

RAILWAY PROTECTION FORCE ACT, 1957

23 of 1957

[29th August, 1957]

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SCHEDULE 1 :- THE SCHEDULE

RAILWAY PROTECTION FORCE ACT, 1957

23 of 1957

[29th August, 1957]

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. BE it enacted by Parliament in the Eighth Year of the Republic of India as follows :-

1. Short title, extent and commencement :-

(1) This Act may be called The Railway Protection Force Act, 1957.

(2) It extends to the whole of India.

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

2. Definitions :-

[(1)] In this Act, unless the context otherwise requires,-

(a) "Force" means the Railway Protection Force constituted under section 3 ;

[(b) "Director-General" means the Director-General of the Force appointed under sub-section (1) of section 4 ;

(ba) "enrolled member of the Force" means any subordinate officer, under officer or any other member of the Force of a rank lower than that of under officer,

(bb) "Force custody" means the arrest or confinement of a member of the Force in accordance with rules made under this Act;]

(c) "member of the Force" means a person appointed to the Force under this Act [* *];

(ca) "passenger" shall have the meaning assigned to it in the Railways Act, 1989 (24 of 1989)

(cb) "passenger area" shall include railway platform, train, yard and such other area as is frequently visited by passengers;.

(d) "prescribed" means prescribed by rules made under this Act;

(e) "railway property" includes any goods, money or valuable security, or animal, belonging to, or in the charge or possession of, a railway administration;

[(ea) "subordinate officer" means a person appointed to the Force as an Inspector, a Sub-Inspector or an Assistant Sub-Inspector;'

(f) "Superior officer" means any of the officers appointed under section 4 and includes any other officer appointed by the Central

Government as a superior officer of the Force;

[(fa) "under officer" means a person appointed to the Force as a Head Constable or Naik;]

(g) words and expressions used but not defined in this Act and defined in Railways Act, 1890 shall have the meanings respectively assigned to them under that Act.

[(2) Any reference in this Act to a law which is not in force in any area shall in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.]

3. Constitution of the force :-

(1) There shall be constituted and maintained by the Central Government [an armed Force of the Union] to be called the Railway Protection Force for the better protection and security of railway property.

(2) The force shall be constituted in such manner shall consist of such number of [superior officers [subordinate officers, under officers and other enrolled members] of the Force and shall receive such pay and other remuneration as may be prescribed.

4. Appointment and powers of superior officers :-

[(1) The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspector-General. Additional Inspectors-General, Deputy Inspector-General, Assistant Inspectors-General, Senior Commandants, Commandants or Assistant Commandants of the Force.]

(2) The [Director-General] and every other superior officer so appointed shall possess and exercise such powers and authority over the members of the Force under their respective commands as is provided by or under this Act.

5. Classes and ranks among members of the Force :-

Omitted by Railway Protection Force (Amendment) Act (60 of 1985), S. 6 (20-9-85).

6. Appointment of members of the Force :-

The appointment of enrolled members of the Force shall rest with the Inspector-General, Additional Inspector-General or Deputy Inspector-General who shall exercise that power in accordance with rules made under this Act : Provided that the power of appointment

under this section may also be exercised by other superior officer as the Inspector-General, Additional Inspector-General or Deputy Inspector-General concerned may, by order, specify in this behalf.]

7. Certificates to members of the Force :-

(1) Every member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the [Inspector-General. Additional Inspector-General or Deputy Inspector-General] or such other superior officer as the [Inspector-General, Additional Inspector-General or Deputy Inspector-General] may specify in this behalf by virtue of which the person holding such certificate shall be vested with the powers of a member of the Force, (2) Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a member of the Force [* * * *],

8. Superintendence and administration of the Force :-

(1) The superintendence of the Force shall vest in the Central Government, and subject thereto and to the provisions of this Act and of any rules made thereunder, the command supervision and administration of the Force shall vest in the Director-General.

(2) Subject to the provisions of sub-section (1), the administration of the Force, within such local limits in relation to a railway as may be prescribed shall be carried on by an Inspector-General, an Additional Inspector-General or a Deputy Inspector-General in accordance with the provisions of this Act and of any rules made thereunder and they shall, subject to any direction that may be given by the Central Government or the Director-General in this behalf discharge his functions under the general supervision of the General Manager of the Railway."

9. Dismissal, removal, etc. of members of the Force :-

(1) Subject to the provisions of Article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may-

(i) dismiss, suspend or reduce in rank any [enrolled member] of the Force whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same; or

(ii) award any one or more of the following punishments to any [enrolled member] of the Force who discharges his duty in a

careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely :-

(a) fine to any amount not exceeding seven days' pay or reduction in pay scale;

(b) confinement to quarters for a period not exceeding fourteen days with or without punishment. drill, extra guard, fatigue or other duty:

(c) removal from any office of distinction or deprivation of any special emolument.

[(2) Any enrolled member of the force aggrieved by an order made under sub-section (1) may, within thirty days from the date on which the order is communicated to him, prefer an appeal against the order to such authority as may be prescribed : Provided that the prescribed authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) In disposing of the appeal, the prescribed authority shall follow such procedure as may be prescribed: Provided that no order imposing an enhanced penalty under sub-section (2) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order.]

10. Officers and members of the Force to be deemed to be railway servants :-

Director- General and every member of the Force] shall for all purposes be regarded as railway servants within the- meaning of Railways Act, 1890 , other than Chapter VI-A thereof, and shall be entitled to exercise the powers conferred on railway servants by or under that Act.

11. Duties of members of Force :-

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.

12. 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 wrong- fully restrains or attempts wrongfully to restrain, 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 discharg- ing his duty as such member, or in consequence of 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, passenger area and passengers]; 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, passenger area and passengers]: 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, passenger area and passengers]

13. Power to search without warrant :-

(1) Whenever [* * *] any member of the Force, not below the rank of a Senior Rakshak, 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 afford- ing 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 provisions of the [Code of Criminal Procedure, 1973], relating to searches under that Code shall, so far as may be, apply to searches under this section.,

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14. 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 a police officer together with a detailed report of the circumstances leading to the arrest of such person], or in the absence of a police officer, take such person or cause him to be taken to the nearest police station.

15. Officers and members of the force to be considered always on duty and liable to be employed in any part of the Railways :-

[(1) Every member of the Force shall, for the purposes of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed at any place- within India.]

(2) No [* * * *]member of the Force shall engage himself in any employment or office other than his duties under this Act.

15A. Restrictions respecting right to form association, etc>
:-

(1) No member of the Force shall, without the previous sanction in writing of the Central Government or of the prescribed authority-

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Force or is not of a purely social, recreational or religious nature: or

(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bonafide discharge of his duties or is of a purely literary, artistic or scientific character or is of

a prescribed nature. Explanation.-If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No member of the Force shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed.]

16. Responsibilities of members of the Force during suspension :-

A member of the Force shall not by reason of his suspension from office cease to be a member of the Force; and he shall, during that period, be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty.

16A. Surrender of certificate, arms, etc., by persons ceasing to be members of the Force :-

(1) Every person who for any reason ceases to be a member of the Force, shall forthwith surrender to any superior officer empowered to receive the same, his certificate of appointment, the arms, accoutrements, clothing and other articles which have been furnished to him for the performance of his duties as a member of the Force.

(2) Any person who wilfully neglects or refuses to surrender his certificate of appointment, the arms, accoutrements, clothing and other articles furnished to him, as required by sub-section (I) shall on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Director-General, has become the property of the person to whom the same was furnished.]

17. Penalties for neglect of duty, etc :-

(1) Without prejudice to the provisions contained in S. 9, every enrolled member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or lawful order made by a superior officer, or who shall withdraw from duties of his office

without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority for an employment other than his duty as an enrolled member of the Force, or who shall be guilty of cowardice may be taken into Force custody and shall, on conviction, be punished with imprisonment which may extend to one year.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable and non-bailable.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Central Government may invest Assistant Inspector-General, Senior Commandant or Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by an enrolled member of the Force and punishable under this Act, or any offence committed by an enrolled member of the Force against the person or property of another member of the Force : Provided that-

(i) when the offender is on leave or absent from duty: or

(ii) when the offence is not connected with the offender's duties as an enrolled member of the Force; or

(iii) when it is a petty offence even if connected with the offender's duties as an enrolled member of the Force: or

(iv) when, for reasons to be recorded in writing, it is not practicable for the Commandant invested with the powers of a Magistrate to inquire into or try the offence, the offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed so requires, be inquired into or tried by an ordinary criminal Court having jurisdiction in the matter.

(4) Nothing contained in this section shall be construed to prevent any enrolled member of the Force from being prosecuted under any other law for any offence made punishable by that law, or for being liable under any such law to any other or higher penalty or punishment than is provided for such offence by this section : Provided that no person shall be punished twice for the same offence.]

18. Application of Act XXII of 1922 to members of the force

:-

Police (Incitement to Disaffection) Act, 1922 shall apply to members of the Force as it applies to members of a police force.

19. Certain Acts not to apply to members of the Force :-

Nothing contained in Payment of Wages Act, 1936 , or Industrial Disputes Act, 1947 or Factories Act, 1948 , or any corresponding law relating to investigation and settlement of industrial dispute in force in a State shall apply to members of the Force.]

20. Protection of Acts of members of the Force :-

(1) In any suit or proceeding against any [* * * *] member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under the orders of a competent authority.

(2) Any such plea may be proved by the production of the order directing the act, and if it is so proved, the [* * * *] member of the Force shall thereupon be discharged from any liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any '[* * *]' member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such proceeding and of the cause thereof shall be given to the person concerned and his superior officer at least one month before the commencement of such proceeding.

21. Power to make rules :-

1 The Central Government may by notification in Official Gazette make rules for carrying out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for-

(a) regulating the classes and grades and the pay and remuneration of[* * *] members of the Force and their conditions of service in the Force;

(b) regulating the powers and duties of [* * *] members of the Force authorised to exercise any functions by or under this Act;

(c) fixing the period of service for [* * *] members of the Force;

[(d) prescribing the description and quantity of arms, accoutrements, clothing and other necessary articles to be furnished to the members of the Force;

(e) prescribing the places of residence of the member of the Force;

(f) institution, management and regulation of any fund for any purpose connected with the administration of the Force;

(g) regulating the punishments and prescribing authorities to whom appeal shall be preferred from orders of punishment, or remission of fines, or other punishments and the procedure to be followed for the disposal of such appeals;

(h) regulating matters with respect to Force custody under this Act, including the procedure to be followed for taking persons into such custody;

(i) regulating matters with respect to disposal of cases relating to offences under this Act and specifying the places in which persons convicted under this Act may be confined;

(j) any other matter which has to be, or may be, imposed or in respect of which rules are required to be made under this Act;"]

[(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the session immediately following the session or the successive sessions aforesaid, both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. I

SCHEDULE 1

THE SCHEDULE

(See section 7) A. B. has been appointed a member of the Railway Protection Force under the Railway Protection Force Act, 1957. and is vested with the powers, functions and privileges of a member of the Force.
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