or to be used by the offender for purchasing tickets to sell to other person(s)
iii) Seizure of the money allegedly found in his possession to be used for transaction of tickets
iv) Verification of the names and addresses at par with the seized requisition forms
v) Statement of the offender
vi) Statement of the Booking Clerk
vii) Statement of witnesses
viii) Statement of the person(s) purchasing the tickets from the offender, if any
ix) Statement of person(s) who apprehended the offender, if any
x) Certification of Identity and Address of the offender
xi) Arrest Report
xii) Complaint to the concerned Court

PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to the nearest RPF Post
ii) The E.O. will prepare the above mentioned documents
iii) The entry will be made in the General Diary and relevant register (C3-C) and Case Property Register as per extent rules.
iv) The E.O. will conduct personal search of the offender
v) Search of the premises of the offender or the premises of the agent on whose behalf the business is carried out
vi) The E.O. will prepare Case Diary for the date of arrest and enquiry
vii) The E.O. will obtain the photograph etc., to maintain dossier at the Post in compliance to Standing Order No. 31
viii) The E.O. will produce the accused in the Court of law within 24 hrs. with relevant papers, remand, if required.
ix) The E.O. will submit complaint of charges against the accused to the Court.

Section 144: Prohibition on hawking etc. and begging. (1) If any person canvases for any custom or hawks or exposes for sale any article whatsoever in any railway carriage or upon any part of a railway, except under and in accordance with the terms and conditions of a license granted by the railway administration in this behalf, he shall be punishable with imprisonment for a term which may extended to one year, or with fine which may extended to two thousand rupees, or with both.

DOCUMENTS TO BE PREPARED REQUIRED:

For unauthorised hawking:
i) Seizure of the relevant items/commodities being hawked, exposed or canvassed
ii) Statement of the offender
iii) Arrest Report
iv) Statement of the witnesses
v) Statement of persons who apprehended the offender, if any
vi) Certification of Identity and Address of the offender
vii) Complaint to the concerned Court

PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to the nearest RPF Post
ii) The E.O. will prepare the above mentioned documents
iii) The entry will be made in the General Diary and relevant register (C3-C)
iv) The E.O. will conduct personal search of the offender
v) The E.O. will obtain the photograph etc. to maintain dossier at the Post in compliance to Standing Order No. 31
vi) The E.O. will produce the accused in the Court of law within 24 hrs. with the complaint of charges against the accused.

For begging
i) Statement of person(s) who apprehended the offender, if any
ii) Statement of the offender
iii) Arrest Report
iv) Statement of the witnesses
v) Complaint to the concerned Court

PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to the nearest RPF Post
ii) The E.O. will prepare the above mentioned documents
iii) The entry will be made in the General Diary and relevant register (C3-C)
iv) The E.O. will produce the accused in the Court of law within 24 hrs. with the complaint of charges against the accused.

Section 145: Drunkenness or nuisance. If any person in any railway carriage or upon any part of a railway-
(a) is in a state of intoxication; or
(b) commits any nuisance or act of indecency or uses abusive or obscene language;
(c) willfully or without excuse interferes with any amenity provided by the railway administration so as to affect the comfortable travel of any passenger, he may be removed from the railway by any railway servant and shall in addition to the forfeiture of his pass or ticket, be punishable with imprisonment which may extend to six months and with fine which may extend to five hundred rupees.

DOCUMENTS TO BE PREPARED/ REQUIRED:
Drunkenness:
i) Arrest Report
ii) Medical Examination/certificate
iii) Statement of the witnesses
iv) Statement of the offender
v) Statement of person who apprehended the offender, if any
vi) Certification of Identity and Address of the offender
vii) Complaint to the concerned Court

Nuisance
i) Complaint of the persons against whom the offender committed nuisance
ii) Statement of persons against whom the offender committed nuisance
iii) Statement of the offender
iv) Arrest Report
v) Statement of the witnesses
vi) Statement of person(s) who apprehended the offender, if any
vii) Certification of Identity and Address of the offender
viii) Complaint to the concerned Court

PROCEDURE TO BE FOLLOWED:

vii) The offender will be brought to the nearest RPF Post
viii) The E.O. will prepare the above mentioned documents
ix) The entry will be made in the General Diary and relevant register (C3-C)
x) The E.O. will conduct personal search of the offender
xi) The E.O. will produce the accused in the Court of law within 24 hrs. with the complaint of charges against the accused.

Section 146: Obstructing Railway Servant in his duties. If any person wilfully obstructs or prevents any railway servant in the discharge of his duties, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

DOCUMENTS TO BE PREPARED/REQUIRED:
i) Complaint of the concerned railway servant
ii) Statement of the witnesses
iii) Statement of the offender
iv) Arrest Report
v) Documents to prove the nature of obstruction to the railway servant
vi) Statement of person(s) who apprehended the offender, if any
vii) Certification of Identity and Address of the offender
viii) Complaint to the concerned Court

PROCEDURE TO BE FOLLOWED:
i) The offender will be brought to the nearest RPF Post
ii) The E.O. will prepare the above mentioned documents
iii) The entry will be made in the General Diary and relevant register (C3-C)
iv) The E.O. will conduct personal search of the offender
v) The E.O. will collect circumstantial evidence to prove the obstruction made to the railway servant by the offender.
vi) The E.O. will produce the accused in the Court of law within 24 hrs. with relevant papers and remand if required.
vii) The E.O. will submit the complaint of charges against the accused in the court.

Section 147: Trespass and refusal to desist from trespass. (1) If any person enters upon or into any part of a railway without lawful authority, or having lawfully entered upon or into such part makes such property or refuses to leave, he shall be punishable with
imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

DOCUMENTS TO BE PREPARED/ REQUIRED:

i) Complaint of the concerned railway servant, if any
ii) Statement of the witnesses
iii) Statement of the offender
iv) Arrest Report
v) Complaint to the concerned Court

PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to the nearest RPF Post
ii) The E.O. will prepare the above mentioned documents
iii) The entry will be made in the General Diary and relevant register (C3-C)
iv) The E.O. will conduct personal search of the offender
v) The E.O. will produce the accused in the Court of law within 24 hrs. with the complaint of charges against the accused.

Section 153: Endangering safety of persons travelling by Railway by willful act or omission. If any person by any unlawful act or by any willful omission or neglect, endangers or causes to be endangered the safety of any person travelling on or being upon any railway, or obstructs or causes to be obstructed or attempts to obstruct any rolling stock upon any railway he shall be punishable with imprisonment for a term which may extend to five years.

DOCUMENTS TO BE PREPARED/COLLECTED:

i) Complaint of the concerned passenger or the railway servant as the case may be.
ii) Statement of the witnesses
iii) Statement of the offender, site plan
iv) Obstruction articles if any, be seized
v) Arrest Report, case diary and remand.
vi) Photograph, finger prints of the offender, and dossier be prepared.
vii) Documents/ Evidences to prove the nature of the offence.
viii) Statement of person(s) who apprehended the offender, if any
ix) Certification of Identity and Address of the offender
x) Complaint to the concerned Court

PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to the nearest RPF Post
ii) The E.O. will prepare the above mentioned documents
iii) The entry will be made in the General Diary and relevant register (C3-C)
iv) The E.O. will conduct personal search of the offender
v) The E.O. will collect circumstantial/factual evidence to prove the obstructions made/attempts to the rolling stock.
vi) The E.O. will produce the accused in the Court of law within 24 hrs with relevant papers.

C.N. Section 154: Endangering safety of persons travelling by Railway by rash and negligent act or omission. If any person in a rash and negligent manner does any act, or omits to do what he is legally bound to do, and the act or omission is likely to endanger the safety of any person travelling or being upon any railway, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

DOCUMENTS TO BE PREPARED:

i) Evidence of Omission of train driver to be obtained from concerned authorities
ii) Documents are to be collected from concerned authorities according to nature of offence to prove act:- a) Violation of signal by driver, b) Violation of speed limit, c) Rash driving, d) Driving fast at curve & e) Proceeding to next station without authority.
iii) Witness shall be examined accordingly.

PROCEDURE TO BE FOLLOWED:

i) Verification and examination of incidence
ii) Experts opinion and certification
iii) Prima-facie evidence
iv) Collection of evidences and relevant documents.
v) If Railway servant is involved than first get him released from duty.
vii) Statement of offender arrest report, personal search, seizure of relevant records.
vii) Registration of case
viii) Case Diary. Remand if needed
ix) Complaint file.

Section 155: Entering into a compartment reserved or resisting entry into a compartment not reserved. (1) If any passenger - (a) having entered a compartment wherein no berth or seat has been reserved by a railway administration for his use, or (b) having unauthorisedly occupied a berth or seat reserved by a railway administration for the use of another passenger, refuses to leave it when it required to do so by any railway servant authorised in this behalf, such railway servant may remove him or cause him to be removed, with the aid of any other person, from the compartment, berth or seat, as the case may be, and he shall also be punishable with fine which may extend to five hundred rupees. (2) If any passenger resists the lawful entry of another passenger in to a
compartment not reserved for the use of the passenger resisting, he shall be punishable with fine which may extend to two hundred rupees.

DOCUMENTS TO BE PREPARED

i) Complaint of the authorized railway servant or any other aggrieved person or the aggrieved person(s)
ii) Evidence of the composition of the coach in question.
iii) Evidence of the reservation status of the offender, if entering in reserved compartment.
iv) Statement of the offender, Arrest, registration of the case, case diary
v) Remand, if enquiry is not completed within stipulated period (24 Hrs.)

PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to the nearest RPF Post
ii) The E.O. will prepare the above mentioned documents
iii) The entry will be made in the General Diary and relevant register (C3-C)
iv) The E.O. will conduct personal search of the offender
v) The E.O. will collect circumstantial/ factual evidence to prove the offence
vi) The E.O. will produce the accused in the Court of law with relevant papers and Remand (if required) within 24 hrs.

Section 156: Travelling on roof, step or engine of a train. If any person or any other person, after being warned by a railway servant to desist, persists in travelling on the roof, step or foot board of any carriage or on an engine, or in any other part of a train not intended for the use of passengers, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both and may be removed from the railway by any railway servant.

DOCUMENTS TO BE PREPARED/COLLECTED:

i) Statement of complainant, witness and offender
ii) Seizure of ticket or pass from person/passerby
iii) Report from authority if any.

PROCEDURE TO BE FOLLOWED:

i) Statement of offender, witness
ii) Arrest and registration of case
iii) Remand if needed and file complaint in court of law.

Section 157: Altering or defacing pass or tickets. If any passenger willfully alters or defaces his pass or ticket so as to render date, number or any material portion thereof
illegible, he shall be punishable with imprisonment for a term which may extend to three
months, or with fine which may extend to five hundred rupees, or with both.

DOCUMENTS TO BE PREPARED/COLLECTED:

i)  Seizure of tickets or pass
ii)  Written authority of Ticket checking staff.
iii) Statement of complainant

PROCEDURE TO BE FOLLOWED:

i)  Examination of Pass or Ticket from issuing authority
ii)  Evidence to prove travelling of such person on particular berth/coach, train, cross verification of pass/ticket.
iii) Statement of witness than offender
iv)  Arrest and registration of case
v)  Remand be prayed than
vi)  File complaint in the court of law.

Section 159: Disobedience of drivers or conductors of vehicles to directions of railway
servant, etc. If any driver or conductor of any vehicle while upon the premises of a
railway disobeys the reasonable direction of any railway servant or police officer, he shall
be punishable with imprisonment for a term which may extend to one month, or with fine
which may extend to five hundred rupees or with both.

DOCUMENTS TO BE PREPARED/COLLECTED:

i)  Seizure of Driving license and registration papers.
ii)  Statement or report from complainant or witnesses
iii) Report of any authority concerned if needed

PROCEDURE TO BE FOLLOWED:

i)  Statement of offender
ii)  Arrest report
iii) Registration of case and remand pray
iv)  File complaint in court of law

Section 160: Opening or breaking a level crossing gate. (1) If any person, other than a
railway servant or a person authorised in this behalf, opens any gate or chain or barrier
set up on either side of a level crossing which is closed to road traffic, he shall be
punishable with imprisonment for a term which may extend to three years (2) If any
person breaks any gate or chain or barrier set up on either side of a level crossing which
is closed to road traffic, he shall be punishable with imprisonment which may extend to
five years.
DOCUMENTS TO BE PREPARED/COLLECTED:

ii) Statement of gate-man.
iii) Seizure of questioned Transport
iv) Photography of place of occurrence and seizure of registration paper and driving license.
v) Statement of driver/cleaner
vi) Site plan
vii) If damaging by other article other than vehicle that will be seized

PROCEDURE TO BE FOLLOWED:

i) Statement of offender
ii) Arrest and registration of case
iii) Case diary and remand if needed
iv) Examination of vehicle by technical expert of transport office regarding brake test.
v) Preparation of site plan and photography
vi) After investigation and collection of documents as above complaint shall be filed.

Section 161: Negligently crossing unmanned level crossing. If any person driving or leading a vehicle is negligent in crossing an unmanned level crossing, he shall be punishable with imprisonment which may extend to one year.

DOCUMENTS TO BE PREPARED/COLLECTED:

i) Report of eye witness or detected the vehicle
ii) Seizure of vehicle/carts with paper and license.
iii) Site plan
iv) Collection of documents from nearest control cabin/authority to prove trains movement at that time.

PROCEDURE TO BE FOLLOWED:

i) After seizing papers and vehicle necessary documents are collected to ascertain the movement the train statement of offender is recorded.
ii) Arrest of offender and registration of case.
iii) Remand if needed and than filing the complaint in the court of law.

Section 162: Entering carriage or other place reserved for females. If a male person knowing or having reason to believe that a carriage compartment, berth or seat in a train or room or other place is reserved by a railway administration for the exclusive use of females, without lawful excuse.
(a) enters such carriage, compartment, room or other place, or having entered such carriage, compartment, room or place, remains therein; or
(b) occupies any such berth or seat having been required by any railway servant to vacate it,
he shall, in addition to being liable to forfeiture of his pass or ticket, be punishable with fine which may extend to five hundred rupees and may also be removed by any railway servant.

DOCUMENTS TO BE PREPARED/COLLECTED:

i) Statement of the aggrieved if any
ii) Complaint of any person concerned
iii) Forfeiture of pass/ticket if any statement of TTE in case of berth/coach

PROCEDURE TO BE FOLLOWED:

i) Statement of the offender
ii) Arrest/personal search
iii) Registration of case and case diary than file the complaint.

C.D. Section 163: Giving false account of goods. If any person required to furnish an account of goods under Section 66, gives an account which materially false, he and, if he is not the owner of the goods, the owner also shall, without prejudice to his liability to pay any freight or other charge under any provision of this Act, by punishable with fine which may extend to five hundred rupees for every quintal or part thereof of such goods.

DOCUMENTS TO BE PREPARED/COLLECTED:

i) Written message or report of booking/commercial staff regarding booking particulars of Goods.
iii) Expert opinion for the differences of freight.
iv) Statement of the owner of the goods.
v) Account of the goods by opening the contents if required.

PROCEDURE TO BE FOLLOWED:

i) Statement of the offender
ii) Arrest and register the case
iii) Case Diary, Remand & complaint accordingly.
iv) Seized property be entered in case property register C-5.

Section 164: Unlawfully bringing dangerous goods on a railway. If any person, in contravention of section 67, takes with him any dangerous goods or entrusts such goods for carriage to the railway administration, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand
rupees, or with both and shall also be liable for any loss, injury or damage which may be
caused by reason of bringing such goods on the railway.

**DOCUMENTS TO BE PREPARED/COLLECTED:**

i) Seizure of goods on receiving complaint of any commercial staff or
directly.

ii) Experts opinion or certification of offence

iii) Certification of goods brought on the Railways regarding dangerous goods

**PROCEDURE TO BE FOLLOWED:**

i) Statement of offender

ii) Statement of witness

iii) Arrest and registration of case

iv) Case diary, remand if needed, filing the complaint.

At the first instance or any information of dangerous goods be seized. Collect such
documents which may prove that the person: a) Took with him or b) entrusted such
goods to the railway for carriage c) in contravention of section 67 of booking of goods
w/o intimation of nature of contents of dangerousness to the administration. Before
registration expert’s opinion is to be recorded. Evidences of loss, injuries and damages
caused or likely to be caused be collected. Photography and dossier be prepared.

**Section: 165:** Unlawfully bringing offensive goods on a railway. If any person, in
contravention of Section 67, takes with him any offensive goods or entrust such goods for
carriage to the railway administration, he shall be punishable with fine which may extend
to five hundred rupees and shall also be liable for any loss, injury or damage which may
be caused by reason of bringing such goods on the railway.

**DOCUMENTS TO BE PREPARED/COLLECTED:**

i) Seizure of goods on receiving complaint of any commercial staff or
directly.

ii) Experts opinion or certification of offence

iii) Certification of goods brought on the Railways regarding dangerous goods

**PROCEDURE TO BE FOLLOWED:**

i) Statement of offender

ii) Statement of witness

iii) Arrest and registration of case

iv) Case diary, remand if needed.

v) Filing of complaint.

At the first instance or any information of dangerous goods be seized. Collect such
documents which may prove that the person: a) Took with him or b)
entrusted such goods to the railway for carriage c) in contravention of section 67
of booking of goods without intimation of nature of contents of dangerousness to
the administration. Before registration expert’s opinion is to be recorded.
Evidences of loss, injuries and damages caused or likely to be caused be
collected. Photography and dossier be prepared.

Section 166: Defacing public notices. If any person without lawful authority:
(a) pulls down or willfully damages any board or document set up or posted by the
order of a railway administration on a railway, or any rolling stock, or
(b) obliterates or alters any letters or figures upon any such board or document or
upon any rolling stock,
he shall be punishable with imprisonment for a term which may extend to one
month, or with fine which may extend to five hundred rupees, or with both.

DOCUMENTS TO BE PREPARED/COLLECTED:
1. Seizure of questioned public documents if it is pulled down, if not possible
   prepared panchanama of incidence.
2. Report or complaint if any
3. Certification / opinion of installation authority
4. Any evidence to prove defacing.

PROCEDURE TO BE FOLLOWED:
1. Statement of offender, witness and arrest of offender with personnel
   search.
2. Registration of case, case diary.
3. Remand if needed and than filing complaint in court.

Section 167: Smoking: (i) No person in any compartment of a train shall, if objected to
by any other passenger in that compartment, smoke therein. (ii) Notwithstanding
anything contained in Sub Section (i), a railway administration may prohibit smoking in
any train or part of a train, (iii) Who so ever contravenes the provisions of Sub Section (i)
or Sub section (ii), shall be punishable with fine, which may extend to one hundred
rupees.

DOCUMENTS TO BE PREPARED/COLLECTED:

i) Complaint from any co-passenger or Railway official, if any
ii) Document of proof in support of the prohibition for smoking
iii) Statement of witnesses

PROCEDURE TO BE FOLLOWED:

i) Statement of offender be recorded
ii) Arrest and personal search of the offender
Section 172: Penalty for intoxication. If any railway servant is in a state of intoxication while on duty, he shall be punishable with fine, which may extend to five hundred rupees and when the performance of any duty in such a state is likely to endanger the safety of any person travelling on or being upon a railway, such railway servant shall be punishable with imprisonment for a term, which may extend to one year, or with fine, or with both.

DOCUMENTS TO BE PREPARED/COLLECTED:

- Report/Complaint of reporting official, if any
- Statement of any other person (Witness) reporting against the offender, if any
- Certification of offenders' duty
- Medical certificate

PROCEDURE TO BE FOLLOWED:

- The offender will be brought to nearest RPF Post after getting him relieved from the duty
- If medically proved the arrest should be made
- Personal search of the offender
- Registration of case
- Case Diary be prepared
- The E.O. will forward the accused to the Court with remand if needed or complaint.

Section 173: Abandoning train etc. without authority. If any railway servant, when on duty, is entrusted with any responsibility connected with the running of a train, or of any other rolling stock from one station or place to another station or place, and he abandons his duty before reaching such station or place without authority or without proper handing over such train or rolling stock to another authorised railway servant, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to rupees one thousand or with both.

DOCUMENTS TO BE PREPARED/COLLECTED:

- Report/Complaint of reporting official, if any
- Statement of any other concerned person regarding nature/situation of abandoning the train
- Certification of offenders' duty
PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to nearest RPF Post after getting him relieved from the duty

ii) Statement of the offender

iii) Personal search of the offender

iv) Registration of case

v) Case Diary be prepared

vi) The E.O. will forward the accused to the Court with remand if needed or complaint.

Section 174: Obstructing running of train, etc.:— If any railway servant (whether on duty or otherwise), or any other person obstructs or causes to be obstructed or attempts to obstruct any train or other rolling stock upon a railway:- (a) by squatting or picketing or during any rail roko agitation or bandh, or (b) by keeping without authority any rolling stock or the railway, or (c) by tampering with, disconnecting or interfering in any other manner with its hose pipe or tampering with signal gear or otherwise, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, which may extend to rupees two thousand, or with both.

DOCUMENTS TO BE PREPARED/COLLECTED:

i) Report/ Complaint or information be collected from the concerned authority to prove the incidence

ii) Expert opinion / certification to prove the incidence

iii) Preparation of Site Plan, if needed

iv) Statement of witness;

v) Certificate from the concerned authority regarding affect of the obstruction made to rolling stock, if any

PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to nearest RPF Post

ii) Statement of the offender

iii) Personal search of the offender

iv) Registration of case

v) Case Diary be prepared

vi) The E.O. will forward the accused to the Court with remand if needed or complaint.

Section 175: Endangering the safety of persons:— If any railway servant, when on duty, endangers the safety of any person:— (a) by disobeying any rule made under this Act, or (b) by disobeying any instruction, direction or order under this Act or the rules made thereunder, or (c) by any rash or negligent act or omission, he shall be punishable with imprisonment for a term which may extend to two years or with fine, which may extend to rupees one thousand, or with both.
DOCUMENTS TO BE PREPARED/COLLECTED:

i) Report/Complaint regarding the act committed by the railway servant on duty from the concerned authority
ii) Extract of Rules or instructions disobeyed by the offender
iii) Expert opinion regarding the affect of the act of the offender
iv) Statement of witnesses, if any
v) Certification of offenders’ duty

PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to nearest RPF Post after getting him relieved from the duty
ii) Statement of the offender
iii) Personal search of the offender
iv) Registration of case
v) Case Diary be prepared
vi) The E.O. will forward the accused to the Court with remand if needed or complaint.

Section 176: Obstructing level crossing. If any railway servant unnecessarily: (a) allows any rolling stock to stand across a place where the railway crosses a public road on the level, or (b) keeps a level crossing closed against the public, he shall be punishable with fine which may extend to rupees one hundred.

DOCUMENTS TO BE PREPARED/COLLECTED:

i) Documents in support of movements of rolling stock in question from the concerned authority
ii) Certification of duty of the offender i.e. Railway Servant on duty
iii) Names and addresses of the persons witnessed the incidence and suffered inconvenience/obstruction, if any
iv) Documentary evidence of signal operation of the particular time from the concerned authority
v) Statement of witnesses, if any

PROCEDURE TO BE FOLLOWED:

i) The offender will be brought to nearest RPF Post after getting him relieved from the duty
ii) Statement of the offender
iii) Examination of level crossing by the authority
iv) Arrest of the offender
v) Registration of case
vi) Case Diary be prepared
vii) Remand
viii) Submission of complaint.

Section 179 (2): Arrest for offences under certain sections. - If any person commits any offence mentioned in Sections 137 to 139, 141 to 147, 153 to 157, 159 to 167 and 172 to 176, he may be arrested, without warrant or other written authority, by the 'officer authorised' by a notified order of the Central Govt.

(i) To enforce this power the officer authorised shall adhere the relevant provision of Sections 46 to 60 except Section 58 of Chapter-V Cr. P.C.

(ii) The officer authorised is also vested with the powers u/s 179 (3) and to observe the provision u/s 179 (4) for the custody of 24 Hrs. excluding journey.

Section 180 (A to G) laid down provisions:

i) The officer authorised shall have the power of inquiry under this act without any permission of the Magistrate u/s 180-D(1).

ii) During inquiry the officer authorised shall have the powers of summoning the person for his statement, production of any document, requisition of any public record or copy from any office, authority or person and enter and search any premises or person to seize any property or document relevant to inquiry - u/s 180 (B).

iii) If the offender is arrested by a person other than the officer authorised be forwarded to such officer without delay - u/s 180 (C). This provision speakingly restricts/prohibits the prosecution by the railway servant and police.

iv) The officer authorised while conducting inquiry may exercise the relevant powers of Cr. P.C. vide Chapter XII at par with the In-charge of a Police Station when investigating a cognizable case - u/s 180 D (2).

v) The offences mentioned in this Act will be like the cognizable offences under Cr. P.C.

vi) In view of the nature of offences the officer authorised shall have the discretionary powers either to release the offender on bail or to forward him in custody to magistrate - u/s 180 D (2) (a) & (b).

vii) Some of the offences of this Act are of summary trial, as such during inquiry, the officer authorised shall keep in mind that remand of the offender be taken especially in warrant trial cases and also in offences of summary trial, if needed.

viii) For the purpose of search and seizure, the relevant procedure of Cr. P.C. vide Chapter-VII Sections 100, 101 & 102 shall also be adhered to.

ix) After completion of the inquiry the officer authorised will submit complaint in the competent court - u/s 180 A.
x) It is mandatory that no court shall take cognizance of an offence mentioned in Sub-Section (2) of Section 179 except on a complaint made by the officer authorised.

xi) The provision of punishment which may extend to 06 months or with fine which may extend to Rs. 1000/- or with both is provided against the person who intentionally insults or causes any interruption in the inquiry proceedings or deliberately makes a false statement before the inquiring officer - Section 180 G. The inquiry officer may directly submit the complaint to the competent court along with the substantial evidences.

To comply with the speaking provisions of Section 180 (4) and 180 I (2) (a) & (b) of this Act the officer authorised to adhere the guiding provisions of Cr. P.C. vide Schedule-I Part-II to distinguish the offences either bailable or non-bailable as nothing is mandated about this aspect in the respective provisions of this Act and the officer authorised to observe the provisions of Cr. P.C. vide Chapter XXXIII Sections 436 & 437.

**Bailable Offences:** Sections: 137, 138, 139, 141, 142, 144, 145, 146, 147, 154, 155, 156, 157, 159, 161, 162, 163, 165, 166, 167, 172, 173, 174, 175 & 176.

**Non-bailable offences:** Sections: 143, 153, 160 & 164.

**Section 186:** Protection of action taken in good faith. No suit, prosecution or other legal proceeding shall lie against the Central Govt., any Railway Administration, a Railway Servant or any other person for anything, which is in good faith done or intended to be done in pursuance of this Act or any Rules or orders made thereunder.
COMPLAINT FOR SUMMARY TRIAL CASES
Under section 180 (A) of The Railways (Second Amendment) Act, 2003

Division..................Railway.................Date..............Case No...............Complaint under section......Railways (Second Amendment) Act 2003

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1.</td>
<td>Name of the accused with father's name, age and address and with particulars of pass or ticket</td>
</tr>
<tr>
<td>2.</td>
<td>Description of offence</td>
</tr>
<tr>
<td>3.</td>
<td>Name &amp; Designation of person(s) at whose instance the prosecution is instituted or complaint lodged</td>
</tr>
<tr>
<td>4.</td>
<td>Names of witnesses with their addresses and designation. Only the evidence of those witnesses who have a direct and independent knowledge of the facts is relevant.</td>
</tr>
<tr>
<td>5.</td>
<td>Time, date and station or place at which detected (if in a running train, stations between which detected and train number to be entered)</td>
</tr>
</tbody>
</table>

1. The accused is arrested under section 179 (2) / 180 of Railways Act 1989 because:
   (a) The accused on demand has refused to give name / address; or
   (b) There is reason to believe that the name / address given is / are incorrect or fictitious; or
   (c) There is reason to believe that the accused will abscond

   Forwarded to the Magistrate

   Date:
   Station/ Place: 
   Signature..................
   (Officer authorised)
   Designation

   Documents attached (if any)
COMPLAINT FOR WARRANT TRIAL/CONTEST CASES
Under section 186 (A) of The Railways (Second Amendment) Act, 2003

To

The Magistrate

Place

Division Railway CASE No. Complaint under section

Railways (Second Amendment) Act 2003

1. Name and address of the accused

2. Place of occurrence

3. Date & time of occurrence

4. Date & time of arrest

5. Property with value recovered

6. Name & Designation of the officer by whom arrested

7. Name & Designation of person(s) at whose instance the prosecution is instituted or complaint lodged

8. Whether arrested person(s) has/ have been admitted to bail? (Bail Bond be enclosed)

9. Brief facts of the case:

Date:
Station/ Place:

Signature (Enquiry Officer)

Designation

List of documents:
List of witnesses:
SUGGESTIONS FOR CONDUCT OF CAPSULE COURSE:

1. A Training Module approved by the Railway Board be circulated to all the Zonal Railways and the Capsule Course should be conducted on the basis of the said Training Module so that uniformity in the conduct of courses in all Training Centres will be there.

2. A Course may be conducted at J.R.RPF Academy, Lucknow for all the Principals with two Inspectors/ Sub-Inspectors from each Zonal Training Centres so that subsequent courses can be conducted at Zonal Training Centres.

3. J.R.RPF Academy, Lucknow will further conduct such courses for Northern Railway and N.C.Railway.

4. In 1\textsuperscript{st} phase Inspector/ Sub-Inspectors should be sent for training.

5. Course for Gazetted Officers can also be conducted at Academy. Maximum 20 officers in a batch can be nominated. Additional accommodation will be required during conduct of such courses for officers if more than 20 officers are nominated in a batch.

6. Additional Instructors of the rank of Inspector will be required for conduct of such courses at the Academy.

7. Guest Lectures by Sr. Police Officers/ G.R.P Officers be arranged to cover the topic of preventive measures in regard to crime against passengers.

8. The scheduled courses according to the Course Calendar 2003-2004 may be affected and some courses viz. ASC (Orientation), Refresher Courses for PF, SI, ASI and 1st Constables will have to be cancelled during conduct of such capsule courses at the Academy.

************
R.P.F. (AMENDMENT) ACT 2003

PREFACE

Keeping in view of the manifold problems pertaining to the security of the railway passengers, it is felt that the State Governments are not in a position to provide adequate security cover to the railway passengers due to a number of constraints. It has, therefore, been decided that the Ministry of Railways should supplement the efforts of the State Governments in ensuring better security to the railway passengers.

Railway Protection Force (R.P.F), an Armed Force of the Union functioning under Railway Ministry is empowered to enquire/investigate offences relating to unlawful possession of railway property. It has now been decided that R.P.F. should also shoulder direct responsibility to prevent offences against the railway passengers so that some relief could be given to the State Governments and railway passengers are provided better security.

As such, the Railway Protection Force Act, 1985 has been amended as Railway Protection Force (Amendment) Act 2003 with some specific amendments in dealing with the offences against the railway passengers with a view to provide better security to them.
RAILWAY PROTECTION FORCE (AMENDMENT) ACT, 2003

EXTRACTS:

1. (1) This Act may be called the Railway Protection Force (Amendment) Act, 2003.
   (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Railway Protection Force Act, 1957 (hereinafter referred to as the Principal Act), in the long title, for the words “railway property”, the words “railway property, passenger area and passengers” shall be substituted.

3. In section 2 of the principal Act, after clause (c), the following clauses shall be inserted, namely:-
   (ca) “passenger,” shall have the meaning assigned to it in the Railways Act, 1989;
   (cb) “passenger area” shall include railway platform, train, yard and such other area as is frequently visited by passengers.

4. For section 11 of the principal Act, the following section shall be substituted, namely:-
   “11. It shall be the duty of every superior officer and member of the Force –
   (a) promptly to execute all orders lawfully issued to him by his superior authority;
   (b) to protect and safeguard railway property, passenger area and passengers;
   (c) to remove any obstruction in the movement of railway property or passenger area;
   and
   (d) to do any other act conducive to the better protection and security of railway property, passenger area and passengers”.

5. In section 12 of the Principal Act, for the words “railway property” wherever they occur, the words “railway property, passenger area and passengers” shall be substituted.

6. In section 14 of the principal Act, for the words “to a police officer”, the words “to a police officer together with a detailed report of the circumstances leading to the arrest of such person” shall be substituted.
SALIENT FEATURES OF RAILWAY PROTECTION FORCE (AMENDMENT) ACT, 2003

1. This Act may be called the “Railway Protection Force (Amendment) Act, 2003”.

2. In the long title of the Principal Act the word “railway property” shall be substituted as “railway property, passenger area and passengers”. As such the long title of the Railway Protection Force (Amendment) Act 2003 will be as “An Act to provide for the constitution and regulation of an armed force of the union for the better protection and security of railway property, passenger area and passengers and for matters connected therewith”.

3. Two new definitions of “passenger” and “passenger area” have been included in sub-section (c) of section 2 of Principal Act as (ca) & (cb) respectively.

4. The definition of “passenger” shall have the meaning assigned to it in the Railways Act 1989 which reads as “passenger means a person travelling with a valid pass or ticket” sub-clause 29 of section 2.

5. The definition of “passenger area” shall include railway platform, train yard and such other area as is frequently visited by passengers.

6. The mandatory duties of every superior officers and members of the force under section 11 of Principal Act have been extended with “passenger area” and “passengers” in addition to “railway property”.

7. The word “railway property” wherever occurs shall be substituted as “railway property, passenger area and passengers” under section 12 of the Principal Act for the purpose of arrest without warrant by the members of the force.

8. Members of the Force making an arrest under this Act shall without unnecessary delay make over the person arrested to a police officer together with a detailed report of the circumstances leading to the arrest of such person.

9. It is noteworthy to mention that the duties of the members of the force have been extended to protect not only the railway property but also the passenger area and passengers and accordingly the powers of arrest have also been extended for the offences committed against the railway property and passengers in the passenger area.
# TYPE OF VARIOUS OFFENCES COMMITTED AGAINST THE PASSENGERS

## A: OFFENCES AGAINST PROPERTY/ BELONGINGS OF THE PASSENGERS

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Type of offence</th>
<th>Legal provision</th>
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<tbody>
<tr>
<td>1.</td>
<td>Theft (Luggage lifting, Chain snatching, Pick pocketing etc.)</td>
<td>379 IPC</td>
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<tr>
<td>2.</td>
<td>Extortion</td>
<td>384 IPC</td>
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<tr>
<td>3.</td>
<td>Robbery</td>
<td>392, 393 &amp; 394 IPC</td>
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<td>4.</td>
<td>Dacoity</td>
<td>395 IPC</td>
</tr>
<tr>
<td>5.</td>
<td>Dacoity with murder</td>
<td>396 IPC</td>
</tr>
<tr>
<td>6.</td>
<td>Robbery / dacoity with attempt to cause death or grievous hurt</td>
<td>397 IPC</td>
</tr>
<tr>
<td>7.</td>
<td>Attempt to commit robbery or dacoity when armed with deadly weapons</td>
<td>398 IPC</td>
</tr>
<tr>
<td>8.</td>
<td>Preparation to commit dacoity</td>
<td>399 IPC</td>
</tr>
</tbody>
</table>

## B: OFFENCES AGAINST BODY OF THE PASSENGERS

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Type of offence</th>
<th>Legal provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Voluntarily causing hurt by dangerous weapon or means</td>
<td>324 IPC</td>
</tr>
<tr>
<td>2.</td>
<td>Grievous hurt</td>
<td>325 IPC</td>
</tr>
<tr>
<td>3.</td>
<td>Assault or use of criminal force to deter a public servant from discharge of his duty</td>
<td>353 IPC</td>
</tr>
<tr>
<td>4.</td>
<td>Assault or criminal force to woman with intent to outrage her modesty</td>
<td>354 IPC</td>
</tr>
<tr>
<td>5.</td>
<td>Assault in committing theft</td>
<td>356 IPC</td>
</tr>
<tr>
<td>6.</td>
<td>Murder</td>
<td>302 IPC</td>
</tr>
<tr>
<td>7.</td>
<td>Rape and unnatural offences</td>
<td>376 &amp; 377 IPC</td>
</tr>
<tr>
<td>8.</td>
<td>Adulteration of food or drink intended for sale</td>
<td>272 IPC</td>
</tr>
<tr>
<td>9.</td>
<td>Sale of noxious food or drink (poisoning), sells or offers or exposes</td>
<td>273 IPC</td>
</tr>
<tr>
<td>10.</td>
<td>Word, gesture or act intended to insult the modesty of a woman</td>
<td>509 IPC</td>
</tr>
</tbody>
</table>
MODUS OPERANDI RELATING TO THE OFFENCES AGAINST PROPERTY/
BELONGINGS OF THE PASSENGERS:

Some of the prominent modus operandi being adopted by the criminals:

1. Taking the advantage of sound sleep of the passengers
2. Traveling in the coach as a bonafide passenger
3. Taking the advantage of unscheduled stoppages of the train en-route
4. Taking the advantage of disguise of very important person as a co-passenger
5. Taking the advantage of over-crowding in the compartment, at the entrance of the compartment and at the time of alighting from the compartment
6. Taking advantage of over-crowd / long queue at the booking counter
7. Offering adulterated food or drinks (Poisoning) in the disguise of priest or co-passenger. The gang operate with this modus operandi generally consist of both male and female persons. The female provokes / mixes up with the passengers and gets easy success in offering adulterated food/ drinks to make the passengers unconscious.
8. Taking the advantage of negligence and carelessness of the passengers
9. The miscreants take the advantage of the location of the first and last compartments of the train since these compartments generally do not get proper room in the platforms where sufficient lighting arrangements and security arrangements are not available. The miscreants also get opportunity for easy escape through other exits.
10. In the disguise of Cooli and Train Lighting/ Mechanical staff
11. Connivance of the erring railway staff on duty (ITEs, Coach Attendants, etc) in trains
MODUS OPERANDI RELATING TO BODY OFFENCES:

1. The miscreants with the malefic intention mix up with the passengers with one pretext or other providing services like getting him/her seats or berths, drinking water, tea, snacks, etc. and helping him/her in keeping the luggage to gain their confidence and commits crime whenever get opportunity.

2. By disconnecting the lighting system of the compartment

3. Taking the advantage of lonliness of a lady passenger

4. In the disguise of a guide the miscreants commits offences against the foreign tourists passengers

5. Any other modus operandi, which may depend on the locality and the socio-economic condition.
PREVENTIVE MEASURES TO COMBAT THE OFFENCES AGAINST PASSENGERS:

Adequate structural security arrangements should be provided in the passenger area. In addition following procedural preventive measures are to be adopted:

1. Black spots/vulnerable sections be identified
2. Deployment of staff on each and every such spots
3. Patrolling by armed staff
4. Escorting of important and affected trains in vulnerable sections
5. Role of Crime Intelligence Staff be redefined so that crime intelligence be collected properly by them
6. Collection of crime records from GRP and Civil Police
7. Surveillance on the movements of anti-social elements in the passenger area
8. Patrolling by Dog Squad in affected passenger area
9. Unauthorised entry in compartments be prevented in co-ordination with ticket checking staff
10. Frequent ticket checking in general compartments be intensified
11. Adequate lighting arrangements in each compartments
12. Creating general awareness amongst the passengers through P.A system and posters to take necessary preventive steps to secure their belongings and luggage and not to take any food-drink, prasad etc. from any person.
13. Maintenance of Rogues Gallery
14. Maintenance of records of the criminals handed over to the police as well as criminals operating in the area.
15. Any other preventive measures treated to be effective to combat such offences.

Note: In the event of eminent danger of lives and properties of the passengers/on duty railway servant, the members of the Railway Protection Force shall use the right of private defence under the relevant provisions of IPC.
DETAILED REPORT OF THE CIRCUMSTANCES LEADING TO THE
ARREST UNDER RPF ACT

Note: While forwarding any accused arrested under section 12 of RPF (amendment) Act 2003, to the police officer, the following aspects should be kept in mind in preparation of detailed report of the circumstances leading to the arrest:

1. Name (s) and addresses of the accused
2. Date & Time of occurrence
3. Place of occurrence
4. Date and time of arrest
5. Name & Designation of the arresting officer
6. Name & address of the person (s) aggrieved.
7. Nature of the offence
8. Details of the property involved
9. Details of the property recovered
10. Complaint/ statement of the witnesses/ passengers
11. Brief facts of the incidents
SUGGESTIONS IN REGARD TO AMENDED RPF ACT, 2003:

The Capsule Course should have 06 days duration so that Guest lectures can be arranged from the Police / GRP to deliver lectures on the following topics:

1. Preventive measures presently adopted by the GRP to prevent crime against 'Passengers' and in 'Passenger area'.
2. Deployment of staff for train escorting and picketing duty at the railway premises.
3. Modern security devices/ gadgets used by the GRP.
4. Identification of crime-prone areas and affected trains/ sections.
5. Management of traffic/ road transport in the railway premises.
6. Procedure of keeping watch on unwanted elements in the railway premises/ trains.
7. How to tackle the situations in different type of incidents of crime against passengers in trains as well as in passenger areas.
8. How to tackle the criminals arrested by the RPF.
9. Disposal of property seized from the criminals.
10. Procedures to be observed by RPF while handing over arrested person to GRP/ Police.

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गिरफ्तारी का प्रमुख

1. अभियुक्त का नाम, पिता का नाम व यूरा पता
2. अपराध संख्या व धारा व थाना जिसमें वंचित हो
3. गिरफ्तारी का स्थान दिनांक व समय
4. गिरफ्तार करने वाले पुलिस कर्मियों का नाम, पद, नब्बर, नियुक्ति-
5. साक्षी जिसकी उपस्थिति में गिरफ्तार किया गया है
6. गिरफ्तारी के समय अभियुक्त से प्राप्त धन एवं वस्तु का विवरण-

साक्षी के हस्ताक्षर

क्या गिरफ्तार व्यवहार को उसके गिरफ्तारी की सूचना
उसके किसी दोस्त,रिस्तेदार अथवा अन्य परिचित को
देने के उसके अधिकार से अवगत कराया गया है?

क्या गिरफ्तार व्यवहार ने उसके राशि के प्रश्न तथा के लिए कहा
हाँ/नहीं

गिरफ्तार व्यवहार द्वारा उसकी गिरफ्तारी की सूचना देने के समय,
गए उसके/ रिस्तेदार अथवा अन्य परिचित का नाम व पता

अभियुक्त के हस्ताक्षर

गिरफ्तार करने वाले अभिभक्त/रिपोर्टर के हस्ताक्षर

36
शारीरिक निरीक्षण का प्रपत्र

1. अभियुक्त का नाम व पता
2. अपराध संख्या व धारा
3. गिरफ्तारी के समय शारीर प्रवृत्तिगत
   चोटों का विवरण (यदि कोई हो)
4. भोजन संबंधित घरीलू हंग हटु भेजने की
   दिनांक एवं समय
5. किसके द्वारा भेजा गया नाम व पदनाम
1. जनपद का नाम

2. अभिरक्षा में लिए गए व्यक्ति का नाम व -
   व पिता का नाम एवं गता।

3. अभिरक्षा में लेने की सिधि

4. अभिरक्षा संख्या एवं धारा

5. किसके द्वारा गिरफ्तार किया गया

6. गिरफ्तारी के बाद कहाँ पर रखा गया

7. भिड़ या संबंधी का नाम व वह जिसमें सूचना देनी है

दिनांक:

पोस्ट कमांडर के हस्ताक्षर
धारा- र.सू.ब./क. नं.
46 - इलाहाबाद।