

## (II) (A) The Indian Rlys Act 1989 CHAPTER-XV Penalties and Offences

### 137. Fraudulently travelling or attempting to travel without proper pas or ticket

- **If any person, with intent to defraud a railway administration,--**
  - Enters or remains in any carriage on a railway or travels in a train in contravention of Sec.55, or
  - Uses or attempt 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 extent to six months, or with fine which may extend to one thousand rupees, or with both:  
Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than a fine of five hundred rupees.
- The person referred to in sub-section (1) shall also be liable to pay the excess charge mentioned in sub-section (3) in addition to the ordinary single fare for the distance which he has travelled, 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 passengers travelling in the train have been examined since the original starting of the train, ordinary single fare form the place where the tickets were so examined or, in the case of their having been examined more than once, were last examined.
- The excess charge referred to in sub-section (2) shall be a sum equal to the ordinary single fare referred to in that sub-section or fifty rupees, which ever is more.
- Notwithstanding anything contained in Sec.65 of the Indian Penal Code, (45 of 1860) the court convicting an offender may direct that the person in default of payment of any fine inflicted by the court shall suffer imprisonment for a term which may extend to six months.

### 138. Levy of excess charge and fare for travelling without proper pass or ticket or beyond authorised distance

- **If any passenger,--**
  - being in or having alighted from train, fails or refuses to present for examination or to deliver up his pass or ticket immediately on a demand being made therefor under Sec. 54, or
  - travels in a train in contravention of the provisions of Sec.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 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 form the station from which the train originally started, or, if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary single fare form the place where the tickets were so examined or in the case of their having been examined more than once, were last examined.
- **If any passenger,--**
  - travels or attempts to travel in or on a carriage, or by a train, of a higher class than that for which he has obtained a pass or purchased a ticket; or
  - travels in or on a carriage beyond the place authorised by his pass or ticket, he shall be liable to pay, on the demand of any railway servant authorised in this behalf, any difference between the fare paid by him and the fare payable in respect of the journey he has made and the excess charge referred to in sub-section.
  - The excess charge shall be a sum equal to the amount payable under sub-section (1) or

- sub-section (2), as the case may be, or fifty rupees, whichever is more:
- Provided that if the passenger has with him a certificate granted under sub-section (2) of Sec. 55, no excess charge referred to in sub-section
- If any passenger liable to pay the excess charge and the fare mentioned in sub-section (1), or the excess charge and any difference of fare mentioned in therefor under one or other of these sub-sections (2), fails or refuses to pay the same on a demand being made therefor under one or other of these sub-sections , as the case may be, any railway servant authorised by the railway administration in this behalf may apply to any Metropolitan Magistrate or a Judicial Magistrate of the first or second class, as the case may be, for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extend to one month but not less than ten days.
- Any sum recovered under sub-section (4) shall, as and when it is recovered, be paid to the railway administration.

### **39. Power to remove persons**

Any person failing or refusing to pay the fare and the excess charge referred to in Sec. 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:

Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket.

Provided further that a woman or a child if unaccompanied by a male passenger shall not be so removed except either at the station from where she or he commences her or his journey or at a junction or terminal station or station at the headquarters of a civil district and such removal shall be made only during the day.

### **140. Security for good behaviour in certain cases**

- When a court convicting a person of an offence under Sec.137 or Sec.138 finds that he has been habitually committing or attempting to commit that offence and the court is of the opinion that it is necessary or desirable to require that person to execute a bond for good behaviour, such court may at the time of passing the sentence on the person, order him to execute a bond with or without sureties for such amount and for such period not exceeding three years as it deems fit.
- An order under sub-section (1) may also be made by an Appellate Court or by the High Court when exercising its powers of revision.

### **141. Needlessly 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:

Provided that , in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, where a passenger, without reasonable and sufficient cause, makes use of the alarm chain provided by a railway administration, such punishment shall not be less than --

- a fine of five hundred rupees, in the case of conviction for the first offence; and

- Imprisonment for three months in case of conviction for the second or subsequent offence.

#### **142. Penalty for transfer of tickets**

- **If any person not being a railway servant or an agent authorised in this behalf ---**
  - sells or attempts to sell any ticket or any half of a return ticket; or
  - parts or attempts to part with the possession of a ticket against which reservation of a seat or berth has been made or any half of a return ticket or a season ticket, in order to enable any other person to travel therewith, 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 shall also forfeit the ticket which he sells or attempts to sell or parts or attempts to part.
- **If any person purchases any ticket referred to in Cl.**
  - of sub-section (1) or obtains the possession of any ticket referred to in Cl.
  - of that sub-section 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 Sec. 138 :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, the punishment under sub-section (1) or sub-section (2) shall not be less than a fine of two hundred and fifty rupees.

#### **143. Penalty for unauthorised carrying on of business of procuring and supplying of railway tickets**

- If any person, not being a railway servant or an agent authorised in this behalf,-
  - carries on the business of procuring and supplying tickets for travel on a railway or for reserved accommodation for journey in a train; or
  - 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 or with fine which may extend to ten thousand rupees, or with both, and shall also forfeit the tickets which he so procures, sells or attempts to purchase or sell :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than imprisonment for a term of one month or a fine of five thousand rupees.

- Whoever abets any offence punishable under this section shall, whether or not such offence is committed, be punishable with the same punishment as is provided for the offence.

#### **144. Prohibition on hawking, etc. and begging**

- If any person canvasses 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 licence granted by the railway administration in this behalf, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, such punishment shall not be less than a fine of one thousand rupees.

- If any person begs in any railway carriage or upon a railway station, he shall be liable for punishment as provided under sub-section(1).
- Any person referred to in sub-section (1) or sub-section (2) may be removed from the railway carriage or any part of the railway or railway station, as the case may be, by any railway servant authorised in this behalf or by any other person whom such railway servant may call to his aid.

#### **145. Drunkenness or nuisance**

- **If any person in any railway carriage or upon any part of a railway -**
  - is in a state of intoxication ; or
  - Commits any nuisance or act of indecency or uses abusive or obscene language ; or
  - 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 ;

**Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, such punishment shall not be less than-**

- A fine of one hundred rupees in the case of conviction for the first offence ; and
- Imprisonment of one month and a fine of two hundred and fifty rupees, in the case of conviction for second or subsequent offence.

#### **146. Obstructing railway servant in his duties**

If any person willfully 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.

#### **147. Trespass and refusal to desist from trespass**

- If any person enters upon or into any part of a railway without lawful authority, or having lawfully entered upon or into such part misuses 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.

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, such punishment shall not be less than a fine of five hundred rupees.

- Any person referred to in sub-section(1) may be removed from the railway by any railway servant or by any other person whom such railway servant may call to his aid.

#### **148. Penalty for making a false statement in an application for compensation**

If in any application for compensation under Sec.125, any person makes a statement which is false or which he knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

#### **149. Making a false claim for compensation**

If any person requiring compensation from a railway administration for loss, destruction, damage, deterioration or non-delivery of any consignment makes a claim which is false or which he knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term

which may extend to three years, or with fine, or with both.

#### **150. Maliciously wrecking or attempting to wreck a train**

- Subject to the provisions of sub-section (2), if any person unlawfully,-
  - Puts or throws upon or across any railways, any wood, stone or other matter or thing; or
  - Takes up, removes, loosens or displaces any rail, sleeper or other matter or things belonging to any railway; or
  - turns, moves, unlocks or diverts any points or other machinery belonging to any railway; or
  - makes or shows, or hides or removes, any signal or light upon or near to any railway; or
  - does or causes to be done or attempts to do any other act or thing in relation to any railway, with intent or with knowledge that he is likely to endanger the safety of any person travelling on or being upon the railway, he shall be punishable with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years;

**Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, where a person is punishable with rigorous imprisonment such imprisonment shall not be less than-**

- three years, in, the case of a conviction for the first offence; and
- seven years, in the case of conviction for the second or subsequent offence.
- **If any person unlawfully does any act or thing referred to in any of the clauses of sub-section (1)-**
  - with intent to cause the death of any person and the doing of such act or thing causes the death of any person; or
  - with knowledge that such act or thing is so imminently dangerous that it must in all probability cause the death of any person or such bodily injury to any person as is likely to cause the death of such person, he shall be punishable with death or imprisonment for life.

#### **151. Damage to or destruction of certain railway properties**

- If any person, with intent to cause, or knowing that he is likely to cause damage or destruction to any property of a railway referred to in sub-section
- causes by fire, explosive substance or otherwise, damage to such property or destruction of such property, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.
- The properties of a railway referred to in sub-section (1) are railway track, bridges, station buildings and installations, carriages or wagons, locomotives, signaling, telecommunications, electric traction and block equipments and such other properties as the Central Government being of the opinion that damage thereto or destruction thereof is likely to endanger the operation of a railway may, by notification, specify.

#### **152. Maliciously hurting or attempting to hurt persons traveling by railway**

If any person unlawfully throws or causes to fall or strike at against, into or upon any rolling stock forming part of a train, any wood, stone or other matter or thing with intent, or with knowledge that he is likely to endanger the safety of any person being in or upon such rolling stock or in or upon any other rolling stock forming part of the same train, he shall be punishable with imprisonment for life, or with

imprisonment for a term which may extend to ten years.

### **153. Endangering safety of persons traveling by railway by willful act or omission**

If any person be any unlawful act or by any willful omission or neglect, endangers or causes to be endangered the safety of any person traveling 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.

### **154. Endangering safety of persons traveling by railway by rash or 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 traveling 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.

### **155. Entering into a compartment reserved or resisting entry into a compartment not reserved**

- **If any passenger-**
  - having entered a compartment wherein no berth or seat has been reserved by a railway administration for his use, or
  - having unauthorisedly occupied a berth or seat reserved by a railway administration for the use of another passenger, refuses to leave it when required to do so by any railway servant authorized 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.
- **If any passenger resists the lawful entry of another passenger into a compartment not reserved for the use of the passenger resisting, he shall be punishable with fine which may extend to two hundred rupees.**

### **156. Traveling on roof, step or engine of a train**

If any passenger or any other person, after being warned by a railway servant to desist, persists in traveling 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.

### **157. Altering of defacing pass or ticket**

If any passenger willfully alters or defaces his pass or ticket so as to render the 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.

### **158. Penalty for contravention of any of the provision of Chapter XIV**

Any person under whose authority any railway servant is employed in contravention of any of the provisions of Chapter XIV or of the rules made thereunder shall be punishable with fine may extend to five hundred rupees.

### **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 directions 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.

### **160. Opening or breaking a level crossing gate**

- If any person, other than a railway servant or a person authorized 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.
- 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 for a term which may extend to five years.

### **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.

**Explanation:-** for the purposes of this section, “negligence” in relation to any person driving or leading a vehicle in crossing an unmanned level crossing means the crossing of such level crossing by such person-

- (a) without stopping or caring to stop the vehicle near such level crossing to observe whether any approaching rolling stock is in sight, or
- (b) even while an approaching rolling stock is in sight.

### **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,-

- enters such carriage, compartment, room or other place, or having entered such carriage, compartment, room or place, remains therein; or
- 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.

### **163. Giving false account of goods**

If any person required to furnish an account of goods under section 66, gives an account which is 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, be punishable with fine which may extend to five hundred rupees for every quintal or part thereof of such goods.

### **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.

### **165. Unlawfully bringing offensive goods on a railway**

If any person, in contravention of section 67, takes with him any offensive goods or entrusts 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.

### **166. Defacing public notices**

### **If any person without lawful authority-**

- 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
- 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.

### **167. Smoking**

- No person in any compartment of a train shall, if objected to by any other passenger in that compartment, smoke therein.
- Notwithstanding anything contained in sub-section (1), a railway administration may prohibit smoking in any train or part of a train.
- Whosoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with fine which may extend to one hundred rupees.

### **168. Provision with respect to commission of offence by the children of acts endangering safety of person traveling on railway**

- If a person under the age of twelve years is guilty of any of the offences under sections 150 to 154, the court convicting him may require the father or guardian of such person to execute, within such time as the court may fix, a bond for such amount and for such period as the court may direct for the good conduct of such person.
- The amount of the bond, if forfeited, shall be recoverable by the court as if it were a fine imposed by itself.
- If a father or guardian fails to execute a bond under sub-section (1) within the time fixed by the court, he shall be punishable with fine which may extend to fifty rupees.

### **169. Levy of penalty on non-Government railway**

If a non-Government railway falls to comply with, any requisition made, decision or direction given, by the Central Government, under any of the provisions of this Act, or otherwise contravenes any of the provisions of this Act, it shall be open to the Central Government, by order, to levy a penalty not exceeding two hundred and fifty rupees and further penalty not exceeding one hundred and fifty rupees for every day during which the contravention continues:-

Provided that no such penalty shall be levied except after giving a reasonable opportunity to the non-Government railway to make such representation as it deems fit.

### **170. Recovery of penalty**

Any penalty imposed by the Central Government Under section 169, shall be recoverable by a suit in the District Court having jurisdiction in the place where the head office of the non-government railway is situated.

### **171. Section 169 or 170 not to preclude Central Government from taking any other action**

Nothing in section 169 or 170 shall preclude the Central Government from resorting to any other action to compel a non-Government railway to discharge any obligation imposed upon it by or under this Act.

### **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 state is likely to endanger the safety of any person traveling 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.

### **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 properly 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 one thousand rupees, or with both.

### **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-

- by squatting or picketing or during any rail roko agitation or bandh; or
- by keeping without authority any rolling stock on the railway; or
- by tempering 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 two thousand rupees, or with both.

### **175. Endangering the safety of persons**

**If any railway servant, when on duty, endangers the safety of any person-**

- by disobeying any rule made under this Act; or
- by disobeying any instruction, direction or order under this Act, or the rules made there under;  
or
- 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 one thousand rupees, or with both.

### **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 one hundred rupees.

### **177. False returns**

If any railway servant required to furnish a return by or under this Act, signs and furnishes a return which is false in any material particular or which he knows or believes to be false, or does not believe to be true, he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

### **178. Making a false report by a railway servant**

If any railway servant who is required by a railway administration to inquire into a claim for loss, destruction, damage, deterioration or non-delivery of any consignment makes a report which is false or which he knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

### **179. Arrest for offences under certain sections**

(1) 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.

(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 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.

#### **180. 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, falls 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 authorised 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 of the court of the Magistrate unless he is released earlier on giving bail or if he is true name and address are ascertained before on executing a bond without sureties or his appearance before the Magistrate having jurisdiction to try him for the offence.

(4) The provisions of Chapter, XXIII of the 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.

#### **181. Magistrate having jurisdiction under the Act**

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try an offence under this Act.

#### **182. Place of trial**

(1) Any person committing an offence under this Act or any rule made there under shall be liable for such offence in any place in which he may be or which the State Government may notify in this behalf, as well as any other place in which he is liable to be tried under any law for the time being in force.

(2) Every notification under sub-section (1) shall be published in the official gazette, and a copy thereof shall be exhibited for the information of the public in some conspicuous place at such railway stations as the State Government may direct.

**(II) (B) The Rly Act 1989 as amended by the (Railways second amendment) Act 2003**

**MINISTRY OF LAW AND JUSTICE  
(Legislative Department)**

24 of 1989	<p>New Delhi, the 23rd December , 2003/fPausa 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:-</p> <p><b>THE RAILWAY PROTECTION FORCE (AMENDMENT)</b> ACT,2003 No.51 OF 2003</p> <p style="text-align: right;"><i>[23rd December, 2003]</i></p>	Short title and commencement.
3 of 1957	<p>An act further to amend the Railways Act, 1989.</p> <p>BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:-</p> <p>1- (1) This Act may be called the Railways (Second Amendment) Act, 2003.</p> <p>(2) it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> <p>In section 2 of the Railways Act, 1989 (hereinafter referred to as the principal Act),</p> <p>(a) after clause (26), the following clause shall be inserted, namely:- “(26A) “officer authorized” means an officer authorized by the Central Government under sub-section (2) of section 179;”;</p> <p>(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</p> <p>(c) of sub-section (1)of section 2 of the Railway Protection Force Act, 1957’.</p>	Amendment of section 2.

## **THE GAZETTE OF INDIA EXTRAORDINARY**

(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 investing 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.

### **Search, seizure and arrest how to be made.**

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.

### **Cognizance by Court on a complaint made by officer authorised**

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

### **Punishment for certain offences in relation to inquiry.**

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

**(II) (C) AMENDMENT TO THE RAILWAYS ACT,  
1989-AT A GLANCE**

<b>Section</b>	<b>Before Amendment</b>	<b>Amendments</b>	<b>Result</b>
2 (26 A)	Not existing	After clause (26), the following clause shall be inserted, namely:-  '(26a) officer authorized means an officer authorised by the Central Government under section 179(2).	Authorised official is defined. Central Govt. is empowered to nominate the official (Being notified).
2 (34)	"Railway servant means any person employed by the Central Government or by a railway administration in connection with the service of a railway.	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 Railway protection Force Act, 1957.	RPF specifically mentioned.
179	(1) If a person commits any offence mentioned in Sections 137, 141 to 147, 150 to157, 160 to162,164,166,168 and 172 to 175, dhe may be arrested without warrant or other written authority by any railway servant or police officer not below the rank of a head constable.	(1) if any person commits any offence mentioned in sections 150 to152, he may be arrested without warrant or other written authority by any railway servant or police officer not below the rank of head constable.  (2) If any person commits any offence mentioned in Sections 137 to139,141 to 147, 153 to157, 159 to167 and 172 to176, he may be arrested, without warrant or other written authority by any officer authorised by an order of the Central Government.	No change for offences under section 150 to152 For these Sections, Authorised official exclusively empowered.
179	(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) 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	No change.
179	(3) 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	(4) Any person so arrested under this section shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrests excluding the time necessary for the journey from the place of	No change.

	court of the Magistrate.	arrest to the court of the Magistrate.	
180	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 authorised in this behalf or any police officer not below the rank of a head constable may arrest him without warrant or written authority.	(a) in sub section (1).- (i) for the words and figures section 179, the words, brackets and figures subsection (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 office authorised shall be substituted;	Offences under Section 179 (2) differentiated from 179 (1) Authorised official specifically empowered.
180	(1) The Railway servant or the police officer may call to his aid any other person to effect the arrest under sub-section (1).	(2) for the words The railway servant or the police officer, the words an officer authorised shall be substituted.	Authorised official specifically empowered
180-A	Not existing	180 A. 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.	Authorised official specifically empowered
180-B	Not existing	180 B. While making an inquiry, the officer authorised shall have power to, -  (i) summon an enforce the attendance of any person an 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.	Authjorised official empowered to conduct to conduct enquiry, summon and search.

180-C	Not existing	<p><b>180C.</b> 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 an officer authorised, be forwarded, without delay, to such officer.</p>	<p>Authorised official exclusively empowered.</p>
180-D	Not existing	<p><b>180 D.</b> (1) When any person is arrested by an officer authorised for an offence punishable under this Act, such officer shall proceed to inquire into the charge against such person.</p> <p>(2) For this purpose , the officer authorised may exercise the same powers and shall be subject of the same provisions as the officer incharge of a police- station may exercise and is subject to the provisions of the Code of Criminal Procedure , 1973, when investigation a cognizable case:</p> <p><b>Provided that</b></p> <p>(a) if the officer authorised 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;</p> <p>(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 will direct, to appear, if an when so required , before the Magistrate having jurisdiction.</p>	<p>Provisions of Cr.p.C extended for enquiry by the authorised official.</p> <p>Authorised official empowered to grant bail</p> <p>Authorised official empowered to bind</p>
180-E	Not existing	<p><b>180E.</b> All searches, seizures and arrests made under this Act shall be</p>	<p>Cr. P. C. will govern all</p>

		carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating respectively to searches and arrests made under that Code.	procedures.
180-F	Not existing	<b>180 F.</b> No court shall take cognizance of an offence mentioned in sub-section (2) of section 179 except on a complaint by an order of the Central Government.	Authorised official will have exclusive authority to file complaints for the specified Sections.
180-g	Not existing	<b>180G.</b> Whoever intentionally insults or causes any interruption in the inquiry proceeding or deliberately makes a false statement before the inquiring officer shall be punished with simple imprisonment for a term which may extent to six months or with fine which may extend to one thousand rupees or with both.	Will ensure expedited enquiry.

