

NORMS SET FOR THE DISCHARGE OF FUNCTIONS

Norms for the discharge of functions are set in the following :

(a) **The RPF Act 1957 :-**

Power to arrest without warrant:

Any member of the Force may, without an order from a Magistrate and without a warrant, arrest:

- (i) any person, who voluntarily causes hurt to, or attempts voluntarily to cause hurt to, or wrongfully restrains or attempts wrongfully to restraint, or assaults, threatens to assault, or uses, or threatens or attempts to use, criminal force to him or any other member of the Force in the execution of his duty as such member, or with intent to prevent or to deter him from discharging his duty as such members or in consequence or anything done or attempted to be done by him in the lawful discharge of his duty as such member; or
- (ii) any person who has been concerned in or against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence which relates to railway property. or
- (iii) any person found taking precautions to conceal his presence within the railway limits under circumstances which afford reason to believe that he is taking such precautions with a view to committing theft of, or damage to railway property; or
- (iv) any person who commits or attempts to commit a cognizable offence which involves or which is likely to involve imminent danger to the life of any person engaged in carrying on any work relating to railway property.

Power to search without warrant :

- (1) Whenever any member of the Force, not below the rank of a Naik, has reason to believe that any such offence as is referred to in section 12 has been or is being committed and that a search warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence he may detain him and search his person and belongings forthwith and, if he thinks proper arrest any person whom he has reason to believe to have committed the offence.
- (2) The provision of Code of Criminal Procedure, 1973 relating to searches under that Code shall, so far as may, be applied to searches under this section.

Procedure to be followed after arrest:

Any member of the Force making an arrest under this Act shall without unnecessary delay, make over the person so arrested to Police officer, or, in the absence of police officer take such person or cause him to be taken to the nearest police station.

(b) RPF Rules, 1987.**Restriction on deployment of Force:**

1. Notwithstanding anything contained in this Chapter, no member of the Force shall be called upon to carry out any functions relating to law and order (except when detailed under Chapter XVI) or to attend to problems which are purely of an administrative nature requiring certain standard of discipline to be maintained by the railway servants or users of the railways: Provided that the Force may be deployed to combat mob violence against the safety and security of railway property where there is delay in arrival of the Police or the Magistrate.
2. Without prejudice to rule 41.2(x) the force may make adequate arrangements during strike and lock-outs for ensuring protection and security of railway property and provide protection to the loyal workers and for maintenance of law and order with the assistance of Local Police or otherwise.
3. Except for reason to be recorded in writing, no member of the Force shall be deployed in railway colonies- (a) for rounding up and removal of stray cattle, hawkers, beggars, anti-social elements such other duties; (b) for regulating the crowd for ensuring law and order in the sale of controlled commodities by railway co-operative societies; (c) to perform traffic duties, to control the crowd and to regulate vehicular traffic; (d) to collect toll taxes; or (e) to guard the schools and colleges run by the railway administration: Provided that the Force may be deployed in any railway colony for guarding vital installation like sub-stations, pump houses, etc.
4. No member of the Force shall be called upon to remove encroachments and unauthorized occupation or to evict tenants or sub-tenants either on railway stations or in the railway premises where such encroachment, unauthorized occupation or subletting have been accepted by the railway administration over the years or which are likely to result in law and order problem.
5. No member of the Force shall be deployed for serving order of dismissal or removal from service or suspension on any railway servant or to verify the antecedents or character of any employee.
6. No member of the Force shall be called upon to remove any posters which seem objectionable to the railway administration but if any other railway servant is commissioned to remove such posters, the Force shall provide protection to him.

Procedure on arrest:

For the purpose of section 14, while handing over a person arrested under section 12 to the police office or at the nearest police station, a brief note giving the time, date and reasons of arrest shall also be furnished and a record of the same kept at the post.

Search:

For the purposes of section 13 of the Act, if any railway property reasonably suspected of having been stolen or unlawfully obtained is found during any search of a person or his belongings that person shall be arrested and dealt with under the provisions of the Railway Property (Unlawful Possession) Act, 1966 or sent to the Police along with the property thus recovered as the circumstances of the case may warrant.

(c) [Railway Property \(Unlawful Possession\) Act 1966.](#)

- 1. Power to arrest without warrant.--**Any superior officer or member of the Force may, without an order from a Magistrate and without a warrant,, arrest any person who has been concerned in an offence punishable under this Act or against whom a reasonable suspicion exists of his having been so concerned.
- 2. Inquiry how to be made against arrested persons.—**
 - (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 inquiry into the charge against such person.
 - (2) For this purpose the officer of the Force may exercise the same powers and shall be subject to the same provisions as the officer incharge of a police-station may exercise and is subject to under the Code of Criminal Procedure, 1898 (5 of 1898)¹, when investigating a cognizable case :

Provided that-

- (a) if the officer of the Force is of 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 of the Force 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 of the Force may direct, to appear, if and when so required before the Magistrate having jurisdiction, and shall make a full report of all the particulars of the case to his official superior.

3. Power to summon persons to give evidence and produce documents.—

- (1) An officer of the Force shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document, or any other thing in an inquiry which such officer is making for any of the purposes of this Act.
- (2) A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned.
- (3) All persons, so summoned, shall be bound to attend either in person or by an authorised agent as such officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements and to produce such documents and other things as may be required: Provided that the exemptions under sections 132 and 133 of the Code of Civil Procedure, 1908 (5 of 1908), shall be applicable to requisitions for attendance under this section.
- (4) Every such inquiry as aforesaid, shall be deemed to be a "judicial proceeding" within the meaning of section 193 and section 228 of the Indian Penal Code (45 of 1860).

4. Issue of search warrant.—

- (1) If an officer of the Force has reason to believe that any place is used for the deposit or sale of railway property which has been stolen or unlawfully obtained, he shall make an application to the Magistrate, having jurisdiction over the area in which that place is situate, for issue of a search warrant.
- (2) The Magistrate to whom an application is made under sub-section (1), may, after such inquiry as he thinks necessary, by his warrant, authorise any officer of the Force-
 - (a) to enter, with such assistance as may be required, such place;
 - (b) to search the same in the manner specified in the warrant;
 - (c) to take possession of any railway property therein found which he reasonably suspects to be stolen or unlawfully obtained; and
 - (d) to convey such railway property before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety.

- 5. Searches and arrests how to be made.--**All searches and arrests made under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898 (5 of 1898)¹, relating respectively to searches and arrests made under that Code.

(d) [The Railway Act 1989.](#)**Arrest for offences under certain sections :-**

- (1) If any person commits any offence mentioned in section 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 a person commits any offence mentioned in sections 137, 141 to 147, 150 to 157, 160 to 162, 164, 166, 168 and 172 to 175, 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.
- (3) The railway servant or the police officer may call to his aid any other person to effect the arrest under sub-section (1).
- (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.

Arrest of persons likely to abscond, etc. :-

- (1) If any person who commits any offence under this Act, other than an offence mentioned in section 179, or is liable to pay any excess charge or other sum demanded under section 138, fails or refuses to give his name and address or there is reason to believe that the name and address given by him are fictitious or that he will abscond, any railway servant authorized in this behalf or any police officer not below the rank of a head constable may arrest him without warrant or written authority.
- (2) The railway servant or the police officer may call to his aid any other person to effect the arrest under sub-section (1).
- (3) Any person 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 unless he is released earlier on giving bail or if his true name and address are ascertained on executing a bond without sureties for his appearance before the Magistrate having jurisdiction to try him for the offence.
- (4) The provisions of Chapter XXIII of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to the giving of bail and the execution of bonds under this section.

Enquiry by officer authority to ascertained commission of offence :-

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

Powers of officer authorized to enquire :-

While making an enquiry the officer authorized shall have power to :-

- (1) Summon and enforce the attendance of any person and record his statement.
- (2) Require the discovery and production of any document.
- (3) Requisition of any public record or copy thereof from any office authority or person.
- (4) Enter and search any premises or person and seize any property or document which may be relevant to the subject matter of the enquiry.

Disposal of person arrested :-

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 authorized, be forwarded, without delay, such officer.

Enquiry how to be made against arrested person :-

- (1) When any person is arrested by the officer authorized for an offence punishable under this Act such officer shall proceed to enquire into the charge against such person.
- (2) For this purpose, the officer authorized may exercise the same powers and shall be subject to the provisions as the officer incharge of a police station may exercise and to the subject provisions of the Cr.P.C, when investigating a cognizable offence.

Provided that :----

- (a) If the officer authorized 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 authorized that there is no sufficient evidence or reasonable ground of suspicion against the accused person he shall released the accused person on his executing a bond with or without sureties as the officer authorized may direct to appear if and when so required before the magistrate having jurisdiction.

Search, Seizure and Arrest how to be made :-

All searches, seizures and arrest made under this Act shall be carried out in accordance with the provisions of Cr.P.C.

Punishment for certain offences in relation to enquire :-

Who ever intentionally insults or causes any interruption in the enquiry proceedings or deliberately makes a false statement before the enquiry officer shall be punished with simple imprisonment for a term which may extend to six months or fine 1000/- or both.

- (e) Standing Orders issued from Security Directorate, Railway Board from time to time.
- (f) Railway Board's Circular issued from time to time.