

RAILWAY PROTECTION FORCE

CRIME MANUAL

पीयूष गोयल
PIYUSH GOYAL

सत्यमेव जयते

रेल और वाणिज्य एवं उद्योग मंत्री,
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Minister of
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Government of India



Message

Indian Railways is considered as the backbone of the country that has been adding consistently to the extraordinary growth story of a New India. The success, security and development of the Railways will not be a possibility without our dedicated Railway Protection Force (RPF). RPF is an important pillar for not only the Railways but also for national security.

Today, under the visionary leadership of Hon'ble Prime Minister Shri Narendra Modi, Indian Railways is witnessing transformational changes. These changes have also transformed the RPF to make it a SMART Security Unit. Recently, RPF Paramilitary Force - CORAS has been established to protect railways from threats of terrorism and naxalism.

Adding to the list of its efforts to maximise security and minimise crime, RPF is releasing its 'Crime Manual'. This manual will serve as a one stop encyclopaedia for all Rules, Procedures, Directives, Policy Guidelines, Clarifications etc. I am confident that this manual will help RPF personnel and other stakeholders in understanding procedures and using them to maximise public security.

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MoS (R)/Message 04 /2019

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Minister of State for Railways
Government of India

11 SEP 2019

MESSAGE

I extend my warm wishes and share the joy on the excellent work being done by Railway Protection Force in protecting and ensuring security of passengers and passenger area under arduous and challenging circumstances.

RPF being an important part of Indian Railways and an Armed Force of the Union, is dealing directly with crime matters under Railway Property (Unlawful Possession) Act, Railway Act etc. and supplements the efforts of Local Police/Government Railway Police to provide better protection and security of passenger area & passengers. RPF has a distinct set of Rules and regulations governing such issues. So far, there was no single book that could be referred to know the various extant legal provisions on such matters. Now, RPF will have one such Crime Manual that can easily be accessed for the said purpose.

RPF Crime Manual is a comprehensive, organized and structured Manual. I am sure that it shall go a long way in making RPF a well governing Force to deal with various issues related to crime matters.

I compliment DG RPF Shri Arun Kumar, IPS and his team for this significant achievement.

(Suresh Angadi)

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एवं
पदेन प्रमुख सचिव, भारत सरकार
रेल मंत्रालय
CHAIRMAN, RAILWAY BOARD
&
EX-OFFICIO PRINCIPAL SECRETARY
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS



11.09.2019

MESSAGE

I am glad to know that for the first time, Security Directorate of Railway Board, has come up with an organized RPF Crime Manual for reference by staff in dealing with day to day cases.

RPF is a dynamic organization, evolved over a period of time and is still growing with changing circumstances. In order to meet the challenges in an ever changing crime scenario, RFP needs to continuously update itself with the way it deals with crime, making use of experience gained during dealing with crime related matters, use of modern technology etc. and in turn requires amendments in Rules and regulations, modifications in Directives and Policy guidelines and instructions etc. It is, therefore, necessary to have a reference book which is continuously updated and can be referred to for all crime related matters. I am sure RPF Crime Manual is going to meet the said requirement.

I realize a lot of hard work has gone into preparation of RPF Crime Manual. The Manual consists of Chapters on important subjects like Railway Property (Unlawful Possession) Act, 1966, Railway Act, 1989, Passenger Crime, Protection of Women and Children and other important issues. The RPF Crime Manual contains various provisions of RPF Rules, Directives, Standing Orders, Circulars, Guidelines, Policy decisions, instructions and Clarifications issued by the Security Directorate from time to time over last several decades.

I congratulate DG/RPF and his team for publishing the RPF Crime Manual.

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एक कदम स्वच्छता की ओर

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MINISTRY OF RAILWAYS
(RAILWAY BOARD)
RAIL BHAVAN, NEW DELHI-110001



19th September, 2019

MESSAGE

Railway Protection Force (RPF) has come a long way from the watch and ward wing of Indian Railway to a full-fledged professional force of India Union. To start with it was entrusted with the responsibility of protecting railway properties and railway materials. The amendment of Railway Property (Unlawful Possession) Act in 2012, added new dimension in the investigation related to theft and misappropriation of Railway properties. In 2004, RPF was given the additional responsibility of the security of passenger areas and passengers. This brought a paradigm shift in crime investigation work of RPF. Recently RPF has been empowered to arrest and seize contraband items under Narcotic Drugs and Psychotropic Substances Act, 1985. The investigators of RPF are being trained to shoulder responsibilities to investigate under new acts. This is high time to compile the various provisions of relevant Acts, RPF Rules, Directives etc. relating to investigation and prosecution of crime in the form of a consolidated Crime Manual.

I thank all officers, especially Shri Rajaram, PCSC/ECOR who have put in efforts to prepare this Manual. The Manual also contains the procedure related to handling digital evidence which is becoming part and parcel of commission of new age crimes.

I hope this manual will help all the Investigators and Supervisory Officers of RPF to investigate and prosecute the railway crime in a professional manner.

19/9/19

(Arun Kumar)

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CHAPTER-1

Action under Railway Property (Unlawful possession) Act 1966

1. <u>Entry in the Daily Diary and Inspection of the P.O of the crime - On receipt of information on theft of railway property</u> -

1.1. **Making entry in the daily diary**- Whenever any information regarding theft of railway property is received through a memo or otherwise, it should be immediately informed to the inspector-in-charge. The Inspector should record the same in the daily diary himself or through the diary writer.

1.2. **Inspection of the place of occurrence**- On getting any such information, the inspector-in-charge should inspect the place of occurrence himself or depute some subordinate officer for the job. The officer would ensure preserving the clues found on the crime scene; and if necessary, have the evidence investigated through forensic science laboratory. Dog squad may also be requisitioned, if required. If the stolen property is recovered or the criminal is arrested with the help of the dog squad, it is necessary that the work of the dog squad is recorded in writing.

2. <u>REGISTRATION OF CASE:</u>

2.1. If prima facie evidence is found on inspection of the crime scene, a case will be registered under Railway Property (Unlawful Possession) Act 1966 in the daily diary of the Post, in the RP(UP) Act register and entry into CRR module of RSMS will be done.
2.2. Inspector in-charge will inform the court about the registration of the case after the case is registered under RP(UP) Act (irrespective of the fact whether the accused is arrested or not arrested and accused is known or not known)
2.3. After the registration, the inspector-in-charge would do enquiry of the case either himself or depute a subordinate officer for the same.
2.4. Member of the RPF who prepares the seizure memo of the recovered property, he will not conduct the enquiry under RP(UP) Act.

Authority: Director General/RPF letter No.2014/Sec(Crime)/45/96 dated 11.12.2014.

3. <u>PROCEDURE TO BE FOLLOWED WHEN COMPLETE STOLEN PROPERTY ARE RECOVERED AND THE ACCUSED IS ARRESTED</u>-

If the accused is arrested with stolen railway property either by a member of the force or by someone else, the accused would be immediately sent to the nearest RPF post/outpost.
(Authority : Section 7 of RP(UP) Act)

3.1. The enquiry officer would make detailed entry of the complaint in the daily diary of the RPF post, along with detailed entry of the arrest memo, seizure memo, personal search memo, recovered railway property and the estimated value of the property. All the documents would be copied in the daily diary.

3.2. Registers C-8 and G-4 should be looked into to find out if the accused has past crime record. If the accused has been convicted earlier, then the case would be registered under section 3 (b) of Railway Property (Unlawful Possession) Act.

3.3. Value of the recovered property would be based on estimated market price. The actual value would be determined during enquiry when the custodian produces relevant documents.

3.4. If on the basis of value of the property, the case comes under Special Report category, then enquiry would be done by the inspector-in-charge of the Post or by an inspector nominated by a superior authority. In cases other than Special Report category, enquiry would be done by inspector-in-charge himself or by a subordinate officer nominated by him.

3.5. Enquiry should be completed within 24 hours, if the arrest is made without a warrant. The arrested person must be produced before a Judicial Magistrate in a court within 24 hours of the arrest (exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.)

Authority: Section 57 of the CrPC

3.6. If it appears to the officer of the Force 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 on the stated date and time or forward him in custody to such Magistrate.

Authority: Section 8(2) (a) of RP(UP) Act

3.7. 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.

If the accused or his surety pleads for bail at the level of the post with the Inspector-in-charge, then his application or his surety's application would be accepted after verifying the documents submitted by the surety , for which clear unambiguous entry would be made in the daily diary. Bond letter (Annexure-3) will be submitted by the accused. Surety bond (Annexure-4) will be submitted by the person giving surety. The accused and the surety would be required to submit photo copies of their self-attested Aadhaar card (if they have their Aadhaar card).

Authority: Section 8 (2)(b) of RP(UP)Act

4. LIST OF DOCUMENTS TO BE PREPARED AT THE PLACE OF OFFENCE

4.1. Seizure list (Annexure-1) would be prepared regarding items recovered from the place of offence.

4.2. If the things recovered (railway property) are small and weigh little, they would be put in a sack or bag and sealed. Sample seal would be prepared in a card label and would be signed with date by all the witnesses, the accused and writer of the seizure list. If the sack or bag is officially used, it will be mentioned so in the seizure memo. If the sack or bag belongs to accused, it will not be required to mention in the seizue memo.

4.3. If the seized item is huge and weighty, then sample chit would be prepared and pasted on it duly signed with date by all the witnesses, the accused and the writer of the seizure list.

4.4. Photography/ Videography will be done for all the above proceedings at the place of seizure. Site plan etc. would also be made.

4.5. **PRECAUTIONS TO BE TAKEN AT THE PLACE OF OFFENCE :**

i. Case number would not be written on the seal, chit, sample seal and sample chit at the crime scene.

ii. If a person or proprietor of a shop, house or scrap store is arrested along with the recovery of railway property, then the fact of arrest must be mentioned in the recovery memo.

iii. Personal search of the arrested person would be conducted. Personal search memo would be prepared mentioning the things found on personal search. If the things and documents found in the personal search are related to the crime, then they would be sealed separately with a separate sample seal. Personal belongings will be sealed and kept separately (Annexure-2).

Authority: Section 51 of the CrPC

iv. If any firearms are found in the personal search, then the personal belongings would be sealed separately and the said firearms would be sealed by preparing a seizure memo, and would be delivered to the Hon'ble Court.

Provision: Section 52 of the CrPC

5. PROCEDURE FOR SEARCHING A HOUSE/SHOP/SCRAP SHOP AND MAKING ARREST AND PRECAUTIONS

5.1. If the stolen railway property is reported to have been hidden in a house/shop or scrap shop, then, as far as possible, a search warrant should be obtained from the court having jurisdiction.

Provision: Section 10 of the RP(UP)Act

5.2. If it is not possible to obtain search warrant due to unavailability of judicial magistrate and it is feared that the stolen property might be immediately disposed of, then, the officer can proceed to search without warrant. Details about inability to obtain search warrant and of the apprehension regarding disposal of the property should be duly documented on the spot of the search. The details of the goods seized should also be written on these papers.

Provision: Section 165 of the CrPC

5.3. Procedure prescribed under section 100 of CrPC will be strictly followed while conducting any search.

5.4. If the search of a shop, house or scrap shop is being conducted on the basis of the statement and the leads given by the arrested person, then his statement must be entered in both the case diary and the daily diary. This person has to be invariably present on the spot during the search operation.

5.5. If the statement given by the accused leads to no recovery, a report/fard would be prepared, writing that no stolen railway property was recovered,.

5.6. The search warrant has to be shown to the owner of the house/shop/scrap shop before starting the search.

5.7. The person conducting search has to satisfy the owner/proprietor of the house/shop/scrap shop by offering his own body search before proceeding to search.

5.8. If entry cannot be made easily, then the officer can break open the door or window of the house/shop/scrap shop according to the section 47 of the CrPC.

5.9. If a person present near or inside the house/shop/scrap shop is reasonably suspected to have hidden in his person the property for which search is being conducted, the officer would conduct personal search of that person.

5.10. If the above person is a woman, then her personal search would be conducted with all the decency by a woman only.

5.11. Two or more independent and respected persons from the neighborhood should be called to be present at the time of search of the house/shop/scrap shop. If no such person are available in the neighborhood or are willing to be a witness to the proceedings, then such person can be called from some other place by sending a written summon, and search would be conducted in their presence.

5.12. A list of the things found during the search should be prepared, mentioning the place from which they were found, and the same shoul be got signed by the witnesses present.

5.13. The owner of the house/shop/scrap shop, or his agent has right to be present at the time of the search. A list of the things found from the house would be given to the owner or his agent.

5.14. If personal search of a person on the spot is conducted, then a list would be made of the things found on him. He would also be given a copy of the personal search memo.

Provision: Section 100 of the CrPC.

5.15. Detailed proceeding should be written in the fard/memo prepared on the spot.

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5.16. The names and signatures/thumb impressions of the independent witnesses must be obtained on the fard/memo and the seals and chits pasted on the recovered property. If independent witnesses could not be found in spite of making efforts, then this fact should be mentioned both in the fard/memo and daily diary.

5.17. If the search has been done in presence of and on the basis of leads given by the accused, then his name/signature or thumb impression must also be taken on the seal and the chit pasted on the recovered property.

5.18. If the accused refuses to divulge his name and address and also refuses to sign on the seizure memo at the time of seizure, then the officer preparing the fard/memo would write the same on it. In such a case, the officer would ensure gathering the name and address

of the accused according to section 42 of the CrPC. These facts must also be mentioned in the complaint.

5.19. In case of the arrest of the owner or the receiver of the house/shop/scrap shop, the charge of this property, i.e. the house/shop/scrap shop would be handed over to a family member or a friend, as advised by the arrested person, on zimmanama. All these details including the name of the person, who is taking over charge, would be written on the fard/memo and his signature obtained on the same.

5.20. If any vehicle has been used to travel from Post to the place of search (house/shop/scrap shop), this fact should be mentioned on the fard/memo.

5.21. If stolen railway property is recovered from a vehicle, then the vehicle would be seized, and all the details i.e. name and address of the owner, registration number, chassis number, engine number, model of the vehicle etc. should be mentioned in the fard/memo.

5.22. Assistance of the local police should be taken during search. Name, number and rank of such police personnel must be written and his signature obtained on the relevant documents.

5.23. If it is felt that arrest and search might be affected adversely if any delay takes place, the same may be done without the help of the police. In such cases, written information about the same should be given the the police station having jurisdiction.

5.24. The documents showing ownership of the house/shop/scrap shop (electricity bills/ration card/municipality receipt/land revenue receipts etc.) from where stolen property has been recovered must be collected and their details mentioned in the list of the things seized.

5.25. If a government vehicle has been used for movement from RPF Post for conducting search operation on a scrap shop/house, proper entries of the movement must be made in the logbook of the vehicle.

5.26. If a private vehicle has been used in the above movement for conducting the search, receipt for the amount paid as hiring charges must be obtained.

5.27. On completion of all the proceedings at the place of offence, the recovered railway property, the arrested person (s), the vehicles and the documents prepared on the spot will be taken to the RPF Post and handed over to the inspector-in-charge or officer in-charge with a written report. All the details of the incident along with time will be mentioned in the report, duly mentioning the mode of transport used to bring the accused and the recovered property from the place of offence to the RPF Post. If a vehicle has been used for this purpose, then number of the vehicle, the name and address of the owner and the driver would be mentioned both in the daily diary and the statements of the witnesses.

5.28. If an accused is arrested in some other district, then he would be produced before the court having jurisdiction over the area of the arrest and transit remand obtained to bring him to the court having jurisdiction over the RPF post. On reaching at the RPF Post, necessary entries would be made in the daily diary.

5.29. The arrested person would be produced before a local judicial magistrate/railway court within prescribed time limit after his medical checkup by a government hospital/railway

hospital or a registered medical professional. Services of a registered medical professional would be taken only when it is impossible to get medical checkup done by a government/railway hospital.

Provision: Section 54 of the CrPC

5.30. Details of the items found in personal search of an accused would be entered in the personal search register C-43. The format of the personal search register C-43 is given in the serial number 45 of Chapter 16.

5.31. The personal belongings recovered in personal search would be kept securely in a separate box or almirah at the RPF post. The Maalkhana in charge would be given charge of this box/almirah.

5.32. The accused can claim release of his personal belongings at RPF post after obtaining bail by putting the court order before the inspector-in-charge who would return the things after taking signature of the accused on the personal search register C-43. Its entry will be done in the daily diary. Such accused who do not take their personal belongings on getting bail or completion of punishment, their belongins will be disposed as per order of the court.

5.33. If a wanted accused is already in jail in some other case**,** a written request should be made to the judicial magistrate concerned to summon the accused from jail by informing details of the present crime. If the accused is summoned to the court in the next hearing, he would be deemed to have been arrested in this case.

Provision: Section 267 of the Cr.PC

6. PROCEDURE TO BE FOLLOWED BY POST-IN-CHARGE WHEN A JUVENILE IN CONFLICT WITH LAW IS ARRESTED:

6.1. The juvenile in conflict with law arrested under Railway property (Unlawful possession) Act and Railway Act should be brought to the RPF in secure custody.

6.2. Procedures to be completed at the place of offence, i.e., interrogation, property details, seizure memo, personal search memo and arrest memo would be prepared.

6.3. On reaching at the RPF post, case would be registered in the daily diary and entries made in the relevant registers.

6.4. A photograph of the juvenile in conflict with law would be taken. It would be filed but would not be made public.

6.5. Such cases would be inquired as per the provisions of the Railway property (unlawful possession) Act or the Railway Act.

6.6. The arrested juvenile would not be handcuffed, would not be put in a lockup, but would be secured in a safe place.

6.7. Medical checkup of the juvenile in conflict with law would be got done in a government hospital/railway hospital or by a registered medical practitioner.
Authority: Section 54 of CrPC.

6.8. To determine the age of the juvenile in conflict with law, the enquiry officer would collect his/her birth certificate/ copy of family register/educational certificate. If the age cannot be ascertained through these documents, the officer would take recourse to determining the age medically (ossification test) after getting permission of the juvenile justice board. The age certificate thus obtained would be presented in original as evidence before the court.

6.9. The juvenile in conflict with law would be produced before the Juvenile Justice Board within 24 hours by the inspector-in-charge himself or through his subordinate officer.

6.10. The inspector-in-charge/subordinate officer/enquiry officer would produce the juvenile in conflict with law before the Juvenile Justice Board with case diary, medical certificate and documents relating to seizure, personal search and human rights.

6.11. Human rights of the juvenile in conflict with law would be taken care of by the inspector-in-charge himself or by a subordinate official from the RPF.

6.12. The enquiry officer should complete the enquiry within 60 days.

6.13. The inspector-in-charge would keep the details received from the juvenile in conflict with law, safe and secure at the RPF post.

6.14. Even if the juvenile in conflict with law becomes major during the course of enquiry, enquiry would be conducted as if he were a minor.

6.15. Juvenile cannot confess to criminal offence. He may be released by Juvenile Justice Board after his/her parents fill up bond papers.

6.16. The inspector-in-charge would send all the information regarding the proceedings to Sr DSC/DSC.

6.17. The juvenile in conflict with law would be allowed to meet the advocates coming to him through the state legal aid body.

6.18. If enquiry against the juvenile in conflict with law is not complete within 60 days, the inspector-in-charge would seek permission for its closure from Senior Divisional Commissioner/Divisional Commissioner. After obtaining the approval he would close the case.

6.19. In a case in which adult criminals are also involved with the juvenile, the enquiry officer would make three copies of complaint letter/prosecution report. The original copy would be given to the railway court or the criminal court. The second copy would go to the Juvenile Justice board. The third copy would be meant for the office. However, signatures on the original copy and both the carbon copies would be original. Two photo copies of every other original document must also be prepared. The original copy would go to the court of the adult accused. One photo copy would be sent to juvenile court/board. The third would be kept in the office as a record.

6.20. Sr DSC/DSC may declare subordinate officers at each RPF post as special child welfare officers who would inquire cases against any juvenile in conflict with law under the jurisdiction of the RPF post.

6.21. The special child welfare officer would inform the parents/guardian that their ward has been taken into safe custody. He would also inform them as to which Board their ward

would be taken to. The parents/guardian would also be told about the date and time when they have to appear before the board.

6.22. The concerned correctional home officer would be informed about the custody of the juvenile in conflict with law so that he can gather information on social background and other important life circumstances and pass on the same to the Board.

6.23. The juvenile in conflict with law would not be asked to put his signature on any document.

6.24. The special child welfare officer would be in mufty, and never be in uniform, during all the proceedings/activity related to the juvenile in conflict with law.

6.25. If a juvenile in conflict with law cannot be produced before the Board or a member of the board as he was caught in some far flung place or at odd hours, the child welfare officer would keep the juvenile in a correctional home or some other place with proper facilities, under child welfare officer rule 69 (D). He would then produce the juvenile before the Board within 24 hours.

7. PROCEDURE OF ARRESTING A WOMAN

7.1. In cases of arrest of a woman, only a lady official of the RPF would be involved in the arrest or any other proceeding ensuring dignity of woman. She would be put in a separate lockup meant for woman. If a separate lockup is not available, then she would be put at some safe place under the custody of a woman. The arrested woman would not be handcuffed under any circumstances. Where lady force member is not available, the arrest will be done with other woman present.

7.2. If the woman is accompanied by an infant or new born child, then the kid would not be separated from the mother. The accused woman would be produced in the court along with the child.

7.3. Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.

Authority: Section 46 (4) of the CrPC.

7.4. Whenever it is necessary to cause a female to be searched, the search shall be made by another female with strict regard to decency.

Authority:- Sector 51 (2) of Cr.PC.

8. DOCUMENTS TO BE SENT TO THE COURT WITH THE ACCUSED

1) Arrest memo (Annexure-5)
2) True copy of original Daily Diary.
3) Original Complaint
4) Recovery memo and arrest memo of the accused person(s) (Annexure-1)
5) Original copy of Personal search memo, (Annexure -2)
6) Original copy of Medical certificate. (Annexure 10)
7) Original copy of Forms related to human rights. (Annexure -11)
8) Documents relating to Bond (Annexure 3)

9) Bail papers (Annexure -4)
10) Signed photo copy of the Aadhar cards given by the accused and the surety (if available)
11) Case diary, original copy
12) Statement of the accused, original copy
13) Application by the enquiry officer to take remand. (Annexure -6)
14) Recovered property.
15) Application to obtain court order to keep the recovered property in the maalkhaana.

9. REMAND

9.1. After the accused has been produced before the court, he would be sent to the jail as per remand of the court. The case property would be kept in the maalkhaana, entering details in the maalkhaana register. All the proceeding would be written in the daily diary and case diary.

9.2. If the enquiry officer is of the opinion, at the time of producing the accused before court, that the enquiring cannot be completed within 24 hours, and that he will need the accused for gathering evidence and arresting other suspects, he would have to the court stating the reasons for demanding remand. Besides the objective of arrest, remand can also be sought for recovery of property. For this purpose, the enquiry officer would need to write an application which he would get forwarded by the inspector-in-charge. Further, the public prosecutor would endorse it by writing "submitted please" on the application. Having completed these formalities, the enquiry officer would submit the application to the court. The public prosecutor would argue for remand on the basis of documents submitted by the E.O.

Provision: Section 167 of the CrPC

10. PROCEDURE TO BE FOLLOWED WHEN STOLEN RAILWAY PROPERTY HAS BEEN RECOVERED BUT ACCUSED HAS NOT BEEN ARRESTED

10.1. The RPF officer would take custody of the recovered property on the spot, prepare a fard/memo describing in detail of the recovered property. (Annexure-1).
10.2. If the recovered goods are booked consignments then their railway marka and, if the goods are loose, then the details printed on them would be written on the fard/memo.
10.3. If it is railway property, then the description printed or stenciled on it would be written in detail along with the size, measurements etc. of the property. If scale, measuring tape etc. are not available on the spot, measurement would be taken using hand span, fingers and hand. Measurement, thus taken would be entered on the fard/memo.
10.4. If a thief has run away leaving the stolen property but has been identified, then description about him would be entered in the fard/memo.

10.5. The enquiry officer would send the following documents to the court-

1) General diary (original copy)
2) Complaint
3) Recovery Memo (Annexure-1)
4) Case diary- original
5) Recovered property

10.6. After identifying the accused, the enquiry officer would collect intelligence and try his level best to nab him.

10.7. The inspector-in-charge would provide the enquiry officer with the descriptions of the suspected criminals from the C-8 and G-4 registers so that the enquiry officer can ascertain whether the accused is indeed involved in the crime or not.

10.8. The enquiry officer would continuously try and would make regular entries in the daily diary and case diary (until the accused has been either arrested or identified.)

10.9. The enquiry officer would seek list of old M.O. Criminals from his own and neighboring RPF posts and do surveillance/checking on their possible places of stay.

10.10. Old criminals would be summoned to the RPF post, and would be interrogated about the theft. They may be questioned about their location on the day the crime took place and whether they were involved in the theft or not. Their statements would be corroborated with other facts.

10.11. Modus operendi of earlier crimes would be compared with the modus operendi of the crime in question.

10.12. Electronic surveillance would also be used as per requirement to reach the criminals.

10.13. CDR and other details will be obtained from the tower locations of the spot of crime of the time around which the incident took place. For this purpose, the enquiry officer would make a request to the inspector-in-charge who in turn would email a letter from @gov.in email id to Sr DSC / DSC describing him the need to have CDR details of the mobile number in question. Then, the Sr DSC/DSC would send a request from their @gov.in email ID to the police nodal officer concerned in his @gov.in email id for CDR of the mobile number in question.

10.14. Once the CDR has been received, the enquiry officer would analyze it manually or with the help of some software. After questioning the suspects as requires, the crime would be detected.

10.15. Help would be taken from the CCTV footage from cameras installed at and around places like the buildings, offices, stores etc. from where the railway property has been stolen.

10.16. Relevant witnesses would be summoned and their statements recorded.
Provision: Section 61 to 69 of the CrPC.

10.17. The format of summon (Annexure-7).

10.18. The witnesses would be cross-questioned during their interrogation with the intention to clear all aspects of the crime.

10.19. If at any stage of enquiry, with the objective of detection of crime, need arises to re-examine a witness who has already been examined earlier, the same can be done without any restriction on the number of times one can be examined.

10.20. After the arrest of a criminal accused of stealing railway property, action will be taken according to the procedure mentioned above.

10.21. If, on the basis of the statement given by a person, employee or an old accused, it is proved that he was involved in stealing railway property and is also involved in this theft, action would be taken in accordance with the procedure stated aboove.

11. Procedure to be followed when the thief has been caught but the stolen goods have not been recovered:

11.1. Using professional skills, the accused would be interrogated. If he gives any lead or evidence, the property would be recovered accordingly.

11.2. If the accused says that he has sold the stolen property to a shopkeeper or scrap dealer (kabaadi), then the recovery would be made by the process stated earlier.

11.3. In a case in which the thief has been arrested but the stolen property has not been recovered, the money received from sale of the railway property by the thief would be recovered in accordance with to section 105 (A, D, E) of Cr.PC, and a recovery memo would be prepared. The recovered cash would be the subject matter of the case, which the IO would mention in the case diary and the daily diary. The document would be prepared accordingly and it would be mentioned in the complaint.

11.4. If the accused confesses to his involvement in earlier thefts, then his name would be connected to those cases as well.

11.5. If the stolen railway property is recovered from a house or shop on the basis of leads given by the accused, then the owner/proprietor of the house/shop would be made a co-accused. No separate case would be registered in such a case. The same crime number under the first case would suffice and enquiry against the arrested person and for the recovered railway property would continue under the same crime number.

11.6. If during the search of a house or shop, railway property more than what was stolen in the case is recovered (which might have been stolen on other dates from other places), then a separate case would be registered. The rest of the investigation process would be carried out in the way described earlier.

11.7. If someone is caught red handed selling stolen railway property at a shop or kabadi shop, then only one case would be registered and both the persons would be made accused. Enquiry would be done in the manner described earlier.

12. Procedure of enquiry to be followed when the accused has not been caught nor the stolen property recovered-

12.1. The enquiry officer would try his best to identify the accused and try to arrest him by collecting intelligence in this regard.

12.2. The E.O. would keep probing incessantly until the arrest or identification of the accused. He would make entries in the daily diary and case diary accordingly.

12.3. He would obtain list of old M.O. criminals from his own Post and from neighboring Posts and would search/keep surveillance on their possible hideouts/places.

12.4. Old criminals would be summoned to the RPF post, and would be interrogated about the theft. They may be questioned about their location on the day the crime took place and whether they were involved in the theft or not. Their statements would be corroborated with other facts.

12.5. The modus operandi of this crime would be compared with the modus operandi of earlier crimes.

12.6. Electronic surveillance system would be used as per requirements to reach the criminals.

12.7. CDR and other details will be obtained from the tower locations of the spot of crime of the time around which the incident took place. For this purpose, the enquiry officer would make a request to the inspector-in-charge who in turn would email a letter from @gov.in email id to Sr DSC / DSC describing him the need to have CDR details of the mobile number in question. Then, the Sr DSC/DSC would send a request from their @gov.in email id to the police nodal officer concerned in his @gov.in email id for CDR of the mobile number in question.

12.8. Once the CDR has been received, the enquiry officer would analyze it manually or with the help of some software. After questioning the suspects as requires, the crime would be detected.

12.9. Help would be taken from the CCTV footage from cameras installed at and around places like the buildings, offices, stores etc. from where the railway property has been stolen.

12.10. If the stolen items are railway materials, then the search would be conducted in shops of neighboring scrap dealers, rolling mills, furnace, iron smiths who make iron tools and those shops where there is possibility of sale of railway material.

12.11. If stolen property is of booked consignment, then search should be conducted in nearby wholesale and retail shops and also in weekly village markets where there is possibility of sale of stolen goods.

12.12. Relevant witnesses would be summoned and their statements recorded.(Annex-7)
Provision: Section 61 to 69 of the CrPC

12.13. The witnesses would be cross-questioned during their interrogation with the intention to clear all aspects of the crime.

12.14. If at any stage of enquiry, with the objective of detection of crime, need arises to re-examine a witness who has already been examined earlier, the same can be done without any restriction on the number of times one can be examined.

12.15. Statements would be taken from each and every railway employee who was in-charge of the stolen property----from the employee who had been entrusted with the security of the property and from the chowkidar appointed for the security of the property in question.

12.16**.** If the stolen property and the criminal involved cannot be traced despite every possible effort, then accountability of all the railway employees whose negligence led to the theft would be determined. A report would be dispatched to the controlling authority of these employees so that action is taken against them. This report can be sent earlier also.

12.17. These cases would be closed under section 8 (2) (B) of the Railway property (unlawful possession) act by Sr.DSC/DSC on the recommendation of the public prosecutor, information about which will be sent to headquarters. If the case is a special report case, Railway Board will be informed through headquarter.

Provision –Railway Board letter no.2016/Sec(CCB)/CSCs Conference-Pt dt. 18.10.2018

13. Procedure of arresting an accused absconding from crime spot, whose name and identity is known-

13.1. The enquiry officer would take photograph of the criminal taken on the crime spot. Or, else he would go to his residence to take his photograph. The officer would now write down full description of his physical features, i.e. height, weight, position and color of the eyes, body scars and other marks of identification.
13.2. Impressions and imprints of the fingers of both hands and toes of both feet would be taken.
13.3. Statements and certificates would be taken from the gram pradhan/city corporator where the accused lives. The photograph of the accused would be pasted and his identification details written on these documents so as to ascertain his identity.
13.4. Once the accused has been identified, the enquiry officer would prepare a report in this regard. It would be entered in the case diary and station diary and information about it would be given to the court concerned.
13.5. If the accused is a public servant, his identity would be established on the basis of documents obtained from the office of his (accused person's) controlling authority.
13.6. The identity of the accused would be established on the basis of his photographs too.
13.7. The enquiry officer would put details of entire proceeding and the photographs in the case file.

14. Identification process of an accused whose name and address is not known but whose facial and physical features are known-

14.1. Only the EO has the authority to get identification proceedings done.
14.2. The face of the accused would be covered when the inquiry officer arrests him on the basis of details of appearance as given in the fard/memo. All this would be mentioned in the arrest memo prepared on the spot.
14.3. The details of action taken, as given in para 14.2 will be entered in the daily diary and the case diary. The accused would be produced before the court having jurisdiction along with the related documents through public prosecutor. The accused will be taken to the jail, as per orders of the court, by the EO and the court Pairokar.
14.4. The inquiry officer would send a written request to the court through the public prosecutor for deciding the date of identification parade of the accused.
14.5. The information regarding the date determined by the court would be given to the superintendent of the jail where the accused has been lodged, through a person authorized by the court.
14.6. The jail superintendent would organise the process of identification of the accused on the pre-determined date and time. This would be done by gathering other criminals whose faces resemble that of the accused. They, along with the accused, would be made to stand in a line in the ratio of 1x10. To ensure this process, the EO would be present for identification with the fard/memo witnesses.
14.7. After the witnesses mentioned in the fard/memo have identified the accused, a report on the above process would be prepared on the spot. The statement of the accused would

be taken and his dossier prepared in the presence of the jail superintendent who would put his signature on the statement.

14.8. The inquiry officer would note the entire above proceeding in the daily diary and the case diary. Then the court would be informed through the public prosecutor.

14.9. Now this accused would be put in the category of the other accused in the case in question. The inquiry officer would take remand of this accused along with the other accused.

15. **Custodial violence**

15.1. 'Custody' means controlling some person or property through law so as to restrain his/its movement; or keeping an eye on him/it.

15.2. Police custody means police control over a person, whether that person is inside the lockup, in an open space or in travel.

15.3. Meaning of the word'violence' is not limited to just use of force. It's meaning is not confined to use of force against body of a person only, but includes use of force against property and non-living things as well.

15.4. Violence in custody denotes inappropriate behavior against somebody after restricting his freedom legally. It also means use of force, threat, and mental torture, psychological pressure against somebody after arresting him. Harming reputation or damaging property of the arrested person also fall in this category.

15.5. Practical examples of violence in custody

i) Ill-treating, beating or extorting money from the persons by interrogating RPF staff after arresting them so as to reach to the bottom of the crime, to get hold of the real criminal and others involved in the crime.

ii) Harassing an accused mentally and physically or giving him harsh torture at the time of his arrest, during house arrest and interrogation or during search operation.

iii) Fake encounter of suspected criminals and shooting at them without warning.

iv) Giving property of the arrested person in the possession of someone else. Inappropriate behavior with the ladies of the house during search operation.

v) Locking up an arrested person and putting him under handcuffs and leg irons without any reason.

vi) Depriving the arrested person of the daily necessities. Giving no medical treatment when he is ill.

vii) Not providing proper air, light and sanitation in the lockup. Throwing the arrested person from a running train or disrobing him.

viii) Punching, kicking, and beating with a lathi or belt. Also, raping, throwing chili powder into the eyes in the presence of the family of the arrested person.

ix) Making the arrested person lie on ice slab, passing electrical current through the body, singeing the body with lighted cigarette, pulling off the nails, breaking hands and legs or nose etc. etc.

x) Making the arrested person stand on his head. Hanging him from a tree after tying his hands together.

xi) Forcing him to drink urine. Parading him through the streets after tonsuring his head and painting the face black.

xii) Unnecessarily plucking hair strands from the beard and moustache of the accused during interrogation.

xiii) Hanging upside down after tying the legs together. Beating him in this position and hitting him with cold water jet.

xiv) Torturing mentally by informing the arrested person that his son/relative has confessed to the crime. So he should follow the suit. Forcing a teetotaler into drinking alcoholic drink.

16. **Arnesh kumar vs state of Bihar and others criminal appeal number 1277/2014 (S.C)**

Search, recovery and arrest shall be made according to the provisions of Railway Property (unlawful possession) Act (Amended Act 25 of the year, 2012) and section 11 and 180 E of Railways Act 1999,amended Act 5 of the year2003 .

16.1. Arrest would not be made just because the police officer thinks that the accused has committed a crime that entails a punishment of seven years or less.

16.2. Before making arrest, the Police officer has to be convinced that:

(i) The arrest is necessary to preventing the accused from committing any further offence; or

(ii) The arrest is necessary for proper investigation of the case; or;

(iii) It is necessary to prevent the accused from destroying the evidences; or

(iv) To prevent the accused from tampering with the evidence.

(v) The arrest is necessary to prevent the accused from making any inducement, threat or promise to any person acquainted with facts of the case to dissuade him from disclosing such facts to the Court or 'Police officer.'

(vi) Unless the culprit is arrested, his presence in the court cannot be ensured, whenever required.

16.3. The officer who is making the arrest must ensure that the arrest is indeed necessary and also, that the arrest fulfills the purpose as given in paragraph 16.2. In this regard, he would write detailed reasons of arrest in the daily diary and case diary and intimate the same to the court.

16.4. If arrest is not made, the officer would mention its reasons in the daily diary and report the same to the court within two weeks of registering the case.

16.5. In case of non-compliance of guidelines given in the paragraph 16.4, the enquiring officer would inform his Sr.DSC/DSC about the cause of delay and if the report is considered satisfactory by the Sr.DSC/DSC, the same will be informed to court through EO.

16.6. Failure to comply with the direction aforesaid stall apart from rendering the police officer concerned liable for departmental action, they shall also be liable to be punished for contempt of Court to be instituted before High Court having territorial jurisdiction.

Provision:

1. Section 41 (1) (b) (ii) of the CrPC.
2. Railway Board's letter no. 2007/Sec(Spl)/6/62/New Delhi dated 31.12.2015; judgment in case of Arnesh Kumar Vs. State of Bihar and others, Criminal Appeal No. 1277/2014 (S.C), order A.I.R. Page no. 2756.

17. **Precautions in relation to the arrest of on duty Railway employees**

17.1. In course of enquiry, if any evidence regarding involvement of any railway employee in connection with the theft of stolen railway property comes to light, then the legal proceeding would be carried out notifying the controlling officer of that railway employee. If the employee is on duty, the EO should wait till the employee is relieved of duty, or he would write to the controlling officer of that employee for arranging alternate personnel for duty and the employee would be arrested only after the alternative arrangement has been made.

After arrest of a railway employee, written information about of his arrest will be given to his Controlling Officer for departmental proceedings. On the basis of evidence collected

during the investigation, Draft Charge sheet and attested copies of statements of the witness will be sent by the inquiry officer, through the inspector-in-charge, to his Divisional / Disciplinary Officer and if the Divisional / Disciplinary Officer agrees with the recommendation of the inquiry officer, then he would forward the details to the concerned disciplinary authority of the arrested railway employee for further action.

17.2. If in the course of enquiry, statement of any railway officer involved in the case is required to be taken he would be intimated beforehand.

The concerned Sr DSC/DSC would also be informed about it. Accordingly, Sr DSC/DSC would give this information to PCSC.

17.3. If statement of official is to be recorded during custody, then for non-gazettedofficer, it is necessary to seek permission from Sr.DSC/DSC. For Gazetted officer seeking permission from PCSC is necessary.

17.4. If after taking statement, prima facie, allegations are found to be correct, then complete details would be reported to the Director General / RPF.
Provision - Letter of Railway Board 2015/Sec(Crime)/45/BRC-6 dated 31.01.2019

18. Proceedings against the arrested person and precautions:

18.1. Any member of the force, who is arresting or interrogating an arrested person, should bear an accurate, visible and clean identification of his name and designation.
Provision-Section 41-B of CrPC

18.2. Member of the force making the arrest will prepare an arrest memo in front of at least one witness who may be a member of the family of person arrested or even a neighbor. The signature of the person arrested on this memo is also required.

18.3. The person arrested or detained at the post will have the right to have at least one friend or relative informed, as soon as he is arrested or detained.
Provision- Section 41 B (c) of CrPC

18.4. If the friend or relative of the person arrested resides away from that district or city, then the information of the arrest by the member of the force can be given through a legal aid organization or by telegram or telephone within 12 hours of the arrest, mentioning the time and place of arrest and place of custody.

18.5. As soon as a person is arrested or detained, he would be informed that he has the right to inform his relative of his arrest.

18.6. The name of the relative of the arrestee informed about the arrest would be written in the daily diary. The names of the members of the force under whose custody the arrested person is placed would also be entered in the daily diary.

18.7. On the request of the arrested person or as per legal procedure medical examination will be ensured by the EO a medical examination and injuries, if any, would be recorded in the medical test report.
Provision- Section 53 and 54 of the CrPC

18.8. The medical test report should have the signature of both the member of the force and the arrested person, and the person arrested will be given a copy of the same.

18.9. The copies of all the documents mentioned above, including arrest memo, would be sent to the magistrate concerned for their record.

18.10. The arrested person would be allowed to meet his lawyer during interrogation, but (lawyer) would not be present during the entire interrogation.

18.11. Information about every arrest is to be within 12 hours to the security control room relayed division and of zonal HQ. This information would be displayed on the notice board there.

18.12. The details of the above action (18.1 to 18.11) will be noted by the inquiry officer in the General Diary and the Case Diary.

Provision - **1** DK Basu v State of West Bengal, Criminal Law Journal 1997
2. Director General / RPF / Law Circular No. 1

Note- In the event of non-observance of the above instructions, departmental proceedings may be initiated against the concerned. In addition, the person may also be held guilty of contempt of court. These instructions should be strictly adhered to.

18.13 The escort of the accused arrested under RP(UP) Act and Rly. Act will be done as per provision of Chapter 17.

19 Procedures for bail of arrested accused

19.1. A person arrested on the charges of bailable offences under the Railways Act is entitled to bail and can be released on bail by the in-charge of the post, provided he is ready to furnish bail.

19.2. If the person arrested for a bailable offence, fails to furnish bail, and yetthereis a complete basis for believing that the person would be present before the court or the enquiry officer when needed, then the accused can be released on personal bond.

19.3. In the cases of Railway Property (unlawful possession) Act and Railways Act, the accused arrested under the charge of non bailable offence can be released on bail if the accused arrested is under 16 years of age, or is a woman,or is suffering from a serious ailment.

19.4. Circumstances when bail should not be given:-

i. If a person has been convicted earlier two times or more for a cognizable offence that entails sentence of three years or more but less than seven years
ii. If the person is a repeat offender and has been arrested earlier.
iii. If he offers allurements or gives threats to a person who is aware of the facts regarding his crime so as to prevent presentation of facts that the facts cannot be presented before the court in order to save himself

20. Proceedings if no evidence is found –

If no concrete evidence or fact has been found in the statement given by the accused and the inquiry officer believes that the probe cannot be completed during the judicial custody of the accused and it seems that police custody of the accused is necessary for interrogation and evidence can be obtained from him, then, action would be taken to take the accused on remand according to paragraph 9.

21. Procedure of recording statement while the accused is in jail--

21.1. If owing to any reason the statement of the accused could not be taken and he is in jail, then his statement can be taken or recorded in jail after taking permission from the court

21.2. If the statement of the accused taken in jail fails to reveal the facts of the case, then procedure to take him in remand would be started according to paragraph 9.2 of Chapter 1.

22. Dossier

22.1**.** Dossier would be prepared for every person arrested under RP(UP) Act .
Provision-standing order no. 30.

22.2. The inquiry officer should go to the address of the accused, do a physical verification and prepare a site plan of his residence. Address verification report should be obtained from the gram pradhan/ ward commissioner / MLA of the area. The names and addresses of two such neighbors should be written, who know the accused so that information about the whereabouts of the accused can be found out in future even after 10-20 years.

23. Procedure for theft related to store-

23.1 If the recovery of the stolen railway property is related to any railway store, then checking of the store would be done immediately. If such checking is not immediately possible for any reason, then the store would be sealed in presence of its custodian. If the custodian is not available, the store would be sealed in the presence of at least two independent witnesses. If a document is to be seized, and it's seizure is not possible or cannot be done on that day, then, the place where the records are kept should also be sealed.

As far as possible, the checking of the store and seizure of the related records should be done on the very next day. On the day when the store would be checked, the presence of the custodian must be ensured through summon. In front of them checking of the store would be done. In this regard,, a complete description of the report would be given in the fard/memo prepared on the spot and signatures of everyone would be taken. The sample draft of such a report is at Annexure-8.

23.2. List of papers and records to be seized from the custodian's office / store :

i. Ledger .
ii. DTR (Daily Transaction Register) / MTR (Monthly Transaction Register).
iii. Issue Ticket Booklet
iv. Issue note, if any.

23.3. The inquiry officer would include copy of the purchase order, invoice etc. in the inquiry report, if the stolen railway property had been purchased by the Railways.

23.4. He would get hold of a copy of the contract/RC, if railway property is recovered from the illegal possession of a construction company or contractor.

23.5. If the contractor has been given material from any railway store, or (the material) is related to any store, then the concerned store would be checked and the above records would be verified/checked. Accordingly all the statements would be recorded. Which would be entered in the daily and the case diary.

23.6. If the order has been passed by a gazetted officer for the purchase of property and for the shifting of property or in any other circumstances, if it is necessary to record, statement of Gazetted officer, which would be done it by the enquiring officer. In this regard, instructions given at point no 11 would be followed.

23.7**.** If is a case is made out against a gazetted officer under the Railway Property (Unlawful possession) Act, then he would also be arrested. However, before effecting the arrest, information about the same would be given to Sr.DSC/DSC, who would in turn inform the PCSC.

23.8 During the inquiry if any such person is to be arrested for which the enquiring officer feels that law and order situationis likely to adversely affected due to such arrest, then under such circumstances, arrest should be made by taking necessary assistance from the Sub Divisional Magistrate and the Police Station of that area. Unless their assistance is received, arrest would not be made. The court would be informed of all the above details.

23.9 A person who enjoys legal and constitutional immunity from arrest would not be arrested immediately even though his arrest is necessary during the process of inquiry. The fact of his immunity would be entered in the daily diary and the case diary. Arrest would not be made until the procedure given in the law has been followed completely.

Provision - **1** Armed forces protection from arrest CrPC 45
2. Civil Procedure Code -132, 133)

23.10 If there is a case relating to the theft or misappropriation of railway property from a store, then the receipt, invoice of the purchase of the said railway property would be obtained from the respective custodian and included in the inquiry file as documentary evidence.

23.11 Entry of the details of the case would be made in the Register of Railway Property (Unlawful Possession) Act.

24. Duties of the inquiry officer-

24.1. The inquiry officer would go through all the relevant papers and start writing case diary, as stationery stamped and endorsed by the Controlling Officer. The details of action taken during the investigation would be written daily and its copy would be submitted to the office of inspector-in-charge. If the inquiry officer has done inquiry away from his headquarters, then in such circumstances, the case diary would be written at the place where inquiry has been done. Itwould be mentioned in the case diary that the case diary would be submitted after reaching headquarters.

Provision-Section 172 of the Criminal Procedure Code.

24.2. In term of Section 9 of RP(UP) Act, the inquiry officer would write in the case diary the exact, verbatim copy of the statements of the accused and witnesses, related correspondence sent and obtain verification report (tanqihetc) during the investigation.

24.3. During the inquiry, documentary evidence would be collected through seizure. If the document to be seized is of such nature that it cannot be carried or it is not possible to take it away due to day-to-day administrative requirements, then its certified copy would be seized, and the original documents would be handed over to the custodian through 'fard' Supurdginama' (Handing over note). In the handing over note, it would be instructed that the custodian will keep it safe in his office, will not alter / tamper or make entries in the original document and present it on requisition by the court or the inquiry officer. This information would be recorded in the case diary.

24.4. Entry about the proceedings at paragraph 24.1 to 24.3 would be made in the daily diary.

24.5. As per the requirement, the inquiry officer would record the statement of the accused before the magistrate according to section 164 of the CrPC.

24.6. During the inquiry, the inquiry officer has to find out who else is/was associated with the accused in committing the crime. If any such person is found out, he is called an 'abettor'. According to Section 107 of the Indian Penal Code, he should also be made an accused.

24.7. If during enquiry, it is found that same crime under IPC is made out, then the inquiry officer would get permission from the Inspector in charge and file an application in the court for obtaining permission to do inquiry. If the court gives permission, then he would conduct the inquiry himself. Otherwise, with the permission of the court he would file a FIR an complaint in the police station concerned.

24.8**.** If any document is prepared during night time by the EO, the lighting arrangements made and the source of light would be mentioned, whether that it was prepared under torch light or some electric light.

24.9. To prove the previous convictions of the accused, it is necessary to follow the provisions of Section 298 CrPC.

24.10. In every case, complaint would be filed in the court within a period of 60 days. If the enquiry is not completed within 60 days and the accused is in jail, the accused will become entitled for bail.

24.11. If the inquiry officer is unable to complete the inquiry within a period of 60 days then through inspector-in-charge, he would request Sr.DSC/DSC for extension of time and also inform the same to the court.

25. Duty of Inspector In-charge during Inquiry --

25.1 On every working day, will seek information with respect to the inquiry from the Inquiry Officer and give appropriate directions.

25.2 If the Inquiry Officer is under the Inspector In-charge, then the Inspector In-charge will carefully read the case diary received from the E.O., and if he is in agreement with the inquiry, he will forward it to the concerned ASC. If any shortcoming or mistake is found, then he will give necessary directions in writing to the Inquiry Officer for immediate rectification.

25.3 On completion of the inquiry, will ensure in complaint/prosecution report that all the necessary ingredients of the section for the offence stated to have been proved during the enquiry, have actually been proved in the inquiry. All these evidence should be admissible evidence under the Indian Evidence Act. It is to be certified that the section of the Act under which the charge has been proved, all its necessary ingredients have been proved on the basis of the evidence collected in the inquiry and recommendation is made to file complaint in the court. Along with this certificate, he will forward the report to the Divisional Office seeking approval for filing the complaint in court.

25.4 In continuation of para 25.3, after getting the approval from Sr. DSC/DSC, will get the complaint along with original file filed in court by the Inquiry Officer through the Public Prosecutor. Entry of the whole proceedings along with the Crime No. allotted by the court will be made in Roznamcha by the Inquiry Officer. Second copy will be kept at the RPF Post. Third copy of the complaint file shall be forwarded to the office of the Public Prosecutor of the concerned court.

25.5 The Inspector In-charge will immediately send information regarding filing of the complaint in court to the Divisional Office.

25.6. After completion of inquiry as per Rules, if sufficient evidence is not found against the accused in the inquiry, or the accused could not be arrested even after getting sufficient evidence, or the case could not be detected in spite of making all possible efforts, then the Inspector In-charge will send his report along with inquiry file to the Sr. DSC/DSC seeking permission to close the case.

25.7 Sr. DSC/DSC will obtain legal opinion from the Public Prosecutor of the Division on receipt of the report as per para 25.6. If after receiving the legal opinion, the Sr. DSC/DSC is in agreement with the conclusion of the Inspector In-charge, then he shall give order to close the case.

Authority: i) Section 8 (2) (b) of RP(UP) Act
ii) Railway Bd. Letter No. 2016/Sec(CCB)/ CSCs Conference Pt dt. 10.10.2016

25.8 On receiving the order regarding closing the case from the Sr. DSC/DSC, the Inspector In-charge will make entry in the Roznamcha and the concerned Registers, and will give intimation of closing the case to the Court through the Public Prosecutor.

25.9 On getting orders from the Court, the inspector In-charge will make entry in his Roznamcha and concerned registers, and will send its intimation to the Sr. DSC/DSC.

25.10 All the Roznamchas having entries related to the inquiry will be kept safe by the Inspector In-charge till final disposal of the case.

26. Statement of the accused

26.1 First of all statement of the arrested person will be recorded.

26.2 If the statement given by the accused is confession, then the following precautions should be taken at the time of recording the same:-

i) If the accused agrees to write the statement of confession in his own handwriting, then the statement should be got recorded in his handwriting.

ii) The statement will be written in two copies. Original copy will be for the court and photocopy will be for the accused.

iii) Any officer related with the inquiry of the case, or Inquiry Officer should themselves not write the admission of the accused, rather they should to get some other officer to write it.

iv) At the time of writing of the admission, officers of the Force should maintain peaceful atmosphere, should not wear uniform, should not frighten the accused nor entice him, so that the accused does not admit to his offence with a view to take advantage in the case assuming the officer of the force as Officer Authorized.

v) Officer of the force should write the admission in question and answer format. It will enable the court to understand which type of question were asked, whether or not they frightened or enticed the accused.

vi) Along with the accused, officer of the force and other persons present will also sign on the admission.

vii) The accused should write that he has given his confessional statement on his own volition, without any greed, or pressure.

viii) Before writing the statement of admission, the officer of the force should write that he has informed the accused that the accused is not bound to write an admission, and if the accused writes an admission, then the said admission can be used against him in court.

ix) Before writing the admission, medical report of the accused shall be obtained.

x) For proving the admission in court, the Officer of the force should get some other circumstantial evidence, which may assist him in proving the admission. One of its benefits will be that if the accused turns hostile in court, and states that his confession is defective or obtained by pressurizing him, then, from the other circumstantial evidence, his admission may be proved to be independent evidence.

xi) The statement of the accused shall be recorded in his own words, and this fact shall be recorded at the end of the same admitted statement.

xii) After completion of all the above said proceedings, signature of the accused, his name and address and if he is illiterate, then, thumb impression of his left hand will be taken and the same be circled by the writer with pen, writing alongside “left hand thumb impression” and name of accused along with the date.

xiii) After the signature or thumb impression of the accused on the statement of the accused, signatures of two independent witnesses shall also be taken, in whose presence statement was recorded.

xiv) On the left hand side of the copy of the statement of the accused, the following will be mentioned by the Inquiry Officer: that the above statement of the accused has been recorded in his own words; the name of the person who has recorded the statement; that the statement was recorded without any enticement to or pressure on the accused; and that the statement has been read over to the accused, which the accused found correct, and signed.

xv) One copy of the above statement will be given to the accused, and it will be obtained in writing from the accused on the original copy that he has received a copy of this statement.

26.3 After recording the Statement of the accused by the Inquiry Officer, generally first of all site inspection of the place should be made of occurrence, as pointed out by the accused, along with any one eye-witness. Accordingly, spot map (site plan) should be prepared.

27. Proceedings to be initiated if the accused refuses to give statement -

27.1 If the accused says that he will not give statement, and that whatever he has to say, will say before the court, then these facts should be mentioned, that “On asking, I state voluntarily that I shall not give any statement to you the Inquiry Officer Name..

Designation.. in respect of the Case Crime No....dated....and whatever I have to state, I will state in court." On this statement, signature or left thumb impression of the accused will be obtained on the right side of the page with date and place. The Inquiry Officer will certify on the left side below the statement that the above statement has been handwritten as per the statement of the accused, with his consent, which has been read over to the accused, and admitting the same to be correct, the accused has put his signature or left thumb impression.

27.2 If the accused refuses to write that he does not want to give any statement, then in such circumstances, it will be written by the Inquiry Officer on a paper at the site itself that the accused refused to make any statement mentioning name, address, date, place. On this document, signature of two independent witnesses present there will be taken along with their name, address, date, place.

28. Proceedings to be made on not getting independent witnesses during the inquiry proceedings –

28.1 First of all, the Inquiry Officer will mention the incident to the persons present at the spot, and request them to act as witness. If the person/persons available at the spot refuse to act as witness, then mentioning the circumstance, the force member accompanying the Inquiry officer shall be made a witness. Mention of this circumstance will be made in the Memo to be prepared at the spot.

28.2 Complete details of the proceedings made at point No. 28.1 shall be entered along with registration of case in the Roznamcha on reaching the concerned RPF Post. Its mention will be made in the Case Diary also.

29. Arrangement of independent witnesses during the inquiry proceedings –

29.1 If the inquiry proceedings are decided in advance, the Inquiry Officer himself or with the help of Inspector In-charge will make arrangement for independent witnesses as per requirement. In this regard, any person of that area, who is educated (as far as possible), respected, mentally fit and having no criminal record shall be brought as an independent witness to give evidence and made witness to proceedings at the spot.

29.2 Permanent address, place of residence with landmark, and contact number (if any), of the independent witness present at the spot of the proceedings must be written down.

29.3 Making a mention of the proceedings made at the spot, entry shall be made in the Roznamcha, and Case diary of the date shall be written.

30. Precautions to be taken at the time of preparing site map –

30.1 On the top of site map, case crime no., date, section and names of the accused will be written.

30.2 In the rough map, Point 'A' should be shown as the spot from where the witness first saw the accused, Point 'B' should be shown as the place where the accused was arrested and materials recoved. In Point 'C', landmark will be shown.

30.3 Distance between Point A, B and C will be shown.

30.4 On the right corner of the spot map, direction indicator must be made indicating the North direction. The indicator of North direction will be showing upwards.

30.5 Certificate on the site map will be noted, that "site inspection and site map prepared as pointed out by the spot witnesses (name, address and date)"

30.6 Signature of witness will be obtained on the left side and signature, name, designation of inquiry officer, with date will be on the right side.

30.7 The most important point of site map is its boundary, the mention of which will be as following:

i) .... is situated towards the East of the place of incident
i) .... is situated towards the West of the place of incident
i) .... is situated towards the North of the place of incident
i) .... is situated towards the South of the place of incident

30.8 The site map will be prepared if the property is recovered on the guidance of the accused from the godown of the receiver or from any house. It will be clearly shown as to invert condition the property was theft or from which room or from where the property was recovered from the godown of the receiver or from the house. It will also be mentioned whether the property was kept in open or was dumped under garbage or covered with tarpolin.

30.9 One more site map is required to be prepared on the guidance of the accused when the accused, after arrest, gives the information that he had stolen the property from a particular location and with remarks whether fresh mark of lifting the property are visible or not.

30.10 The Inquiry Officer shall record the statements of all the witnesses at the place of incident in his own handwriting and shall certify in the statement that spot inspection of the place of incident and rough map memo has been prepared as pointed out by the witnesses (name, designation, and address).

30.11 In cases of pre-decided inquiry, the Inquiry Officer should go with measuring tape for preparing the spot map so that all the measurement at the site may be done in metre scale.

30.12 After conducting all the above said proceedings, details of the actions taken will be entered in the Roznamcha and Case Diary.

31. Verification Report of the recovered Railway property (Railway material)-

31.1 For the verification of the recovered Railway property, the Supervisor of the concerned department who is a technical expert and as far as possible, not below the rank of Junior Engineer, will be served Summon on the basis of which the Supervisor shall appear personally or shall send any technical expert under him to the RPF post at the scheduled place, date and time.

31.2 On arrival of the Technical Expert at the scheduled place, date and time, the inquiry officer shall get the case property from the Malkhana In-charge, and make entry in the Roznamcha about the same. Thereafter, he shall present the property before the Technical Expert for verification.

31.3 The Inquiry Officer shall present the recovered railway property in sealed condition or sealed chit with sample seal or chit before the Technical Expert.

31.4 The Inquiry Officer shall call report through letter on the points given below regarding the Railway property-

i) Where is the recovered railway property used in Railways?
ii) Is it as per the Railway Standard?
iii) Is it Railway property?
iv) Is it available in the open market?
v) Whether auction of this is done by your department?
vi) What is its estimated value?
vii) Is it worth using in Railways?

31.5 The Expert shall hand over the verification report to the Inquiry Officer. Proforma of Report is at Annexure-9.

31.6 The seal/chit affixed on the case property and the sample seal/chit submitted by the Inquiry Officer shall be signed by the Verifier and Inquiry Officer mentioning their name, designation, date, place.

31.7 The Inquiry Officer shall record the statement of the Verifier, in which it will be mentioned that "on the basis of the summon dated ..... sent to the Verifier by the Inquiry Officer, I (Verifier) reported at the RPF Post on date .... at time .... hours and after conducting the verification of the case property related with the case in hand, have sent him (IO) the verification report, signed by me (Verifier)."

31.8 Copy of the summon given by the EO to the Verifier, the expert report given by the Verifier and copy of his statement will be entered in the Case Diary.

31.9 The verifier will put back the case property in the same sack or bag after the verification, seal it and enquiry officer and verifier will put their signature with date on the seal card/lebel and again preopare a specimen seal. After that, the case property will be returned to the Malkhana In-charge, regarding which entry shall be made in Roznamcha as well as in Case Diary.

31.10 Statement of the Malkhana In-charge is to be recorded, in which details with respect to taking out of the case property from the Malkhana and handing over for verification will be described. Copy of statement to be entered in Case Diary.

31.11 If a report regarding shortage/theft of a tree inside Railway premises is received from the Inspector of Works, then the Inquiry officer shall take a report after comparing with the register of the concerned Inspector of Works, and shall get the report of land measurements from the concerned Revenue Officer on the basis of the report of the Inspector of Works. Information regarding the above proceedings will be made in the Roznamcha and Case Diary.

31.12 Regarding shortage or theft of any tree/s from the Railway Premises, photographs and sample taken by the person preparing Memo at the spot shall be sent to the concerned laboratory for their forensic examination. If cutting of the trunk of tree is called for by the Laboratory for further examination, the Inquiry Officer shall himself go to the concerned Laboratory with the cutting of the trunk seized by the person preparing the Memo. The Inquiry Officer shall inquire into the rules of the Laboratory conducting the examination and shall act accordingly. Report of the above proceedings is to be entered in Roznamcha and Case Diary.

31.13 Regarding the theft of earth from the Railway premises the Inquiry Officer shall give both the samples seized by the Seizing/Enquiry Officer – one from the possession of the accused and one from the spot of theft - in the Soil Examination Laboratory for verification and shall obtain the verification report. The Inquiry Officer shall inquire about thee rules of the concerned Laboratory conducting the examination and shall act accordingly. Report of the above proceedings is to be entered in Roznamcha and Case Diary.

31.14 If the recovered railway property is a petroleum product like kerosene, petrol, diesel, or iron filings, coal etc., then from the recovered petroleum products, iron filings, coal and from the store/container from which it was recovered at the spot, a sample shall be obtained in sufficient quantity for the examination to be made. The same shall be sealed and sample seal prepared. For verification of these petroleum products, iron filings, coal, the Inquiry Officer shall get examined the original recovered property along with the sample from the concerned Laboratory. If the recovered property is petrol, kerosin or diesel, its verification should be arranged within a week other wise the property of petroleum product will automatically get modified.

Provision - Indian Evidence Act –Section 45

32. Verification report of the recovered railway property (Booked consignment)-

32.1. If the recovered railway property is booked consignment, then the following procedure will be adopted for its verification:

(i) If the recovered booked consignment is complete package, then after taking permission from the court, the full package shall be taken to the Booking Station, and the mark painted on the cover of the package will be got certified from Booking Clerk and Markaman.

(ii) If an article from inside the package of booked consignment has been recovered, then, after taking permission from the court, the same will be got certified from the party/trader who booked the consignment and verification will also be done on the basis of invoice.

iii) The party will apply to the court for open delivery of the article. On the basis of order given by the court, the party will be given open delivery. During these proceedings, one item from those articles as sample, and sealed vaardana (cover) shall be seized by the Inquiry Officer for enquiry. The deficiency found during the open delivery will be treated as shortage report.

(iv) During open delivery, the party/trader will submit original invoice of the goods, which will be taken by the Inquiry officer, contents written in the case Diary for evidence, and will be included in the enquiry.

v) If the invoice or original receipt of the goods is not available and party has purchased the goods from footpath, then in such circumstances, the party will declare in his statement that he does not have original invoice and that he has purchased the goods from footpath.

vi) If the recovered railway property is food grains, cement, fertilizer or any other item stolen from the Goods Train, then after taking permission from the court, the same shall be taken to the Loading Station to get it certified from the consignor and Goods Clerk. Accordingly, statements of all shall also be recorded and written in the case dairy.

vii) Statements of all concerned will be recorded, and recorded in the Case Diary.

32.2 If the recovered property is a booked animal, then its verification will be done by the Commercial clerk making booking at the loading station and by the consignor.

32.3 If the recovered property is Railway Pass, PTO, EFT, BPT, Ticket, Railway cash, RR, Forwarding Note, PW Bill, Cloak room Receipt Register etc, then its verification will be done by the concerned Custodian. Accordingly his statement will be recorded and will be entered in the Roznamcha and Case Diary.

32.4 If the recovered property is a perishable item, like grapes, pomegranate, apple, mango, vegetables, fish, etc, then it will be auctioned, after having obtained permission from the concerned Railway Court by giving an application in writing for its quick disposal. The amount received from the auction will be deposited in the Booking office of Railways, and its original receipt will be included in the enquiry file. At the time of filing complaint, the original receipt shall be enclosed. Complete details of the proceedings will be entered in the Roznamcha and written in the Case Diary.

32.5 The carton/cover in which the fruits and vegetables were kept, will be seized and sealed and sample seal will be prepared. In this regard, Memo will be prepared. Verification of the carton/cover will be got done through the consignor and the Commercial Superintendent at the loading station. Complete details of the proceedings will be entered in the Roznamcha and written in the case Diary.

Provision – Section 45 of the Indian Evidence Act

33. List of the documents to be collected in cases of booked consignment:-

33.1 **Loading Station**

i) Certified copy of the forwarding Note.
ii) Certified copy of the Railway Receipt/PW Bill.
iii) Certified copy of invoice/beejak.
iv) Certified copy of loading tally-book.
v) Statement of the Commercial Clerk who booked the consignment.
vi) Statement of the loading Commercial Clerk.
vii) If the property has been given in open charge of guard, then copy of receipt.
viii) Statement of Guard.
ix) Certified copy of RPF seal checking book.
x) Statement of Seal Checker.

33.2 Transit Station

i) Certified copy of RPF seal checking book.
ii) Statement of Seal Checker.
iii) If the goods have been unloaded and reloaded at the transit station, then the certified copy of unloading/loading register and statement of unloading/loading clerk.
iv) If the theft takes place from the SLR and SLR is resealed, then statement of the seal man.
v) If charge of the goods have been handed/taken over, then statement of the clerks taking charge and handing over charge.
vi) List of the RPF staff deployed on guarding duty and their statements.
vii) Photocopy of the Roznamcha and Beat Book relating to the RPF staff deployed on Guarding duty.

33.3 Destination Station

i) Certified copy of RPF seal checking book.
ii) Statement of Seal Checker.
iii) Station of unloading clerk.
iv) Certified copy of Unloading Register.
v) Statement of Shed Clerk and certified copy of made-over register.
vi) Certified copy of Delivery Register.
vii) Certified copy of D.D.M./X.R./D.D.R.
viii) O. D. Report.
ix) Certified copy of M.G.R.
x) Certified copy of Gate Pass
xi) List of the RPF staff deployed on Guarding duty and their statements.
xii) Photocopy of the Roznamcha and Beat Book relating to the RPF staff deployed on Guarding duty

34.4 Copies of all the documents mentioned above and statements will be made in the Case Diary.

33.5. Memo will be given to the Commercial Superintendent for safekeeping of the original copies of booklets and records of those documents of which copies have been taken, advising that these records are being handed over with the intent that these records shall be kept safe and no tampering and changes will be made with them. Whenever the court will call for them, he has to produce them.

34. Format of Summon for calling witnesses to give evidences and produce documents during enquiry

FORMAT OF SUMMON

..... (Name and address) ……. Crime No. .....
it is expected that you personally or through a person authorized by you appear on Date ..... at RPF post..... at time..... to give statement/produce documents.
Provision- Section-09 of the R.P.(U.P.) Act
Note- Relaxation will be applicable under Sections 132 and 133 of the Civil Procedure Code 1908.

35. Final forwarding of the enquiry-

35.1 Final page/diary of Case Diary- Based on the above said procedures adopted in the enquiry of Sections 3 and 4 of the Railway Property (Unlawful Possession) Act and analysis of all the documentary evidences collected like - Arrest Memo and recovery of Railway property, Photographs of accused (In 5 copies), Personal search Memo, Statement of accused, statements of witnesses, spot inspection and site map, verification report, deficiency report and criminal history of accused, and circumstantial evidence, etc, it will be written in clear words that against the accused, (name, father's name and address), case under Section 3 or 4 of Railway Property (Unlawful Possession) Act is very well made out. Request for permission to file complaint in court shall be written in the final diary.

35.2 If there are more than one accused, then it will be written in clear words against each accused based on the analysis of the evidence on the basis of which the charges are proved.

36. Documents to be sent along with the Complaint-

i) Original copy of Preliminary Report.
ii) Copy of Roznamcha.
iii) Registration of case and original statement.
iv) Seizure memo.
v) Railway Property Certificate.
vi) Medical Report.
vii) Verification memo.
viii) Report of Expert.
ix) Sample seal/sample chit.
x) Identification Parade Memo, if any.
xi) Site Map.
xii) Shortage report regarding the goods.
xiii) Search warrant, if any.
xiv) Statement / Confession of the accused.
xv) Identification certificate of the accused.
xvi) Criminal History of the accused, if any.
xvii) Certificate of court regarding previous conviction, if any.

Provision – Railway Property (Unlawful Possession) Act- Section 7

37. Malkhana and disposal of the seized case property kept in the Malkhana-

37.1 **Malkhana-** A room or hall is provided at each RPF Post in which the property recovered during the legal proceedings by RPF under Railway Property (Unlawful Possession) Act, Railways Act or any other act in which RPF is authorized for taking action, is stored. Malkhana is under the charge of the Inspector In-charge. If the Inspector In-charge thinks it proper, he can give the charge of the Malkhana to a Sub Inspector. It is worth mentioning that even after giving charge of the Malkhana to a Sub Inspector, over all responsibility of the Malkhana shall still lie with the Inspector In-charge.

37.2 There should be sufficient light in the Malkhana so that all case properties may be seen clearly.

37.3 From security point of view, there should not be any window, ventilator etc. of any kind other than the main door in the Malkhana.

37.4 The Inspector In-charge or the force member authorized by him will, taking action as per law, file an application through Public Prosecutor in the concerned court regarding the recovered case property. After taking of cognizance by the court, in compliance of the order obtained, the recovered case property will be brought to the Post, entry will be made in the post Roznamcha, and in the Malkhana Register (C-5) with the signatures of the Inspector In-charge/Malkhana in-charge with date, and after keeping the recovered case property in the Malkhana, the Malkhana In-charge will lock and seal it.

37.5 The case properties, on which case number will be mentioned serially, will be kept in the Malkhanayearwise.

37.6 List of the case properties yearwise, on which case number will be mentioned serially, will be displayed at a conspicuous place inside the Malkhana.

37.7 For verification of the case property, permission will be obtained from the court for taking out the case property from the Malkhana, and then only verification will be done. After verification, again the case property will be kept in the Malkhana, and it will be locked and sealed.

37.8 During the trial of the case in court, for the verification of goods, at the time of the statement of the Inquiry Officer and of the Expert, the Inspector In-charge shall himself or through an authorized member of the Force, produce the case property in court.

37.9 In any case, the Malkhana will be opened only with the permission of the Inspector In-charge. Whenever the Malkhana will be opened or closed, its entry will be made in the Roznamcha specifying the reason for the same.

37.10 After the limitation of appeal period,the Inspector in-charge will take permission of the court for disposal of case property. On getting orders of the court, the competent authority of the department with which the case property is concerned will be informed, and the case property will be handed over before the Malkhana on the date fixed, and signature of the railway employee receiving will be obtained in the Malkhana Register, and his name, designation with date will be written.

37.11 Public Prosecutor will be responsible for the proper compliance of the court order relating to disposal of case property. He will give certificate on the Malkhana Register to this effect, if he is so satisfied. Before giving such a certificate, in the event of property being given back to the Post for disposal, the Public Prosecutor shall examine the report of Inspector In-charge, certifying the signatures of acknowledgment, and will see the Certificate of Magistrate on the List of property.

37.12 If the case property is perishable, then giving its intimation to the court, application will be made by the Inspector In-charge through the Public Prospector for the auction of above articles. The Inspector In-charge, after taking necessary directions from the Public Prosecutor with respect to the process of auction, will get the auction done.

The Public Prosecutor is to keep the description of the auction process in the concerned court. The officer of the Force will deposit the amount received from the auction, in the court.

37.13 If the case property is of the nature that it is necessary to dispose of, then, pursuant to Section 457(1) of the Code of Criminal Procedure, the Inquiry officer will file application in the court for disposal of the same. On getting order from the court, he will make entry in the Roznamcha and keeping sample of thecase property, will hand over the remaining property to the owner of the property.

37.14 Space of Malkhana is limited, therefore only sample of case property should be kept. For this purpose, after the statement of the Expert of the concerned railway property has been recorded in court; the concerned Inspector In-charge/ Inquiry Officer shall, after mentioning the Exhibit Number in the case file, file application before the court for handing over the remaining case property other than the sample to the concerned department. After getting orders from the court, the case property will be handed over as per para 37.10.

37.15 If no order is issued by the court for the disposal of the case property as per para 37.13, then, in such circumstances, the Inspector In-charge will take every necessary action for the security of the concerned case property.

37.16 Apart from the case property, if any unconnected property is kept in the Malkhana, a separate register will be maintained for the same, in which complete details of the unconnected property will be made and a separate list of unconnected property will be displayed in the Malkhana. Disposal of such type of goods will be made after the approval of Sr. DSC/DSC. Process of disposal will be as per the commercial Rules. The money received from this will be deposited in Railway Revenue and receipt of the same will be pasted in the Unconnected Register. Details of all the above proceedings will be written in Roznamcha. Sr. DSC/DSC will be informed of the details of disposal.

37.17 At the time of handing/taking over charge of the RPF Post, Inspector in-charge himself will do physical verification and verify the property comparing it with Original Malkhana Register (C-5) and case file, and then take charge of the Malkhana.

37.18 All Sr. DSC/DSC will make quarterly physical verification of each case property by comparing it with the C-5 Register. The day on which physical verification is done, this fact will be certified on the C-5 Register that there is no shortage in the Malkhana. If there is any shortage then mentioning the same, what action had been taken earlier or action taken at his level will be mentioned. Report of Quarterly physical verification, will be sent to the PCSC by 15 April, 15 July, 15 October and 15 January. The PCSC will send the Annual Physical Verification Report to the Director General/RPF by 15 February.

Provision- Railway Board Letter No.-2009/(Crime)/45/43 New Delhi dt. 18.03.2009.

37.19 Availability of separate room/space/ almirah for safe custody of property seized during personal search of the arrested persons will be ensured by the Sr. DSC/DSC.

37.20 Signature and seal of the In-charge should be there on each page of Malkhana Register.

37.21 After registration of a case, Inspector In-charge will sign on each page of C-5 Register. After filing of complaint in the court, Case No. of court and date will be mentioned in the relevant column. After disposal of the case, date of judgment and name of Court will be written in concerned column.

37.22 If any shortage/theft is noticed in the case property kept in the Malkhana, the Inspector In-charge will get a case registered in concerned police station under section 409 of IPC.

37.23 Special Occurrence report of the incident of para 37.22 will be sent to the Sr. DSC/DSC by the Inspector In-charge within 24 hours and further action will be taken as per Rules.

37.24 Sr. DSC/DSC will constitute court of Inquiry and get inquiry conducted, and departmental proceedings will be initiated against the member of the force found responsible.

37.25 If any case property kept in the Malkhana is rotting or getting destroyed, then the Inspector In-charge will give its intimation to the court, and will request for order of its disposal.

37.26 On getting order of disposal from court, action as per para 37.10 will be ensured.

Annexure-1

38. FORMAT OF SEIZURE MEMO

1. Date and time
2. Place
3. Details of Seized material
4. From whom it was seized
5. Name and address of seizing officer
7. Name, Address and sign of witnesses

I.

II.

07. Circumstances of seizure

Signature of the officer seizing the material

Annexure-2

39. FORMAT OF PERSONAL SEARCH

1. Date and time
2. Place
3. Name of the seized material
4. Who was searched
5. The person by whom search done (name and address)
6. Circumstances of search
7. Name, address and sign of witnesses

I.

II.

Signature, name, and designation
of the officer conducting search

Annexure -3

40. FORMAT OF BOND TO BE GIVEN BY THE ACCUSED

I _____ (name and address of the accused) hereby bind myself and declare that I am accused under section _____ in case number ____ of the RPF post _____. I will present myself on date ____ before Hon'ble Additional Chief Judicial Magistrate Railway ____ Court in time. If I fail to do this, I will be liable to pay _____, which is recoverable from my movable or immovable property, I will not have any objection to this.

Date:

Signature of the accused
Name and address

Annexure -4

41. BAIL BOND FORMAT (to be furnished by Surety)

I, _____ (name and address of the surety), hereby bind myself and declare that the accused under section _____ in case number ____ of the RPF post _____. I am ready to take bail of _____(the name and address of the accused), I know the accused above, I will present him on date _____ in the court of the Honorable Additional Chief Metropolitan Magistrate in time. If I do not do this, I will be liable to pay _____(Amount as decided by the inquiry officer as per the requirement)_____, which is recoverable from my movable or immovable property, I will not have any objection to this.

.
Date:

Signature of the Bailiff
Name and address

After accepting the bail by the inspector in-charge, details will be recorded in the daily diary and the accused will be given bail

Annexure -5

42. FORMAT OF ARREST MEMO

1. Name and designation of the arresting officer
2. Name of the person arrested, estimated age, father's name and address
3. Place, time and date of arrest
4. Where will he be kept after arrest
5. Name, father’s name, address of the witness to arrest
6. Whether the witness is a family member of the person arrested, or is a respected person in that area where the arrest took place
7. Whether the person arrested has been told at the time of arrest that he has the right to inform a well-wisher of his arrest
8. Whether on the request of the arrested person, inspection of the simple and grievous injuries on his body at the time of his arrest has been done according to the rules, and the signature/thumb impression of the arresting officer and the arrested person were obtained on the same.

Signature /thumb impression of the person arrested

Signature /thumb impression of the witness

It is certified that the arrest memo has been prepared at the time of arrest, and a copy of the medical memo has been given to the person arrested.

(Inquiry officer)

RPF Post: Designation

ANNEXURE -6

43. REMAND PROFORMA

To,
The Hon'ble Additional Chief Judicial Magistrate (Railway)
_____ Railway,

Place

Subject: Remand of 15 days for accused _____ under Section 3 of Railway Property (Unlawful Possession) Act in case number ____/Year State vs. _____ the name of the accused _____ date registered at the RPF post _____.

Sir,
It is submitted that the enquiry of the above-mentioned case has not been completed yet. The accused needs to be kept in remand. (Please write reason)

Therefore, please give remand for (the number of days to be determined by the inquiry officer as per the requirement) ____ days against the accused _____ in this case.

Regards.
Date:

(Name of Inquiry officer)
Designation
Place of posting
Date

ANNEXURE -7

44. FORMAT OF SUMMON

It is expected that you ..... (Name and address) ……., should file reply/produce documents in Case No. ....., personally or by your authorized representative, by appearing on Date ..... at RPF post..... at time.....hours to make statement/produce documents.

Note: Exemptions will be applicable under Sections 132 and 133 of the Civil Procedure Code 1908.

ANNEXURE -8

45. STORE CHECKING FORMAT

Today, on Date _____ at the time _____, I, name _____, designation, _____ with staff name _____designation_____ stock verifier name _____ designation _____ in the presence of two respected independent witnesses name _____ and _____ appeared at _____ store. The chit on the store door and almirah were broken after matching with the sample seal / chit, and the store checking started, the details of which are as follows:

Details regarding store checking will be written in the following format:

SNo.	Object Name	Ledger balance	Ground balance	Difference

After the checking, if any item is found in excess as per the ledger, it shall be seized. According to the size, weight of the item, seal / chit will be put on the item, and sample seal/ chit will be prepared. The signatures along with date of all the witnesses will be obtained on the memo report.

During the checking, if any item is found deficient as per the ledger, and if the case is registered under Railway Property (Unlawful Possession) Act in connection with the said property, then the shortage of the said Rail property will be reported and it will also be proven that the said railway Property is stolen from this store. In this regard, involvement of the store's custodian shall also be examined. If the involvement of the custodian is found, accordingly, he will be made an accused. Details of all the proceedings will be written in the roznamcha and case diary.

ANNEXURE -9

46. FORMAT OF VERIFICATION REPORT OF CASE PROPERTY BY EXPERT

To,
Mr._____
Inquiry Officer,

From:
(Detail of the Expert)

Subject: In relation to the Verification Report of the case property in the case bearing No.____ under Section 3 of RP (U.P.) Act State vs. _____.

Today, on date _____, I appeared at the RPF post ____/ record room. You presented to me the case property of the above-mentioned case in closed seal/closed chit condition, along with the sample seal / sample chit. On comparing the seal/chit on the property with the sample seal/chit, I found them to be similar. Removed the rail property from sacks (found details of property) or saw open property regarding which the following report is there.

i) Writing the name of the recovered railway property, it will be written which department of the railways uses it.
ii) It is in line with the railway standard.
iii) It is railway property.
iv) It is not available in open market.
v) Its auction is not done directly by my department.
vi) Its estimated cost will be ___.
vii) It is worth using.

After verification, the goods were kept in the same sack and sealed, and sample seal prepared. For the case property which is large, chit was pasted on it and sample chit prepared. With this report, I am delivering the case property to you. I am giving the above verification report, based on my ___ years experience of handling of recovered goods and on technical competence ____.

Date:
Place:

Signature:
Name:
Designation:

ANNEXURE -10

47. FORMAT FOR MEDICAL EXAMINATION OF THE BODY OF THE ACCUSED

To,
In-charge medical officer,
State / Railway / Registered Clinic / Medical Professionals

_____
District
State

Sir,
Please make a detailed examination of the body of the following accused and give your report.

1. Name of the accused, father's name and address
2. Case No., Section & District
3. Details of visible injuries on the body of the accused
4. Date and time of clinical trial
5. Name and designation of police personnel taking the accused for medical examination
6. Other details

Date:

(Inspector in charge)
Designation:
Post
District

ANNEXURE-11

48. FORMAT OF COMPLIANCE TO HUMAN RIGHTS RULES

POST
DIVISION-

1. Whether it was conveyed to any suspect before searching him, that I want to search you on the basis of reason/ suspicion /information received from informant. Name and designation of the person conducting the search:

   ……
   ……
2. What was recovered from the suspect after searching him, whether written memo was made about the recovery / arrest, the copy of which was given to him or not; if drugs were recovered, whether Section 50 of NDPS Act was followed or not. (Full details of the recovery)
   ……
3. Date of arrest……
4. Full name and address of the arrested person ……
   Name and address of the witness of the arrest ……

5. Name, designation of the person making the arrest memo, and details of co-workers
   ……

6. Whether the arrested person was medically examined or not, if not then why not, if yes then the name and designation of the staff sent along with him……
7. The place where the arrest person was placed, from time ……. to time ……
8. Case No. And section
9. Whether the arrested person was informed with regard to his crime / bail, if not, why not…….

10 What medium was used to give the information of arrest to any close family member / friend ……

   The name and address of the person who was informed by telephone about the arrest of the accused
   …….

11. After arrest, whether time of interrogation was recorded or not; whether during the interrogation, name plate was there or not
    ……

    Attested and Signed by post in-charge.

RPF Post……..

(Inquiry officer)
Designation

CHAPTER-2

Process of enquiry in the cases of booked consignmen

1. In Un-localized Head :

1.1 DDM will be pasted in C-1 register.

1.2 All the cases of crime affecting Railway Property shall be entered at the Post where the crime is first detected either in Localized Crime Register or in the Un-localized Crime register, as the case may be. Localized crimes are those crime where the actual place of theft or pilferages or misappropriation etc. of railway property namely, booked consignment and railway material, is known or is prima facie apparent from the inspection of the scene to have taken place within the jurisdiction of the post concerned while Un-localizedcrimes are those crime where actual place of crime cannot be immediately known or cannot be thus ascertained.

Provision: Rule 222.1 of RPF Rule 1987.
In both the registers, the crime shall be entered in chronological order and numbered seriatim.
Provision: Rule 222.2 of RPF Rule 1987.

1.3 In case the un-localized crime after inquiry appears to have taken place within the jurisdiction of the Post, the same shall be transferred to the Localized crime register of the Post on the day on which this localization takes place and given the next serial number. The same shall be expunged from the Un-localized Crime register.
Provision: Rule 222.3 of RPF Rule 1987.

1.4 The enquiry of the case should be completed within 60 days.

1.5 In case the enquiry is not completed within 60 days, an application has to be submitted to PCSC with proper justifications to get 30 more days, information about which should be given to IG(crime & Intelligence)/Railway Board also.

1.6 If the enquiry could not be completed even within 90 days, then the case would be registered under Localized head. In view of the above, enquiry needs to be completed within 30 days.
Provision: Railway Board's L.No. 2018/Sec(CCB)/210/15 dated 11.01.18/Directive – 40.
During enquiry, collection of the seal checking particulars of end-to-end En-route/Interchange Stations, certified copies of the position of Guard lobby/Bathroom, statement of on-duty seal checker along with the certified copies of loading and unloading particulars and the statement of on-duty Commercial Clerk/Parcel Clerk should be ensured.

1.7 The control chart of the affected train from the concerned Operating Control of the en-route stations should be obtained so that it could be found out that other than the scheduled stoppages, on which stations of block sections, the said train stopped for how much time and for what reason. In view of this, the statement of the on-duty guard and certified copies of Rough journal must also be collected.

1.8 During the enquiry, it should be found out whether any case(s) related to Booked Consignment under Localized head i.e. under 3 RP(UP) Act is registered at en-route RPF Posts. If yes, further it should be analyzed as to since when the arrested accused are involved, in how many cases and in which trains in the last five years, in these types of cases, so that involvement of any such accused in the case which is under enquiry could be ascertained.

1.9 As per Para 940 of Commercial Manual Part – I, details of all the packages loaded by the on duty Parcel Clerk of the loading station are required to be prepared in two copies, one copy will be kept as station record, while the second copy is provided to on-duty guard. Entries of such parcel, which are to be loaded at the en-route

stations, should be done by on duty parcel clerk in the copy available with the Guard, but the number of such entries should not be more than 10. If the entry is more than 10, then a separate list will be prepared by on-duty parcel clerk of the station and will be handed over to on-duty guard. During enquiry, it should be ascertained whether above mentioned procedure has been followed.

1.10 During the seal checking, the on-duty seal checker should ensure the entry of the exact seal position in seal book. If any kind of defect is noticed, then its entry should be made in the seal book, seal defective register and Daily diary. Information regarding the same should be given to the concerned control room, last post in charge, next post in charge and unloading station. After ensuring proper re-sealing of the affected wagon/SLR as per rules/guidelines, the entry of same should be made in seal checking book and Daily Diary.

1.11 During enquiry, it needs to be recorded whether proper seal checking codes have been used or any unauthorized seal code has been used. Find out the reason behind use of the unauthorized seal code and give comments whether it has been done to hide crime?

1.12 On arrival at Station "A", if the seal is found intact but on arrival at the next Station "B", without seal or broken seal or door defect is found, then effective enquiry should be done by keeping in mind that place of occurrence might be station 'B'.

1.13 (i) The station/block section from where recovery of the stolen goods is done, or accused is arrested or the recovery of the goods along with the arrest of accused is done, then prima facie, the place of occurrence will be under the Post In-charge of that section.

(ii) If whatever mentioned in 1.13(i) has not happened, then evidence needs be collected on the basis of following points to ascertain the place of occurrence:-

(a) After getting the control chart of victimized train, keeping in view where the train has stopped other than its scheduled stoppage, recording of statement of on duty guard and obtaining copy of rough journal should be ensured.

(b) At stations/ Yards where the train stopped for long time, recording of the statements of the on duty staff of all departments i.e Operating, Carriage, Electric along with on duty RPF staff should be done and they should be asked whether the incident took place at that place or not?

(c) At stations/Yards, where the train stopped for a long time, the seal checking book/Daily Diary of each shift of the concerned RPF Post/Outpost should be checked and the required documents should be obtained.

(d) During the back tracing/enquiry, on the basis of the situation and circumstances of the incident, whatever what-ever needs to be done as per rule must be done during enquiry.

(e) Even if the seal position of the compartment of the SLR is found corect, attached Guard Lobby/Bathroom Lobby must be checked and its position must be mentioned in Seal checking book.

1.14 It must be checked during enquiry that on receipt of information about open door/without seal, whether the concerned RPF Post in charge, after doing proper track/line search, has done its entry in daily diary or not.

1.15 The Seal of victimized SLR (Compartment) should be taken under the possession of RPF at unloading Station so that inspection of seal can be got done from loading station, if required.

1.16 Following may be the basis for fixing up place of occurrence:-

(i) If the SLR of a train loaded/unloaded from Station "A" reaches station "B" in seal intact condition, but the doors of the SLR does not open from both sides (i.e., are latched from inside) and the Guard Lobby/Bathroom Lobby is found cut in such a way that from that cut, package can be easily taken out by any means, and the

same situation is found at the final destination, then place of occurrence will be between “A” & “B” stations.

(ii) If the SLR of a train loaded/unloaded from Station “A” reaches Station “B” in seal intact condition, and the seals of the SLR could not be checked at station “B” due to any reason, but during checking at Station “C”, the doors of the SLR cannot be opened from both sides (i.e., are latched from inside) and the Guard Lobby/Bathroom Lobby is found cut in such a way that from that cut, package can be easily taken out by any means, and the same situation is found at the final destination, then place of occurrence will be in between Station “A” to “B” or in between Station “A” to “C”, to be decided keeping in view the time of passage of the train during day/night, whether the said train stopped in the block section for any reason for sufficient time during which criminal interference can take place by opening gate or cutting the Guard/Bathroom Lobby etc.

(iii) If the SLR of a train leaves Station “A” with Seal intact condition and Guard Lobby/Bathroom Lobby ‘OK’ condition but on reaching at Station “B”, the SLR is found with open door/broken seal/Seal defective or/and the Guard Lobby/Bathroom Lobby in wall cut condition, and if during enquiry, it comes to light that the train was stopped in between block section of above mentioned two stations for time sufficient to commit criminal interference by opening gate or cutting the Guard/Bathroom Lobby, then place of occurrence will be block section in between Station “A” & “B”.

(iv) If any loaded wagon reaches any station yard with seal intact condition and placed there for a long time and during checking at any time, defect is found in its primary seal position (i.e., it is found without seal/Broken seal/door defect/Seal defect), then place of occurrence will be the said Station yard.

1.17 If the place of occurrence could not be fixed in cases of theft of booked consignment on the above basis, then it could be fixed on following grounds also: -

(i) Track search is not done on getting information of Open Door/without seal.

(ii) On getting any SLR/Wagon with broken seal/without seal/open door, resealing has not been done and entry has not been done in Daily Diary and Seal Defective register.

(iii) Not sending information to RPF Posts of previous station, next station and destination station on getting information of broken seal/without seal/open door.

(iv) Seal checking has not been done according to standard seal checking code.

(v) On the fact that the affected wagon was not checked by the on duty staff to conceal the crime.

(vi) If any on-duty RPF staff intentionally ignores any of the above mentioned points, then fix up the place of occurrence with fixing up of the responsibility of the staff.

1.18 In cases of theft value of which is up to Rs. 5000/-, if after enquiry the theft is localized at a place of a foreign railway, the case need not be transferred to the said foreign railway in terms of point No. 06 of Railway Board’s L.No. 2018/Sec(CCB)/210/15 dated 10.01.2018. However, a letter needs to be written to that zonal railway to provide information regarding the case so that the concerned Zonal railway will take appropriate measures for effective prevention of theft, so that such incident should not get repeated in future.

1.19 Value of the stolen booked consignment will be decided on the basis of its face value in the market. For this, the person who is authorized to take delivery will present the original copy of invoice to prove the value of the booked consignment, in which the description and value of that goods is mentioned by the selling firm.

Provision: As per DG/RPF’s Security Circular No. 03/2019 dated 22.04.2019.

1.20 Value of the stolen booked consignment will not be considered less on the basis that no document has been produced regarding value of the commodity or that percentage charge has not been paid on the said goods. The enquiry officer will take every possible effort to know the actual price of that stolen booked consignment. If the value of the stolen consignment is deliberately distorted or shown less, then it will be viewed seriously and appropriate action will be initiated against the concerned RPF staff.

Provision: As per DG/RPF's Security Circular No. 03/2019 dated 22.04.2019.

1.21 Place of occurrence will be localized on the basis of concrete evidences, and not on mere possibilities. The report submitted by the Enquiry Officer should be reviewed by the Inspector-In-Charge of the Post to see whether the place of Occurrence has been fixed by the Enquiry Officer on the basis of end-to-end enquiry and on concrete evidences based on documents. The basis for fixing the Place of Occurrence is given in Para No. 1.16. If the place of occurrence has not been fixed on the basis of concrete evidence and documents, then Inspector-In-charge will properly guide the Enquiry Officer and will also ensure completion of the enquiry within the prescribed period.

1.22 Attachment of TOP SHEET with the enquiry report by the Enquiry Officer must be ensured. Post-In-Charge should keep himself abreast about the reasons for which enquiry is kept pending by the Enquiry Officer. The reasons should be taken in writing from the E.O., and reviewed to see if the reasons submitted by Enquiry Officer are genuine/appropriate or not. If the reasons given are not proper, Post-in-charge will ensure that appropriate action is taken against the EO as per authority given to him.

1.23 The dealer of the concerned Divisional or Zonal Railway office will monitor such cases to ensure that enquiry of these cases should be completed within 30 days.

1.24 A copy of the above instructions should be given to each Enquiry Officer under acknowledgment so that they will not make any mistake and if they do so, they could be taken up. When the Enquiry report is reviewed by Post-In-charge, Divisional Inspector, ASC or Sr. DSC/DSC, they should pay attention to the above point, else they will be responsible for not doing their work properly.

1.25 The following time line is expected for Un-localized cases which are to be transferred to other Zonal Railways :

(i) The enquiry officer must complete the enquiry and submit his report to the office of Post-in-charge within 30 days.

(ii) Office of the Post-in-charge will review the enquiry report and same should be forwarded along with his comments to ASC/DSC/Sr.DSC office within 05 days.

(iii) Post-In-Charge will give comments that the Enquiry has been completed within prescribed time and the Enquiry Officer has done enquiry covering all those points which were necessary in that enquiry and no prescribed or expected point is uncovered.

(iv) Divisional Inspector and dealer of the concerned DSC/Sr.DSC office will review the enquiry report and forward the same with the comments of DSC/Sr.DSC to PCSC office within 05 days. In the review, it should be ensured that the enquiry has been done by the enquiry officer on the basis of all those points which are necessary in that enquiry and no prescribed or expected point is left.

2. Transfer of cases:

2.1 Whenever a case is registered in an "Un-localized crime register", the Post commander concerned shall make or shall cause to be made enquiry upto the place

where the criminal interference prima facie appears to have taken place and transfer the case to the Post having jurisdiction.
Provision: Rule 226.1 of RPF Rule 1987.

2.2 During course of enquiry, if the actual place of criminal interference is found to be within the jurisdiction of the same Post where the case is registered under un-localized head, then the Post-Commander will close the case registered under un-localized head and a case will be registered under Localized head. The case will also be registered under RP(UP) Act and further follow up action taken. A detailed report in this regard will also be submitted by the inspector in charge to Sr. DSC/DSC.

2.3 If on enquiry, the Post Commander of a Post where the case has been registered comes to the conclusion that criminal interference took place in another Post of the same Division, the Post Commander shall immediately inform the officer-in-charge of that post and transfer the case to him duly informing the same to his Sr. DSC/DSC. On receipt of the case, Post-in-charge will register the case under Localized head and will inform the crime registration details to the RPF/Post which has transferred the case. On receipt of information, the Post-in-charge will expunge the case from Un-localized head and will inform the same to Sr. DSC/DSC.
Provision: Rule 226.2 of RPF Rule 1987.

2.4 If the case pertains to adjoining Division of the same Zonal Railway, the Post-in-charge shall intimate the facts of the case and send all papers to the post concerned of the division under intimation to his Sr. DSC/DSC. If the concerned Post is not of adjoining Division, then the papers shall be routed through his Sr. DSC/DSC but an intimation shall also be given by quickest possible means by the Post /commander to his counterpart for taking immediate action, if any. On receipt of the case on transfer, the concerned Post Commander will register the case under Localised Head. Sr. DSC/DSC will inform such types of cases to PCSC in Monthly Crime Review.
Provision: Rule 226.3 of RPF Rules 1987.

2.5 If the case pertains to another Zonal Railway, the papers shall be sent by the Post Commander to his DSC who in turn shall pass them to his PCSC for onward transmission to the concerned PCSC. However, an intimation shall also be sent by the quickest possible means by the Post Commander to the concerned Post Commander of that railway for taking action, if any.
Provision: Rule 226.4 of RPF rule 1987.

2.6 If any Post-in-charge, after conducting enquiry of the case which he has received on transfer, finds that the crime has not been committed within his jurisdiction, then he will report to his Sr. DSC/DSC with full facts, whose decision will be final in such disputed cases of his division. PCSC's decision will be considered final in case of Inter Divisional disputed cases of his zone and DG/RPF's decision will be considered final in case of Inter Zonal disputed cases.
Provision: Rule 227.2 of RPF Rule 1987.

2.7 During January, April, July & October of each year, each Sr. DSC/DSC and PCSC shall convene a meeting of the respective Officers dealing with Crime statistics to reconcile the figures of transferred cases, involving loss of Railway Property exceeding a value to be specified by the DG/RPF.
Provision: Rule 227.3 of RPF Rule 1987.

2.8 On receipt of case on transfer at any post, concerned Post-in-charge will register the case under Localised head. The details of case reference (under localised head) will be informed to the Post-in-charge who has transferred the case by the same channel through which he has received the case. Post-in-charge who has transferred the case will expunge the Un-localized case registered at his Post. The Enquiry Officer of the case must complete enquiry of the case within 30 days. This time limit will not include the time consumed in correspondence. The correspondence in the office of PCSC and Sr. DSC/DSC must be completed within five-five days. After enquiry, If place of occurrence is not found in the Jurisdiction of Post to which case has been transferred, then the concerned Post Commander will make a thorough enquiry and during course of enquiry he will fix up actual P.O. After the receipt of enquiry report, concerned Sr. DSC/DSC or PCSC or DG/RPF, as the case may be, will take a decision on the actual place of occurrence and thereafter will act as per procedure mentioned above. After the confirmation of the place of occurrence by the enquiry, the case will be registered under RP(UP) Act by concerned Post-in-charge and he will complete the enquiry as per instructions.

2.9 A top sheet will be prepared on the enquiry report of Un-localized and disputed cases in which the activities will be recorded page wise like Enquiry report from which page no. to which page no., details of En-route Station (sequence wise) from which page no. to which page no., Seal checking reports from which page no. to which Page no, so that the report could be properly read and understood.

2.10 In Enquiry, full name of Stations will be in written and Station codes will not be used.

2.11 Authorized Seal Codes will be used.

2.12 When any Un-localized case is transferred to Localized head, then said Localized case will be registered in the same year in which that Un-localised case was registered.
Provision: Para 12 of Directive – 40.

3. Localized Theft:-

3.1 **Yard theft**: When any information/memo of theft from Wagon, Parcel van or SLR located at yard is received, the concerned Post-in-charge or any sub-ordinate Officer nominated by him will make entry in Daily Dairy himself or through Daily Dairy writer and will proceed to the place of occurrence. Following action will be taken at P.O.:

(i) First of all, videography/photography of the affected wagon, Parcel Van or SLR, will be done.
(ii) In relation to the stolen railway property, it will also be observed whether sufficient space to keep stolen property in the said Wagon, SLR or Parcel Van is available or not.
(iii) Inspection will be done jointly with Supervisor of commercial department and a Joint note will be prepared in which following points must be incorporated:
  (a) At what time, the affected wagon, parcel van or SLR, was placed in the yard.
  (b) The on arrival position of Seal, Rivet, Cotter Pin, Thapietc will be recorded by observing Seal Checking Book.
  (c) The condition of Seal, Rivet, Cotter Pin etc found during inspection will also be recorded.
  (d) Whether dunnage is used in affected Wagon, Parcel van or SLR or not.

(e) What is the status of packages and stacking of loaded goods inside the affected Wagon, Parcel van or SLR.
(f) What were the basic Security Arrangement for security of Railway Property?

(iv) The evidences present on the spot will be secured. The Seal of the affected wagon/VPU/SLR will be kept in an envelope by Commercial Clerk and envelope will be sealed by office seal of Parcel/Good shed. The train No., Wagon/VPU/SLR number and date will be written on the envelope.

(v) During course of enquiry, the seal kept safe in the envelope will be examined by a Gazetted officer of the Commercial Department to know whether seal found is original seal of loading station or not.

(vi) In special circumstances, to ascertain the authenticity of the seal, the seal will be verified from Forensic Science Laboratory (CFSL/FSL).

(vii) After locating the place of theft in Wagon/VPU/SLR, K-Seal (kachcha seal) for day light checking will be done. The Wagon/VPU/SLR will be cut at the place of theft itself and will be placed at proper place and it will be examined by Commercial department in presence of representative of RPF. Accordingly, inventory will be prepared. If any shortage is detected, then DDM will be issued.

(viii) If at any place, there is no provision of K-Seal (Kachcha Seal) for day light checking in wagon/VPR/SLR, at those places, P-Seal (Protection Seal) will be provided. On arrival at the destination station, a memo will be issued by Parcel Clerk to RPF for P-Seal. On the basis of the memo, representative of RPF along with Commercial Clerk will conduct a joint checking. Accordingly, Inventory will be prepared and if any shortage is detected, then DDM will be issued.

(ix) Dog will also be used, if required.

3.2 After completion of all required action at Place of occurrence, Post-in-charge or the Sub-ordinate officer who is authorized by Post in-charge will record all the information in detail in Daily Diary. A case will be registered in Localised Register (C-3).

3.3 The Post-in-charge will nominate an Enquiry Officer to enquire the case. If the case is a Special Report, then Post Commander will himself do the enquiry.

3.4 Divisional Security Control Room will be informed about the incident.

3.5 **Ways of theft in Yard**:

(i) The criminals keeps keen eyes on the movement of deployed RPF staff in yard and on getting opportunity, they enter in yard, open the Wagon/Parcel Van and commit theft of consignment/goods from wagon and escape along with the stolen property through some deserted place.

(ii) The criminals, after committing theft of goods from wagons/Parcel Van, keep the stolen materials in any empty wagon which is placed in the yard. During shunting, when wagon is brought outside the yard then the stolen materials are dropped there by the criminal. The criminal also commits such theft of goods in connivance with shunting staff.

(iii) Criminals enter into the yard wearing uniforms of Railway Employees and after committing crime, they come outside.

(iv) The employees of Carriage & Wagon department at the time of work, commits crime of theft by cutting body or panel of the wagons.

(v) During shunting, Criminal commits crime by invading the wagons loaded with valuable goods.

(vi) Due to irregular working of Operating department, Wagon remains stabled in Yard for a long time or the wagons loaded with valuable goods are stabled in deserted place for a long time. Taking advantage of this, criminal commits crime.

(vii) Intentionally, short loading is done at the time of loading at Goods shed and when such wagons arrive at Yard, seals of the wagons are broken to show it as yard theft.

(viii) Whenever any seal defective wagon arrives at yard, then the criminals take advantage of this and commit theft of goods in connivance with RPF staff or Yard staff, without tempering with the seal.

(ix) The wagons loaded with Goods are marked as 'Sick' and are sent to sick line. On arrival of the wagons at 'Sick Line', Criminals commit crime with connivance of Railway Staff.

(x) On duty Railway employees of yard cuts/loosens/opens the safety system like Cotter pin, Rivet, Thapietc of loaded wagons and mark the wagons with some specified symbol by which criminals are informed about loaded wagons who in turn commit the crime of theft.

3.6 Crime should be registered in both the registers i.e. in (a) C-3 register under the head of Yard theft and (b) in RP (UP) Act register.

3.7 **Action to be taken by Enquiry Officer**: If evidence of the occurrence of crime is found within the jurisdiction of any RPF Post, then a case under RP (UP) Act will be registered at that RPF Post and necessary enquiry will be done as per Chapter-1.

4. Running Train Theft:

4.1 Whenever any information/memo regarding theft of Railway Property from Wagons, Parcel Van or SLR in Block section is received, then Post-in-charge or a Sub-ordinate officer nominated by him will make related entry in Daily Diary himself or through Daily Dairy Writer and will proceed for place of occurrence duly informing the divisional security control room.

4.2 Following action will be taken at the place of occurrence:

i) First of all, a thorough search for stolen goods will be made around the place of occurrence. This search will be conducted upto last seal checking station. The search will be conducted by walking. If possible, search could be done through foot plate also. If the last Seal Checking station falls in the jurisdiction of other Divisional or Zonal Railway, then the concerned Division/Zone will be informed through Divisional Security Control Room. If any The RPF staff are deployed at en-route stations, then they will be directed to do line search under their respective jurisdiction.

ii) If stolen Railway property is recovered or any evidence is detected, then videography/photography of the place of occurrence/spot will be done.

4.3 If stolen goods are recovered or criminal found during line search then:-

i) Case will be registered in both (a) C-3 register under RTT head and (b) in RP (UP) Act register.

ii) **Action to be taken by Enquiry Officer**: if evidence is found regarding the occurrence of crime within the jurisdiction of any RPF Post, then case will be registered under RP (UP) Act at that RPF post and enquiry will be taken up as per provision prescribed in Chapter-1.

5. Goods shed, Parcel shed & Platform theft (GPPT):

5.1 Whenever any information/memo is received about any theft of Booked consignment from Goods shed, Parcel shed or platform, then Post-in-charge or a Sub-ordinate officer nominated by him, will make related entry in Daily Diary himself or through the Daily Dairy Writer and will proceed for place of occurrence. Following action will be taken at the place of occurrence:

i) First of all, videography/photography of affected place will be done.
ii) Inspection will be done jointly with Supervisor of commercial department and a Joint note will be prepared in which the following points must be incorporated:
   (a) At what time, the affected booked Consignment were kept at Goods Shed, Parcel Shed or Platform.
   (b) Whether basic Security arrangements were available at Goods Shed, Parcel Shed or Platform from where the booked consignment has been stolen? Who was deployed for security? Stolen booked Consignment was under whose charge?
   (c) What was the condition of walls, ceiling, doors and windows?
   (d) If it was locked, then what is the condition of lock?
   (e) Whether the theft is old?
   (f) Sign of entry and exit of miscreant at the place of occurrence to know from which direction, the miscreant has entered and from which direction he had gone out?
   (g) Photography of foot-print must be ensured so that possible age and physical specification viz- weight, height etc. can be estimated.
   (h) Finger-print of the miscreants will be searched and if found further follow up action will be taken as per norms.
   (i) Assistance of Dog will be taken, if required.

5.2 Case will be registered in (A) C-3 Register under GPPT Head and in the register of (b) Railway Property (Unlawful Possession) Act.

5.3 **Action to be taken by Enquiry Officer**: If evidence of the occurrence of crime is found within the jurisdiction of any RPF Post, then a case under RP (UP) Act will be registered at that RPF Post and necessary enquiry will be done according to Chapter-1.

6. Pilferage/Partial Theft:

6.1 Whenever any information/memo regarding pilferage/partial theft of Booked Consignment from Goods Shed, Parcel Shed and Platform, SLR/VPU is received, the concerned Post Commander or a Subordinate Officer nominated by him will make entry of the related information in Daily Dairy himself or through Daily Dairy Writer and will proceed to the place of occurrence. At Place of occurrence, the following action will be taken:-

i) First of all, photography/videography of the affected place will be done.

ii) Inspection will be done jointly with Supervisor of commercial department and a Joint note will be prepared in which following points must be incorporated:

a) If any person is arrested while committing partial theft of goods inside a package by cutting, tearing or opening that package of Booked Consignment, than the entire affected package will seized.

b) The package from which property is stolen will be opened in front of the Parcel Clerk and a sample will be taken from that.

c) The package from which property is stolen, that whole package will be seized by giving memo to the parcel clerk for the same.

6.2 Crime will be registered in (A) C-3 Register under Partial theft Head and in the register of (b) Railway Property (Unlawful Possession) Act.

6.3 **Action to be taken by Enquiry Officer**: If evidence of the occurrence of crime is found within the jurisdiction of any RPF Post, then a case under RP (UP) Act will be registered at that RPF Post and necessary enquiry will be done according to Chapter-1.

6.4 If partial shortage of consignment is detected during Open Delivery, then case will be registered under partial theft head.

7. Preventive measures to stop theft from S.L.R./Leased S.L.R:

7.1 Post Commander will ensure that necessary Police Verification of all the Porters/Contractual Labours who are working at the loading station has been done and Identity Cards have been issued to them by the concerned Department.

7.2 Criminals do reccee for the valuable consignment being loaded at loading station, and on getting opportunity, commit theft of booked consignment at deserted places after opening SLR. In view of this, Post Commander must keep close surveillance over suspected/unauthorized persons at loading station by deploying staff in plain clothes. If CCTV is available, then surveillalnce through CCTV will be done. If any theft is committed, CCTV footage will be checked and all the suspicious persons will be included in the enquiry.

7.3 Concerned Post Commander will ensure proper escorting of SLRs loaded with valuable goods. Pad Locking of the SLR by on duty Guard will also be ensured.

7.4 The dossiers, photographs and intelligence regarding the criminals arrested in cases of theft from SLRs will be shared with all nearby Zones by the concerned PCSC who will further share this information with all RPF posts for necessary actions.

7.5 Post Commander will ensure proper seal checking by RPF/Seal Checking Staff. Apart from proper Seal Checking, Seal Checking staff will also minutely check Guard Lobby, Latrine of Guard Lobby, Glass Window of Guard Lobby etc and will record the same in seal checking book.

7.6 During seal checking, if any defect in seal, Body Cut, Panel Cut or breaking of partition wall of Latrine or Guard Lobby is detected, the Seal checking staff will inform the same to his Post Commander immediately. Accordingly, Post Commander will convey the same to Divisional Security Control Room. Security Control Room will relay the same to Post Commander of last station/concerned divisional Security Control Room.

7.7 Generally, it has been observed that the body cut of SLRs are not repaired by the carriage department due to some reasons. In such circumstances, the broken/cut

part of SLR should be sealed and the concerned Post Commander shall inform this to Post Commander of next station for necessary repairing.

7.8 If any SLR is detected with defective seal or without seal and due to any reason could not be re-sealed, the concerned Post Commander will inform the same to the Post Commander/Divisional Security Control Room of next station for re-sealing. If the goods loaded in the said SLR is valuable, then Post Commander will ensure escorting of the SLR within his jurisdiction.

7.9 Partition wall in the Guard Lobby and S.L.R. should be of Steel sheet instead of Sunmica.

7.10 If at any station, seals of the SLR are found in intact condition but both doors of the SLR cannot be opened since they are locked from inside, escorting the said SLR will be ensured from that station. If the said train is going to other Division/Zone, then such Division/Zone will be informed for arrangement of escort to the said SLR. This SLR must be escorted till unloading of consignment from the SLR. At Destination station, Commercial Department shall be informed about the said SLR. Commercial Department will issue memo to Carriage Department to open the said SLR. After receipt of such memo, Staff of Carriage Department will open the said SLR in presence of RPF/Escort party, authorised RPF Staff of RPF/Post having the jurisdiction and authorised staff of Commercial Department, and a joint Note shall be prepared, which will be signed by all the above mentioned staff/officers. After opening of the SLR, all the packages will be unloaded by authorised commercial staff in the presence of above mentioned RPF personnel. On Duty Commercial staff will prepare inventory as per rule in presence of all the above mentioned staff and it will be signed by authorised officers/staff of Commercial department, RPF/Post and RPF Escort party.

7.11 If there is any problem in getting the above done, the same should be informed to Sr. DSC/DSC. Sr. DSC/DSC will coordinate with the concerned departments to set things right. If required, concerned DRM and PCSC may also be informed.

7.12 At the time of departure of train, some anti-social elements board in brake van of the train and commit theft from SLR in running train. It is the duty of Post Commanders to brief the seal checking and platform duty staff to keep close watch upon such anti-social elements. If any such suspicious/anti-social elements are observed, the same must be informed to Post Commander and Duty Officer immediately. Accordingly, Duty Officer shall convey this information through divisional control to the next station.

7.13 The concerned Post Commanders shall exchange information about theft of booked consignment from SLR with all the nearby RPF Posts and will ensure necessary preventive measures to prevent theft of booked consignment in coordination with them. He will minutely analyse the modus operandi of active Criminals and will keep surveillance over such criminals so that the crime against booked consignment can be prevented or in case of commission of any such crime, the criminals can be arrested without any delay.

7.14 All goods/luggage booked through Leased SLR/Leased VPU will be considered as Railway Property as per provision of Section 2 (d) of Railway Property (Unlawful Possession) Act.

Provision- DG/RPF Directive-50 dated 08.04.2019.

7.15 As per Comprehensive Parcel Leasing Policy Issued by Director/Freight & Marketing /Railway Board dated 15.04.2014, there are provisions for Manifest of Packages loaded in Leased SLR/Leased VPU, declaration of goods & packages, provision of penalty for false declaration , alteration of packages and excess weight, estimation of

shortages of Packages etc. Post Commanders will coordinate with the Commercial Department for implementation of these provisions so that the Lease Holders do their work as prescribed and false claim can be prevented.

Provision- Railway Board's letter-2016/Sec(Spl)Lease SLR dated 02.05.2019.

7.16 On arrival of leased SLR at destination Station, if the seal and Padlock are found to be in intact condition, then Railway will not be liable for any shortage. In case any tampering is detected with Seal and Padlock of Leased SLR or inside wall of Brake Van is found to be in broken condition, then considering it as possible theft, further follow up action should be taken.

7.17 Unloading of Packages from the victimized Leased SLR will be done in presence of Chief Commercial Supervisor, RPF and Lease Holder/representative of Lease Holder.

7.18 The unloaded packages will be tallied with the manifest available in the Leased SLR to ascertain how many packages are missing, what was the content of those packages, if there is some shortage in the unloaded packages - then that shortage will be ascertained comparing it with the manifest. The report for deficiency/shortage ascertained will be prepared in triplicate duly signed jointly by Chief Commercial Supervisor, RPF and Lease Holder/representative of Lease Holder, and a copy of the same will be given to lease holder. If manifest is not found inside the Leased SLR, then further follow up action will be based on the copy of manifest available with Lease Holder, which is issued by Loading Station under its seal and signature. In case copy of manifest is not available with Lease Holder also, then copy of Manifest kept in the records of Loading Station duly certified by the Commercial Supervisor will be taken for further follow up action.

7.19 After observing all the formalities as stated above in Para- 7.18, the Lease Holder/representative of Lease Holder will be allowed to take the unloaded packages.

7.20 The shortages found after tallying through Manifest, value of the same will be ascertained through the 'Beejak'.

7.21 A Daily Diary entry would be made about the shortage of Consignment and accordingly a case will be registered and enquiry will be taken up as per procedure laid down in this Chapter.

8. Seal Checking

8.1 The task of putting Seal is a very important and responsible task in railway. Seal must be put by Parcel Clerk/Goods Clerk or by Station Master as seal acts like a lock. If a wagon is locked, it is possible that consignment can be taken out after opening of the lock and the same can be locked again and it would be hard to know that when and where the lock was opened and locked again. But a seal once broken cannot be put back in its earlier form and it is easy to ascertain when it was broken. Apart from this, it is possible that a wrong sealed wagon will astray from its destination leading to lots of problems and payment of unnecessary claims for the Railways.

8.2 For putting on seal, firstly tie the seal ribbon with both the handles of Flap Door of Wagon duly passing the ribbon through all the four holes made on seal card in such a manner that a 'V' shape by seal ribbon appears on the Seal Card and ribbon knot comes in front side of the Seal Card. Put melted Lac on the ribbon knot and press with Station Seal in such a manner that a clear impression appears. The ribbon which is used for Sealing must be measuring 13 inches.

8.3 Types of Seal

i) Wire, Glass Seal: This type of seal is provided for explosives and combustible goods.
ii) Lac Seal: This type of seal is provided on Ordinary goods.
iii) Metal Seal

8.4 Types of Defective Seal

i. Seal without Card label.
ii. Melted Seal
iii. Illegible double impression Seal.
iv. Broken Seal
v. Twice pasted seal
vi. Thread Broken Seal
vii. Seal pasted through wire
viii. Seal with outside label.
ix. Outer seal Label with impression
x. Loose Thread Seal
xi. Long Thread Seal
xii. Ring Cut Seal
xiii. Seal without impression.

8.5 Code for Seal Checking

Sl. no.	Full Form	Code
1	No. of Lacing Chain	L.C.
2	Iron Band	I.B.
3	Stain chain Rod	S.R.
4	Contents	C
5	Contents Rod	C. Rod
6	Contents Ribbed Rod	C.R.R.
7	Contents Billets	C. Bilets
8	Contents Channel	C. Channel
9	Tied With	T.W.
10	Open Load	O.L.
11	Connected with wire	C.W.W.
12	Iron Band Intact	I.B.T.
13	Bundles	B.D.L.S.
14	Paint Mark	P.M.

15	Packing Condition Disturbed	P.C.D.
16	Uncountable	U.C.
17	Illegible	ILL
18	Iron Card Loose	I.B.L.
19	Contents Loose	C.L.
20	Flap Door	F.D.
21	Flap Door Closed	F.D.C.
22	Pig Iron	P.I.
23	Flap Door Opened	F.D.O.
24	Block Plant Shut	B.P. Sheets
25	Galvanized Iron Pipe	G.I. Pipe
26	Middle Steel Rounds	M.S.
27	Whether Tarpaulin available?	Yes/No
28	Tarpaulin Disturbed	T.D.

8.6 **Defective/Deficient Seal**

Sl. no.	Full Form	Code
1	Open Door	O.D.
2	Seal Missing	S.M.
3	Knotted Seal	K.S.
4	Seal Impression	IL.S
5	Wire Cut Seal	W.C.S.
6	Double Impression Seal	D.I.S.
7	Seal without impression	S.W.I.
8	Wax Crack-Seal	W.C.S.
9	Seal without Card	S.W.C
10	Ring Cut Seal	R.C.S.
11	Seal in one Ring	S.O.R.
12	Half Tape Cut Seal	H.T.C.S Rounds
13	Long Tape Seal	L.T.S.
14	Forged Seal	F.S.

8.7 No unauthorised Seal Code will be used. If any remarks or comments needs to be given, it should be written completely.Apart from authorised seal code, no abbreviation will be written in Seal Book.

9 Seal Checking Procedure

9.1 On arrival of any goods train, the seal checking staff will report to the Train Guard and will collect information about any seal defective wagon from the train guard.

9.2 If the guard informs about any Seal defective wagon, the seal checking staff will enter details in his seal book viz.- the place where the train guard detected defective seal first, seal of which side of wagon is defective, seal was made From which station To

which station, Contents of the Wagon, Last stoppage of train and last seal checking station.

9.3 After collection of information from the Train Guard, the seal checker will start seal checking from left side of the Goods Train (rear side) and will check seal upto engine. After crossing Engine, he will start seal checking on the other side of the load/Goods Train from Engine to Guard Lobby. After seal checking of the entire load/train, Seal checking staff will inform to the train guard about any deficient/defective seal, who will note that down. Seal checking staff will obtain signature of Train Guard in Seal Checking book.

9.4 Seal checker will note wagon number of each wagon and he will check the seal to ensure that knot of the seal is tied as per procedure given in Para 8.2 and Impression of Station code is clear on the Seal. Doors of wagon should be fully closed. If there is any gap in between Doors of Wagon, the measurement of gap will be noted down. He will also note down the details of availability/non-availability of Thapi, Nut-Bolt, rivet etc. The details of Body Cut, Panel Cut position must also be noted down. Availability or Non-availability of D.V. valve will also be written.

9.5 Seal Checker will complete the checking of goods train of 58 wagons within 80 minutes.

9.6 If the Goods Train departs before 80 minutes, Seal Checker will also note this fact in seal checking book.

9.7 On detection of any defective seal, seal checking staff will immediately inform it to his Post Commander through Daily Dairy Writer. On receipt of such information, Daily Dairy Writer will diarize the information in Daily Diary. While dismounting from duty, the Seal Checking staff will verify the entry made by daily diary writer. If any change is required, Seal Checking staff will write the same with reasons.

9.8 On receipt of information regarding defective seal, Inspector-in-charge will enter this information in Seal Defective Register and will also ensure Daily Diary entry for the same.

9.9 Further follow up action will be done as per procedure prescribed for enquiry for cases registered under Un-localised/Localised head.

9.10 Seal checking of Passenger Trains as well as Goods Trains should be done at interchanging Station of inter zonal railways, at Major Yards and at Crime Prone/Vulnerable stations. If possible, seal checking must also be done at inter Divisional Interchanging Stations.

9.11 Seal checker of both Zonal railways will be present at the interchange point. After Seal Checking, both the seal checking staff will exchange their signature in their respective seal checking books. Before signing, the seal checking staff must satisfied themselves with the entry made in seal checking book of other side and only after being satisfied, he will put his signature. If unsatisfied, then the seal checking staff will write his

comment and will inform to his own Post Commander/Inspector-in-charge about this comment through Daily Dairy Writer who will make a entry in Daily Dairy and will inform the same to Post Commander. Both the concerned Post Commanders along with both the seal checkers will resolve the issue together. Action taken report about the above process will be prepared by both the Post Commanders and the same will be forwarded to the respective Sr. DSCs/DSCs and will act according to the order of Sr. DSC/DSCs.

9.12 For the seal checking of any Passenger train which has been reached at the platform, seal checking staff will first report to the on duty Train Guard and will collect information about defective seals of SLRs and VPUs.

9.13 On receipt of any information pertaining to defective seal from the on duty Train Guard, the seal checking staff will write that information in seal book in detail like where the train guard found the seal defective, which side of SLR/VPU's seal is defective, originating and destination station mentioned on the seal, of contents of VPU/SLR, Last stoppage of the trains and Last seal checking station.

9.14 After collecting information from on duty Train Guard, seal checking staff will check the seal himself in person.

9.15 Seal checker will note down the wagon number of each wagon and he will check the seal to ensure that knot of the seal is tied as per procedure given in Para 8.2 and Impression of Station code is clear on the Seal. Doors of wagon should be fully closed. If any gap in between Doors of Wagon is noticed, the measurement of gap will be noted down. He will also note down the details about whether lock is provided or not. In case of body or panel cut, such details will also be entered. While checking of SLR, the seal checking staff will check partition wall of Latrine and Guard Lobby. Looking Glass, Dog Box will also be checked and if any sign of tampering is noticed then full details will be entered. In case of any gap found, measurement of gap will be entered and if possible, photography will also be done.

9.16 If Assistant Train Guard is not available in Front SLR, then seal checking staff will ensure that the SLR is locked by the Train Guard and the key is kept in safe custody of the same train guard. Key will be handed over by train guard to next guard when duty is changed.

9.17 On detection of any defective seal, seal checking staff will immediately inform it to his Post Commander through Daily Dairy Writer. On receipt of such information, Daily Dairy Writer will diarize the information in Daily Diary. On returning to the Post, Seal Checking staff will carefully check the entered information in Daily Dairy and in case of any changes is required, Seal Checking staff will write the same with reasons.

9.18 On receipt of information regarding defective seal, Inspector-in-charge will get this information entered in Seal Defective Register and will also ensure Daily Diary entry for the same.

9.19 Further follow up action will be done as per procedure prescribed for enquiry for cases registered under Un-localised/Localised head.

10 Open Delivery

(Provision- Para-1842, Commercial Manual Volume-II)

10.1 Open Delivery means Checking of Booked Consignment and tallying it with 'Bijak' at the time of Delivery to the Consignee to ascertain any shortage in Booked Consignment after the unloading of the said consignment at the destination station.

10.2 If booked consignment is unloaded in following condition, then Open Delivery may be given:-

1. Package/bundle in broken/torn condition.
2. Package seems to be lighter in weight.
3. Suspicion of pilferage from packages.
4. Packages with possibility of having been changed.

10.3 In above circumstances, if authorised person refuses to take delivery of packages and requests in writing to Commercial Supervisor for delivery after opening and counting of packages of consignment.

10.4 On receipt of written request, Commercial Supervisor will accept that and fix up a date for Open Delivery. He will inform the concerned IPF/Post Commander through a memo for his presence on fixed date to witness the Open Delivery. On the date & time of Open Delivery, IPF/Post Commander will himself attend the Open Delivery or he may send one of his Sub-ordinate Officer to witness the Open Delivery.

Provision : Para 309 of Commercial Manual

10.5 In case of non-receipt, missing or damage of packages of Booked Consignment, partial delivery will be given to the Consignee, in which, goods inside packages which needs to be delivered will be counted/matched as per 'Bijak', and details of goods inside non-received packages will be mentioned in 'Open Deliver Report' and with this remark, delivery of consignment will be given to the Consignee. Later, on receipt of the non received Packages, the same will be delivered to Consignee subject to no-objection from Consignee. If the Consignee has any objection then procedure of 'Open Delivery' will be adopted.

11 Procedure which needs to be followed during Open Delivery

11.1 Commercial Supervisor will present the following documents to the representative of Railway Protection Force (R.P.F.) at the time of open delivery:

i. 'Bijak and P.W. Bill/Railway Receipt (R.R.) received from the authorised person to take delivery.
ii. Original Copy of Unloading Tally Book.
iii. Original Copy of DDM/DDR

iv. Original Copy of Made over book related to details of Charge made over/take over at Goods/Parcel Shed.

11.2 Commercial Supervisor will present the booked consignment which needs to be delivered under 'Open Delivery' along with the aforementioned documents.

11.3 First of all, weighment of packages will be done in presence of Chief Commercial Clerk, Claim Inspector, Subordinate Officer of RPF and the authorised person to take delivery of booked consignment and the same will be matched with weight of packages at the time of booking of Consignment. After weighment, packages will be opened. During checking, if any shortage is detected, Commercial Supervisor will inform the same through MGR (Missing Goods Report).

11.4 Package labelling and marking on the packages will be checked with a view to ensure that the consignment is booked from the same station which is mentioned in the Railway Receipt (R.R.)

11.5 Package labelling and marking on the packages will be checked with a view to ensure that the same has been done as prescribed in Commercial Manual.

11.6 Actual 'Bijak' will be received from the merchant and the same will be tallied with RR to ascertain whether the same goods are received which is mentioned in 'Bijak' or not. If any difference is found, appropriate legal action will be taken as per provision of Section 163 of Railways Act for mis-declaration of goods.

11.7 Checking of inside packing will also be done to verify if damage has taken place due to inappropriate packing or not. The same will also be recorded in Open Delivery Report.

11.8 The weight of the goods kept inside the packages will be taken and the same will be compared with the weight given in 'Bijak'. If there is any shortage in weight or quantity or both, the same will be noted. This will also be kept in mind that whether sufficient space is available in the package for the goods which is found less than the 'Bijak'. If sufficient space is not available inside the package, then case of misdeclaration/false declaration will be made.

11.9 After this type of inspection, a certificate is prepared which is called as 'Shortage Certificate'. The merchant and the officer giving 'Open Delivery' will put their signature on the Shortage Certificate and one copy of the same will be provided to the merchant also.

11.10 After this, original 'Bijak', Shortage Certificate, certified copy of Delivery Book basing on which goods have been delivered to Consignee, details of shortage along with Missing Goods Report (MGR) and a brief report will be sent to Claim Office without any delay.

11.11 While taking delivery of goods after Open Delivery, if the Consignee wants to put any remarks on Delivery Book, he will be allowed to do so.

11.12 Whatever shortage is detected, report of the same will be given to officers of RPF and Commercial Department.

11.13 Missing Goods Report (MGR) will be prepared in 04 copies and will be sent to concerned Departments (Security, Audit, Claim and Commercial) for further enquiry.

12 Format of the report of Open Delivery

Open Delivery without any prejudice, on the demand of party, railway marka_____number (PWD bill) Ex- _____ (originating station) to (Destination Station)_____, nos. of Packages, Name of Representative of RPF (with name and designation) _____ has been done by matching the given Bijak/Invioce, details of the same will be written. If shortage is found, then partial delivery or full is found then full delivery will be done with all the materials. The details of action taken as given in Para 11 above will be written in Open Delivery Report.

13 Obtaining Certified Copy of Open Delivery- After observing all the above mentioned procedure, the representative of RPF will obtain certified copy of all the documents as mentioned in Para- 11.1 from Commercial Supervisor. After that, on returning to RPF/Post, the related information will be entered in Daily Dairy and in open delivery register. If any Shortage is reported, case will be registered under specific head and further enquiry will be taken up.

14 Missing Goods Report (MGR)

14.1 Whenever any full or partial package of booked consignment is found missing at destination station, then Commercial Supervisor will issue MGR and the same will be sent to the Claim Office along with a brief report without any delay.

14.2 Missing Goods Report (MGR) will be prepared in 04 copies and will be sent to concerned Departments (Security, Audit, Claim and Commercial) for further enquiry.

14.3 If any miscreant activities is suspected in fully or partially missing packages, then Commercial Supervisor will send MGR to RPF Post.

14.4 On detection of any shortage during Open Delivery, a copy of Missing Goods Report will be sent to RPF Post.

14.5 **Action to be taken by inspector in charge after receipt of Missing Goods Report at RPF/Post -**

i. If shortage of entire packages detected from seal intact wagon/SLR/VPU, the shortage will be recorded in C-15 register and a report will be sent to loading station. If the missing packages are received within 30 days, then no further action is required.

ii. If the missing packages are not received in 30 days, than the case will be registered under un-localized head and enquiry will be taken up. The case will be transferred to the concerned RPF/Post under whose jurisdiction the place of occurrence has been localized during enquiry. On receipt of the case on transfer, the Post Commander/RPF will take appropriate action as per provision laid down in Chapter-2.

Provision- (i) Rule 224 of RPF Rules 1987 and
(ii) Para 2154 to 2156 of Commercial Manual

15. Procedure on recovery of unclaimed articles/luggage

15.1 If any unclaimed Suitcase, Bag, Mobile Phone etc. is found by any member of the force in any train/railway premises, he will inform about the same to RPF/Inspector-in-charge or Post Commander without any delay.

15.2 RPF/Inspector-in-charge or Post Commander will himself attend the spot or will send any Subordinate Officer.

15.3 Before opening of the unclaimed bag, suitcase or tiffin box, it will be ensured that no explosive substance is present inside that. If any explosive substance is suspected, then appropriate action will be taken as per procedure prescribed in Chapter 13.

15.4 If action is not required as per Para-15.3, then officer present at the spot will take the unclaimed article in his custody and will check the contents of unclaimed article in presence of RPF staff and independent witness and a seizure list will be prepared for the contents present in the bag, suitcase and other detected luggage.

15.5 The recovered articles along with seizure list will be brought to the RPF/Post and entry in Daily Dairy will be made.

15.6 The recovered articles will be handed over to the concerned GRPS under proper acknowledgement and entry regarding handing over of the recovered unclaimed articles to GRPS will also be made in Daily Dairy.

15.7 If GRPS refuses to receive the recovered unclaimed articles, than the same will be recorded in Daily Dairy and further follow up action will be taken.

15.8 Recovered Items will be kept under the charge of Malkhana In-charge till its handing over to LPO.

15.9 Announcement regarding recovery of unclaimed articles will be done through Public announcement system. If any claimant appears to claim the articles, then after proper verification and identification, the recovered articles will be handed over to the claimant under proper ‘supurdginama’.

15.10 If information is received about actual owner of unclaimed articles kept at RPF/Post, owner of the said article is informed, and even after getting such information, the owner does not turn up before the concerned RPF/Post within 01 month, then the

recovered articles will be handed over to Lost Parcel Office(LPO) through proper letter.

15.11 If no claimant appears before RPF/Post, the recovered articles will be kept safely at the RPF/Post. The RPF/Post will wait for 01 week for the claimant, if no one appears as claimant of the said article than the recovered articles will be handed over to Lost Parcel Office (LPO) through a letter.

15.12 The letter sent to Lost Parcel Office (LPO) will be prepared in 03 copies, along with the seizure list. Two copies of the letter will be given to Lost Parcel Office and 01 copy along with a seizure list will be kept at respective RPF Post after getting proper acknowledgement on it from LPO.

15.13 If any valuable items viz. Jewelleries, Cash or other valuable/costly items are found in unclaimed bags/suitcase, then the same will be deposited at ‘District Nazarat’ through GRPS.

15.14 All the above procedure will be recorded in the Daily Dairy of the Post.

CHAPTER-3

Procedure for conducting enquiry in registered cases of Railway Materials

Un-localized cases of Railway Properties (in coach fittings)

1.1 When any train starts from its maintenance station, every coach will be jointly inspected by the Electrical, Mechanical and RPF staff and records of the fittings available will be entered in the register in prescribed proforma by Electrical and Mechanical department staff.

1.2 The details of the joint inspection will be entered in DRS card by the Mechanical department and handed over to the train guard.

Provision – Para 1.9 & 3.5 of revised mechanical conference rule Part – IV.

1.3 Railway Administration earmarks the stations where the staff of electrical and mechanical departments are required to check availability of fittings as per DRS card during running of a train. If any shortage is found, the same is entered in DRS card and simultaneously Electrical/Mechanical department enter that in their checking registers. RPF staff shall immediately make entry of the shortage in his checkbook and daily diary. Inspector in-charge would immediately inform the same to the DSCR.

DSCR would inform in-charge Inspectors under whose jurisdiction the train has passed, to check whether any theft of fittings had occurred in their jurisdictions. If the train has been received via some other Division, the report of the theft/deficiency should be sent to the control of that Division so that its control informs about the theft/deficiency to the Post Commanders of the concerned jurisdiction and advises them to collect information about the deficiency from their area. The action taken as above will be entered in the daily dairy (Rojnamacha) of all concerned posts.

1.4 The joint report duly signed by the staff of Electrical and Mechanical department should be made available to RPF Inspector in-charge.

1.5 If DRS card is not available in the train and theft/deficiency of the fittings are noted at any en-route station, a joint note shall be prepared by Electrical/Mechanical department staff with RPF staff. RPF staff shall immediately make necessary entry of the theft/deficiency in his checking book and daily diary. RPF Inspector in-charge would ascertain from the originating station through DSCR whether the above theft/deficient item was fitted in the said coach or not. It will be duty of the post in-charge of the originating station to relay the required information immediately to the concerned Post in-charge. If the theft/deficient items were not fitted in the said coach, he shall make the report of the same and send it to the originating station's Post in-charge through his Sr. DSC/DSC. If the item was fitted in the coach, the Post in-charge would start enquiry after registering case under un-localized head.

1.6 On receiving the joint note regarding the deficient fitting, the inspector in-charge would register it under un-localized head in daily dairy (Rojnamacha) and crime register C – 3 and enquire the case personally or get it enquired through his subordinate officer.

1.7 All cases of crime affecting railway property shall be entered at the Post where the crime is first detected either in the "Localised Crime Register" or in the "Unlocalized

Crime Register" as the case may be, "localized" crimes are those crimes where the actual place of theft or pilferage or mis-appropriation etc. of railway property namely, booked consignment and railway material, is known or is prima facie apparent from the inspection of the scene to have taken place within the jurisdiction of the post concerned whil the "unlocalised" crimes are those crimes where the actual place of crime cannot be immediately known or cannot be thus ascertained.

Provision – Rule 222.1 of RPF Rules, 1987.

In both the registers, the crime shall be entered in chronological order and numbered seriatim. **(**Rule 222.2 of RPF Rules,1987.)

1.8 In case the "unlocalised" crime after enquiry appears to have taken place within the jurisdiction of the Post, the same shall be transferred to the "Localised Crime Register" of the Post on the day on which this localisation takes place and given the next serial number. The same shall be expunged from the "Unlocalised Crime Register".

Provision – Rule 222.3 of RPF Rules, 1987.

1.9 The enquiry should be completed within 60 days.

1.10 During enquiry, certified copies of checking particulars and statement of the concerned on duty Mechanical and electrical of the en-route stations and interchange points shall be taken and cross-checked with DRS card. If DRS card of the said train is not available, the joint checking register prepared at the originating station shall be cross-checked.

1.11 The control charts of the affected train shall be obtained from the operating control of en-route stations to find out details of unscheduled stoppages of the train, reasons and duration of the same, and accordingly statement of on duty guard will be taken and certified copy of his rough journal will be obtained.

1.12 During enquiry, details of cases registered under localized head and under Section 3 of RP(UP) Act for theft of coach fittings during last 5 years, details of trains affected, number of incidents, involvement of the arrested offenders etc. should be obtained so that possibility of involvement of such criminals in this case could be ascertained.

1.13 During enquiry, compliance of action as per para 1.3 above at en-route stations by various posts should be verified. Statement of the concerned Inspector in-charge should be taken.

1.14 Whether details of items are mentioned in checking register or not should be mentioned during enquiry. Any entry or over writing indicating suppression of crime should also be checked/ verified.

1.15 After obtaining the control chart of the affected train, and keeping in view the unscheduled stoppages, statement of the on duty guard and copy of his rough journal shall be obtained.

1.16 Joint checking report of Electrical/Mechanical fittings of each shift of the concerned RPF post/outpost of the stations/yards where train had stopped for long duration, and its Roznamcha should be checked and documents obtained as per requirement,.

1.17 (i) The station/block section where stolen fittings have been recovered or offender is arrested or the accused is arrested along with the fitting, prima facie place of occurrence shall be localized under the post in-charge of that section.

(ii) If P.O .cannot be localized as per para 1.17(i) above, evidence will have to be collected on the following points to localize the place of offence -

(a) The station/yard where train had stopped for a long duration, the statement of the on duty RPF staff and the nearby people along with staff of all departments, i.e. Operating, Carriage, Electrical etc. will be recorded and enquired whether any incident took place there. If any eye witness informs about the occurrence of offence at that place, the offence will be localized there.

(b) If the material is found intact on arrival of at station 'A' and theft/deficiency is noticed at station 'B', effective enquiry should be done presuming the place of offence would be in between station 'A' & 'B'.

(c) If any coach arrives in proper condition at a station and then kept detached in yard for some days and the deficiency is noted during checking at the time of departure, the p.o. would be localized at that station.

(d) During back tracing/enquiry, it shall be ascertained whether proper procedure was followed keeping in view the circumstances of the case and proper action was taken or not as per rules. If not done, the case shall be localized at that very place due to non-performance of duty.

1.18 As per point 06 of the Railway Board's letter No. 2018/Sec/(CCB)/210 dated 11.01.2018, cases of value upto Rs. 5000/- localized at some other Railway should not be transferred. However, brief details of the incident should be sent to the concerned Railway with an intention that appropriate preventive action are taken to prevent recurrence of such theft in future.

1.19 To ensure that the place of occurrence has been localized on the basis of solid evidence and not on the basis of probabilities, the enquiry report submitted by the enquiry officer should be reviewed by Inspector in-charge with an intention to ensure that enquiry has been done end to end, and p.o. has been localized on solid evidence.

If the place of occurrence is not based on solid evidences and relevant documents, the Inspector in-charge must guide the E.O. and ensure that enquiry is completed within prescribed period.

1.20 In enquiry officer must put top sheet on the enquiry report. The Inspector in-charge must review the reasons for keeping the case pending. The reason must be asked in writing and after reviewing it must be ascertained by the inspector in charge whether

the reasons mentioned are proper or not. If the reasons are not proper, the inspector in charge has to ensure taking appropriate action within his competence.

1.21 The dealers who are working at the Divisional and Zonal office shall monitor such cases daily with an intention that the enquiry is completed within 30 days.

1.22 The copy of these guidelines should be made available to every enquiry officer under acknowledgement so that they do not commit mistakes, and can be taken up if they commit mistakes. When Inspector in-charge, Divisional Inspector, Assistant Security Commissioner, DSC/Sr. DSC review the enquiry report, they must pay attention to these guidelines, else they may be held responsible for dereliction of duty.

1.23 In cases of the un-localized thefts sent or received from other zonal Railways, the following action is required from all stakeholders :-

(i) The enquiry officer must complete enquiry and submit report to the office of inspector in charge within 30 days.

(ii) After reviewing the enquiry report, Inspector in-charge should submit it along with his report to ASC/DSC/Sr.DSC office within 5 days.

(iii) In his report, the in-charge Inspector must mention that the enquiry has been completed within the stipulated period keeping in view all the relevant points, and no relevant point as per guidelines has been overlooked.

(iv) In DSC/Sr.DSC office, the concerned dealer and Divisional Inspector must ensure that the report is submitted to PCSC office within 05 days along with comments of DSC/Sr.DSC. In review, it has to be ensured that the enquiry has been done keeping in view all the relevant points necessary for enquiry, and no relevant point as per guidelines has been left.

(v) The case must be transferred within 60 days under any circumstances.

Provision:

1. Directive – 40.
2. Railway Board's letter No. 2017/Sec(CCB)/reconciliation meeting 1st dated 30.08.2017.

(vi) The cases transferred to other Zonal Railways must be sent under the signature of PCSC. In the absence of PCSC, they should be sent with signature of CSC.

Provision – Railway Board's letter No.2011/Sec(CCB)/reconciliation meeting dated 03.02.2011.

(vii) The registration number of cases received on transfer from other zones must be informed to the concerned Railway and Railway Board within 30 days.

(viii) If the place of occurrence cannot be localized even after conducting enquiry covering all the points as per rules, the case may be closed by Sr.DSC/DSC. In special report cases, permission of PCSC is required.
Provision – Railway Board's letter No. 2016/Sec(CCB)/CSC's conference-Pt dated 10.10.2016.

1.24 If enquiry could not be completed within 60 days, the enqury officer should take permission for extra time of 30 days from PCSC. If permission is granted by PCSC, information about the same should be given to IG/Crime and Intelligence, Railway Board.

1.25 If the enquiry is not completed within 90 days, the case shall be registered under localized head. Once the case is registered under localized head, enquiry of the same must be completed within 30 days under any circumstances.

Provision – Railway Board's letter No. 2018/Sec(CCB)/210/15 dated 11.01.2018/ Directive – 40.

2. **Transfer of Cases**:-

2.1 Whenever any case is registered in an "Un-localized Crime Register", the Post commander concerned shall make or shall cause to be made inquiries upto place where the criminal interference prima facie appear to have taken place and transfer the case to the Post having jurisdiction. **Provision** – Rule 226.1 of RPF Act 1987.

2.2 In case the "unlocalised" crime after enquiry appears to have taken place within the jurisdiction of the Post, the same shall be transferred to the "Localised Crime Register" of the Post on the day on which this localisation takes place, the unlocalised case shall be expunged, and further action will be taken after registering the case under Railway Property (Unlawful Possession) Act. Inspector in-charge should submit detailed report about the same to Sr.DSC/DSC.

2.3 If on inquiry, the Post Commander of a Post where the case has been registered, comes to the conclusion that criminal interference took place in another Post of the same division, the Post commander shall immediately inform the officer-in-charge of that Post and transfer the case to him. The Post commander to whom the case has been transferred shall register it in the "Localised Crime Register" and intimate the crime number to the post concerned which has transferred the case. Then, the case will be expunged from "Unlocalised crime Register", and Sr. DSC/DSC will be informed. **Provision**: Rule 226.2 of RPF Act 1987.

2.4 If the case pertains to the adjoining division of the same zonal railway, the \post commander shall intimate the facts of the case and send all papers to the Post concerned of the division under intimation to his Divisional Security Commissioner. If

the Post is not of adjoining division, the the papers shall be routed through his Divisional Security Commissioner but an intimation shall also be given by quickest possible means by the Post commander t o his counterpart for taking immediate action, if any. The Post Commander to whom the case has been referred shall register the case in the "Localised Crime Register". Sr. DSC/DSC will send details about such cases to PCSC through Monthly Crime Review.

Provision: Rule 226.3 (A) of RPF Rules, 1987.

2.5 If the case pertains to another zonal railway, except as mentioned in Para 2.4 above, the post in-charge shall forward all the documents to his Sr. DSC/DSC. Sr. DSC/DSC shall forward the relevant documents to his PCSC. The PCSC shall forward the same to the other Railway's PCSC. However, an intimation shall also be sent by the quickest possible means by the Post Commander to the concerned Post Commander of that railway for taking action, if any.

Provision: Rule 226.4 of RPF Rules, 1987.

2.6 In case after enquiry, a post in-charge finds that the crime did not occur in his jurisdiction, he shall report full facts to his Sr. DSC/DSC, whose decision pertaining to such disputed cases of his division shall be final in. The decision of the PCSC in any inter-divisional disputed cases of his zonal railway and of the Director General/RPF in an inter zonal disputed case shall be considered final.

Provision: Rule 227.2 of RPF Rules, 1987.

2.7 During the month of January, April, July and October of each year, each Sr. DSC/DSC and PCSC shall convene a meeting of the respective officers dealing with crime statistics to reconcile the figures of transferred cases, involving loss of railway property exceeding a value to be specified by the Director General.

Provision: Rule 227.3 of RPF Rules, 1987.

2.8 On receipt of a transferred case in Post, the receiving Inspector in-charge shall register it under localized head. Case registration details will be intimated by the post in-charge receiving the transferred cases to the Post commander who transferred the case through the same medium through which he received the case. The transferring in-charge shall expunge the case registered under un-localized head. The enquiry officer shall complete enquiry within 30 days. The period spent doing correspondence will not be included in this period. Correspondence on the subject shall be completed within 5 working days at the offices of PCSC and Sr. DSC/DSC. If the place of occurrence is not found in the jurisdiction of the post where the case has been transferred, the concerned post in-charge shall get detailed enquiry conducted to localize place of offence as per him. On receiving such report, the concerned Sr. DSC/DSC/PCSC/DG/RPF, as the case may be, shall decide the place of occurrence, and accordingly further action shall be taken as per guidelines mentioned above. After decision regarding place of occurrence is taken, the concerned post in-charge shall register the case under RP(UP) Act and complete the enquiry as per guidelines.

2.9 In the enquiry reports of un-localized and controversial cases, a top sheet will be prepared in which action taken shall be shown page wise, e.g., enquiry report is from which page to which page, the en-route stations are shown from which page to which page, seal checking report is shown from which page to which page, so that report could be read and understood properly.

2.10 In enquiry report, codes of the stations will not be written, instead their full names will be written.

2.11 Authorized seal codes will be used.

2.12 When an un-localized case is transferred to the localized head, the localized head case should be registered in the same year as that of the un-localized case.

Provision: Para 12 of RPF Directive -40.

3. **In localized head of Railway Material –** If a case of railway material already registered in un-localized head is being registered in localized head, enquiry of the same will be conducted as per the provisions given in chapter 1.

3.1 **How should enquiry be conducted in the following incidents**:-

(i) When the criminal cuts or breaks signal gear, junction box, location box, bud lock, signal cable/wire and train operation is affected as a result.

(ii) When OHE wire is cut and damaged by criminals or OHE wire gets loosened due to interference with counter weight due to which wire gets entangled with trains and train operation gets effected.

If any such incident takes place, case will be registered under section 174(iii) of Railways Act. The procedure of enquiry and collection of documents shall be as per section 174 of Rly. Act.

4. **Measures to prevent theft of Railway property**:-

4.1 **The following measures should be adopted by RPF to prevent theft of Railway Property**.

(i) **To prevent crime**:- To prevent crime, it is necessary that the Post commander ensures proper security in his area by taking care of the following issues:-

(a) **Basic security arrangement of the work area**: - The inspector in-charge keeping his work place in mind should check whether the required basic security arrangement is available or not, and implementation of the same is being done or not. He should also ensure that rules and instructions in this regard are being followed. It is the responsibility of every member of the force to ensure it.

(b) **Deployment of staff**: - Seeing the efficiency, qualification, capacity and dedication of the staff is essential before deploying him for some duty. If they are deployed on this basis, it gives optimum results. If the performance of the

staff is doubtful in any respect, the supervisor has to keep a watch and ensure proper work.

(c) **Registration of crime**: - If any crime takes place even after taking action as stated above, the crime must not be suppressed. Case should be registered for the crime so that prompt appropriate action may be taken action against the criminals. If crime is not registered, the morale of criminals goes up and the crimes get out of control. Not registering a case is also a crime in itself.

(ii) **Searching criminals**: - For control of crime, it is necessary that whenever a case is registered, enquiry of the same should be conducted in such a manner that the crime gets detected with arrest of criminal and recovery of full stolen property.

After ascertaining about the criminal, proper enquiry is a must. Collection of the evidences in the enquiry shall be done in such a way that criminal's connection with PO is clearly established. Establishing connection between the evidences left at the crime spot by the criminal with the criminal on his arrest is the main object of the enquiry.

(iii) **Prosecution of the cases**: - To control crime, it is essential that in the cases where enquiry is completed properly and complaint has been filed in court, prosecution of that case should be done in such a manner that the severest punishment is awarded to the criminals and it should be a lesson for other criminals, thus creating deterrence.

(a) In prosecution, it is important that the evidences collected and property seized are exhibited properly in the court during trial.

(b) To prove the connection between the criminals and place of occurrence beyond doubt.

4.2 **<u>Measures to prevent theft of Railway property from Parcel shed and Godowns</u>**:-

(i) **Structural security management**:-

(a) There should be boundary wall of appropriate height with barbed wire on top of it on all the four sides of Godowns and Parcel shed
(b) On the boundary wall, pieces of glass should be put in such a way that their pointed end is facing upside.
(c) There should not be any tree or fence adjacent to boundary wall.
(d) Proper lighting arrangement should be there around the boundary wall.
(e) In cases of large godowns and parcel sheds, watch towers should also be installed in the four corners of the boundary wall.
(f) Separate gates should be provided for incoming and outgoing materials of the businessman.
(g) Strong room should be constructed for high value items.
(h) The outgoing drains from Godown or Parcel shed should be covered with iron wire and mesh.
(i) Cycle/motorcycle stand should be constructed away from the shed.
(j) Fire extinguishers should be kept at several places.

(ii) **Procedural security arrangement**:-

(a) No outsider should be permitted to enter Good shed or parcel shed without permission.
(b) Incoming and outgoing vehicles in the Good shed or Parcel shed should be properly checked.
(c) Every released Parcel should be permitted to go out only after tallying with the Gate Pass and railway receipt.
(d) Gate pass should be entered in gate pass register.
(e) The labourers working in goods shed or Parcel shed should be engaged only after police verification.
(f) After working hours, the goods lying on Good shed or Parcel office platform should be compared with the goods which should be available as per records of Railway, so that if there is any discrepancy, it can be found out on the same day.

4.3 **Measures to prevent theft of OHE wire**:-

(i) All small equipments used in OHE work should be kept in closed stores under concerned department's private security. Large equipments should be kept near station premises under their private security, so that Railway staff working in/ passing from that area can also keep a watch on those equipments.
(ii) The materials delivered to or received from contractors by RE department should be recorded in ledger and DMTR (Daily Material Transaction Register) so that in case of theft and for ensuring punishment to criminals, the same can be produced as evidence.
(iii) Immediately after fitting of the OHE wires, the concerned department should ensure anti-theft charging of the same along with hooter system.
(iv) If due to any technical reasons, if the concerned department has to delay the anti theft charging, the matter should be reported to RPF so that security management for OHE may be done by RPF.
(v) Communication of hooter system should be linked with Security Control room so that immediate action could be taken.
(vi) The availability of Tower Wagon shall be ensured at a certain distance, so that one can reach place of offence immediately in case of need.
(vii) Generator should be run continuously during night time. Many times it has been observed that generator set is put off during night to save diesel.
(viii) To avoid criminal interference and to ensure safety of passengers, whenever OHE wire is fitted, it should be immediately clamped and fastened and ensured that it is fitted correctly.
(ix) The list of officers and employees engaged in OHE work should be given to RPF. Their Police verification should be ensured and they should be given identity card by the concerned department.
(x) RPF should be provided with four wheelers for patrolling by the concerned department keeping in view the area where OHE wire is being layed.
(xi) RPF staff along with staff of concerned department shall patrol the whole area during night using four wheelers, two wheelers or by walk.
(xii) The concerned RPF post should make a list of previous offender of that area and keep regular watch on them.
(xii) In case of any criminal interference with concerned OHE, CDRs of all ex-criminals should be extracted to find out their locations, and accordingly legal action should be taken.
(xiii) Maintain good relationship with good people of the neighbourhood, and with their help information should be collected about suspicious persons.

(xiv) Regular coordination should be maintained with local police, Govt. Railway Police and local intelligence units to get help in taking legal action against the criminals involved in crime against OHE.

(xv) Special surveillance should be kept on the nearby scrap shops.

4.4 **Measures to prevent theft of engineering materials**:-

(i) To ensure security of engineering materials lying in open under his jurisdiction, the Inspector in-charge should coordinate with concerned department and through letter he should request to depute a guard.

(ii) To ensure security of engineering equipment like the Rail line, CST-9 pots, ACB plate, bearing plate, pandrol clip, key, juggle plate, fish plate, nut bolt etc lying here and there in pieces or blocks near Railway line in block section or yard, the Inspector in-charge should coordinate with concerned department and write letter to keep them at secured place.

(iii) To secure engineering material lying in open, Inspector in-charge should coordinate with concerned department and write letter to fence that place.

(iv) To secure engineering materials lying in open and where no guard is deputed, Inspector in-charge should ensure conducting surprise checking/patrolliing from time to time.

(v) Inspector in-charge should keep surveillance on ex-criminals and receivers living nearby.

(vi) Inspector in-charge should get photographs of the places where Railway properties are kept. After taking print of the photos, he should write the date of photography, time and place on the backside of the photo.

(vii) Inspector in-charge shall organize a co-ordination meeting with the concerned engineering in-charge along with the list of engineering materials, in which the places where engineering items are lying, its name and number, object of keeping that material, what is the security arrangement, in case of theft who shall give the information, in which register it is endorsed, when that would be disposed and what will be the mode of disposal etc. should be recorded. This action should be taken within 15 days of checking of Railway property.

(viii) If there is no record of the items lying scattered in the block section or yard, the Inspector in-charge should write to take action against the concerned department in-charge and ensure that these items get recorded in the ledger.

(ix) Inspector in-charge should get the engineering items lying in section checked at least once a month.

(x) The Inspector in-charge should get a copy of the contract about the released items from the concerned in-charge of the engineering department and find out conditions about the maintenance of that Railway Property i.e. where it is required to be kept, for what duration and when/where it will be shifted. On the basis of this information, he should take appropriate action in co-ordination with the concerned engineering in-charge.

(xi) If there is any negligence in compliance of the above, the Inspector in-charge shall immediately inform in writing through control to Sr.DSC/DSC. On getting this information, Sr. DSC/DSC will coordinate with the concerned engineering officer and ensure action as per terms of contract. If there is any delay even after that, Sr. DSC/DSC will prepare a note in this regard and apprise DRM, with copy to PCSC.

(xii) If required, PCSC shall coordinate with Principal Chief Engineer to ensure further action.

(xiii) Inspector in-charge shall prepare a list of custodians of Railway property under his jurisdiction, and conduct a meeting with them once in a month to ascertain whether there is any criminal interference with the engineering materials. Minutes of the meeting should be prepared and copy of that should be sent to the custodian, Sr.DSC/DSC and the concerned CIB Inspector.

4.5 **Measures to prevent theft of Railway Materials from Store Depot**:-

(i) There should be boundary wall of appropriate height with barbed wire on top of it on the four sides of store depot.
(ii) On the boundary wall of the store depot, pieces of glass should be put in such a way that pointed part should face up.
(iii) There should not be any type of tree and fence along with the boundary wall of the store depot.
(iv) Around the boundary wall of store depot, there should be sufficient lighting arrangement so that face of any person present there can be recognized.
(v) Watch towers should also be constructed at the four corners of the store depot.
(vi) Adjacent to perimeter of boundary wall, there should be a road inside and outside the store depot to allow patrolling with four-wheeler.
(vii) There should be separate gate for entry and exit of vehicles.
(viii) Store depot should have mantrap gates for entry and exit of employees.
(ix) Iron wire and mesh should be put on the exit side of the drains from store depot.
(x) The cycle and Motorcycle stand should be constructed outside the store depot, or at such a place inside the store where any person cannot steal property and keep that in vehicle. To ensure that, there should be physical separation arrangement between store and stand.
(xi) Store depot should have CCTV cameras. It should be installed at every entry/exit point, boundary wall, every store/ward from where material is issued and at yard from where scrap is delivered.
(xii) There should be arrangement of baggage scanner and DFMD at exit gates. The person going out of store depot should be instructed by on duty RPF staff to take out every metal item and keep on the table and pass through DFMD. If there is a sound in DFMD for metal, the person should be advised again to take out objects of metal. His bag shall be checked with baggage scanner to check whether the metal found in the bag is authorized or unauthorized. If found unauthorized, action should be taken as per rules.
(xiii) There should be arrangement of baggage scanner and DFMD at entry point. The persons entering the gate of depot shall be instructed by on duty RPF staff to take out every metal item from his bag and keep on the table and pass through DFMD. If there is a sound in DFMD for the metal in the bag, ask the person again to take that out of the bag. This bag shall be checked with scanner. The metal shown in the baggage scanner should not be useable for explosive. If it's explosive, action shall be taken as per rules.
(xiv) The labourers working in store should be engaged only after their police verification has been done.

4.6 **Duties of Inspector in-charge regarding security of store depot**:-

(i) Must not allow entry of any unauthorized person in the store depot.
(ii) Action should be taken against unauthorized persons as per Railway Act.
(iii) He should ensure proper checking of vehicles entering in store depot including below the seat, dicky, tool box, bonnet, carrier etc. so that no one can take away Railway Property unauthorizedly.
(iv) No unauthorized luggage/explosive item should be allowed to enter the depot.
(v) All goods released from Railway are released on issue note and gate pass. The details written in the issue note and details on gate pass should be compared, and if found correct, should check the goods whether it is the same as mentioned in the issue note. Only after completing this process, goods should be allowed to be taken out.
(vi) Details of the gate pass should be entered in gate pass register.
(vii) He should have special watch on IC gate (inter communication gate). He must ensure checking of the goods coming in or going out from this gate and get it entered in the register.
(viii) There should be a visitor's register kept on the main gate of the store in which details of persons coming in/going out be should be mentioned.
(ix) He shall prepare a list of custodians of the Railway Property kept in the store depot and organize a monthly meeting with them to ascertain if there is any criminal interference with any of the Railway material. He would prepare minutes of the meeting and forward copies of the same to Sr.DSC/DSC, custodian and Inspector in-charge of CIB.
(x) The materials brought inside the depot should be accompanied with invoice/ issue note. It should be checked at the gate that the item entering the depot is the same as mentioned in the invoice/issue note. Where the items are unloaded, RPF staff should check whether counting/weighing of the item is being done properly by the concerned staff. If any irregularity is found, the same shall be entered in daily diary, Gazetted Officer of the concerned department should be informed in writing, and a copy of that should be submitted to Sr.DSC/DSC.
(xi) Proper maintenance of registers C-16, C-17, C-18, C-19 and C-20 should be ensured.

4.7 **Measures to prevent theft of signal & telecommunication equipment**:-

(i) To secure Railway Property kept in open in the jurisdiction of Inspector in-charge, he should coordinate with the in-charge of the concerned department and inform him through letter to depute guard.
(ii) It should be ensured that Junction box, ARA terminal, relay, battery, cable, pipe etc. of S & T Department kept in open should be shifted to secured place having proper fence.
(iii) Inspector in-charge should ensure that to secure the signal & telecommunication equipment, where guard is not available, he should ensure surprise patrolling by RPF and a joint checking with concerned supervisor.
(iv) Surveillance should be kept on ex-criminals and receivers of nearby places.
(v) Inspector in-charge should take the photographs of the Railway Property at the place where it is lying, and taking its printout the date of photography, time and place should be mentioned on the back side of photograph.
(vi) Inspector in-charge shall organize a co-ordination meeting with the concerned S&T in-charge along with the list of S&T materials, in which the places where

railway materials are lying, its name and number, object of keeping that material, what is the security arrangement, in case of theft who shall give the information, in which register it is endorsed, when that would be disposed and what will be the mode of disposal etc. should be recorded. This action should be taken within 15 days of checking of Railway property.

(vii) If there is no record of Railway property lying scattered in the section or yard, the Inspector in-charge shall recommend action against the supervisor of the concerned department and get the items entered in ledger.

(viii) Inspector in-charge should get the items lying in the section checked at least once in a month.

(ix) The Inspector in-charge should receive a copy of contract regarding the released items from the concerned in-charge of the signal departments and ascertain about the maintenance of that Railway Property i.e. where it will be kept and for what duration, and when/where it will be shifted? On the basis of this information, he shall take appropriate action in association with the concerned in-charge.

(x) If there is any negligence in the above action, the Inspector in-charge shall immediately inform in writing to Sr.DSC/DSC through Security Control. On getting this information, Sr. DSC/DSC should liaise with the officers of the concerned department and ensure action as per terms of contract. If there is any delay in this, Sr. DSC/ DSC should prepare a note and inform DRM about complete details, with a copy of the same to PCSC.

(xi) If required, PCSC shall coordinate with Principal S&T Engineer to ensure further action.

(xii) Inspector in-charge shall prepare a list of custodians of Railway property under his jurisdiction, and conduct a meeting with them once in a month to ascertain whether there is any criminal interference with the S&T materials. Minutes of the meeting should be prepared and copy of that should be sent to the custodian, Sr.DSC/DSC and the concerned CIB Inspector.

5. **Delivery of scrap of Railway property**:-

5.1 The process of auction of scrap is done by stores department. After completing the auction process, store department issues Delivery Order Letter to the concerned department's custodian. The custodian of the concerned department determines the date of delivery. The date of delivery decided by the custodian shall be informed to Accounts department, Security department and the buyer through a letter on the basis of which the representatives of the above departments would be present on delivery date and time, at the place, and in front of them the process of delivery would be completed. At the time of delivery, the following precautions should be taken by RPF department -

(i) On receipt of letter regarding delivery, Inspector in-charge or a subordinate officer nominated by him should be present at delivery spot for witnessing.

(ii) At the place of delivery, delivery will be ensured within the prescribed time stated in the Delivery order.

(iii) If it is mentioned in delivery order that the loading of items shall be done by the labours of the contractor or by the Railway, it shall be checked whether the same is being complied with or not.

(iv) The lot of the railway material which has to be delivered should be compared with the entry in the lot formation register and Delivery Order to ensure that it is the same material which has to be delivered.

(v) If the purchaser of the property is not present in person and sends his representative with power of attorney to accept the delivery, the power of attorney and the representative shall be checked to ensure that the person who has come to take delivery is proper as per power of attorney.

(vi) While giving delivery, the property shall be delivered according to measurement/ weight.

(vii) As per delivery order, if the weight of property needs to be done at beam scale or weigh bridge, it should be ensured.

(viii) If the material has to be weighed on a vehicle at the weigh bridge, the weight of the empty vehicle (Tare weight) should be done before loading, for which a joint report should be prepared on which all should sign. After loading of the material to be delivered, loaded vehicle should be weighed. Receipts of both the weighment shall be collected from Weigh Bridge and enclosed with delivery file.

(ix) After the loading of material in the vehicle, an issue note should be prepared by the custodian in favour of the purchaser. That shall be signed by custodian, purchaser and all the witnesses. Before signing, it should be ensured that all the documents related details and registration number of vehicle, name of the driver and his address etc. are correctly mentioned in the issue note. One copy of the issue note should be handed over to each witness and the purchaser.

(x) The delivery of Rail line should be done as per the classification/name of the Rail in the delivery note.

(xi) Sometimes it happens that a certain Rail line has to be delivered as per delivery note, but the base of that Rail line is damaged due to corrosion and while delivery a Rail line in good condition is delivered with the collusion of custodian and purchaser. Special attention must be paid to prevent this.

(xii) Sometimes instead of delivering rail of a particular weight, rail having more weight is delivered by the custodian in collusion with the purchaser. It should be kept in mind that this should not happen.

(xiii) Materials which have to be delivered as per weight and counting, special care should be ensured at the time of delivery on both count and weight.

(xiv) During delivery, no representative shall leave place of delivery.

(xv) Once the vehicle of purchaser, on which delivered property is loaded moves out from delivery place, after that only witnesses should leave that place.

(xvi) After delivery, the RPF representative will come to the post with issue note and other relevant documents, then he should record complete details along with complete delivery process in the Roznamcha and inform the same to SCNL.

(xvii) During the delivery or after that, if any irregularity is detected by any agency, a case would be registered in this regard in the concerned RPF Post according to legal provisions. Simultaneously, departmental action should be initiated against the guilty staff.

6. **DFCCIL and CORE properties**:- Like track fittings, OHE, Signal equipment etc. shall be considered as Railway Property. Therefore, whenever any information regarding theft of these property/criminal interference is received by the RPF Post from the Railway Supervisor, action should be taken by the Inspector incharge as per RP(UP)Act and Railway Act.

Provision

1. Rly. Board letter No. 2016/Sec(CCB)/CORE dt. 29.01.2016.
2. Rly. Board letter No. 2018/Sec(SPL)/1/3 dt. 26.12.2018.

7. **Provision of escort of railway cash**

Sl. No.	Scale of the escort	Strength ofof RPF escort party
1	Less than Rs.2,50,000/-	No escort
2	From Rs.2,50,001 to Rs.10,00,000/-	01 Hd. Constable and 02 constable with weapon.
3	From Rs.10,00,001/- to Rs.50,00,000/-	01 ASI and 03 Hd. Constable with weapon.
4	From Rs.50,00,001/- to Rs.1,00,00,000/-	01 SI and 04 Hd. Const./Constable with weapon
5	From Rs.1,00,00,000/- above	01 IPF, 01 ASI, 03 Hd. Constable and 05 Constable with weapon.

Note: Sr.DSC/DSC can alter the no. of escort in Naxal/Terrorist affected area according to the local condition and provide sophisticated weapon, bullet proof jacket, bullet proof helmet to the escort party.

Provision: Railway Board letter no.2009/Sec(Crime)/45/28 dated 25.03.2009.

CHAPTER-4

SR cases, Supervision of SR cases, SOR & Inspection

1. Special Report

1.1 In cases of theft of booked consignment or rail material, more than the value which may be fixed by DG /RPF from time to time, the theft is to be registered at the RPF post, then the SrDSC/CSC will send special report addressing to DG /RPF with a copy each to PCSC and all other concerned officers, which may be specified by direction.
Provision: Rule 229 of RPF Rules 1987

1.2 In matters related to book consignment, cases related to Rs. 80,000 / - or more and cases of railway material of Rs. 40,000 / - or more, Special report will be issued.

1.3 In cases related to book consignment, up to Rs. 2,00,000 / - and in matters related to railway material up to Rs 1,00,000/-, special report will be issued by addressing PCSC, while the cases related to book consignment of more than Rs.2,00,000 / - and railway material of more than Rs. 1,00,000 / -, the special report will be issued by addressing to Director General / RPF. Format Special Report (Annex-1)
Provision: DG/RPF Letter no. 2018/Sec (CCB)/210/15 dated 11.01.2018 (Directive-40)

1.4 Procedure to issue special report_

i. When registered case of theft of booked consignment or railway material comes under the special report then within 24 hours of registration of case, Inspector In-charge will issue special report in prescribed format, addressed to Sr DSC/DSC and copy to ASC.

ii. Special report case shall be enquired by Inspector.

iii. SR DSC/DSC, on receiving special report from Inspector in-charge and within 24 hours of registration of case, shall issue special report in prescribed format, addressed to PCSC/DG/RPF and its copy to as per format to PCSC and other officers.

iv. After special report and supervision report, continuous Continuation report will be sent by Inspector to Sr DSC/DSC, Sr DSC/DSC to PCSC and PCSC to DG/RPF. Periodicity of the continuation report will depend upon the further progress/development in case. Significant progress will be mentioned in this report. Final report will be sent after case is closed.
Provision: DG's Standing order no. 108, para 5.1

v. If case is transferred to another zone, then the copy of special report issued in the case will be sent with enquiry report to that zone with intimation to Railway Board. Accepting zone will not issue new special report.
Provision: Directive-40, para-07

2. Supervision of Special Report:

2.1 In special report cases, on the basis of theft value, place of occurrence/ crime scene shall be visited by ASC, SrDSC/DSC, DyCSC, CSC, PCSC in the following way:

i. For cases of booked consignment of Rs 80,000/- or more and less than Rs Rs 2,00,000/-, for railway material of Rs 40,000/- or more and less than Rs 1,00,000/-, concerned ASC will visit.

ii. For cases of booked consignment of Rs 2,00,000/- or more and up to Rs 4,00,000/-, for railway material of Rs 1,00,000/- or more and up to Rs 2,00,000/-, concerned SrDSC/DSC will visit.

iii. For cases of booked consignment of Rs 4,00,000/- or more and up to Rs 6,00,000/-, for railway material of Rs 2,00,000/- or more and up to Rs 4,00,000/-, concerned CSC/DyCSC will visit.

iv. For cases of booked consignment of above Rs 6,00,000/- and railway material of above Rs 4,00,000/-, concerned PCSC will visit.
Provision: Directive 40

2.2 Supervision of special report case shall be done as per the points specified in format of supervision note.

2.3 Supervision of special report cases shall be done within 15 days of issue of special report, by the competent officer based on the value of theft and in accordance to annexure-2 and specified format issued by DG/RPF.

2.4 Process of enquiry should be completed in 60 days. If enquiry is not completed in 60 days, then Sr DSC/DSC shall study the enquiry file to find out the reason of non-completion of enquiry. If EO is intentionally delaying the enquiry, then departmental action shall be taken against him. If EO has done his work correctly and mentioned suitable reasons, then for reason-based rest of enquiry time permission shall be requested from PCSC. Maximum 30 days extension can be provided.

2.5 If process of enquiry is not completed in 60 days since accused is in jail or accused is in judicial custody, then part-charge sheet will be submitted against whom enquiry is completed.

Note:

i. The facts mentioned in para 2.5 are not confirmed by Criminal Code of Conduct, 1973, since after the enquiry RPF, as per section-8 of Railway Property (Unlawful Possession) Act submits complaint in the court instead of charge sheet as per section 173(2) of CrPC. Therefore, provisions related to supplementary charge sheet as mentioned in section-173 of CrPC shall not be applicable in the enquiry by RPF.

ii. If in a case, there are more than one accused and some of the accused among them are absconding, then in said case if subject material of crime is certified as railway property and based on other evidences (with any person known to facts and situations of case or documentary evidence, as the case may) complaint can be filed against all the accused after complying the directions mentioned in section 82 and 83 of CrPC against other absconding accused.

2.6 PCSC will intimate DG/RPF of increase in time duration after 60 days of enquiry.

2.7 After enquiry, if evolution of case happens then after completion of enquiry, complaint shall be filed in court.

2.8 Even after all the efforts, if case is not worked out, then enquiry officer will send his report to ASC. ASC will send enquiry documents to concerned public prosecutor. After reviewing the file by public prosecutor, it will be decided in clear terms whether the matter is proved or not, on the basis of which report with documents will be sent to ASC. Precise observation of documents, enquiry report and review report of public prosecutor will be done by ASC, if at this stage any lacunae is found then case file is again sent to enquiry officer to rectify the lacunae. Enquiry officer will again send the case file to ASC after rectification of lacunae. Rectification of lacunae will be checked and once satisfied with rectification; case file will be forwarded to Sr DSC/DSC. SR DSC/DSC will do precise observation of the case file. After that, for closure of case, case file with recommendation will sent to PCSC.

2.9 Precise observation of case file will be done by PCSC and if case deserves to be closed then he will return the case file to Sr DSC/ DSC with his approval.

2.10 Sr DSC/ DSC office will send the case file to enquiry officer to apply in concerned court for closure of case.

2.11 In the concerned court, enquiry officer will present with case file to public prosecutor. Public prosecutor will submit application for final report by enquiry officer with case file along with his opinion in the concerned court. If after enquiry, as per provisions of RP(UP) Act, commission of crime is not proved then enquiry officer will take permission from Sr DSC/DSC to submit an application in the court for the closure of concerned case and as per order of the court on that application, necessary entry will be done in concerned register and will ensure the disposal of recovered property (if any) as per the order of the court.

2.12 After acceptance of final report by the court, enquiry officer will close the case and do entry in daily dairy along with concerned register.

2.13 Intimation of closure of case will be given to Sr DSC/DSC with a copy to ASC. Sr DSC/DSC will intimate PCSC. PCSC will send this information to DG/RPF.

2.14 Sr DSC/DSC will ensure the compliance of instructions given in enquiry of special report case and supervision note that all actions are being done as per instructions without any unnecessary delay.

2.15 On actions being completed as per instructions, Sr DSC/DSC will send report to PCSC that not action is pending in said special report case and all the instructions mentioned in supervision note are complied.

2.16 ASC/Crime will review the report of Sr DSC/DSC. If required comments from public prosecutor (HQ) will be taken. After appropriate proceedings, enquiry file will be presented to PCSC through CSC.

2.17 PCSC will take decision on enquiry file that whether report sent by Sr DSC/DSC is valid. If valid then order for closure of case will be issued else order for necessary action will be issued. Further proceeding will be done by concerned as per instruction.

2.18 To localize the case, if special report case under un-localized head is transferred to other zonal railway then receiving zonal railway will issue supervision as per rule.
Provision: Directive-40, Para-7

3. Special Occurrence Report:

3.1 Under Rule 230 of RPF Rule, there is provision to issue special occurrence report. When any of the category of incident from the following mentioned category happens in train or railway premises then concerned Sr DSC/DSC will release Special Occurrence report addressed to DG/RPF and copy to all concerned officers as per annexure 3.

3.2 Special occurrence report will be issue in following cases:

i. Dacoity
ii. Loot
iii. Murder
iv. Drugging
v. fire incidents involving loss of railway property of a value to be fixed by the Director-General or explosion involving loss of life or damage to railway property
vi. tampering with track, sabotage and serious accidents
vii. serious cases of hooliganism and rowdyism with in railway premises and prolonged holding up of trains due to agitations, dharnas etc.

viii. cases in which a railway employer or a member of the Force in duty has been assaulted or arrested or has opened fire
ix. theft of arms, ammunitions and explosives
x. any other case which in the opinion of the PCSC is fit to be classified as such
xi. Under Rule 230 of RPF Rules, as per para 3(a) of Directive-40 dated 11.01.2018 issued by DG/RPF, special occurrence report shall be issued in the cases of high value (stolen property value of Rs 2,00,000/- or more) theft of passengers' belongings.
xii. As per Directive-40 of DG/RPF, other than incidents mentioned in Rule 230 of RPF rules, special occurrence report will be issued in the following cases
    a. All incidents of rape in train and railway premises
    b. All incidents of bomb explosion
    c. Terrorist and extremist acts
    d. Incidents resulting in registration of criminal cases against Members of the Force
    e. Serious cases of misconduct/indiscipline of Members of the Force
    f. Any other case as directed by the Director General/RPF

3.3 The information should be invariably mentioned in all Special Occurrence Report pertaining to crime in running train about availability/ non availability of escort.

3.4 In special occurrence report pertaining to crime in railway premises, it should be mentioned as to whether at the time of occurrence of crime, the place of occurrence was manned by RPF or GRP or both or none.

3.5 Inspector in-charge under whose jurisdiction crime has happened will ensure that FIR related crime is registered in concerned GRP or local police station.

3.6 If IPC case is registered for crime happened under special occurrence matters, then within 24hrs of registration of case, Inspector in-charge will issue special occurrence report in prescribed format to concerned Sr DSC/DSC with a copy to concerned ASC.

3.7 On receipt of Special occurrence report from Inspector, Sr DSC/DSC will issue Special occurrence report in prescribed format to DG/RPF with in 24hrs of registration of case.

4. Supervision of Special Occurrence cases:

4.1 In all special occurrence cases ASC will inspect the place of occurrence.

4.2 In serious cases, Sr DSC/DSC will inspect the place of occurrence.

4.3 In case of attack or misbehave with RPF staff, Sr DSC/DSC will inspect the place of occurrence to enquire the truth and matter will be intimated to concerned SP or SP/Railway.

4.4 Progress report of special occurrence report will be sent by Inspector to Sr DSC/DSC in every 15 days, Sr DSC/DSC will send to PCSC and PCSC will send to DG/RPF.

4.5 High official nominated by ASC/Passenger security or PCSC will maintain the record of IPC crime occurred in train or railway premises and will ensure the registration of case by coordinating with district SP or SP/Railway.

4.6 Based on area of jurisdiction, if a case is transferred to other state then coordinating officer will forward the case to PCSC of concerned zonal railway. PCSC through his coordinating officer will ensure the registration of case in concerned GRP thana.

4.7 In case of any issue, PCSC will coordinate with equivalent rank police officer to resolve the issue. If the help of DG/RPF is required, then it can be taken through IG/Crime & Intelligence.

4.8 Inspector will intimate Sr DSC/DSC of those special occurrence report cases in which police has filed charge sheet in the court. Sr DSC/DSC will intimate and seek permission from PCSC to close the case.

4.9 PCSC will give permission to Sr DSC/DSC to close the case and will give case closure intimation to DG/RPF.

Annexure-1

5. Format of Special Report

Railway…….

Office……

Letter no……

To,

The Director General/ RPF,
Railway Board, New Delhi,

Special Report

1. Division …….
2. Sub-Division ……
3. Post ……
4. Place of occurrence ……
5. Date and time of incident ……
6. Date and time of information ……
7. Classification of crime ……
8. Name and address of arrestees ……
9. Name and address of suspects ……
10. Description of stolen property with value ……
11. Description of recovered property with value ……
12. Description of case registration with date and time ……
13. Brief description of the incident ……

Sr DSC/DSC

Copy to:

1. PCSC
2. DRM
3. BO of division concerned to stolen property
4. Sub-divisional ASC/RPF
5. Inspector in-charge with instruction

Sr DSC/DSC

6. Format of Supervision Note

1	RPF crime registration No.	
2	Date and Time of Report	
3	Classification of Crime	
4	Date of occurrence	
5	Time of occurrence	
6	Place of occurrence	
7	Date &Time of Investigation officer reached the scene of occurrence	
8	Name & Designation of informant.	
9	Father's Name of informant.	
10	Police crime N. & section with date.	
11	Name of Police Station.	
12	Accused Name in FIR with Father's name & address.	
13	If under arrest write 'A'.	
14	If on bail write 'B'.	
15	Name & Designation of Investigation officer.	
16	Date and hour of Supervision	
17	Information	
18	Investigation	
18.1	Facts ascertained by Local Inspection with details of modus operandi.	
18.2	Evidence of prosecution witness.	
18.3	Evidence of defense witness.	
18.4	Facts ascertained by enquiring confidential sources and Police station records.	
18.5	Result of co-operation with post of police station	
18.6	Action taken as reporting the case to police station	
18.7	If the case is under RP(UP)Act whether it is first offence by the accused or subsequent	
19	Action taken by police with case regd. by them.	
20	Accused and suspects.	
21	Deduction.	
22	Defects, delay omission and other comments.	
23	Instruction to the Investigation officer.	

Signature of Supervisory Officer

Date……..
Letter no. …….
Copy to:

1. Director General/RPF, Railway Board, New Delhi, for kind information.
2. Sr DSC/DSC for suitable action.
3. Sub-divisional ASC/RPF for necessary action.
4. Concerned Inspector (EO) for necessary action and compliance.

Signature of Supervisory Officer

Annexure-3

7. **Format of Special Occurrence Report**

SOR Letter no. …….. Date ……

To,

The Director General/RPF,

Railway Board, New Delhi,

Sub: **Special Occurrence Report**

1. State ……
2. Division ……..
3. RPF Post ……..
4. Place of occurrence ……..
5. Date and time of incident ……
6. Date and time of incident reported …….
7. Type of crime ……
8. Number of suspects with name and address ……..
9. Number of arrestees with name and address …….
10. Description of stolen/damage property with value ……..
11. Description of recovered with value ……
12. Description of GRP/RPF security escort …….
13. Name, rank and place of posting of GRP/RPF staff at place of occurrence ……..
14. Crime registration description of concerned GRP/Civil Police/RPF ……
15. Brief description of the case …….

Sr DSC/DSC

Copy to:

1. PCSC of concerned zonal railway for kind information
2. Concerned DRM for kind information
3. Concerned SP/Railway for necessary action
4. Concerned ASC for necessary action
5. Concerned Post In-charge for necessary action and apprise with progress in every 15 days
6. If case is of other zonal railway, then PCSC, Sr DSC/DSC and SP/Railway of that railway for necessary action and to provide registration details.

Sr DSC/DSC

CHAPTER-5

Railway Act

1.1 **Authorized Officer** - In exercise of the powers conferred under sub-section (2) of section 179 of the Railway Act, the Central Government has issued the Gazette of India S no. 593 (a) dated May 17, 2004, for the purpose of the Railway Act, all the above officers from the rank of Assistant Sub-Inspector of Railway Protection Force have been notified as "Officer Authorized"

Again using the powers conferred under sub-section (2) of section 179 of the Railway Act, the Central Government has issued the Gazette of India S no. 874 (a) dated August 02, 2004, for the purposes of section 179 of the Act, to authorize Group 'C' and above officials of Commercial, Operating or Vigilance departments of Ministry of Railways as "Officer Authorized"

1.2 **Action taken by the authorized officer**- An outsider, RPF employee, railway employee, on the verbal or written complaint by the police or taking suo moto cognizance by the RPF officer on the offences under 29 sections mentioned in section 179 of the Railway Act, the authorised officer as per provisions will arrest without warrant and register the case. The enquiry procedure will be done in accordance with the provisions of section 180(c) of the Railway Act.

1.3 The information on registration of case under railway act will be given, by post in-charge, to the court in whose jurisdiction the RPF Post is situated.

1.4 On the spot arrest memo, recovered property and arrested accused with the written FIR will be presented before Inspector in-charge at Post by the authorized officer for further proceedings.

1.5 After receiving FIR or memo, recovered property and arrested accused from authorized officer, Inspector in-charge will evaluate the related documents and register the case in sequence of crime number under relevant section of Railway Act with description of the case in daily dairy and will be registered Railway Act register (c-3-c) and CRR module of RSMS.

1.6 The Post in-charge will inform the concerned court, after registration of the case under Rly. Act (Whether the accused is arrested or not arrested and whether the accused is known or unknown).

1.7 Enquiry of the cases registered under the Railway Act will be done by Inspector in-charge himself or through a subordinate officer. At the time of the registration of the case, the details of the enquiry officer nominated by the Post in-charge will be entered in daily dairy.

1.8 If the accused is arrested under bailable offence and he demands bail, then he can be released on bail by the Post in-charge. The procedure for bail has been given in chapter 1 and 14.

1.9 The enquiry of cases registered under Railway Act will be done in accordance with the provisions of Section 180 of the Railway Act.

1.10 The Zonal railway will classify the cases registered under Rly. Act in two categories –

(i) **Petty cases**: These cases are disposed by the court immediately after the accused is/are produced. These cases are registered under Rly. Act in Sec – 137, 138, 139, 141, 142, 144, 145, 147, 155, 156, 157, 159, 162, 163, 164, 165, 166, 167 and 172 (19 sections)

(ii) **Non-Petty cases**: These cases require detail enquiry and prolonged prosecution. These cases are registered under Rly. Act in Sec - 143, 146, 153, 154, 160, 161, 173, 174, 175, & 176 (10 sections). However, there may be zonal

variation due to local factors. In some zones, cases registered under section 141, 144, 166 are pending trial for a longer period. Zonal railway may classify sections into one of the two categories.

1.11 After the classification of the sections of Rly. Act into two categories, the following procedures will be followed.

(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.

(ii) If E.O fails to complete enquiry within 15 days, he shall seek permission of the post in-charge in writing for extension of 07 days. Beyond this period, extension shall be given by the jurisdictional ASC for reasons would be recorded in writing.

(iii) If an accused is/are not arrested / not traced within 30 days from the date of registration of the case, EO will seek permission of the concerned ASC through post in-charge for closer of case. In all such cases, ASC shall be the competent authority to accord executive permission or closer of the case. Accordingly, E.O will inform the court about closure of the case.

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

(v) 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 persual of the case file and for reasons to be recorded in writing.

(vi) If the accused is/are not arrested or not traced, executive permission, for closer of the 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.

2. **Proceedings of Section 180 of the Railway Act-** The arrest of such person, who can be absconding: -

2.1 The person arrested under this section will be produced before the nearest magistrate within the 24 hours of arrest excluding the necessary journey time required from the place of arrest person to the Court of Magistrate till the time of granting him bail or if his name is correct and address has been confirmed, he has not already been released.

2.2 The provisions of Chapter 23 of CrPC 1973 (2 of 1974), as far as possible, will be applicable in connection with the grant of bail and execution of the bond.

2.3 **Enquiry by the authorized officer to ensure the occurrence of crime**Under **-:** section 180(A), sub-section (2) of section 179, the authorized officer will conduct an inquiry to find out the facts and circumstances in the case and if the crime has occurred, then the complaint will be submitted before the competent jurisdiction.

2.4 **Section 180(B) of the Railway Act 1989, power of the authorized officer during enquiry:-**

(i) A person may be summoned by the summons to appear before him, give his statement and to present the record and he can be bound to appear.
(ii) He can order to demand or produce any important document.
(iii) He can demand any government record or copy from any office, authority or person.
(iv) Entering any premises for the seizure of any item or document related to the subject matter of enquiry and search of that place or any person.

2.5 **Section 180(c) of the Railway Act 1989, disposal of arrested person/persons:-** Section 180(c), for each person arrested for the offense punishable under sub section (2) of section 179, if arrested by person other than the authorized officer, then he will forward him to such officer without delay.

2.6 **Section 180(d) of Railway Act ,1989how to do enquiry against arrested person:-**

(i) If a person is arrested by an authorized officer for any offense punishable under this Act, then the officer will move forward to enquire allegations against that person.
(ii) For this purpose, the authorized officer will be able to use the same powers and subject to the same provisions as may be used by a police officer in charge of a police station subject to the provisions of the Code of Criminal Procedure, 1973 and he is under those provisions when he is investigating any cognizable offence.
(iii) But (Provided that).

(A) If it is the opinion of the authorized officer that there is a proper basis for the enough evidence or suspicion against the accused, he will be able to secure his bail in that case, whether the evidence will be presented before the magistrate or produce him in custody before the magistrate.
(B) If it appears to the authorized officer that there is not a sufficient ground for adequate evidence or suspicion against the accused, then whenever he is called in front of the competent magistrate then to be present at that time he can be released with the execution of bond with or without surety as the authorized officer does.

2.7 **Section 180(E) of the Railway Act ,1989How to do search ,arrest and seizure -:** All the searches and arrests under this act will be subject to the instructions of the Code of Criminal Procedure 1973, which has been given in connection with the search and arrest in the Code of Criminal Procedure 1973.

2.8 **Section 180(F) of the Railway Act 1989, on the complaint submitted by the authorized officer, cognizance (action) taken by the court**:- No Court shall take cognizance of the offences mentioned in section 179 sub-section (2), unless the complaint is submitted by the authorized officer in that matter.

2.9 **Section 180(G) of the Railway Act, penalties for the certain crimes related to enquiry -:**During the enquiry, if a person deliberately insults the enquiry officer or creates any impediment in the enquiry or give false statement to the enquiry officer, then he can be sentenced simple imprisonment upto 6months or fine upto Rs. 1000/ - or both.

3. Duty of Enquiry officer: -

3.1 Move forward for the enquiry with evaluation of all the documents and the case diary which will be stamped and endorsed by the Controlling Officer in which writing will start and will write the details of every action taken during the enquiry and file in the office of Inspector in-charge. If the enquiry officer has checked out of his headquarters for the enquiry, then in such circumstances, the place of writing case dairy will be that place where the enquiry proceedings have been taken place. In the case dairy, this fact will be mentioned that case diary will be sent once headquarter is reached.

3.2 According to the provisions of Section 172of the Code of Criminal Procedure, the enquiry officer will write a case diary in order of enquiry of any cases. Under section 180 (B) of the Railway Act, recorded statement of the accused and witness during the enquiry, the related correspondence sent, the received report (Tanqihetc), etc. will be exactly copied in the case diary.

3.3 Documentary evidence during the enquiry will be collected through a seizure list and if the document to be seized is of the nature that it cannot be carried out easily or it is not possible to dismiss it for official day-to-day official purposes. Then the certified copy of the said document will be handed over to the custodian through handover memo. In the handover memo, it will be instructed that the said document will be kept safe in its office, will not make any change / tampering or other entries in the original form and submit it by the court or the enquiry officer on demand. Notice of this effect will be recorded in the case diary.

3.4 Proceeding regarding the para 3.1 to 3.3 will be entered in daily dairy.

3.5 All daily dairies having enquiry related insertions will be kept in safe by the Inspector in-charge till the final disposal of the suit.

4. Duty of Inspector in-charge during enquiry: -

4.1 In each working day, will receive the information related to enquiry from the enquiry officer and give proper direction.

4.2 If the enquiry officer is subordinate to the Inspector in-charge, then the Inspector in-charge will carefully read the diary received from the enquiry officer and, if he agrees with the enquiry, then will forward to concerned ASC. If any deficiency or mistake is found, then the necessary guidelines will be given to the enquiry officer in writing.

4.3 After the completion of the enquiry, in the complaint / prosecution report, it will be ensured that the section under which it is told that crime has been proved, all the essential elements of that have been proved in the enquiry and on which evidences they are proved. All these evidences are valid evidence under the Indian Evidence Act. It should be proved that all the essential elements of the section of the Act under which the charge have been proved based on the evidence and recommendation for filing the complaint in the court is done. With this certificate, complaint for filing in the court is sent to Divisional office for the approval.

4.4 In continuation of point no.4 . ,3after the approval of Sr. Divisional Security Commissioner / Divisional Security Commissioner, the Enquiry Officer will submit the complaint letter with the original letter to the court through public prosecutor. The entry

of entire proceeding will be done in daily dairy by the enquiry officer, along with the crime number provided by the court. Second copy will be kept RPF Post. The third copy of the complaint file will be sent to the office of the concerned Public Prosecutor.

4.5 The Inspector in-charge will immediately intimate the divisional office of the filing of complaint in the court.

4.6 As per the rules, after the completion of the enquiry, if no sufficient evidence is found against the accused or if there is no arrest of the accused after sufficient evidence, or even after making every possible effort, the case cannot be resolved then the Inspector in-charge will send his report along with enquiry file to the Sr DSC/DSC to end the enquiry.

4.7 Sr DSC/DSC on receipt of report as per para .4.6 will take legal opinion from the public prosecutor of division. If after legal opinion, Sr. DSC/DSC agrees with the conclusion of the Inspector in-charge, then order for the closure of the case will be issued.

Provision the Railway Board's letter no. 2016 / Sec (CCB) / CSCs Conference Pt. Dated 10.10.2016

4.8 Inspector in-charge will do entry of information of order of Sr DSC/DSC to close the case in daily diary and related registers and present the information to the court for the closure of case through the public.

4.9 The Inspector in-charge will receive the order issued by the court and make entry in daily dairy and will send its intimation to Sr DSC/DSC.

5. Section 137- Traveling falsely or trying to travel without proper passes and tickets: -

5.1 The following documents will be prepared in connection with the arrest of person under this section.

(i) Complaint letter/memo of authorized officer or ticket checking staff
(ii) The seizure of the pass that was previously used (if any).
(iii) The accused's statement.
(iv) Arrest memo and personal search.
(v) Statement of independent witnesses present at the site of the incident.
(vi) Verified address of the accused

5.2 If Section 137 is made with other sections of the Railway Act, the Inspector In-charge will make TC/TTE to write the amount of the Railway charge on the memo and send it to the court by mentioning in the complaint to be file in court.

5.3 The travel charge amount from the total fine received by the court shall be deposited in Railway Revenue head by the court. If necessary, coordinate with concerned “Peshkaar” of the court to do this work. This information will be received by the Inspector in-charge from the court and intimate to Sr.DSC/DSC.

5.4 The information of deposition of travel charge in the Railway revenue head will be entered in the daily dairy of the Post and related register.

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

6.1 The following documents will be prepared for the person arrested under this section:

i. Complaint or statement of authorized officer or ticket checking staff
ii. Seizure of previously used pass or ticket
iii. Statement of accused
iv. Arrest memo and personal search
v. Arrest report
vi. Statement of independent witness recorded at place of incident
vii. Confirmation of residence and identity of accused
viii. Complaint in front of concerned court
ix. Description of travel charge collected by Railway.

7. Section 139- Power to remove a person.

7.1. Complaint of authorized officer or ticket checking staff.

Note - Refusal to leave the place by an accused person or entering the railway premises without any legal authority, the matter will be dealt under section 147.

8. Section 141 – Needlessly interfering with the means of communication in a train.

8.1. 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.

8.2 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) A fine of five hundred rupees, in the case of conviction for the first offence; and
(b) Imprisonment for three months in case of conviction for the second or subsequent offence.

Important Points :

(i) Obstruction in the means of communication of railway without any reasonable cause.

(ii) Offender shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to 1000/- or with both.

(iii) A fine of five hundred rupees, in the case of conviction of the first offence and imprisonment of three months in case of conviction for the second and subsequent offence.

(iv) In order to get the accused person convicted under the provisions of this section, the enquiry officer has to prove on record that he/she had pulled alarm chain or interfered in the means of communication of a train without any reasonable and sufficient cause.

(v) Since reasonable and sufficient cause has not been defined in the section, it will be based upon the prevailing circumstantial evidences in the case. For example, if a fire breaks out, or a life of a passenger is in danger. These reasons may be deemed as reasonable and sufficient causes for pulling alarm chain. Likewise luggage left behind, luggage dropped down, passenger couldn't board etc. should not be considered as reasonable and sufficient causes.

8.3. Documents to be submitted by an enquiry officer before the Hon'ble Court:-

(i) Memo/complaint of the Guard or Station Master, mentioning date of the incident, time, place/location, train number and coach number, besides statements of memo issuing authorityor complainant.
(ii) Statement ofa coach attendant, conductor or TTE, in case the ACP occurs in a reserved compartment.
(iii) Arrest punchnama.
(iv) Personal search of the accused.
(v) Arrest Memo
(vi) Statement of the accused person/offender.
(vii) Medical reports of the accused issued by State / Railway / Registered Hospital / Medical practitioner.
(viii) Certificate regarding observing the provisions ofHuman Rights.
(ix) Statement of the witnesses recorded on the spot.
(x) Statement of the person who arrested the accused person/offender.
(xi) Photo of the site (if possible) with signature of complainant/witness.
(xii) Statement of a train escort party and copy of command certificate, if the train is being escorted.
(xiii) Certificate of identity and address of the offender by verifying it with Aadhar Card, PAN Card, Voter ID or the identity card issued by an institution.
(xiv) Complaint to the concerned court.
(xv) Copy of Daily diary (Roznamacha).
(xvi) Case Diary

8.4. Procedure of action taken in the Alarm Chain pulling: -

i) Accused person may be apprehended by other than RPF personnel like railway employee or outsider.
ii) The offender will be brought to the RPF post.
iii) The Enquiry Officer will prepare all the above mentioned documents.
iv) This entry will be made in the Roznamacha and relevant register C3-C.
v) The E.O will obtain certificate from TNC in favour of the attachment of the subject coach.
vi) The E.O. will prepare case diary for the date of arrest and enquiryU/s 172 of Cr.PC-1973.
vii) The E.O will produce the accused in the Hon'ble court within 24hrs with the complaint of charges against the accused.

8.5. ACP Preventive measures:-

(i) Train escort parties should create awareness among the passengers, prior to the arrival of ACP affected stations and sections for not pulling alarm chain without any reasonable cause.

(ii) Subsequent to the incident of ACP, RPF should register a case U/s 141 of the Railway Act. Thereafter the E.O. should use the powers delegated U/s 180(G) Rly. Act and section 160 Cr.PC (Powers of a Police Officer to call any witness in connection with the enquiry) to issue summons to the Sarpanch, Head of the village, influential and respectable person, Ward Officer, political leaders, watchman etc of nearby village or town where the incident of ACP takes place and call them to assist in the enquiry. E.O should make enquiry with the persons, so called and ask about the names of at least 10-15 persons of the village till he identifies the name of the person actually involved in the crime or till the prevention of ACP incidents. E.O. should continue the process of issuing summons and conduct enquires till there is a complete check over the ACP cases in the section.

(iii) If a person does not turn up for the enquiry on being called upon by E.O. by issuing summons, he/she may be called again by issuing summons for his presence. If a person doesn't appear for enquiry even after issuing summons more than once, the matter to be brought into the cognizance of Hon'ble Court and exercise for issuance of warrant to be taken up with the Court.

(iv) Rule 259.1 & 259.2 of RPF Rules, 1987 (Chapter- 18) envisages that, RPF post in-charge shall hold co-ordination meeting with Civil Police to prevent ACP incidents and will intimate in writing to the concerned SHO of Police station, having jurisdiction of ACP incidence; citing the crime registration No. & date, details and seek necessary assistance.

(v) ASC/RPF, under the provision of Rule 259.3 of Chapter 18 of RPF Rules 1987, will hold co-ordination meeting with Dy.SP of Police & SDM having jurisdiction and apprise them about the spots, areas, stations and sections where 10 or more incidents of ACP has been occurred or repeated cases of ACP are bring reported. He should organise public awareness campaigns and provide ACP case data to civil authorities mentioned above and submit the minutes of the meeting duly mentioning the date, name of the officer, designation and mobile nos. of the officials.

(vi) Sr.DSC/DSC under the provision of Rule 259.4 under chapter 18 of RPF Rules 1987 will hold co-ordination meeting with the Superintendent of Police and District Magistrate of the spots/stations which are prone to ACP cases or where repeated cases of ACP are being reported. He should draw minutes of the suchmeetings and submit the same to competent authority.

(vii) RPF post in-charge should launch an awareness drive amongst the passengers using loud hailer & PA system, educating masses about the dangers and legal provisions involved not to indulge in such activities and refrain from pulling alarm chain.

(viii) Awareness campaign should be in such a way that if anybody gets apprehended for doing ACP or flouting the provisions of Indian Railway Act he/she will not be considered eligible for Govt. services.

(ix) Videography or photography to be done at the worst affected trains to create evidence about the persons responsible for doing ACP and identify the

affected spots/stations so that a legal action can be taken against the offenders.

(x) Feasibility of the provision of Cr.PC 107 (bail bond of good conduct and action taken for violations) may be explored besides imposition of collective fines.

(xi) Joint Procedure Order should be formulated at all divisional / Zonal level and the duties assigned therein shall be complied with by all. If anyone does not execute duties properly he/she shall be held responsible for that and making him liable to disciplinary action.

8.6. **Joint Procedure Order**:- A JPO has been issued vide letter P/578/PS/Punctuality/ACP-JPO/2016 dt.08.11.2016 for the prevention of ACP incidents and to put an effective check over the menace. The contents of JPO are as follows:-

(a) Alarm chain pulling at railway platform:-

(i) If an ACP incident takes place at platform and if the train is escorted by RPF staff or any RPF post / outpost or C & W staff are available at the station where the ACP took place then the affected coach should invariably be attended by the on duty RPF, train guard, assistant loco pilot and C&W staff and they will make their best effort to put right the defect and ascertain the cause of ACP. RPF will take legal action U/s 141 RA to arrest the offenders responsible for ACP.

(ii) On duty ticket checking staff should try to identify the person/persons responsible for doing ACP, either for reasonable and sufficient cause or otherwise. Available RPF/GRP/ALP/Guard will render the necessary assistance for the apprehension of the accused person. The details of the incident to be conveyed through telephone to CMI and TTE lobby at destination.

(iii) Train Guard should ensure to convey the complete details of ACP including Km No., Train No., Coach No., time and reason to concerned control.

(iv) If the ACP occurs at the stations where RPF post/outposts are not available and trains are not escorted, it is the duty of train guard and Assistant Loco Pilot to attend the affected coach and put right the ACP and make best possible efforts to apprehend the offenders responsible for the crime.

(v) The on duty tickect checking staff during checking in any coach at the time of ACP, should identify the person whether the cause of ACP is justify or unjustify, he should assist the RPF/GRP/Asst. Loco Pilot/Guard for arrest of the offender. Also inform the matter to commercial control and train superintendent.

(vi) After getting detail information regarding station K.M.No., train No., Coach No., time and cause of ACP etc the same may be sent to concerned security control.

(b) Alarm chain pulling in block section:-

(i) If an ACP incident takes place in block section and if the train is escorted by RPF staff, train guard, assistant loco pilot and RPF staff should attend the

affected coach and put right the ACP and make best possible efforts to ascertain the reasons of ACP and apprehend the offenders. RPF will take legal action U/s 141 RA to arrest the criminals responsible for ACP.

(ii) On duty ticket checking staff should try to identify the person/persons responsible for doing ACP, either for reasonable and sufficient cause or otherwise. Available RPF/GRP/ALP/Guard will render necessary assistance for the apprehension of the accused person. The details of the incident to be conveyed through a telephone to the CMI and TTE lobby at destination.

(iii) Train Guard shall prepare a detailed report in duplicate, incorporating details of ACP like Km, Train, Coach No., time and reason and arrange to hand over the memo to jurisdictional RPF post through SM of next halt station, duly informing the concerned control.

(c) If the ACP occurs at stations where RPF post/outposts are not available and train are not escorted, it is the duty of train guard and Assistant Loco Pilot to attend the affected coach and he will put right the ACP and make best possible efforts to apprehend the offenders responsible for the crime.

On duty, ticket checking staff should try to identify the person/persons responsible for doing ACP, either for reasonable and sufficient cause or otherwise. Available RPF/GRP/ALP/Guard will render necessary assistance for the apprehension of the accused person. The details of the incident to be conveyed through telephone to CMI and TTE lobby at destination. Train Guard shall prepare a detailed report in duplicate, incorporating details of ACP like Km, Train, Coach No., time and reason and arrange to hand over the memo to jurisdictional RPF post through SM of next halt station, duly informing the concerned control.

(d) Sr. DSC/DSC shall direct the post in-charges to launch awareness campaign in the affected section, school/colleges situated nearby tracks in coordination with the village sarpanchs, Principals of Schools/Colleges and by taking help of local police to identify criminals involved in ACP cases and ensure proper legal action against the offenders under the appropriate section of Railway Act.

(e) Sr.DOM's operating control office shall prepare a daily data of ACP cases on the basis of information forwarded by the trainguards. Copy of the same should be sent to all Branch Officers and Operating Control of HQ. The Operating Control shall compile the data received from different divisions and forward it to concerned PHODs. PCSC office shall review the incidents of ACP and identify worst affected train, section, stations and initiate necessary legal action against the offenders.

(f) Sr.DSC/DSC should introduce a fortnightly dynamic escorting in the worst affected trains and ensure arrest of offenders by conducting ambush checks in the affected train, section & stations.

8.7. Preventive measures to counter ACP cases:- Sufficient staff to be deployed in railway premises, besides taking following constructive preventive measures:-

(i) Identification of the black spots/vulnerable areas.
(ii) Deployment of staff at these locations.
(iii) Patrolling by armed party.
(iv) Escorting in the worst affected trains & sections.

9. Section 142-Penalty for transfer of tickets.

9.1. The following document to be prepared regarding the person arrested under this section.

i) Complaint by Officer authorized or complainant.
ii) Seizure of the tickets to be sold to other person by offender.
iii) Seizure of the money used for transaction of the tickets.
iv) Seizure of relevant reservation/requisition forms used or to be used by the offender to purchase tickets to sell other persons.
v) Verification of name, address and mobile number filled in the reservation requisition form.
vi) Statement of the accused.
vii) Statement of the Booking clerk.
viii) Statement of the witnesses.
ix) Medical reports of accused issued by State / Railway / Registered Hospital / Medical practitioner.
x) Statement of the person purchasing the ticket from the accused.
xi) Statement of the person who apprehended the accused .
xii) Arrest Panchnama.
xiii) Personal Seizure Panchanama.
xiv) Arrest memo
xv) Certification of Identity and address of the accused.
xvi) Fingerprint and photograph of the accused.
xvii) Complaint to the concerned court.

10. Section 143- Penalty for unauthorized carrying on a business of procuring and supplying of railway tickets.

10.1. Following document to be prepared in connection to the person arrested under this section:-

i) Complaint by Officer authorized or complainant.
ii) Seizure of the tickets/diary etc maintained by the offender to keep the name and addresses of the parties to whom tickets are purchased or to be sold.
iii) Seizure of the relevant reservation/requisition forms used or to be used by the offender for purchasing tickets to sell other persons.
iv) CCTV footage, if cameras installed, of the ticket window of the time of purchasing ticket by the offender.
v) Seizure of the money allegedly found in the offender's possession to purchase or sell tickets.
vi) Verification of the names and addresses at par with the seized requisition forms.
vii) Statement of the accused.

viii) Medical reports of the accused issued by a State / Railway / Registered Hospital / Medical practitioner.
ix) Statement of the Booking clerk.
x) Statement of the witnesses.
xi) Statement of the person who apprehended the accused.
xii) Certificationof the identity and address of the accused.
xiii) Arrest Punchnama. Details of e-tickets booked through IRCTC
xiv) Personal Search Punchnama.
xv) Seizure of items used in the crime. If computer is used for booking e-tickets, hard disc, CPU to be seized and if it is laptop it shall also be seized.
xvi) Seizure of Passbook, debit card, credit card, ATM etc of the bank account used for the transaction of funds to purchase or sell e-tickets.
xvii) Information of arrest.
xviii) Photograph & fingerprints of the accused.
xix) When an offender is arrested and incriminating materials have been seized from his shop for indulging in an unauthorised business of black marketing of railway tickets ,The charge of his shop should be handed over to his/her family member or a person named by the arrested offender mentioning the details to this effect in thepunchnama. The entire sequence of the action to be videographed.
xx) Enquiry officer shall ensure that the data available in equipments/gadgets used for generating e-tickets will not be deleted.
xxi) Verification of ticket should be done through PRS while e-tickets to be verified through IRCTC.
xxii) Complaint to the concerned court.

Note:

1. Verification report shall be prepared adopting the method of preparing personal search report.
2. Dossier of the offenders shall be prepared.
3. During the course of enquiry if sufficient evidence against any booking clerk/railway employee for connivance appears then action shall be taken against him/her under the Act, in addition to the recommendation for departmental action.
4. Information regarding location, IP addresses and other details of offenders/travel agents indulging in black marketing of e-tickets shall be collected from IRCTC anti fraud unit and offenders carrying on the business of procuring and supplying of railway tickets shall be arrested.

11. Section 144- Prohibition on hawking and begging. -

11.1. Following document to be prepared in connection to the person arrested under this section:-

i) Complaint by an Officer authorized or complainant
ii) Seizure of items/commodities being hawked, sold or canvassed by offenders.
iii) Production of commodity seized before the Court..
iv) Statement of the accused.
v) Arrest report
vi) ArrestPunchnama.
vii) Personal Search Punchnama.

viii) Statement of the witnesses.
ix) Medical reports of the accused issued by a State / Railway / Registered Hospital / Medical practitioner.
x) Statement of the person(s) who apprehended the accused
xi) Certification of identity and address of the accused.
xii) Photograph & fingerprint of the accused.
xiii) Complaint to the concerned court.

Note-

1. If the goods seized are eatables/perishable in nature it should be properly disposed duly taking the orders of the concerned court.
2. Dossier of the offender, arrested for more than one count shall be prepared and it shall be mentioned in the complaint.

12. Section 145-Drunkenness or nuisance. –

12.1. Following document to be prepared in connection to the person arrested under this section:-:-

i) Complaint by an Officer authorized or complainant.
ii) Arrest report
iii) Arrest Punchnama.
iv) Personal Search Punchnama.
v) Medical reports of accused issued by a State / Railway / Registered Hospital / Medical practitioner
vi) Statement of the witnesses.
vii) Statement of the accused.
viii) Statement of the person(s) who apprehended the accused.
ix) Certification of identity and address of the accused..
x) Photograph & fingerprint of accused.
xi) Complaint to the concerned court.

Note-

1. If a person is found in the state of intoxication on railways, he/she shall be taken to the RPF post and a case shall be registered against him/her under this section by making entry in the daily diary. A memo to be issued to medical officer to conduct medical examination of the offender. If the medical reports confirms the consumption of alcohol. The offender should be brought back to the post and after completing the enquiry a complaint shall be filed in the Hon'ble Court. If the medical reports come negative the cases shall be closed duly intimating the Hon'ble Court.
2. If the person apprehended is accused of drunkenness and indecency or using abusive language and medical report doesn't confirm consumption of alcohol then enquiry shall be made of the charges of indecency and using abusive language and on the basis of the available evidences, a complaint under section 145(b) of the Railway Act shall be filed in the Court of law.
3. If an accused interferes with any amenity provided by the railway administration so as to affect the comfortable travel of any passenger, and during the course of enquiry sufficient evidences are found against the accused then complaint shall be filed in the Court of law under section 145 (c) of the Railway Act.

4. Under this section Blood test of the accused is mandatory to prove the consumption of the alcohol.

13. Section 146-Obstructing railway servant in his duties-

13.1. Following document to be prepared in connection to the person arrested under this section:-

i) Complaint from concerned railway employee or authorized officer.
ii) Certificate to prove employee was on duty.
iii) Statement of the witnesses.
iv) Medical reports of accused issued by State / Railway / Registered Hospital / Medical practitioner.
v) Arrest report
vi) Arrest Punchnama.
vii) Personal Search Punchnama.
viii) Evidences in connection with the obstruction created by the accused to railway employee in discharge of duties.
ix) Certification of identity and address of the accused.
x) Complaint to the concerned court.

Note-If an accused breaks or vandalizes government properties and creates obstruction to a railway employee in discharge of his duties, the properties so vandalized shall be seized as evidence.

14. Section 147-Trespass and refusal to desist from trespass -

14.1. Following document to be prepared in connection to the person arrested under this section:-

i) Complaint by concerned Railway employee.
ii) Statement of the witnesses.
iii) Statement of the accused.
iv) Medical reports of accused issued by State / Railway / Registered Hospital / Medical practitioner.
v) Arrest Report.
vi) Arrest Punchnama& Personal Search Punchnama.
vii) Complaint to the concerned court.

Note-

1. If any person unauthorized enters and encroaches in railway land by way of constructing shop, house, toilets, hand-pumps etc, then a case shall be registered under this section. Videography / photography of the spot shall invariably be done and entry to this effect shall be made in daily diary. It is utmost essential to record the statement of concerned SSE works at first to prove that the structure constructed in railway land is illegal. This will be corroborated by the video and photo evidences. If the encroachment is soft and removable it should be removed at once and seizure punchnama shall be prepared. If the encroachment is hard and not removable, then it shall be removed after duly taking permission from the jurisdictional court. Assistance shall be sought from local administration and police in case any law and order issue arises. If due to some reasons it is not possible to get assistance from civil administration then

the matter shall be brought into the knowledge of Hon'ble Court and the demolition/removal drives shall be carried out as per the directions of the Hon'ble Court.

2. If any person or a group stage protest/agitation/dharna in the railway premises, then a case shall be registered under this section. Videography / photography of the spot shall invariably be done and entry to this effect shall be made in daily diary. It is of utmost necessity to record the statement of concerned officer who is in-charge of the railway premises in question to prove that the agitation done or being done is unlawful. This will be corroborated by the video and photo evidences. The persons who are the part of agitation/dharna shall be arrested. Assistance shall be sought from local administration and police in case any law and order issue arises. If due to some reasons it is not possible to get assistance from civil administration then the matter shall be brought into the knowledge of the Hon'ble Court and action shall be taken as per directions of the Hon'ble Court. Complaint shall be filed in the court after the completion of enquiry.

15. Section 153-Endangering safety of persons traveling by railway by willful act or omission–

15.1. Following document to be prepared in connection to the person arrested under this section:-

(i) Complaint of the passenger or railway servant or authorized officer as the case may be.
(ii) Statement of the witnesses.
(iii) Statement of the accused.
(iv) Medical reports of the accused issued by a State / Railway / Registered Hospital / Medical practitioner.
(v) Material seized for causing obstruction.
(vi) Arrest report, Case diary and remand.
(vii) Arrest Punchnama.
(viii) Personal Search Punchnama.
(ix) Photograph, fingerprint of the offender and dossier shall be prepared.
(x) Incriminating documents/evidence to prove the nature of the crime.
(xi) Statement of the person(s) who apprehended the accused.
(xii) Evidence of this fact that the act or omission done by the accused was of the nature of endangering safety of the passengers/ human life.
(xiii) Complaint to the concerned court.

Note-

1. Statements of guard and drivers shall invariably be recorded.
2. Memo issued by guard or driver shall be taken as evidence in the case.
3. Report regarding damage to the rail property.
4. Videography / photography of the spot regarding loss or damage incurred to railway property.
5. Copy of a joint inspection report prepared on the spot.
6. Material/means, causing damage to railway property shall be seized under seizure punchnama.
7. Sniffer / tracker dog shall be used to apprehend criminal and collect evidences. If the dog squad is used to track down the offenders or seizure of property, it shall be taken as evidence in the case. The evidence so collected should be corroborated with the other circumstances evidences available in the case.

16. Section 154-Endangering safety of the persons traveling by railway rash or negligent act or omission–

16.1. Following document to be prepared in connection to the person arrested under this section:-

(i) Complaint from an authorized officer or complainant.
(ii) Evidence of the omission shall be collected from the concerned authorities like (i) Violation of the signal by the driver(ii) Violation of the speed limits (iii) Rash and negligent driving (iv) Driving fast at turns (v) Proceeding to next station without authority.
(iii) Statement of the witnesses.
(iv) Joint report prepared on the spot.
(v) Medical reports of accused issued by State / Railway / Registered Hospital / Medical practitioner.
(vi) Complaint to the concerned court.

Note-

1. Joint inspection note shall be prepared on the spot by the present Loco Inspector, Senior Section Engineer (P-Way), Station Master. Enquiry officer shall obtain a copy of the report through hand over punchanama.
2. Statement of the supervisors who signed the joint inspection note should be recorded and they shall be made witnesses in the case.

17. Section 155-Entering into compartment reserved or resisting entry into a compartment not reserved-

17.1. Following document to be prepared in connection to the person arrested under this section:-

(i) Complaint of authorized railway servant or any other aiding person or the aggrieved person.
(ii) Towel, cloth etc shall be seized if used for occupying seat or berth.
(iii) If a porter/coolie has occupied the seat, his batch shall be seized.
(iv) Photographs and statement of the witnesses.
(v) Evidence of the composition of the coach in question.
(vi) Evidence of the reservation status of the offender, ifentering in reserved compartment.
(vii) Statement of the accused.
(viii) Medical reports of accused issued by State / Railway / Registered Hospital / Medical practitioner.
(ix) Arrest report, case registration documents and case diary.

Note:

1. If a RPF staff / railway employee is apprehended for illegally occupying the seats/berths, he shall be booked under this Act and a report to this effect shall be sent to controlling officer for departmental action.
2. If a porter is apprehended for illegally occupying a seat or berth, recommendation for cancellation of his license shall be sent to controlling authority.

18. Section 156-Travelling on roof, step or engine of a train.

18.1. Following document to be prepared in connection with the person arrested under this section:-

(i) Complaint from authorized officer or complainant.
(ii) Statements of complainant, witnesses and accused.
(iii) Seizure of ticket or pass from passenger.
(iv) Evidence related to the composition of the relevant coaches.
(v) Report from authorities.
(vi) Photographs and other evidences.
(vii) Medical reports of accused issued by State / Railway / Registered Hospital / Medical practitioner.
(viii) If an offender apprehended under this section is found travelling without any authority, he/she shall be dealt under the provisions of section 137 also.
(ix) Complaint to the concerned court.

19. Section 157-Altering or defacing pass or ticket.

19.1. Following document to be prepared in connection to the person arrested under this section:-
(i) Report of the authorized officer or complainant.
(ii) Seizure of a ticket or pass from the offender.
(iii) Authorization letter from ticket checking staff.
(iv) Statement of the complainant.
(v) Medical reports of accused issued by State / Railway / Registered Hospital / Medical practitioner.
(vi) Brief report regarding altering or defacing pass or ticket.
(vii) Complaint to the concerned court.

20. Section 159-Disobedience of drivers or conductors of vehicles to directions of railway servant, etc.

20.1. Following documents are to be prepared in connection to the person arrested under this section:-
(i) Report from authorized officer or complainant.
(ii) Seizure of the vehicle mentioning registration details, Chassis no, engine no., make, colour of vehicle etc.
(iii) Seizure of driving license.
(iv) Statements of complainant, witnesses or any other report.
(v) Report from any other authority concerned, if required.
(vi) Medical reports of accused issued by State / Railway / Registered Hospital / Medical practitioner
(vii) Complaint to the concerned court.

Note:

1. If a driver/conductor of the any vehicle makes request to hire his vehicle, he shall also be dealt under section 144(i) of Railway Act.

21. Section 160-Opening or breaking a level crossing gate.

21.1. Following document to be prepared in connection to the person arrested under this section:-

(i) Report of gate a man/authorized officer of opening/damaging level crossing gate.
(ii) Seizure of the questioned transport.
(iii) First Information Report.
(iv) Photography of place of occurrence and seizure of registration paper
(v) Seizure of driving licence.
(vi) Arrest punchnama& Personal searchpunchnama.
(vii) Statement of driver/cleaner.
(viii) Site Plan.
(ix) Documents regarding remand.
(x) Certification of identity and address of the accused and fingerprint.
(xi) Case Diary
(xii) Copy of Roznamacha.
(xiii) Medical reports of the accused issued by a State / Railway / Registered Hospital / Medical practitioner.
(xiv) Complaint to the concerned court.

Note- If a person opens a barrier, chain etc. which have been provided to stop the traffic; he shall be booked under section 147 RA, besides prosecuting him/her under the provision of this section.

21.2. Following document to be prepared in connection to the person arrested under Section 160 (ii):-

(i) Report of gate man/authorized officer of opening/damaging level crossing gate.
(ii) Original copy of joint report prepared by RPF officer and supervisors of Signal/Operating/Engineer department.
(iii) Assessment report mentioning damage cost.
(iv) Seizure of questioned transport.
(v) First information report.
(vi) Certified copy of gate diary.
(vii) Photography of place of occurrence and seizure of registration paper and driving licence.
(viii) Statement of eye witnesses.
(ix) Arrest punchnama
(x) Personal search punchnama.
(xi) Statement of driver/cleaner.
(xii) Statement of vehicle owner.
(xiii) Site Plan.
(xiv) Seizure of items/material, if damaged caused due to other means than vehicle.
(xv) Certificate of technical examination of vehicle and statement of technical expert.
(xvi) Remand documents.
(xvii) Certification of identity and address of the accused and fingerprints.
(xviii) Case Diary
(xix) Copy of a Roznamacha.

(xx) Medical reports of the accused issued by a State / Railway / Registered Hospital / Medical practitioner.
(xxi) Complaint to the concerned court.

22. Section 161- Negligently crossing unmanned level crossing.

22.1. Following document to be prepared in connection to the person arrested under section:-

(i) Original copy of the joint report prepared by RPF officer and supervisors of Signal/Operating/Engineer department.
(ii) Assessment report mentioning damage cost.
(iii) Seizure of questioned transport.
(iv) Primary report.
(v) Certified copy of a gate diary.
(vi) Photography of the place of occurrence and seizure of registration paper and driving licence.
(vii) Statement of the eye witnesses, if any.
(viii) Arrest punchnama
(ix) Personal seizure punchnama.
(x) Statement of the driver/cleaner.
(xi) Statement of the Gate Mitra(If deployed at Gate).
(xii) Statement of the train guard, driver and assistance driver.
(xiii) Statement of the vehicle owner.
(xiv) Site Plan.
(xv) Certificate of technical examination of the vehicle and statement of a technical expert.
(xvi) Remand documents.
(xvii) Certification of an identity and address of the accused through Aadhar Card, Pan Card, Voter I.D. card, Driving card and I.D. issued by any institution.
(xviii) Case Diary
(xix) Copy of Roznamacha.
(xx) Medical reports of the accused issued by a State / Railway / Registered Hospital / Medical practitioner.
(xxi) Complaint to the concerned court.

Note: During joint inspection important facts shall also be inspected like, warning board, Speed Breaker board, Rail Line indication board etc. Whether speed breaker and slope are as per standard or not, track surface is in level or not, whether WL/CIFA board for loco pilots is placed before the level crossing or not. Bushes/brier/brush-woods in the nearby area of the gate is cleaned or not. All this aspects shall be incorporated in the joint note.

23. Section 162 - Entering carriage or other place reserved for females.

23.1. Following document to be prepared in connection with the person arrested under section:-

(i) Complaint from an authorized officer, aid or aggrieved.
(ii) Photography.
(iii) Guard’s memo.
(iv) Statement of the TTE.

(v) Evidence related to the composition of the relevant coaches.
(vi) Statement of the witnesses.
(vii) Statement of the accused.
(viii) Arrest report, case registration papers and case diary.
(ix) Certification of identity and address of the accused through Aadhar Card, Pan Card, Voter I.D. card, Driving card and I.D. issued by any institution.
(x) Copy of Roznamacha regarding registration of case.
(xi) Medical reports of accused issued by State / Railway / Registered Hospital / Medical practitioner.
(xii) Complaint to the concerned court.

24. Section 163- Giving false account of goods.

24.1. Following document to be prepared in connection to the person arrested under section:-

(i) Complaint from authorized officer or complainant.
(ii) Written massage or report of booking / Commercial Staff regarding booking particulars of the goods.
(iii) Statement of goods clerk / parcel clerk.
(iv) Seizure of goods in question, forwarding note &invoice(Beezak).
(v) Expert opinion for the difference of freight.
(vi) Statement of owner of the goods and his representative.
(vii) Account of the goods by opening the contents.
(viii) Certification of identity and address of the accused through Aadhar Card, Pan Card, Voter I.D. card, Driving card and I.D. issued by any institution.
(ix) Copy of Roznamacha regarding registration of case.
(x) Medical reports of accused issued by State / Railway / Registered Hospital / Medical practitioner.
(xi) Weight of the goods
(xii) Complaint letter to the concerned court.

25. Sec.164. Unlawfully bringing dangerous goods on a railway

25.1 In case of arrest of a person under this section, following documents will be prepared/collected

(i) Report of officer authorized or complainant
(ii) Seizure of dangerous goods
(iii) Report or written message of Booking/commercial clerk in respect of detail of booking of goods.
(iv) Statement of concerned goods/parcel clerk.
(v) Seizure of concerned goods, forwarding note, RR, PW bill and Invoice.
(vi) Statement of owner/representative of goods,.
(vii) Number of goods
(viii) Expert opinion/certificate in respect of dangerous goods.
(ix) Arrest of offender.
(x) Personal search.
(xi) For verification & identification of address of accused , Adhar card or PAN card or Voter Id card or Driving licence or Identity card issued by any institution.
(xii) Medical report of accused from Govt/Railway/Registered Hospital/Medical practitioner.

(xiii) Case diary.
(xiv) True copy of Roznamcha in respect of registration of case.
(xv) List of dangerous goods as issued under section 67 of Railway act.
(xvi) Complaint in court.

26. Sec.165. Unlawfully bringing offensive goods on a railway:

26.1 In case of arrest of a person under this section, following documents will be prepared/collected.

(i) Report of officer authorized or complainant
(ii) Seizure of offensive goods
(iii) Report or written message of Booking/commercial clerk in respect of detail of booking of goods.
(iv) Statement of concerned goods/parcel clerk.
(v) Seizure of concerned goods, forwarding note, RR, PW bill and Invoice.
(vi) Statement of owner/representative of goods,.
(vii) Number of goods
(viii) Expert opinion/certificate in respect of offensive goods.
(ix) Arrest of offender.
(x) Personal search.
(xi) For verification & identification of address of accused , Adhar card or PAN card or Voter Id card or Driving licence or Identity card issued by any institution.
(xii) Medical report of accused from Govt/Railway/Registered Hospital/Medical practitioner.
(xiii) Case diary.
(xiv) True copy of Roznamcha in respect of registration of case.
(xv) Complaint in court.

Note:- For disposal of offensive goods procedure as laid down in section 83 (5) of Criminal procedure code will be followed.

27. Sec .166. Defacing public notices

27.1 In case of arrest of a person under this section, following documents will be prepared/collected

(i) Report of officer authorized or complainant.
(ii) Seizure of defaced sticker, poster & notice board.
(iii) Statement of accused.
(iv) Statement of witnesses.
(v) Arrest memo.
(vi) Personal search memo.
(vii) For verification & identification of address of accused , Adhar card or PAN card or Voter Id card or Driving licence or Identity card issued by any institution.
(viii) Medical report of accused from Govt/Railway/Registered Hospital/Medical practitioner.
(ix) Case diary.
(x) True copy of Roznamcha in respect of registration of case.
(xi) Photograph of defaced Public notices.
(xii) Complaint in court.

28. Section-167-Smoking.

28.1 In case of arrest of a person under this section, following documents will be prepared/collected;

(i) Report of officer authorized or complainant.
(ii) Statement of accused.
(iii) Statement of witnesses.
(iv) Arrest memo.
(v) Personal search memo.
(vi) For verification & identification of address of accused , Adhar card or PAN card or Voter Id card or Driving licence or Identity card issued by any institution.
(vii) Medical report of accused from Govt/Railway/Registered Hospital/Medical practitioner.
(viii) Case diary.
(ix) True copy of Roznamcha in respect of registration of case.
(x) Seizure of smoking items.
(xi) Complaint in court.

29. Section-172- Penalty for intoxication.

29.1 In case of arrest of a person under this section, following documents will be prepared/collected;

(i) Complaint of any Railway servant or in charge of that Railway servant.
(ii) Medical report of intoxicated Railway employee from Govt/Railway/Registered Hospital/Medical practitioner.
(iii) Statement of accused.
(iv) Certificate in regards to be on duty.
(v) Statement of witnesses.
(vi) Arrest memo.
(vii) Personal search.
(viii) For verification & identification of address of accused , Adhar card or PAN card or Voter Id card or Driving licence or Identity card issued by any institution.
(ix) Case diary.
(x) True copy of Roznamcha in respect of registration of case.
(xi) Certificate issued from competent authority in respect of replacement of duty of accused Railway employee.
(xii) Complaint in court.

Note:- Blood examination report must be obtained after due medical examination in order to prove state of intoxication of Railway employee.

30. Section-173.-Abandoning train, etc., without authority.

30.1 In case of arrest of a person under this section, following documents will be prepared/collected;

(i) Complaint of In charge/Assistant of concerned Railway servant.
(ii) Seizure of memo of Charge taken memo of Train/Engine.
(iii) True copy of station diary.

(iv) True certified copy of diary which have been made after deserting the Train/Engine.
(v) Statement of accused.
(vi) Statement of witnesses.
(vii) Arrest memo.
(viii) Personal search memo.
(ix) Medical report of accused from Govt/Railway/Registered Hospital/Medical practitioner.
(x) For verification & identification of address of accused , Adhar card or PAN card or Voter Id card or Driving licence or Identity card issued by any institution.
(xi) Case diary.
(xii) True copy of Roznamcha in respect of registration of case.
(xiii) Certificate in regards to be on duty.
(xiv) Complaint in court.

31. Section-174- Obstructing running of train, etc.

31.1 In case of arrest of a person under this section, following documents will be prepared/collected;

(i) Complaint from complainant or officer authorized or memo from Station master.
(ii) Written instructions to conduct videography and photography with name.
(iii) Name of person doing videography and photography.
(iv) Expert opinion (report from CFSL).
(v) Site plan.
(vi) Statement of witnesses.
(vii) Evidential record (Station master diary, Pamphlets, posters, banners, memo for holding strike etc.)-recovery memo.
(viii) Seizure report regarding the material used to obstruct the train operation.
(ix) Arrest report.
(x) Personal search report.
(xi) Medical report of accused from GRP/Railway/Registered hospital/Private hospital.
(xii) Adhar Card/PAN card/Voter Id card/Driving License/I. Card issued by organization to verify the identity and address of accused.
(xiii) Case diary.
(xiv) Copy of Daily diary concerning registration of case.
(xv) Complaint in Court of law.

Note:-

a) The Station master's diary in original will be seized to be given in custody for production of the same in the court of law whenever required.
b) The material which obstructed the train operation and the possession of which is not possible then and there, the same will be handed over to the responsible person.

32. Section-175- Endangering the safety of persons.

32.1 In case of arrest of a person under this section, following documents will be prepared/collected;

(i) Duty chart of Railway servant.
(ii) Report of concerned officer to prove the work done by Railway servant.
(iii) It must be proved that by which act of accused, safety of any person get endangered.
(iv) Gist of rule or directions violated by accused.
(v) Statement of witnesses.
(vi) Arrest memo.
(vii) Personal search report.
(viii) Medical report of accused from GRP/Railway/Registered hospital/Private hospital.
(ix) Adhar Card/PAN card/Voter Id card/Driving License/I. Card issued by organization to verify the identity and address of accused.
(x) Case diary.
(xi) Copy of Daily diary concerning registration of case.
(xii) Complaint in Court of law.

33. Section-176-Obstructing level crossing.

33.1 In case of arrest of a person under this section, following documents will be prepared/collected;

(i) Documents related to the movement of Rolling stock issued from concerned authority.
(ii) Certificate proving to be on duty of accused.
(iii) Certificate whether Level crossing gate was opened or closed.
(iv) Seizure of Rolling stock which causes obstruction.
(v) Name and address of Eye witnesses and victims (if any).
(vi) Documentary evidence relating to Signal operation from concerned officer.
(vii) Statement of witnesses.
(viii) Arrest memo.
(ix) Personal search report.
(x) Medical report of accused from GRP/Railway/Registered hospital/Private hospital.
(xi) Adhar Card/PAN card/Voter Id card/Driving License/I. Card issued by organization to verify the identity and address of accused.
(xii) Case diary.
(xii) Copy of Daily diary concerning registration of case.
(iv) Complaint in Court of law (Annexure-1).

34. The format of other documents have been given in Chapter-1 which may be utilized as per need.

35. Action under different section of Railway act as intended by Inspector In charge/Enquiry officer could be read from the Railway act so that the ingredients of offence may be clear. In enquiry only those evidences could be collected which are relevant to prove the necessary ingredient of concerned sections.

36. At the end of enquiry, if offence is proved then it must be clearly mentioned by the enquiry officer that by which evidence the ingredients of section imposed against the accused person is being proved. This fact also would be mentioned in last Case diary as well as in complain by Enquiry officer.

37. It will be responsibility of Inspector In charge that enquiry under the Railway act would be completed under the directions given in para-1.10.

38. In cases registered U/S-143 of The Railway Act personal id used in procurement of Rail tickets can be identified/verified with the help of IP address through IRCTC.

39. In the cases registered under sections 146,153,154,160,161,162,173,174,175 &176 videography and photography if possible, must be done.

40. It will be ideal condition if National/Regional Data base of accused persons for the offence committed under section-141,143,144,153,154,160,161 & 174 be kept as because there is every possibility that same accused may commit similar offence repeatedly.

41. Post In charge will keep the following details in excel format on the Computer available at the post and will update it time to time-

S.No.	Date of Registration	Section/ sections of Railway Act	Name & Designation of the Enquiry officer	Date of completion of enquiry and date of submission of enquiry in Court of law	Name of the Court	Next date of the case and status of trial.
1	2	3	4	5	6	7

Note:-01-Status of the trial of the case means the actual position of the case and it must be clearly mentioned that whether case is pending for want of appearance of accused or before charge evidence/after charge evidence etc.
02. The entry in column No-7 will be made in ascending order as per hearing of the case.

42. The Superior officers will review all the pending enquiry and long trial basis while inspection of the Post/Outpost under his control and it will be part of Inspection note and it will be also mentioned whether legal formalities/directions have been followed in the said enquiry and trial or not.

43. The punishment in the cases registered under section 155,162,165,167 & 176 of Railway Act is only fine. The limitation period for completion of enquiry in these offences is 06 months. The Court can refuse to take cognizance into the matter after above prescribed period.

44. The maximum punishment in the cases registered under section 141,142,144,145,146,147,148,154,156,159,161,166,172 & 177 of Railway Act is only 01 year.The limitation period for completion of enquiry in these offences is 01 year. The Court can refuse to take cognizance into the matter after above prescribed period.

45. The maximum punishment in the cases registered under section 143,160,164,173,174 & 175 of Railway Act may be imposed from 01 year to 03 year

imprisonment.The limitation period for completion of enquiry in these offences is 03 year. The Court can refuse to take cognizance into the matter after above prescribed period.

46. Timely execution of pending Warrant & Summon is necessary.

47. Enquiry officer will ensure to verify the correct identity and address of accused. For this the documents like Adhar card, Bank's saving account, Voter Id card, Passport, Identity cards issued by Government/Government undertaking institutions may be used and collected.

48. For speedy disposal of the trial cases, the Prosecution officer should be encouraged to use the method plea-bargain (wherever applicable) as mentioned in Chapter-21 of Cr.PC.

49. The Inspector In charge and Enquiry officer with co-ordination of Prosecution officer may approach the court for early disposal of pending trial cases by reducing the long date of hearing and not adjourning to the cases without law full cause.

50. Enquiry officer and Inspector In charge will be responsible to produce the witnesses of prosecution in the court timely.

51. PCSC/RPF will review the cases which are pending under enquiry and trial in violation of directions in the monthly Crime meeting with Sr SC/DSC and will direct to take necessary measurement which will assist the early completion of enquiry.

52. Sr DSC/DSC/RPF will review the cases which are pending under enquiry and trial in violation of directions in the monthly Crime meeting with Inspectors and will direct to take necessary measurement which will assist the early completion of enquiry.

53. At the time of review of pending cases, PCSC or Sr SC/DSC will identify those enquiry officers who's slackness noticed and issue proper advise to him and if necessary, may change the enquiry officers or may take disciplinary action.

Provision- DG/RPF/Railway Board/New Delhi's L/No-01/2019, Dtd-31.01.2019

ANNEXURE-1

Railway……

Complaint -Under section 180(A) of the Railway Act-1989 as amended in 2003

In the Court of Ld. Additional Chief Judicial Magistrate (Railway),

……..

1. District-
2. RPF post-
3. Crime No, Section & Date……
4. Place of Occurrence……
5. Date & time of Occurrence …….
6. Date & Time of arrest of accused…….
7. Name of accused, age & full address ……..
   ……
   ……
8. Name, Designation & address of officer making arrest……..
   ……
9. Name & address of witnesses 1……
   2……
   3……

9. Name, Designation & address of the Enquiry officer……..
   ……

10. Brief fact of the case & result of enquiry- ……
    ……
    ……

Signature of E.O.
Name-
Designation-
Place of posting-

CHAPTER-6

“Untoward Incident"

1. **“Untoward incident”** – Any incident defined U/S-123(c) of the Railways Act.

1.1. **Untoward incident means**,

a) Any act by any person in or on any train carrying passengers, or in a waiting hall, cloak room or reservation or booking office or on any platform or in any other place within the precincts of a railway station;

(i) the commission of a terrorist act within the meaning of sub-section (1) of section 3 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or
(ii) the making of a violent attack or the commission of robbery or dacoity; or
(iii) the indulging in rioting, shoot-out or arson,

(b.) Accidental falling of any person from any train carrying passengers.

Note: Although the incident of accidental injury or death due to a moving train is not an untoward incident, however, after receiving information about such incident from the station master, investigation is carried out, so that in the coming time, if inquiry of any claim related to that incident comes up , then the proper report can be made so that the Railways should not pay the unnecessary claim and later avoid any problems arising in the compilation of evidence.

2. Action to be taken by RPF in connection with the injured person-

2.1. If a person is injured after falling down or after collision with a train and is critically injured , then the statement(statement prior to death) of the train guard or TTE or railway attendant or member of the Force present on the spot, who is providing assistance to the injured person, will be recorded.

2.2. In the above statement, the name of the injured person, father's name, caste, resident address and cause of injury will be included. The said statement will be provided to the nearest station master. Station Master will give this statement to the concerned Police Station.

2.3. In the event of any untoward incident in any part of the railway or railway, in case of death / injury to someone, if any information is received from the station master, railway staff, police, local citizen, or any other source, then the Inspector in-charge of RPF will inspect the place of occurrence and related aspects and start the inquiry or he will nominate any member of the Force under him to do the same.

2.4. If RPF receives any information about any injured person , then the injured person will be taken to the nearest hospital for medical assistance.In this sequence, when the time permits, information will be given to the nearest station master and GRP/police nearest to the place of occurrence.

2.5. If the injured person is conscious and is giving details of his name, address and relatives, then the relatives will be informed.

2.6. If the injured person is unconscious then he will be searched. During the search, if any I card, phone number or mobile number is found then on the basis of that, the concerned person will be informed.

2.7 If the mobile number or phone number is not found ,and only the place of residence can be found, then through the concerned police station , the relative will be informed.

2.8 After admitting the injured person in the government / railway / registered hospital / private hospital, the member of the force will inform his inspector in charge.

2.9 The inspector in charge will make a member of the force available in the hospital until any relative of the injured person reaches the hospital.

2.10. After the relative of the injured person reaches the hospital, then the things recovered during search of the injured person will be handed over to the relative after making the delivery memo(fardsupurdginama).

2.11. After returning from the hospital, the description of the entire proceeding will be entered in the Roznamcha(daily diary). Provision-Para 713A of Northern Railway / Accident Manual

3. Action to be taken by RPF in relation to the deceased person -

3.1. When a person's body is found on the railway track, the information of the incident will be recorded in the daily name.The Inspector in charge shall proceed himself or send a subordinate member of the Force to the spot. Upon reaching the spot, if any railway worker has not removed the dead body from the track, the subordinate member of the Force shall, keeping the existing evidence on the member body, remove the body from the track to the extent that smooth movement of trains can be ensured.

Provision: Para 713 B of the Northern Railway-Accidental Manual.

3.2. Photography or videography of the event site will be done as much as possible.

3.3. The local police station / GRP of the jurisdiction related to the site of the incident will be informed and called to the spot.

3.4. After taking action in accordance with para 3.1, no person will be allowed to touch the dead body till arrival of the local police / GRP spot, so that no evidence can be destroyed.

3.5. Procedure for disposal of dead bodies will be done by local police / GRP.

3.6. After coming back to the post, the full details of the above mentioned procedure will be entered in the daily diary.

3.7 The investigation proceedings will not be delayed until the documents of the claim are received. Investigation of the incident will be done by Inspector in-charge or subordinate officer immediately.

4. Papers prepared by the investigator during the investigation work-

1) The form to be filled up by the Stations Superintendent (Annexure-1).
2) Duplication and Statement of Station Superintendent / Master Diary
3) Memo and statement given by the driver / guard.
4) Post mortem report
5) Panchayatnama
6) Statement of persons who signed in the Panchayatnama
7) Detailed Report to be filled up by the Police / GRP. (Annexure-2)
   Provision-D.O.No.2018/TC(RCT)/5-1Dt. 12.03.18
8) If the first information report has been filed by the Police / GRP in relation to the incident then its copy
9) Copy of final report of police / GRP
10) If any ticket is recovered from the deceased / injured person, then copy thereof
11) Copy of deceased deceased / injured person's family register.
12) Copy of Certificate of Residence relating to deceased / injured, such as Bank Passbook, Voter-ID, Aadhar Card, Driving License and Ration Card.
13) Gram Pradhan, Mukhiya, Ward Commissioner, Member or other documents for proof of deceased deceased / injured dependent.

14) Name, post and mobile number of guard / driver, station master, investigating officer and other witnesses etc. in the order of inquiry.
15) Other documents which are necessary in the investigation work.

5. Action taken by the investigator during the investigation

5.1. The verification of ticket recovered on the spot from the injured / deceased will be done from the booking office.
5.2. Matching time of ticket and issue of ticket from verified ticket
5.3. Under the circumstances of the train being unknown, get the train signal register available in the station master office and get the details of the trains which passed before the time of receiving of the incident information from the control chart, so that the vehicle can be ascertained and then take the statement of the concerned guard / driver to find out about the the truth of the incident.
5.4. Make a spot-map with the condition of dead body at the scene.
5.5 If in the course of the investigation it is found out that the deceased/injured was mentally deranged , then the medical certificate will be taken.
5.6. During the investigation, the investigating officer will also check the marital relationship of the deceased person, financial status and health status. Whether due to problems in marital relationship or financial or physical condition, the deceased has committed suicide, will be made clear in the investigation.
5.7. Take the statement of railway personnel working on the people and on the track around the site of the incident, the statement will be put in the investigation report.
5.8. Any statement related to the incident will be taken before 02 independent witnesses and name-address and mobile number of independent witnesses will be taken. If a woman's statement is necessary then a statement will be made before a woman.
5.9. A statement of any woman will be made by issuing summons that her statement will be taken at her residence only on a specific date and time (before sunrise and before sunset).
5.10. The news published in the local newspapers of the place of the incident will be included in the inquiry report, so that truth can be traced.
5.11. In the event of the investigation, in case of suicide of the deceased / injured person, it should be mentioned in the inquiry report compiling the evidence at the earliest so that such cases are not given the form of an untoward event to take advantage of the claim in the future.
5.12. In case of claims, regarding allegations made by the relatives of the deceased / injured, the relevant evidence-witnesses and documents should be collected to find out whether the charges are true or not.
5.13. In the course of the investigation, Section 123, 123C, 124, 124 A, 125, 126, 127, 128, 129 of the Railway Act and Section 114 of the Evidence Act also be kept in mind.
5.14. An act performed by the deceased / injured, in which the compensation is not provided by the railway administration, is to be recorded.
Provision-Sub-section (a), (b), (c), (d) and (e) of section 124 of the Railway Act
5.15. The term 'passenger' for the deceased / injured by the investigator will not be used in the inquiry report unless it is clear in the investigation.
Provision - Sub-section (29) of section 2 of the Railway Act
5.16. The findings should be clear in the inquiry report made by the investigator, not that it seems, there is a possibility, it seems, such words will not be used.
5.17. Findings of claim cases under untoward incident will be transmitted to the concerned Divisional Office within 60 days of receipt of information.

Provision- Rail passenger (manner of investigation of untoward incidents) Sub-section (2) of section 2 of the amended rule 2007 Act.

5.18. Be sure to send the inquiry report received to the division within 15 days to the Divisional Railway Manager /ADRM for examination and approval.

5.19. After the approval of DRM /ADRM, the report should be forwarded to the Chief Claims Officer of the concerned Zonal Railway, which will be utilized as per the requirement.

5.20 Ensure that all the above proceedings should be completed within 106 days from the date of the incident.

Annexure 1

6. Untoward incident report format

1. Kilometer on which an Untoward incident occurred: -..... .....

2. Name of train driver with headquarters: ---------- .....

3. Name of the guard of the train with headquarters: ---------- .....

4. Name of train ticket examiner, if deployed, in the train, including Headquarters: - .....

5. Name of the Untoward incident : -..... ...

(A) Accidental derailment: -..... ....

(B) bomb blast: -..... ..

(C) riot / firing incident: -..... ....

(D) Others: ..... .

6. Time of incident: - ....

7. Position of the human body relative to the rail track: -.....

8. Whether medical assistance was given to the injured persons: - ....

9. Whether the vehicle was stopped or not: - ....

10. The condition of the doors and of the coach: -..... .....

Date:

Signature
Name and Designation

Annexure -2

7. **Format filled by investigating officer in an Untoward incident**:

Part 1

1. Date and time of the event
2. FIR No. & DD No. Date / Section
3. Police Station Name
4. Crime according to the report under Section 173/174 CrPC
5. place of accident / incident
   (A) line number
   (B) PF no
   (C) Nearby pole number
6. Number and name of the train related to the incident
7. Source of information:
   Name, address, phone number of person who informed the police
   Driver / Guard / Passenger / Other
   Affected person
   Witness
   Hospital / medical facility
8. Name of the person who removed the body from track
9. Name of the hospital and name of the person taking the victim to the hospital
10 Name of the officer who first visits the place of the occurence (If he is someone other than the inquiry officer then his name and statement)
11. Name of the injured / deceased person
12. age
13. gender
14. address
15 . Name and relation with the deceased/injured person who identified the injured / dead person
16 . Co-passenger's address
17. Passenger ticket if found
18. List of items recovered
19. Names, relation and address of the deceased person's dependents
20. Brief description of the incident
21. any item or situation creating suspicion of any exception mentioned in Sec-124 A of Railways Act related to death or injury (while boarding/deboarding etc)

(A) Suicide or suicide attempt by him
(B) the self-damage done by him
(C) his own criminal work
(D) any work done by him in the condition of insanity or drunkenness
(D) any natural cause or disease or medical or surgical treatment until such treatment becomes responsible for the damage caused by the said unexpected occurrence.

8. Format of description of admission in the hospital

Part 2

1. Name of the hospital
1.
2.
3.
Time of filing and discharge
1.
2.
3.
2. Nature of Injury-Fatal, Critical, Normal
3. If death, then the time of death
4. If injured then the nature of the injury and time of discharge
5. If death happened then whether post mortem was done
6. Disposal of dead bodies (Claim / non claim)
9. Format of documents provided by the GRP inquiry officer

9. Format of document submitted by enquiry officer of GRP

PART-3 (TICK THE DOCUMENTS SUBMITTED)

1. First Information Report (FIR)
2. copy of station master memo and guards / guards memo
3. Preparation of spot map in the context of serial NO-5 o above mentioned part-1
4. Photograph of the scene
    - Track Character
    - Straight and Level
    - Straight and Grade
    - Curve and Level
    - Curve and Grade
    - Under construction/Maintenance
5. statements of witnesses
6. If according to the driver it is a case of runover then statement of the driver
7. Guard's statement
8. inquiry Report
9. Final Report to Judicial Magistrate
10. MLR / MLC No.
11. Details of the discharge done by the hospital
12. Autopsy Report (Post Mortem Report)
13. During the personal search, Recovery / seizure memo that was prepared
14. Identity card of the dependents of injured / deceased
    Aadhar card
    Voter Id card
    Ration card
    Birth certificate
    Family / family registerOther
15. details of the ticket issued with date,time and place
16. Other documents that are required in the investigation work.

10.. Verification format of the GRP's inquiry officer

Verified at…….on this …….of ……..that the contents of the above report are true and correct and the documents mentioned in Part-III have been verified.

Signature of I.O.
Name and Designation
Police Station

Date:-

CHAPTER-7

Passenger related crime

1. **Action to be taken on the information of the theft of the luggage of the railway passenger-**

1.1. If the incident of theft of some passenger goods happens during the journey in the train, then the passenger of the train can contact the escort party or TTE. FIR form available with train escort party / TTE will be filled in triplicate by the victim passenger. A copy of the filled FIR form will be given to the victim passenger by train escort party / TTE and the original copy will be given to the nearest RPF post. In-charge Inspector will record the information of the incident and the FIR in the daily diary and will coordinate with the concernedGRP station for getting the case registered, obtaining the original copy of the FIR. On the registration of the case at GRP station, the entire details of the incident will be noted from the GRP, in the daily diary of the post and in the relevant crime register, and informed to concerned DSCR. The victim can also register FIR in the GRP station directly.

1.2. The inspector in-charge or a force member authorized by him will record a statement, while receiving the full information of the incident from a victim passenger.From where did the passenger boarded the train, from the time of boarding to time of theft, whom did they see, who entered the train at the station, what happened, who came during the trip, who were suspicious, where his belongings were kept and who were dubious around him. With this full statement, the member of the force will try to understand that where the culprit has committed the crime, what would have been the modus operandi, time of getting down the train by the criminal. The exact time and location of the happening will be ascertained. The victim will be made to identify the suspect by showing him the photos of the criminals. Along with the statement, the information will be received on points given on Annex I.

1.3. In addition to the victim passenger, the inquiry officer will interact with the co-travelers and identify the place of occurrence.

1.4. The railway station, where the victim last saw his stolen belongings present and the station where he came to know about its theft, the CCTV recordings (footages) of in between these stations, where ever installed will be checked by the enquiry officer regarding passengers who de-boarded the train en-route.

1.5. When looking at the CCTV footage, not only should the footage of the CCTV of concerned coach be seen, but the footage of all the CCTV cameras installed on that platform should be seen and the CCTV footage on the entrance / exit gate of the station should be seen. The task of identifying the suspicious criminal carrying these stolen properties from all these cameras should be done.

1.6. A team should be formed to work-out the increasing theft cases in reserved coaches, where adequate number of force members be deployed.

1.7 Criminals involved in the crime should be found out by enquiring with co-passengers, Rly. Employees, vendors etc. Criminal should be found out from the chart of reserve coach if the crime takes place in the reserved coach. Involvement of active criminals in the crime should be found out from informers and secret sources according to the classification of crime.

1.8 On the basis of statement of victim and recognition of accused by the victim, the sketch of the suspect criminal will be made.

1.9 If the crime is taking place again and again in the same train, reservation chart should be collected from PRS within 4 days of the crime and after 4 days the reservation chart should be collected from CRIS/data base. We should be found out from the chart whether a particular person is travelling again and again and if he has travelled on the date of crime, such person should be enquired into about the crime.

1.10 Passengers in the age group of 20-45 years travelling on the same PNR, seen from the chart, would be suspect.

1.11 The passenger travelling with female passenger on reservation is normally treated as known suspect.

1.12 The passenger travelling in the reserved compartment on getting the berth on the counter general ticket, as per the reservation chart, would be treated as suspect.

1.13 Passengers getting berth on Tatkal Ticket will be treated as suspect.

1.14 Reservation charts of the trains and coaches which are prone to theft of passenger belonging will be collected and found out who are the passengers travelling again and again, such passengers will be treated as suspect.

1.15 The passenger getting reservation from reservation counter from the location different from the train routes will be treated as suspect.

1.16. A passenger who is traveling with different identification card but the same mobile number will be considered as suspicious and will be checked.

1.17. A Special Occurrence Report (SOR) will be issued in cases of high value for theft of passenger goods.Provision-directive -40 dated 1.01.2018.
DG's semi-official letter- 2018 / sec (CCB) / PS / High Value Dated 13.02.2018

1.18. Whenever a suspect is found guilty of theft of passenger belongings, he will be arrested immediately without warrant and list of recovered goods will be prepared. Seizure report of recovered stolen material from the possession of the arrested person along with personal-search and arrest report will be prepared on the spot.

2. **Measures taken by the Inspector in charge for the prevention of theft of passenger belongings-**

2.1. In coordination with GRP, he will run the campaign by making a joint team of RPF for the prevention of theft of passenger belongings. The escort party of the escorted trains will be provided with the album of criminalsand will be briefed and debriefed about performing duty.

2.2. Along with RPF, the Train Ticket Examiners (TTE) and the Ticket Collectors (TC) should be regularly informed about vicious criminals who are active in committing crimes in that station or section.

2.3. The photo album of the vicious criminals should be given to the flying ticket examiner and it should be directed to keep an eye on these criminals and especially when a passenger arrives at the coach at enroutestation and asks for a berth, check the album to see if this passenger is a criminal. If he is a criminal, then give the information immediately to the Security Help Line 182 or security control through the commercial control.

2.4. Ticket examiner to be directed that when allotting a berth to the passenger who has boarded the coach at enroute station, ask for his identity related documents and enter his description in his berth allocation chart.

2.5. During the period of important festivals and marriages / wedding days, when the passenger carries more valuable jewelry and other valuable items, the number of escort party of those trains, if low, should be increased according to the need, so that the criminals are closely monitored.

2.6. The traders of gold and silver will be coordinated-with that whenever they carry gold and silver through the train, they should give advance information to GRP / RPF,

twenty-four hours before the time of the journey, so that the GRP / RPF to keep a special watch on the safety of their valuable items so that the safety of their valuable items tillthe destination station can be ensured.

2.7 Special briefing / debriefing will be done to the force members deployed at places such as bag scanner, CCTV, platform, train escort etc. at railway stations, to be more vigilant towards duty and take immediate action against criminals.

2.8 The Inspector in-charge will conduct thorough checking to ensure that the force members deployed are discharging their duty successfully and carefully.

2.9 He will ensure the deployment of most of the force members on trains and stations, in uniform, thereby increasing the sense of security in passengers.

2.10. Hold co-ordination meetings withGRP and local police to make action plan for the prevention of theft of passenger belongings and minutes of meeting will be sent to Sr.DSC.

2.11. Reviewing the incidents of theft of passenger belongings, taking action inmost affected trains, stations, sections etc. and to find outthe modus operandi of criminals and prepare effective action plan against criminals and their gang.

2.12. Deploy armed RPF escort in sections and trains identified as vulnerable.

2.13. The stations will be monitored through CCTV.

2.14. Exchange of information amongst GRP and RPF at interchange point for prevention of theft and better coordination.

2.15. Exchange of information will be done by coordinating with the RPF Post / GRP Station related to the Special Team formed on zonal / divisional level.

3. Measures to be taken by Sr.DSC/DSC for the prevention of theft of passenger belongings-

3.1. Surprise checking will be done by Sr.DSC/DSC/ASC and ensure that force members dispose their work successfully and with alertness.

3.2 For the prevention of theft of passenger belongings and preparing effecting action plan, co-ordination meetings shall be conducted with SRP and SP and minutes of meeting to be submitted to PCSC.

3.3 Sr. DSC/DSC to ensure review of incidents of theft of passenger belongings in their office and prepare effective action plan as per the modus operandi for the arrest of criminals and gangs operating in most affected trains, stations, sections etc.

3.4. In the most affected section, Sr. DSC/DSCwill constitute a 'Crime Prevention and Detection Squad', in which the young, experienced force personnel will be deployed.

3.5. Keep in mind the progress of investigation of cases that the investigation should be done only in professional ways without any unnecessary delays in it.

3.6. Time to time, progress of the activities of the members of the special team constituted by the Senior Sr. DSC/DSC will be monitored and the difficulties in their daily activities will be redressed.

3.7 Whenever a case is detected, arresting the culprits by special team constituted, cash award with appreciation letterfor the team members shall be issued by Sr.DSC /DSC to keep up the enthusiasm of the team members, and the force members remain interested in their work.

4. Action taken on the information of the incident of drugging with the railway passenger-

4.1. During travel on a train, if TTE or the train escort party receives information with regard to any unconsciousness or fainting passenger from another passenger, then the information will be given to the DSCR (182). DSCR will inform to the next stoppage station for themedicalarrangement.Atthe next stoppage station, train will be attended by RPF Post / Out Post in-charge, GRP, Station Master, Doctor and the victim will be given first aid by the doctor after getting him todeboard the train with his luggage.

4.2. If the passenger is in a position to give the statement then the statement will be recorded, in which, the name of the victim, the name of the father, the mobile number of the family, and the reason for unconsciousness will be included.

4.3. If the victim is unconscious then he and his belongings will be searched. During the search, if there is an identity card, phone number, mobile number, etc., then it will be informed to the concerned.

4.4. If the mobile number, phone number is not known and only the place of residence could be found, then the concerned police station will be informed to send the information to his family.

4.5 After admitting the victim passenger in the state / railway / registered hospital / medical private hospital, the inspector in charge will depute a staff in the hospital till any relative of the victim arrives to the hospital.

4.6 Post In-charge will inform the incident happened with the victim to Govt. Rly. Police.

4.7 The recovered property from the victim will be handed over to GRP under handing over memo.

4.8 The member of the Force will make diary entry of the entire action taken on return from hospital.

4.9 Inspector in-charge himself or any subordinate officer will record the statement when victim becomes conscious. In this statement, a complete description of the incident that happened with the victim will be written. Details like when and where the culprit came in contact with the victim, what was the conversation, and what was the reasons and seduction/temptation that victim consumed the food / beverage given by culprit, the time of consuming the given food item, the location of the train and the appearance of culprit will be included in the statement.

4.10. Victim will be sent to GRP for getting the case registered by GRP.

4.11. Photographs of the previously arrested accused of Drugging (*Zaharkhurani)* will be shown to the victim. If the victim recognizes any criminal, then legal action will be taken.

4.12. If the victim does not recognize any criminal in the photograph, then the inspector in-charge will get the sketch of the criminal prepared the on the basis of the victim's statement.

4.13 The post in-charge will make an effort to find out the accused his name and address, involved in the crime by showing the sketch of the accused to nearby coolies, auto drivers, rickshaw poolers, person working in nearby hotel, restaurant and will make an effort of arrest of the accused in co-ordination with GRP.

4.14 TTE, Coach attendant, pantry car staff, OBHS staff, vendors etc. will be contacted to get the details of criminals involved in crime. Criminal will be trapped from the reservation chart with the incident takes place in reserved coach.

4.15 Footage of the CCTV on the date of crime, if available at the place of occurrence or from boarding stations, will be checked.

4.16 Involvement of active criminals in the incidents should be found out from the informer and secret sources as per the classification of crime. On getting their name and address of the criminal involved, his arrest should be ensured through GRP.

5. Duties of Inspector in-charge for prevention of incidents of drugging: -

5.1. Under the dynamic escort, check the RPF escort party regularly and conduct briefing / debriefing about anti-social elements for intensive surveillance in order to be alert about the incidents of drugging in trains.

5.2. To keep anti-social elements away from trains / rail premises, conduct regular drives and take action under the Railway Act.

5.3. Ensure continuous monitoring and vigil on criminal activities in the affected / marked trains, by deploying staff in plain clothes as per requirement.

5.4. Make plan for the prevention of drugging by conducting coordination meeting withGRP at station level and send the minutes of meeting to DSC/Sr.DSC.

5.5 Only trained staff will be deployed in CCTV rooms, who can monitor with special interest.

5.6. Through the CCTV monitoring system, continuous monitoring of the anti-social elements will be done.

5.7. By making announcements through public announcement system and loud hailers passengers will be made aware about crimes related to drugging on stations / trains.

5.8 Inspector in-charge will run a public awareness campaign by organizing street play in selected stations, at least once in three months for the prevention of incidents of drugging.

5.9. The Crime Intelligence Branch and the Dog Squad will keep strict vigil on the criminal activities by providing intensive checks on the trains / platforms on important stations.

5.10 Identifying the shops / suppliers providing substancesfor drugging, will ensure necessary action.

5.11. To prevent the occurrence of drugging, other necessary actions like checking the train escort party and alertingthemregarding incidents of drugging, videography, announcement and spreading awareness about the modus operandi of druggingamongst passengers etc. will be ensured.

5.12. Distribute pamphlets (in the local language) to passengers in train and at station to make them aware of passenger related crimes.

5.13. Helpline number 182 is available 24x7in all the divisions, on which the complaints received from the passengers will act promptly according to the rules.

6. Measures made by Sr.DSC /DSC for the prevention of drugging -

6.1. Sr.DSC /DSC/ASC will be conducting surprise checks to ensure that staff is discharging their dutysuccessfully and alertly.

6.2. Sr.DSC/DSC/ASC will coordinate with the Superintendent of Police / Railway and Superintendent of Police for the purpose of preparing the action plan for the prevention of *Zaharkhurani*, and send action plan to PCSC.

6.3 Sr.DSC/DSC in his office ,will review the incidents of drugging and try to find out how crime is committed in most affected trains, stations, jurisdiction, etc., arrest criminals and their gang and make action plan against them.

4.4. Sr.DSC/DSC will constitute CPDS (Crime Prevention and Detection Squad), in which young people and experienced force members will be nominated.

6.5. Keep in mind the progress of investigation of cases that the investigation should be done professionally, and without any unnecessary delays in it.

7. Right to register cases of crimes of Indian Penal Code –

Officer of GRP and local police have been asked to register and investigate cases of crimes defined in Indian Penal Code. RPF is not entitled for this, but RPF has been given the responsibility of preventing these crimes. To discharge this responsibility properly, RPF is to establish proper coordination with GRP, so that the victim can get proper and prompt assistance and ensure legal action after the crime.

7.1. The following instructions are issued to ensure proper discharge of the said responsibility:

The concerned Inspector in-charge will issue blank FIR forms to the on duty RPF / RPSF staff deployed in the train and railway area. During the duty of that force member, if crime under IPC takes place against any passenger, then the force member will get the FIR form filled in two copies by the victim passenger and if necessary, he will assist. After filing the FIR, the second copy will be given to the victim passenger and the original copy will be given to the inspector.

i. If the victim wants himself to deposit the FIR, then the in-charge will assist in carrying the victim passenger to the GRP police station.

ii. If the passenger does not want to disrupt the journey due to any reason, the inspector in-charge, after mentioning details of the FIR in Daily Diary, send it to the concerned GRP/Civil Police Station with forwarding letter for getting the case registered. Make entry about information in daily diary after return.

iii. Inspector in-charge will send the information for this action within 24 hours to Sr.DSC/DSC.

iv. If the case comes under the specialoccurrence report, then the proceedings will be done in accordance with the instructions given in the chapter of the special occurrence report.

v. Sr.DSC/DSC will send report of the incident within 07 days to PCSC.

vi The records of the crimes committed in trains and Railway premisesunder IPC will be maintained by the person nominated by ASC/Passenger Security or PCSC and will ensure registration of the cases by coordinating with the District Superintendent of Police or Superintendent of Police / Railways.

vii. On the basis of the jurisdiction, if any case is transferred to another state, then the coordinators will forward the matter to the respective PCSC of that

zonalrailway. PCSC will make sure that the matter is lodged with the concerned GRP police station by its coordinating officer.

viii. Upon receiving any kind of problem, PCSC will coordinate with his counterpart officer and resolve the matter. If there is a need for assistance of the Director General, assistance will be sought from the Inspector General / Crime and Intelligence through the Director General.

8. Transfer of registered cases under Indian Penal Code-

8.1. If the case is transferred to GRP from the second state, which is the jurisdiction of another zonal railway, then in the zonal railway, GRP has registered the case, by writing a letter to PCSC, it will be informed that the GRP police station has registered the case in our jurisdiction for incident of your jurisdiction, hence you have lodged the case with the concerned Superintendent of Police / Railway coordinate him and send details of crime registration to this office.

8.2. Upon receipt of the registration details, the GRP which has transferred the matter will notify it through its Superintendent of Police / Railway.

8.3. The PCSC who receives the information according to the paragraph 8.1 will inform his Sr.DSCto co-ordinate with the concerned Superintendent of Police / Railway andget a complaint registered in the respective GRP and provided registration details.

9. Action to be taken by the Inspector in-charge regarding the incidents of robbery, dacoity and murder-

9.1. In cases of serious crime such as robbery, on the basis of information received through various means, by analyzing the trains, railway stations, railway blocks which are very sensitive for robbery and murder , shall be identified for surveillance and checking.

Provision: DG/RPF L.No.2018/Sec(Crime)/Robbery/LKO-35/NR dated 21.05.2018 & 22.05.2018.

9.2. Collection of intelligenceregarding criminals related to robbery and shall keep surveillance over such criminals.

9.3. In order to prevent crimes during the departure of trains,the Crime Prevention and Detection Team (CPDT) of RPF will be constituted to act in coordination with Government Railway Police, Civil Police, ticket checking staff at sensitive trains, stations and jurisdictions, while ensuring the best utilisation to the staff and other subordinate officers,.

Provision- Railway Board letter No.2018/Sec(Crime)/Robbery/LKO-35/NR dt. 21.05.2018 & 22.05.2018

9.4. Continuous publicity of Security Helpline No.182 will make the passengers aware.

9.5 Sensatize all officers and staff about the working of 182.

Provision: DG, RPF letter of 2018/Sec(Crime)/Dacoity/ALD-46/NCR dated 12.09.2018.

9.6. Arrange checking of trains/platforms and circulating area by putting more and more staff.

9.7. Arrange intensive survelliance on anti-social elements specially during night hours in the train by escort party and will do briefing/debriefing during regular checks.

9.8. Will arrange to provide RPF escort in concerned passenger crime affected trains, under dynamic escort system, after due analysis.

9.9. To make a plan for prevention of robbery, Dacoity, Murder, conduct co-ordination meeting with GRP and to send minutes of the meeting to Sr.DSC/DSC

9.10 To make the passengers aware of passenger related crimes, regular announcement through PA system, loud haler and distribution of pamphlets at stations/Trains has to be ensured

9.11.On receiving the photo of the perpetrators arrested in the past and the photographs of criminals arrested in other zonal railways, the force will brief the members to keep an eye on anti-social elements, so that they can monitor the railway premises and bring them to the post on the basis of the purpose of their presence could get information about if they have come to the railway premises for the purpose of crime, then in order to take advance action under Section 12 of the RPF Act,

9.12 Based on the availability of lady staff, the escort resuscitation of women coaches of important trains will be done by women personnel.

9.12. By reviewing passenger related crimes in trains, affected trains should be escorted by RPF under dynamic escorting.

9.13. To supervise criminal activities, the dog squad will conduct intensive checks of important stations / trains.

9.14. To maintain criminal activities in crime-affected stations / trains, the Crime Branch will receive assistance from the Intelligence Branch.

10. Action to be done in connection with the incidents of robbery, dacoity and murder by Sr.DSC / DSC.

10.1. In cases of serious crime such as robbery, analyze the numbers and the sensitive information of various sensitive trains, railway station, railway section which is highly sensitive to robbery, dacoityand murder related crime, by marking such places where monitoring and will check.

10.2. The crime prevention and investigating team (CPDT) will be constituted at the level of the Division, as per the availability of staff and subordinate officers. Young and experienced member of the Force will be utilized. This team will work in the highly sensitive trains, railway stations and places of incident, in association with the state railway police, civil police and ticket checking staff.

Provision- Railway Board's letter No.2018/Sec(Crime)/Robbery/LKO-35/NR dated 21.05.2018 and 22.05.2018

10.3. Sr.DSC / DSC / ASC will do a surprise checking and will ensure that the force members are discharging their duty successfully and carefully.

10.4. Keep in mind the progress of investigation of cases that the investigation should be done professionally, and without any unnecessary delays in it.

10.5. To prevent the occurrence of Dacoity, all lines will be linked to ACD (Automatic Call Distributor) in coordination with the concerned department, so that the records are available.

10.6. In help line or control room such staff shall be deployed who are good at conversation and have working knowledge.
Provision- DG/RPF's letter No.2018/Sec(Cr.)/dacoity/ALD-46/NCR dt. 12.09.2018

10.7 Arrange helpdesk and video CD to refresh the knowledge of trained staff and remove that out.

10.8. To make plans for prevention of robbery, Dacoity and murder, Sr.DSC/DSC/ASC will coordinate with the Superintendent of Police / Railway and Superintendent of Police and will forward the minutes to PCSC.

11. Directions for Train Escort Party-

11.1. Directive-33 instructions issued by the Director General should be followed by the escort party.

11.2. In those trains, in which a berth for RPF escort is allocated, in those trains, one staff from the escort party will be present on duty on the berth, without any weapon.

11.3. There will be a small board on the window outside the prescribed seat for the escort in the train, which will be written as "RPF Assistance", coach number and berth number.

11.4. On the prescribed seat for the escort in train, the on-duty staff should have FIR forms, feedback form, escort guidelines/ instructions, walkie-talkie, mobile phone etc with him.

11.5. An escort register will be available on the prescribed seat with the escort in the Train, in which all the types of action related reports will be written during the escort.

11.6. The escort party will be checked by the duty officer or the other officers at the intermediary stations where RPF post or out post in present. The details of checking shall be mentioned in the escorting register.

11.7. Exchange of signatures by the escort party with the staffdeployed on the platform duty /Train attendance duty on RPF manned Railway Stations.

11.8. When the escort party receives a complaint from passengers, every effort will be made to promptly resolve it.

11.9. Use of humanitarian behavior and respectful words by the escort party with travelers / complainants.

11.10 All important and mail / express trains (during night) and trains affected by passengers related crimes should be marked and escorting rotated.

11.11 Through *SurakshaSammelan*bySr.DSC/DSC/ASC/,Inspector in-chargeand staff should be made aware by giving information regarding train escorting.

11.12 Under the 'Train Attendance Duty', checking of coaches of all passenger trains, on all the important and RPF manned stations, when the trains are halting will be done.

11.13 Gazetted officers and subordinate officers should conductsurprise checking, briefing and debriefing and supervision of passenger trains and escort parties as per Directive 33.

11.14 Hold periodical co-ordination meetings withGRP and local police officers at all levels, minutes of which should be sent to their high officials.

11.15 To prevent the occurrence of robbery and mischief, the passengers should be made aware that there are criminal incidents due to slow speed of the train on the platform. Therefore, do not stand near the entry gate of coaches.

12. Primary details on passenger crime

Sl. No.	Description	Detail information
1	Name of the complainer and mobile / telephone number	
2	Name and designation of the inquiry officer	
3	Date and time of the incident	
4	Train and coach number	
5	PNR numbers	
6	Journey details (From & To)	
7	Time of getting information regarding the stolen / misplaced property	
8	When the last time the stolen goods were seen by the passenger	
9	Details of stolen property (color, size, size)	
10	Other information provided by passenger	
11	Information to post / out-post for verification of CCTV footage	
12	Registration number and date of crime registered in Government Railway Police Station	

CHAPTER-8

A Forensic Guide for Crime Investigators

GENERAL PRINCIPLES OF CRIME SCENE INVESTIGATION

1. Forensic Science and Crime Scene Investigation:-

The investigation begins at the crime scene with the recognition and recovery of physical evidence. It proceeds with its analysis, evaluation of the results and presentation of the findings to the court of law. From the first responders to the end-users of the information, all personnel involved should have an adequate understanding of the forensic process, the scientific disciplines and the specialized services provided by forensic laboratories. Crime scene investigation is a process that aims at recording the scene as it is first encountered and recognizing and collecting all the physical evidences potentially relevant to the solution of the case.
The first responder, usually a police officer, plays a critical role in the entire crime scene investigation process.

(i) The initial responsibility of the police officer is to preserve the integrity of the scene and the evidence.
(ii) The RPF officer is also responsible for the early documentation of crime scene and all its evidences.

2. Significance of Physical Evidence and 'Chain of Custody'

2.1 Physical Evidence

Physical evidence can range from massive objects to microscopic items, resulting from a crime and recovered at the crime scene or related locations. Considering all sources of information available in investigations (e.g. confessions, testimonies, video surveillance), physical evidence plays a vital role. Physical evidence, when recognized and properly handled, offers the best prospect for providing objective and reliable information regarding the incident under investigation.

2.2 Chain of Custody

The chain of custody is established whenever an investigator takes custody of the evidence at a crime scene. The chain is maintained when the evidence is received from another officer.

(i) The chain-of-custody record for all items collected from the scene must be documented. Each evidence collected should be tagged and must include the following details:
  (a) Case reference number FIR…, dated…., RPF Post.
  (b) Exhibit number.
  (c) Date and time of collection.
  (d) Item description.
  (e) Identity of the person who collected the evidence.
  (f) Location where the item was found.
  (g) Name and signature of the person who collected the evidence.
(ii) In case of digital evidence, the hash value of each digital evidence must be computed and recorded individually on every transfer in order to maintain the authenticity and integrity of digital evidence records. Individuals assuming

custody of such digital evidence must sign a chain-of-custody document mentioning the respective hash values.

(iii) A clear, well-documented chain of custody should be established through the following:
  (a) Notes, including information recorded in aforementioned clause (i) and any unusual markings on or alterations to the item.
  (b) Markings and packaging of the evidence.
  (c) Seals of the evidence.

(iv) All the processes during transfer of evidence should be recorded faithfully in the case diary to establish the chain of custody.

3. When evidence is submitted to the RPF Post 'Malkhana' or to a forensic laboratory, a receipt documenting the transfer is obtained. The evidence should be sent to the Forensic Science Laboratory with duly filled prescribed forwarding form under proper acknowledgement.

4. Crime Scene Investigation Process

The planning, organization and coordination of the work at the crime scene aims at deploying resources commensurate to the case being investigated and using these resources efficiently and effectively.

5. Planning

Good planning is essential to execute work at the crime scene. Planning may include gathering the most of readily available information by considering questions such as:

(i) What is believed to have taken place?
(ii) What is the magnitude of the problem?
(iii) Is any specialized expertise/medical assistance required?
(iv) Are there any particular dangers at the scene?
(v) What other assistance might be required?
(vi) Is it an indoor/outdoor scene?
(vii) Is it a remote location?
(viii) What local resources would be available?
(ix) If anybody else needs to be informed?
(x) What are the weather (hot/cold climate) conditions?
(xi) What equipment is required?

6. Following are the examples of basic equipments (available in the form of kits) required for processing the scene of crime. (it is only example & may be proceeded with available equipments).

(i) General crime scene investigation kit
(ii) Crime scene protection kit
(iii) Digital camera
(iv) Forensic light source
(v) Crime scene illumination kit
(vi) Photo documentation kit
(vii) Adhesive ID marker
(viii) Evidence marker
(ix) Gas mask
(x) Explosive detection kit
(xi) Narcotic detection kit

(xii) Gunshot residue collection kit
(xiii) Semen detection kit
(xiv) Blood detection kit
(xv) Impression evidence: Tyre and foot print investigation kit
(xvi) Tool mark investigation kit
(xvii) Arson investigation kit
(xviii) Digital Evidence Collection tool kit
(xix) Laptop
(xx) Finger print lifting kit

7. Preservation of the Scene and its Evidence

Crime scene preservation starts soon after the incident is discovered and reported to the police station. Concerns for scene protection end only when scene investigation process is completed and the scene is released.

(i) Demarcation of the area to be protected is a complex activity and the boundaries of the scene may change as the investigation unfolds. What appears to be obvious at the outset may change and need to be re-evaluated.
(ii) Once demarcated, the area is clearly cordoned off using any kind of physical barrier. Any non-essential people who entered the scene before the cordon was established, are removed (and this information is recorded) and any non-essential people are prevented from entering the scene during the entire scene investigation.
(iii) From the beginning to the end of the crime scene investigation, strict anti-contamination measures are important. They include:
  (a) Wearing protective clothing, gloves and shoe covers .
  (b) Using a single path when entering the scene (this is also valid for medical personnel providing care to victims).
  (c) Keeping away from using any facilities available at the scene (e.g. toilet, water, towel, and telephone), eating, drinking or smoking.
  (d) Avoiding moving anything/anybody, unless it is of absolute necessity (if something or somebody is moved, the initial location should be carefully documented).
  (e) When selecting protective and anti-contamination measures, respect for the victim's privacy and human rights is important. If required, the use of screens, curtains, tents should be considered.
  (f) If, during the course of the investigation, a second or a third, related crime scene is discovered, each scene is treated separately (i.e. separate teams working on different scenes).

8. Documentation of the Scene and its Evidence

Documentation aims at producing a permanent, objective record of the scene, the physical evidence and any changes that take place. Documentation at the scene is also the starting point for the chain-of-custody.

(i) Documentation starts with the arrival of the first person at the scene. Using appropriate means (e.g. notes, photography, video, sketches and measurements), the scene as it is first encountered is recorded along with other things:
  (a) Arrival time

(b) Condition of doors, windows and shades
(c) Odours
(d) Signs of activities
(e) Weather/light conditions
(f) Air conditioning systems (central or localized)

Any person present while entering or leaving the scene and any changes that take place as a result of activity undertaken or observed are recorded as well.

(ii) Once physical evidence is recognized, detailed documentation is made before it is moved or recovered.

(iii) Each recovered item is labelled individually.

The requirement for documentation continues throughout the crime scene investigation process and beyond until the result of the laboratory examination is available. It constitutes the chain of- custody. When a person working at the scene leaves the investigation, all information (e.g. photographs, records, notes, etc.) is turned over to the personnel coming in.

9. Recognition of Physical Evidence

There are a number of search patterns that may be followed in case of outdoor crime scenes. Some of them are as follows:

(j) **Strip method**: The whole area is to be searched, and divided into a convenient number of strips. Each strip is examined carefully When ever any item or physical evidence is found, it is properly collected and preserved. The process is continued till the entire area has been searched.

(ii) **Spiral method:** Here the search is started from one end of the crime scene, carried out in spirals till the focal point of the crime scene.

(iii) **Grid Method:** In the grid search method, the IO begins like a strip search. After completing the search by horizontal lanes, he searches back at right angles to the original strip. This search from two different angles helps in the recovery of evidence which may be missed in simple strip method.

10. Recovery of Physical Evidence

(i) Once the evidence is recognized, appropriate recovery methods (e.g. adhesive tape, tweezers, cotton tips) and adequate packaging (e.g. collection bags/boxes, containers for sharp objects) are used. Each piece of evidence is labeled and sealed following requirements as per law. Priorities in evidence recovery might have to be decided to avoid unnecessary loss or degradation of evidence.

(ii) Under difficult conditions, it might be preferable to recover and collect more evidence at a later stage of the investigation.

(iii) As a part of the recovery process, in many instances, sample in question and control samples are necessary, e.g. when collecting fire debris. In situations where the evidence is in traces and is difficult to be collected by manual methods, vacuum pumps with special attachments are used to collect the trace evidence and in a situation where the evidence is in very large quantity, a representative sub-sample in duplicate is usually collected, e.g. from bulky drug seizures.

11. Transportation, Storage and Forwarding of Evidence to the Laboratory

The last phase of the crime scene investigation process aims at selecting the means of transportation and storage that are appropriate for the particular type of physical evidence to ensure the integrity of evidence to be forwarded to the laboratory.

11.1 Once physical evidence is recovered, items more likely to provide information that will assist the investigation receive priority for submission to the forensic laboratory.

11.2 Material evidence is generally taken to RPF Post malkhana. From there, it is sent to FSL under the covering letter of DSC/Sr.DSC or a designated officer. Adequate conditions, e.g. a cool and dry place, and secured and controlled access are essential characteristics of transport and storage conditions. Also the costs, distance, time and means of transportation are aspects to be considered while choosing how to relocate and store the evidence.

11.3 The relocation of some of the physical evidences, e.g. drugs and firearms, may need special considerations.

11.4 RPF has to pay attention to the conduciveness of the situation during this work such as attention is to be given to the place that it should be cool and dry during transportation and storage of the evidence and security is maintained during transportation. The evidence on cost of transportation to the destination, distance, time and type of transport etc should be preserved and ensure that the evidence is loaded/unloaded and deposited safely.

11.5 Documentation of transportation, storage and forwarding to the laboratory is important. A written receipt is usually obtained for all the evidence received by the laboratory

11.6 While sending the evidence to the forensic science laboratory, checks on the following points are invariably made.

(i) Whether the Forwarding Form accompanying exhibits is duly filled in and is completed and signed by the competent authority?

(ii) Whether the queries are specific, clear and relevant to the exhibits forwarded to the laboratory?

(iii) Whether the exhibits in containers/ parcels have been sealed with tamper proof seals and the seals are intact?

(iv) Whether case reference, exhibit details have been mentioned/ tagged on each container of exhibit/parcel and signed by the IO?

(v) Whether the specimen seal impressions have been forwarded to the laboratory along with evidence forwarding proforma?

(vi) Whether the road certificate/movement orders for exhibits and personnel carrying exhibits to the laboratory are complete in continuity and valid in all respect?

12. General principles of packaging of exhibits/evidences to be observed by rpf enquiry officer

1. Sources of the Exhibit

There are three main sources from which crime exhibits can be obtained:

(i) The scene of the crime
(ii) The victim
(iii) The suspect and his environment

2. Goals of Evidence Packaging

Protection of IO from possible hazards associated with evidences like

(i) Accidental firearm discharge
(ii) Bio-hazards
(iii) Sharp objects
(iv) Health hazards associated with exposure to bacterial/viral toxic infections

3. Protection of evidence against

(i) Loss
(ii) Contamination
(iii) Cross-transfer

1. Suspect to victim
2. Victim to suspect
3. Scene to scene
4. Item to item

(iv) Deterioration

4. Elements of Packaging Evidence

Packing Material

(i) **Plastic Container/Polythene pouch**: In some cases plastic containers**/**polythene pouches are optimal and can be used for drugs, documents and digital evidences.
(ii) **Paper:** Paper bags/envelopes are optimal and may prevent the deterioration of a biological sample if it is not completely dry when packaged.

Size of Packing Material

(i) Size of a container is important
(ii) Too small packaging is likely to be inadequate
(iii) Too big packing would disperse the evidence throughout the container and could be difficult to recover
(iv) Ideally, small fragments would be packaged into a paper, i.e. coin envelope or a hold down device.

13. Sealing of Evidence

Sealing evidence properly is the most important issue. An evidence can be sealed in the following three ways

(i) Heat seal
(ii) Tape seal/paper seal
(iii) Lock seal

All seals must be initiated by the person, sealing the evidence and dated to indicate when the evidence was sealed.

14. Precautions to be taken

(i) Protect the scene of offence immediately after the receipt of information about the offence.
(ii) While picking and packing the material for dispatch to the laboratory, care should be taken to see that no article is inadvertently contaminated with extraneous material. Obtain photographs of the scene from a number of angles so as to later establish the exact position of the object, the body (if any), the weapons, etc.
(iii) Investigating officer should handle the articles with care.
(iv) Look for unusual foreign matter like pieces of hair, fiber, paper, clothes, glass, wood, metal, etc., and collect the sweepings from the floor without disturbing other things like blood, saliva, semen-stains, etc.
(v) Make a rough sketch of the position of objects and note the relationship of various pieces of evidence to the surrounding.

15. General Directions

(i) Each article should be separately packed and labelled indicating the serial number of an item.
(ii) Never pack more than one type of item together.
(iii) The labels should be numbered consecutively and should bear the signature of the forwarding officer.
(iv) All the packets belonging to one case should be enclosed in one box or an outer covering.
(v) Articles belonging to different cases should never be forwarded under the same cover.
(vi) All parcels should be carefully sealed by the dispatching officer and packed in such a manner that they cannot be opened without destroying the seals.

16. Directions for Specific type of Exhibits

16.1 Weapons and Tools

(i) Iron metal parts stained with blood should be preserved from getting rusty as far as practicable and should be sent for examination to the laboratory as early as possible, after proper drying of blood stain/fluid.
(ii) Knives, guns, tools and other weapons need to be immobilized first and then should be secured to board by means of strings.
(iii) It should be then placed in a box of suitable size

16.2 Questioned Documents

(i) All original questioned documents such as handwriting, typewriting, or other evidences involved in a particular investigation should be sent to the laboratory for examination.
(ii) Known specimens are also required with the questioned document for investigation.
(iii) All documents should be packed in polythene or plastic envelopes and then in a paper envelope. The sealing should be complete so that there is no chance of tampering the sealed document.

16.3 Precautions:

(i) Questioned document and the specimens should not be defaced, or altered in any circumstances. Do not fold or punch holes or use pins on a document.
(ii) Personal marks for identification purposes should be made as small as possible on the back or other area of the document where no handwriting or typewriting is present.
(iii) If document is already damaged, do *not* try to repair the document.

17. Latent Fingerprints

17.1 Most fingerprints sent to the laboratory should be on paper, glass, metal, or other smooth surfaced objects. Articles containing latent fingerprints must be picked up and not be touched.
17.2 Lifted, developed latent fingerprints should be marked and sealed in marked envelopes.
17.3 Papers and documents containing latent prints should be placed individually in a paper envelope.
17.4 Containers, bottles or glasses can be sandwiched between two sheets of stiff cardboard, wrapped, and placed in a box to send it to the laboratory.

17.5 Precautions:

(i) The investigating officer should wear gloves while handling any article having fingerprints so that his fingerprints do not contaminate the object.
(ii) The investigating officer should also take care that the area of the object where fingerprints are likely to be present are not touched by him.
(iii) Once the fingerprints are visualized, these should be immediately developed and photographed.
(iv) Fingerprints on bigger objects such as doors, iron boxes, tables, chairs, etc., which cannot be transported to the laboratory, should be developed and lifted using adhesive tapes.

18. FINGERPRINTS

18.1 Procedure for attending scene of crime

(i) The scene of crime requiring development of fingerprints should be kept undisturbed and fingerprint expert is to be called for.
(ii) Two independent witnesses may be identified.
(iii) On arrival of fingerprint expert with the photographer, the scene be photographed without moving or disturbing anything. Expert examining the scene of crime should also be photographed.
(iv) A description of the scene of crime preferably along with photograph is to be documented.
(v) A meticulous survey of the scene of crime in a scientific way, i.e. either clockwise or anticlockwise direction should be made before starting the examination for prints.
(vi) It is very important to observe anything unusual/disturbed. One of the most helpful factors in criminal investigation is incongruity.
(vii) Fingerprints of the deceased, injured and the inmates should invariably be taken for comparison and elimination.
(viii) Examination should start with strong light sources, e.g. polilight.

(ix) If prints are made on dust or by dust, it should be photographed straightaway. Any development process may cause breaking of the ridges.

(x) Dust prints may, however, be preserved by spraying a solution of cellulose acetate, which after getting dried and firm may be peeled off and sandwiched between two plastic sheets with signatures and preserved to be used as exhibits during trial.

(xi) In case of blood stained prints, blood sample should be taken by the concerned expert preferably without affecting the comparable area of the print for serological examination. Direct photography is to be taken then.

(xii) Any weapon, tool for house-breaking, torch, etc., possibly left behind should also be looked for.

(xiii) If the crime is a murder, the manner of committing murder may indicate the field of search.

(xiv) In case of suspected poisoning, glasses, bottles, cups, saucers, spoons, cupboard, etc., should be carefully examined for chance prints.

(xv) If the victim was shot, fire arms, fired cartridge cases, unfired cartridges, cartridge boxes, belts and tables where arms and ammunitions were possibly kept are to be looked for.

(xvi) If the victim was stabbed, all sharp pointed or sharp edged objects are to be examined.

(xvii) All objects which may have figured in the quarrel preceding the crime or during the commission of crime or objects used by the criminal to destroy evidence prior to or during their flight from the scene of crime should be meticulously examined.

(xviii) In case of very old finger prints and special/complicated cases, experts from FSL/CFSL/Finger Print Bureau may be contacted.

19. Packing of Article

(i) For transit of articles for laboratory processing or photography, stout cardboard boxes or cartons provide sufficient protection. Primary consideration of packing articles is to safeguard the chance prints.

(ii) Articles should be labelled with particulars of offence, time and date of offence, address where committed and officer in the case. When applying stick-on labels, care should be taken not to obliterate or add imprints. Special kind of adhesive tapes are also used for odd shape articles.

(iii) The necessary materials for packing should be kept available, viz., few spare boxes of different sizes, assortment of screws and nails, corks, some pieces of corrugated cardboard, a stick of sealing wax, rubber washers, a ball of string, circular tin lids, and drawing pins. Cotton wool, tape, electric lamp holders of screw-on type, hammer, saw, ruler, screwdriver, pincers, carpenter's square and adhesive tapes.

20. IMAGE ANALYSIS (CCTV FOOTAGE)

Closed circuit television (CCTV) is a valuable device used to capture video images round the clock and may have valuable and relevant evidence in crime investigation. Images can be used to help to identify the suspect(s), show the actions of someone at a scene, or indicate areas/spots where presence of an individual can be ascertained. Electronic data from CCTV systems plays a vital role in the investigation, so should be treated as priority evidence. Due to its value in the evidentiary process, it is imperative that Law Enforcement agencies recognize its potential value for

intelligence and security matters so there is a need to collect Video and/or Images from CCTV system accurately.

CCTV data retrieval is the collection of relevant video data, image data and associated metadata from a video recording system. CCTV information may exist at the crime scene, at nearby locations and/or at a remote off-site location. While dealing with such evidences general forensic principles and standard process should be applied for collecting, packaging and transporting the CCTV data.

21. Types of Digital Video Recording System (DVRs)

CCTV system, also called Digital Video Recording System (DVRs), found in residential, commercial or governmental institutions may include two major types:

(i) Stand-alone digital video recorder
(ii) PC based digital video recorder

22. Equipments Required

To enable retrieval from a variety of systems that will be encountered, a range of equipment is recommended. The following is a suggested list of equipment that should permit video data retrieval from the most commonly encountered system.

(i) Laptop with CD/DVD writable drives, USB ports, fire wire ports, wireless access, media card reader (multi-format), USB floppy drive, four port network switch/hub.
(ii) Hard drives of suitable memory capacity.
(iii) Cables to include: Network cables (crossover cable and straight patch cable), composite and s-video cables, as well as RCA to BNC adapters, audio cables (RCA, stereo, and mono mini) USB cables, fire wire cables (i-Link, 400, 800), power cables, and extension cords.
(iv) Write blockers (IDE, Fire wire).
(v) Blank Media (CD-R, DVD-R, DVD-R, DVD-Ram, CD-RW, DVD-RW, DVD+RW).
(vi) Blank compact flash cards in varying sizes.
(vii) Video monitor, still camera with extra film or media.
(viii) Toolkit containing: Flashlight, mirror, assorted screwdrivers, pens, permanent marker (appropriate for marking media).
(ix) Digital/analog video recorder.
(x) Appropriates forms (chain of custody, notes, consent).
(xi) Appropriate evidence packaging bags (anti-static bags).

23. RPF as First Responder at the Crime Scene

(i) Notes should be kept with details of the methods used and steps taken.
(ii) Check if a manual of the device is available to assist with system information (e.g. password, output options).
(iii) Establish that relevant video has been recorded by reviewing the recording. (Preferably, a person with knowledge of the recording device should operate it during playback to avoid accidental deletion).

(iv) Determine the earliest recorded data. This will determine approximately how much time you have to retrieve the data before the system begins to overwrite it.
(v) Determine if retrieval can be performed by the venue owner/security system's operator.
(vi) Determine if the CCTV installer company or a trained operator is available to assist in the retrieval.

24. Documentation: Pre-evidence Collection

Before collecting electronic data from the system, following information should be documented:
(i) Photograph the system and its components.
(ii) Sketch the camera, system placement and position.
(iii) Make, model and serial number of Digital Video Recorder (DVR).
(iv) Whether system is PC based or stand-alone embedded.
(v) Whether system is networked.
(vi) Recording capacity of the system and overwriting.
(vii) Number of camera(s) installed and number of camera(s) active.
(viii) Make and model of each camera.
(ix) System password, if any.
(x) Date and time displayed by the system.
(xi) Actual current time and date.
(xii) System setting
    a. Image quality
    b. Frames/picture per second
    c. Recorded image/frame size
    d. Number of hard disk and storage capacity.
(xiii) Playback software name and version.
(xiv) Password of software to open the concerned file, if any.
(xv) Scene information: Address, operation hours, CCTV system installer's contact details.
(xvi) Remove network cable, if necessary.
(xvii) Determine the native/proprietary file format of the system.
(xviii) Determine best method for retrieval.
(xix) Other information of importance.

25. Retrieving of the CCTV Images Data

(i) Determine the amount of data needed to be retrieved from the CCTV recording system.
(ii) Perform a test retrieval to assess time and size of the data to be retrieved.
(iii) Decide the best method of retrieval based on 'Retrieval Test'.
(iv) Consult administrator to prioritize collection of the native/raw video file.
(v) Use 'Write-once' and not 'Multi-session' mode CD-R or DVD-R media for recording.
    (a) Use only Write-once CD-R or DVD-R for creating master evidence/copy.
    (b) Verify the retrieved file(s) for proper dates and times and for proper playback.
    (c) Consult experts, if facing difficulty in creating master evidence, in subsequent playback and to verify the correctness of recording.
    (d) Call for expert advice in case hard drive removal appears only solution.

(e) Document the drive configuration and shut down the system before removing hard disk.
(f) Prepare a cloned hard drive of the original hard disk by 'bit-by-bit' duplication.
(g) Check original/duplicate drive using a write blocker on another computer.

26. Handling of Evidence

(i) Collected evidence should be checked for integrity as per Evidence Act 65A and 65B.
(ii) Detailed notes and course of actions taken should be documented.
(iii) Ensure the evidence are packed and sealed appropriately before transportation .

27. End of Search and Collection

Before leaving the scene, ensure that:
(i) All necessary documentation has been completed.
(ii) All required video data have been collected.
(iii) The retrieved video data plays back correctly on another system, and that the properdates and times were retrieved.
(iv) The proprietary playback software, network viewer, backup player, and/or archivesoftware have been collected/retrieved.
(v) The recording system has been returned to its original state and verified as operational.
(vi) If removing the recording system, ensure that all necessary peripherals have beencollected.

28. Forwarding of Evidence Material

The exhibits requiring forensic examination and expert opinion are sent to the designated
laboratory in strong and sturdy packaging and in sealed condition along with duly filled in
forwarding proforma (FSL/CFSL form), specimen seal impression, and other relevant documents
useful for the laboratory examination .

29. Queries

(i) Whether video recording is in continuity or otherwise.
(ii) Whether the photograph of the person in exhibit is seen present in the video footages in exhibit.
(iii) To provide authorized judicial edited copy of relevant video recording.
(iv)To enhance the image of the vehicle identification registration number at relevant point (to be specified by the IO).
(v) To provide video frame image at specified point of time.
(vi) Whether the device is networked, if networked, take note of the IP address.

30. Special Considerations

(i) Do *not* change the time and date on the DVR system.
(ii) It is recommended not to install any additional software on the DVR system. If absolutely necessary to install additional software contact the manufacturer.
(iii) If requisite video data seems to be over written check the same from back up.
(iv) Administrator/engineer access to the DVR usually allows more options for retrieval, including native/proprietary files.
(v) On the system where the time/date stamp can be moved, ensure that this overlay does not obscure critical events.
(vi) In case systems allow to auto copy the proprietary playback viewer while retrieving the video data. This should always be done when available. If the system does not allow this, steps should be taken to retrieve the correct version required for playback/viewing.
(vii) Ensure that the frame rate upon retrieval is as near to the recorded frame rate as possible.
(viii) Working copies may be produced from the master evidence.
(ix) The data should be transferred from compact flash card to permanent memory system for further examination as soon as possible.

31. POISONING/DRUGGING

The detection of poisons and their identification is an important aspect of forensic science. The investigation of cases of poisoning is one of the most difficult tasks. The quantity of a poison required to kill victim is extremely small in some cases. The problem aggravates when most of the poisons are easily available. They are given in secrecy after winning the confidence of the victim and easily administered through food and drinks. Their symptoms may correspond to some illness.

32. Crime Scene Investigation

For effective crime scene investigation adopt the following steps:

1. Protection of Crime Scene
   The crime scene must be protected from entry by unauthorized persons so that physical evidence materials are not altered, moved, destroyed, lost or contaminated. Investigator should adopt the following steps for the protection of crime scene:
   (i) Safeguard the location as quickly and as effectively as possible.
   (ii) The scene of crime area should be photographed at the earliest before shifting of the injured/deceased.
   (iii) If injured body shows any sign of life, provide immediate medical help and transport the body to the hospital, taking caution so as to disturb the scene to the minimum extent.
   (iv) All unauthorized persons (relatives, friends, onlookers, photographers, etc.) should be excluded from the scene.
   (v) The witnesses, suspects and informant should be detained for further details.
   (vi) Officer should not introduce any material, like cigarette butts/ash, foot or footwear marks, fingerprints, etc.
   (vii) Nothing should be picked up, touched, changed or altered until it has been described in a notebook, its location shown in a sketch and photographs taken.

33. **Photography of the Crime Scene**
The crime scene should be properly photographed as the photographs of the crime scene are extremely important.

34. Information to be obtained while investigating a Case of Poisoning/Drugging

(i) Was the deceased in good health before the incident?
(ii) If not, what was he suffering from?
(iii) What medicine was he taking?
(iv) What were the first symptoms and signs?
  (a) Was he thirsty?
  (b) Did he faint?
  (c) Did he complain of headache or giddiness?
  (d) Did he appear to have lost the use of his limbs?
  (e) Did he sleep heavily?
  (f) Was he at any time insensible?
  (g) Did convulsions occur?
  (h) Did he complain of particular taste in mouth?
  (i) Did he notice any peculiar taste in his food/drink?
  (j) Did he complain of burning/tingling in the mouth and throat or of numbness and tingling in the limbs?
  (k) Was there any vomiting?
  (l) Was there loose motions?
  (m) Was there any stomach pain?
  (n) Mention any other symptoms?
  (o) Had he ever suffered previously from similar attack?
(v) How many other persons took the meal or food or drink by which the deceased is supposed to have been poisoned?
(vi) How many were affected and in which way?
(vii) Did the deceased move from the place where the first symptoms were noticed and, if so, how far?

35. Examination of the Body of the Victim -
In case victim is alive

(i) **The IO or the first responder must take the victim/victims to the nearby hospital in emergency without any delay**.
(ii) The clothes of the victim should be searched for any suspicious poisonous material.

36. Evidences to be collected by first responder in Fatal Poisoning/Drugging Cases:

(i) Look for any empty wrapper/container/bottle containing the remnants of poison.
(ii) Any vomit or vomit stained clothes should be packed without drying in air tight container without delay.
(iii) Vomit stained soil should be collected with control soil sample separately in a plastic jar.
(iv) If there is doubt of presence of saliva on any item, then that item should be collected carefully and send to laboratory and instruction should be given to keep it in freezer.
(v) Any syringe/needle found, should be collected in a polythene bag.
(vi) Clothes of the victim.

(vii) Any edible item, liquor bottles/soft drink or water bottles, glass tumblers, etc.
(viii) If drug have been given through a cup of tea, then said cup of tea should be seized by observing all precautions and if the tea is found in liquid form then it should be poured and preserved drying it in a clean white cotton cloth or a filter paper and should be packed in air tight container.
(ix) If any drug is found then action should be taken under the provision of NDPS Act.

Authority:- 'A Forensic Guideline for Crime Investigator' LNJN National Institute of Criminology and Forensic Science, Delhi

CHAPTER-9

Structure and work of Crime Intelligence Branch (CIB) and Passenger Security Branch

1. The rebuilding of the intelligence branch in the Railway Protection Force-

1.1 The provision of the constitution of the Central Crime Cell (Bureau) in the Railway Protection Force Rules, 1987 has been made at the board level and the crime branch has been constituted at the zonal level.

1.2 RPF rule 1987 - 8.1- There will be Central Crime Bureau at the headquarters of the Director-General, in which the number of senior officers and subordinate officers will be deputed, as decided by the Director-General.

1.3 RPF rule 1987 - 8.2- A Central Intelligence Wing and a Central Record Wing in Central Crime Bureau, and will follow such duties, maintain such records, prepare such reports and statements and present them as specified by the Director-General.

1.4 The crime branch at the zonal level- RPF rule 1987 - 17.4 has been made for the zonal railway, which is as follows-

i) RPF Regulation 1987 - 17.4 Crime wing will act as a team to collect information about criminals, investigate crime against railway material and identify the crime, investigate the difficult cases of comprehensive importance, execute the arrest of the criminals and their prosecution.PCSC will be able to attach to some force-members from his office for working in this wing and the dog squad and associate them to individual divisions. The control of such members will be divided between the board and the employees in terms of work, as suggested by PCSC.

1.5. The structure of the Crime Branch should be done at the Board, Zone, and Division level, as described below.

Provision: - Security circular no 02/2019 issued by the DG / RPF Date 26.02.2019

The work of crime branch should be divided into two main parts –

a. Analytical and Data Management Wing / Unit

i. Maintain the data relates to crime and crime related to passengers, as well as charts,Build and maintain graphs and maps.
ii. Maintain dossier of passenger-related offenses and criminals and Index List has to be kept.
iii. Railway Crime and Summary of Crime Related to passengers, collectstatistical data, compare and circulate, etc.
iv. Publication of Criminal Intelligence Gazette
v. Maintaining the record and file related to crime, in which the crime and the manner in which the criminals commit the crime and other matters have been compiled.
vi. Preparation of Agenda and Minutes of the Crime Meetings.
vii. Analysis and monitoring of the amount of claim paid by the railway administration, the nature of the goods, analysis of the data and its statistics.
viii. Prepare the crime related reply for other departments.
ix. Preparation of suggestions for study and corrective steps about obstruction and tampering with railway tracks.

x. Keeping records of the person or railway men who are involved in theft and other crimes.
xi. Prepare periodical analysis of RSMS data and presenting it for the desired analysis.

b. Detection and investigation branch/wing

i. To inquire and investigate all cases, which are given by PCSC and sending progress report.
ii. Collection of intelligence regarding movement and activities of active and suspected criminals in the railway with the help of local police, execute arrest of wanted criminals and recover stolen property.
iii. RPF will assist Police in the search and prevention of criminals as directed by PCSC.
iv. Detection of serious crimes by visiting place of occurrence inter-railway to ascertain the actual place of occurrence.

1.6. **At Railway Board level**-

i. Crime Branch, at railway board level will be supervised by the Assistant Security Commissioner, and as has been prescribed for the Crime Intelligence Branch, Railway Board, there will be two separate branches.
ii. At the Zonal level,crime intelligence branch will be supervised by Assistant Security Commissioner, which will have two branches, as it has been decided at the Railway Board level.
iii. The supervision of Divisional Crime Intelligence Branch will be the level of supervisory inspector and there will be separate inspectors for both the branches.

1.7 **Number of tentative Members in CIB**-

i) Board level

UNIT	ASC	IPF	SIPF/ASIPF	HC/CT	TOTAL
Analysis data	01	02	03	08	14
Detection and enquiry	-	02	02	04	08

ii) At zonal level

UNIT	ASC	IPF	SIPF/ASIPF	HC/CT	TOTAL
Analysis data	01	02	02	03	08
Detection and enquiry	-	02	02	04	08

iii. At divisional level

UNIT	IPF	SIPF/ASIPF	HC/CT	TOTAL
Analysis data	01	02	04	07
Detection and enquiry	02	03	10	15

1.8 Other details

i. The administrative Officer of the crime bureau unit at board will be the Deputy Inspector General / Railway Security, Railway Board.
ii. The Administrative Officer of the Crime Intelligence branch at the Zonal level will be PCSC.

iii. With due permission of PCSC, in many important cases, CIB can be used by the Sr.DSC/DSC.
iv. The number of CIB strength at the Zonal and Divisional level will depend on the type of crime, the type of proneness and the type of threat and jurisdiction.
v. Deployment of staff in Central Crime Branch (Bureau) and Crime Intelligence Branch will be done after the screening by PCSC, which will bring greater results.
vi. Every case which will be forwarded for advance investigation of crime intelligence, its crime number must be registered by the jurisdiction of the post. In such cases, the officer of the Crime Intelligence Branch will act as the Special Investigation Officer.
vii. Reports and the findings by the zonal and divisional Crime Intelligence Branch will be submitted to the PCSC.

1.9 Passenger Security Branch-

i) The main task of policing in Railway is the subject of the State Police, prevention of crime, registration of crime, its investigation, law and justice system in the railway premises, as well as providing security to the moving trains, the first responsibility is to the state government. The Government is doing it through Railway Police / Local Police. But in the case of the Rescue Act 1985, after the 2003 amendment, the responsibility of security of passenger and passenger goods has also been given to Railway Protection Force. However, the Railway Protection Force is collaborating with the State Railway Police as a better supplement to protect crime, protect passengers and passengers area. There are many dimensions in the safety of passenger and commuter goods such as preventing theft of passenger identities, searching for criminals related to passenger and commuter goods, access control, escrow train by excluding trains, security of children and women in railway e.t.c.
ii) To find out the responsibilities of security for the passengers and passengers area, collect information, compare and analyze the crime and criminals related to the passengers and maintain the data at the Division, zonal and board level.

1.10 The operating system of this branch will be the following.

i) Supervision and monitoring of train escort duty, maintenance of women and children safety, related records, so that they can be analyzed and corrected.
ii) Periodic review on the basis of section of train, station (sensitivity).
iii) Parent Train Escort at the right time, Monitoring Inspector Passenger Safety at the Circle level.
iv) Supervision for implementation of integrated security system and CCTV.
v) Supervision and monitoring of 182 Security Help Line, Twitter, Facebook and e-mail.
vi) Monitoring of passenger complaints through 182 Security Help Line, Twitter, Facebook and e-mail.
vii) Supply to the offensive train escort party by purchasing modern equipment and appliances.
viii) Updating the photo of criminals related to the offender passenger crime and making the train available to the escort party on time intervals.
ix) According to the type of paged crime, conducting a passenger awareness campaign and taking effective action, preventing crime against the help of State Railway Police and State Police.

x) Exchanges of intelligence through sending jurisdiction within the jurisdiction of the State Railway Police and Civil Police and keeping the correspondence / relationship.

xi) The number of staff in the Passenger Safety Branch at all zonal and circle level will be maintained according to the nature of the jurisdiction and nature of crime.

xii) The Secretariat Passenger Safety Branch will report the report to PCSC at Zone level and at the Divisional level.

1.11. **Number of Structural Force Members in Passenger Safety Branch**-

i) **At Board level**

ASC	Inspector	SI/ASI	HC/Con	Total
01	02	02	04	09

ii) **At Zonal level**

ASC	Inspector	SI/ASI	HC/Con	Total
01	01	02	04	08

iii) **At Divsional level**

Inspector	SI/ASI	HC/Con	Total
01	02	04	07

Provision: (Security Circular No. 02/2019) dated 26-02-2019

2. **Crime Intelligence Branch (CIB), duties of Board Units-**

2.1. In order to safeguard the railway content lying in different places, the information of its whereabouts is found to be unsafe in the jurisdiction, to the respective charge inspector, Sr.DSC / DSC and PCSC.

2.2. Wherever the railway material is collected and where the watchdog has been appointed by the respective department, the information will also be forwarded to the concerned In-charge Inspector, Sr.DSC /DSC and PCSC.

2.3. Reviewing the crime and reviewing the present actions of the accused involved in the past 10 years, if necessary, in its earlier cases, where the crimes against Railway property were committed, Keep information about the culprits caught in them and at the present time, will keep an eye on what the daily activities of such criminals are and their updated instructions Mbdit been transmitted to the Inspector in charge, Sr. DSC / DSC and PCSC.

2.4. How many warrants released from the court against wanted and criminal proceedings are pending due to non-arrest of criminals, inform them and cooperate for arrest.

2.5. To supervise the ACP and illegal vending, the agencies will collect intelligence on the crime under section 141 and 144 of the Railways Act. In cases where the ACP and illegal vending crimes are happening repeatedly, according to the instructions given in this crime manual, the notice will be forwarded to the concerned Sr.DSC /DSC and PCSC.

2.6. In the sight of the perpetrators involved in the theft of rail materials and the vehicles used by them, they will collect intelligence that the surrounding laborers who specialize in lifting the goods, their details and current activities

related to crime is the nearby vehicle used to transport stolen goods. To dispatch these inquiries to the concerned In-charge Inspector, Sr.DSC/DSC and PCSC.

2.7 Make confidentiality for crime control with high privacy. An inspector can also be an old criminal; Vendor, Coolie, village collector or other appropriate person can be made an informant. Information about the informant should be kept very confidential. Any kind of unpleasant event can happen with the name exposed.

2.8 To oversee the force involved in crime, the posting officer and staff who are involved in the crime will raise money by collecting money, transmitting surveillance reports to the premises.

2.9 To mark the affected area of crime, by marking the affected areas in view of the crime, they will inform Sr.DSC /DSC for action.

2.10. In view of the sharing of crime information to the posts, Railway Act 143 will collect intelligence in the cases of theft, poisoning, robbery, Dacoityof passenger baggage and dispatch the respective charge inspector, Sr.DSC /DSC and PCSC.

2.11. Even if the Inspector is not able to control the crime even after the crime inspector is there, the arrest and other proceeding of the culprit will be done in accordance with the permission given by Sr.DSC / DSC and PCSC from CIB and accordingly, the information will be immediately issued in the form of Sr.DSC/ DSC and PCSC will be given too.

2.12. Evolution of cases given by PCSC.

3.1 **List of registers to be maintained by Divisional CIB Units**-

Name of Register with Code

Sl.No.	Register Code	Name of the Register
1.	CIB-1	Railway Act Register
2.	CIB-2	Railway Act Enquiry Register
3.	CIB-3	RP(UP) Act Register
4.	CIB-4	RP(UP) Act Enquiry Regiser
5.	CIB-5	Surveillance Register of criminals(RP(UP) Act)
6.	CIB-6	Surveillance register of criminals (TOPB)
7.	CIB-7	Delivery register
8.	CIB-8	Complaint Register
9.	CIB-9	Heinous crime register
10.	CIB-10	Drugging Register
11.	CIB-11	Control Message Register
12.	CIB-12	Railway Criminal Register (Confidential)
13.	CIB-13	Confidential Register
14.	CIB-14	Intelligence Register
15.	CIB-15	Receiver Register

CIB -1

3.1 **Format of Register of Rly. Act**

1	2	3	4	5	6	7	8	9

Sl	Crime No. and date	Section and date	Breief description of incident, date and time	Name and time of arresting officer and staff	Place of occurrence	The name of the accused, the name of the father and the permanent and temporary address	date of appearance in the court	Order of the court with date

CIB -2

3.2 Format of the Enquiry Register under Rly. Act.

1	2	3	4	5	6	7
Sl. No.	Crime No. and Date	Section	Name and address of the accused	Enquiry officer with date of enquiry	The date of completion of the enquiry and Sl. No. of complaint filed with date	Result

CIB -3

3.3. Format of the Register under RP(UP) Act

1	2	3	4	5	6	7	8	9	10
Sl. No.	Crime No.	Date, time and place of occurrence	Brief description of the offence	Jurisdiction of Police/ GRP	Jurisdiction of the Magistrate	Name and address of the arrested persons	Description of the seized railway property	Result of the enquiry	Action taken on the date fixed in the court in the case with last result

CIB -4

3.4. Format for enquiry register under RP(UP) Act

1	2	3	4	5	6	7
Sl.No.	Crime No. and date	Section	Name and address of the accused	Enquiry officer with date of enquiry	Date of completion of enquiry and Sl. No. and date of filling of the complaint	Result

CIB-5

3.5 Format of Surveillance of offenders – concern to RP(UP) Act

1	2	3	4	5	6
Sl.No.	Name and address of the accused	Offence of the offender	Name, Desig, date and time of the staff sent for surveliance	Present activity of the accused	File No. and page No. of the report kept with photo of the accused

CIB-6

3.6 Format of Surveillance of offenders – concern to theft of passenger belongings

1	2	3	4	5	6
Sl.No.	Name and address of the accused	Offence of the offender	Name, Desig, date and time of the staff sent for surveliance	Present activity of the accused	File No. and page No. of the report kept with photo of the accused

CIB-7

3.7. Format of delivery register

1	2	3	4	5	6	7	8	9
Sl.No.	Date of lot for delivery	Property	Weight/ quantity	Delivery Seal	Lot	Name and address of the owner if the firm	Name and address of the representative with identity of authority	Remark

CIB-8

3.8. Format of Complaint Register

1	2	3	4	5	6	7	8
Sl.No.	Letter No. of DSC/ASC/ Post	Description of the complaint	Date of enquiry handed over	Name Desig. of the enqiry officer	Date of submitting the report with sign.	Remark	Sig. of the Inspector

CIB-9

3.9. Format of Heinous Crime Register

1	2	3	4	5	6	7	8	9	10	11
Sl.No.	Type of crime	Date of Incident	Crime No., section and date	Property stolen	Property recovered	Arrest (in Train / premises),	Place of occurrence	Brief description of the incident	Enquiry officer	Detail of action taken on every day

CIB-10

3.10 Format of the Drugging Register

1	2	3	4	5	6	7	8	9	10	11	12
Sl.No.	Type of the offence	Date of the incident	Crime No., section and date	Drugging	Recovered property	Arrest (train/ premises)	Name, address and Mob No. of the victim	Place of occurrence (train/ Rly. premises)	Brief description of the incident	Enquiry officer	Detail of action taken on every day

CIB-11

3.11 Format of Control Message Register

1	2	3	4	5	6
Sl. No.	Date and time	Name and designation of the informant	Name and designation of the writer of the information	Details of the information	Remark

CIB-12

3.12 Register of Railway Offenders (Confidential) format

1	2	3	4	5	6	7	8
Sl.No.	Name, surname and fathers name	Business and address	Details of the proven offence	Case in which he is suspected	Modus operandi of the offence	Name and address of the accomplish	Special details.

CIB -13

13. Format of Confidential Register

----------Railway
Railway Protection Force

CIB-14

14. Register of Receivers

1	2	3	4	5	6	7	8	9
Sl. No.	Name, surname and father's name of the receiver	Full address, Adhar no. including Mobile no.	Details of the business	Details of the case with crime no. in which the arrest was made	Recovered property with value	Detail of cases registered previously against him (with name of the post and Crime no.)	Name and address of accomplish	Specific details if any

CIB-15

15. Register of Intelligence

1	2	3	4	5	6	7
S.No	Date and Time	Name and address of Intelligence giver	Name and designation of writer of intelligence	Details of intelligence	Details on action taken on the Intelligence received	Remark

CHAPTER-10

Protection of women and children

1. **Child trafficking in India** - Child trafficking can be defined as any person under the age of 18, who is recruited, transported, transferred, sheltered or kept for the purpose of exploitation within or outside the country. Smuggling is an organized global crime, which violates the basic rights of human beings. This is one of the most serious issues that haunt India. Legal provisions for dealing with smuggling in India, such as the Immoral Traffic(Prevention) Act 1956 (ITPA), Section 370-A of Criminal Law (Amendment) Act 2013 and Protection of Children from Sexual Offences (POCSO) Act 2012. In year 2017 on the issue of trafficking from the point of view of prevention, protection and rehabilitation, a comprehensive bill called Human Trafficking (Prevention, Protection and Rehabilitation) Bill 2017 by the Government of India has been introduced.

2. Children in contact with railway

2.1. There are such children who are in contact with the Railway, and are defined in Section 2 (d) of the Juvenile Justice (Care and Protection) Act 2015 and those who require care and protection.

2.2. These include children who travel in railway or in any part of the railway premises or living on rail or rail tracks or are in conflict with law.

2.3. Two types of children are found in the railway station:

i. **Children in conflict with the law-** Children who are involved in activities that are against the law.

ii. **Children in need of care and Protection-** Such children who find themselves lost, lonely and fearful, who do not have the possibility of where to go or what to do. Such children are alone, without any means of survival and basic amenities, and thus are unprotected.

3. Cooperation in creating a protective environment for women and children on Railway Stations-

3.1. For ensuring the safety of women and children at any railway station, the primary stakeholders are all those who have been assigned the task of operating the railway station in an effective manner, i.e. station master / station superintendent, train ticket instructor / ticket collector, other commercial and technical railway staff, Railway Protection Force, government railway police and others.

3.2. The secondary stakeholders are those who are equally important in creating a protective environment for children. These include the following:

i. Cooley / Porter
ii. Station's Vendor
iii. Cleaning Staff
iv. Passenger / daily passenger
v. Escorting Staff
vi. Taxi / Auto Rickshaw/ Cycle Rickshaw driver
vii. Non Governmental organization (NGO)

3.3. Apart from these stakeholders, they are also non-governmental organizations (NGOs) who are already working in various railway stations and nearby areas in this regard.

4. Procedure for supervision of children found in trains / premises: -

4.1. Whenever a child is found in the railway premises or in the train by the Railway Protection Force, the Government Railway Police, a railway employee or any other government servant or a friendly citizen of the public, he / she will take that child to the station master / station superintendent.

4.2. Whenever a child is found in the train, TTE / TC / RPF / GRP or the person receiving the child has to take care of the child till the child care facility is available at the next major station.

4.3. If child care facility is available at the station, station superintendent / station master will inform the RPF / GRP to provide security for the child.

4.4. The station superintendent / station master will record the details of the child and the person who has brought that child, in the register which is maintained for this purpose , in which name, father's name, address, mobile number, identity card number will be mentioned. Format (Annexure-1).

4.5 The Station Superintendent / Station Master will provide seperate suitable places for male & female child. If the waiting room is available, the female child will be kept in the waiting room, unless the child is handed over to the CWC according to the SOP.

4.6 The station master will pay for the cost of transportation, food, photography, medical facility and transportation to CWC from station imprest. The inspector in-charge will get the cost incurred by him on any of these items, on a voucher to be given to the station master which has his signature, name, post, stamp and then will receive the amount from the station master.

Provisions-

1. Railway Board's Letter - 2017/Sec(Spl)/SOP/CHD New Delhi dt. 24/29.08.2018
2. Railway Board's Letter - 2018/Trans Cell/E/Protection of Child Right New Delhi Dated. 23.08.2018

4.7. Upon receipt of information by the station superintendent / station master, the post in-charge himself or his subordinate officer will attend the station superintendent / station master.

4.8 If a female child is found, then RPF's lady constable will protect her. In case of unavailability of the lady constable, the post in-charge will be assisted by GRP's lady constable or any lady railway staff.

4.9 When the RPF's staff approaches the Station superintendent / Station Master, then he/she will handover the child and the details recorded in paragraph 4.4 to the RPF staff. Then RPF's staff will return to the RPF post and will register the complete details in the relevant register and roznamcha. The format of the register is as follows: -

Sl. No.	Name of the child, name of the father / guardian, mobile number and address	Name of the child, mobile number and address of the child	Reference of the station master's register	Rojnamcha number	photo of child	Remark

4.10. The photograph of the child will be prepared by RPF and will paste the photo in the respective register of the RPF post and give a photo to the station master, who will paste the photo in his respective register.

4.11. At the address given by the child, the child's parents / guardian / relative will be informed by Post in-charge. The help of the concerned local police station / village head will be taken to provide information.

4.12. If any items are recovered from the children, a list of them will be prepared and written in the register and they will be sent to the CWC along with the child.

4.13 Periodic announcements will be made on public announcement system regarding the child being found.

4.14. Child help line will be informed on 1098 if any child is found.

4.15. Inspector in-charge will hand over the child to Child Line/ Child Help Desk / Child Welfare Committee or authorized NGO without delay, within 24 hours of recovery, at the station or outside the station premises if they are not available in the premises, after completing the procedures mentioned above along with following documents:

i. Forwarding letter / application form.
ii. Rojnamcha Copy
iii. Medical certificate of the child.
iv. If there are any items recovered from the child, money etc.
v. Human rights related form. Format (Annexure-2)

4.16. Child Help Desk's in-charge will send the monthly report as per Annexure 3 to the Additional Divisional Railway Manager.

4.17. The child whose name, address is unknown or the child is unable to provide his name, address, in that situation his photo and description will be uploaded on the "Lost Found" app.

4.18. Inspector in-charge will forward the photo and description of the child whose name, address is unknown or the child is unable to provide his name and address to Sr. DSC / DSC for publication in newspapers.

4.19. During enquiry and escorting the children, the RPF staff shall not wear uniform.
Provision-Rule 8 (4) of Juvenile Justice (Care and Protection of children) Act 2015

4.20. For the girl's escort, only lady RPF staff shall be deployed.

4.21. If the details of any child or woman are not being found, then in such a situation, their thumb impression will be used in the Aadhaar card system, if their Aadhaar card is made, their details will be found.

4.22 The information on action taken will be given to Station Master/Station Superientendent so that the details can be written in the register mentioned in **Annexure-1**.

5. Steps to take care of the children found in the train

5.1. RPF Escort will consult onboard TTE and will take necessary action to protect the child.

5.2. RPF Escort will provide temporary transit care and protection to the child until they reach the next scheduled major station.

5.3. RPF Escort will provide drinking water, food or first aid for child if necessary during transit care in the train. The Voucher of the expenditures will be handed over by the Escort party to Inspector in-charge of the station. The inspector in-charge will deposit the voucher to the Station Superintendent / Station Master of that station and get the

money reimbursed to the Escort party. The details will be registered in Rojnamcha of RPF post.

5.4. RPF Escort will try to communicate with the child in an appropriate manner so that the child becomes comfortable.

5.5 RPF Escort will record important details of child/children i.e. name, age, details of parents / guardians / relatives and their contact number, departure station, destination station, ticket etc.

5.6. RPF Escort will inform the station master /station superintendent, RPF of the next major station 'where the train will stop' through the onboard security helpline / security control room for receiving the child/children in the next railway station.

5.7. After reaching the railway station, remaining procedures will be followed in accordance with para 4.

5.8. The suspected child or group of children travelling with or without an adult member will be monitored regularly by RPF Train Escorting Staff.

6. Duties of the Inspector in-charge for the safety of children -

6.1. The access to the CCTV surveillance network for monitoring / identifying the child on station / platform, yard etc. should be made available to the authorised NGO.

6.2. Briefing of Railway personnel on child protection issues during regular meetings at the stations.

6.3 Organize awareness program about child protection, at least once a month, among stakeholders such as Porter, Vender, Passenger, TTE, TC and Cleaning staff. It may include orientation / sensitization sessions for these groups in the railway premises.

6.4. The emergency helpline number 182 and especially 1098 will be displayed on display screen in all the railway stations of their jurisdiction.

6.5. In order to prevent the possibility of children being found by wrong people, the deployment of the 01 RPF staff in each shift on the railway stations will be made as SJPU (Special Juvenile Police Units).

6.6. RPF will gather intelligence by coordinating with intelligence units, GRP, civil police, other railway workers and recognized NGOs.

6.7. According to the guidelines of booklet issued by NCPCR, “Guidebook for creating a Child Friendly and Protective Environment for Children in Contact with Railways”, Inspector in-charge will ensure that the procedures in case of children come in contact with railways, are followed.

6.8 To make the passengers aware of the safety of women and children, the posters and stickers will be pasted on the important places of the coaches and railway stations.

6.9 The photos of the criminals involved in human trafficking will be made available for identification so that such criminals can easily be identified by RPF and other railway workers.

6.10. Special cell for human trafficking can be formed at stations where there is a problem of human trafficking. In this cell, experienced force members shall be deployed.

6.11. General Coaches of trains are especially used for human trafficking. General Coaches should be closely monitored.

6.12. Monthly reports will be given to Sr.DSC / DSC.

7. Training-

The members of RPF, GRP and other departments of Railways should be trained through seminar and courses in every RPF Zonal Training Centres, through coordination with other departments of the Railway by PCSC.

8. Coordination Officer at Division, Zone and Railway Board level

8.1. ADRM will be Nodal Officer at the Division level and will be assisted by the Sr. DCM, Sr. DEN (Coord) and Sr. DSC.
8.2. The AGM at the zonal level will be assisted by the PCCM, PCEN and PCSC.
8.3. Additional Member / Commercial will be Nodal Officer at the Railway Board, will be assisted by EDPM, IG /C&I and ED/ CE.

9. Procedures on the women being found-

The same procedure will be followed in the context of a woman being found, which has been directed above in relation to the female child/girl. The woman found will be handed over to official Nari Niketan along with relevant documents.

Annexure 1

10. **Format of maintained register in Office of Stations Master / Stations Superintendent**

Sl. No.	Description
01	Child's name, gender and age
02	Father's Name
03	Mother's name
04	Name of the siblings and their age
05	Address-village, police station, district, state
06	Child's photo
07	Child's Health
08	List of items
09	The reason for a child's leaving house. A. family discord B. Education related C. Employment related D. any other reason (specify)
10	How the child was found - alone, with friends, with relatives, with strangers, etc. (please give details)
11	In the case of finding a child in the train - the date, time and number of train etc., Also mark the date and time of receiving and leaving for each child.
12	Name and identity of the person sending / bringing the child or children.
13	Describe the identity of the person, including details of the name, designation and the relation of the child to the person / relative who handed over the child or children.
14	Name, designation, office name, phone number of the officer / person presenting the child to the Child Welfare Committee. Time of departure and time of handing over to Child Welfare Committee.
15	Enter a brief description of receiving and leaving of the total children in the record everyday.

11. Format for compliance with the laws of human rights

Post-

Division-

1. Name and designation of the member of the Force that seeks search of women / children ....
2. Full details of the items recovered from the search of women / children ----------
   ----
3. Place of rescue of women/ children .....
4. Full name and address of the rescued woman / children .....
5. Name and address of the witness at the time of the rescue .....
   ....
6. Details of the name, designation, and fellow staff of the rescuer.....
7. Medical examination of rescued women/ children was done or not, if not done then give reason, if it was done then the name and designation of the employee who was sent along with them ....
8. Places where the women and children were rescued..... time, from.....to.....
9. Date and Serial No. of RPF's Rojnamcha ....
10. Name and address of close family member/friend to whom the information of rescued women /children has been given .....
11. Time and details of enquiry of rescued women / children whether recorded or not .....

Signatures have been certified by post in-charge.

(Authorized force member)

Name, designation

RPF Post .....

Annexure 3

12. **Format of the monthly review report of the convener of Child Help Desk to be submitted to ADRM: -**

Sl.No	Brief description of case number / date / time / saving person / circumstance etc.	Division / station	Phone Number of Railway and BSNL	Date and time of delivery of child / children to Child Help Desk / Kiosk of NGO / Child line	Details of the expense on the child care from imprest.

CHAPTER-11

Procedures to be followed by RPF in relation to Smuggling of foreign goods / prohibited goods and animals

1. Procedures in case of recovery of smuggled goods and non-arrest of smuggler-

1.1. In the trains / railway premises, when a member of the Force recovers the foreign goods in an unclaimed condition, the first information will be given to the concerned post in-charge.
1.2. Post in-charge or any subordinate officer authorised by him, will seize the foreign goods/ prohibited goods / animals with preparation of a seizure note and will register the recovered goods along with values in the Rojnamcha at post.
1.3. Values will be determined by the price in international market.
1.4. If the goods recovered are related to the customs department, then it will be handed over to the customs department along with the acknowledgment through a letter.
1.5. The animal recovered, such as the two-headed snake, turtle, peacock, deer, animal's skin, teeth, animal's horn, bird and sandalwood, will be handed over to the forest department along with a letter and an acknowledgement will be received.
1.6. If foreign currencies and gold are recovered, then it will be handed over to the Customs department along with a letter to prosecute under COFEPOSA Act 1974 and acknowledgement will be received.
1.7 Details of all the procedures will be recorded in the Rojnamcha / Register.

2. Procedures in case of recovery of smuggled goods and arrest of smuggler

2.1. If a smuggler is arrested with smuggled goods, first a seizure note will be prepared in front of the arrested person and an independent witness.
2.2. The complete details of the recovered goods will be written in the seizure note.
2.3. If recovered foreign goods can be sealed, then the model seal will be prepared by sealing it.
2.4. The Inspector in-charge or any subordinate officer who arrest the smuggler will come to the post with the recovered goods and will register it in Rojnamcha.
2.5. If any violation of any section of the Railway Act against the smuggler is found (for example, obstructing the duty of the railway staff, unauthorized entry in Railway premises, doing nuisance, etc.), then a case will be registered under the relevant sections and The smuggler will be kept in the custody of the post. If no crime is found in any section of the Railway Act, no action will be taken under the Railway Act.
2.6. Customs department will be informed in writing for legal action at their level about arrested smuggler and recovered smuggled goods by Inspector in-charge and an acknowledgment will be received.
2.7 Recovered smuggled goods along with documents will be made available.
2.8 If any intoxicating substances are found in the recovered goods, then it will be handed over to the Narcotic Control Bureau(NCB) after preparation of seizure note.

3. Format of documents- The documents which will be prepared for the procedures in chapter 10 has been provided in Chapter 1.

CHAPTER-12

The Cigarettes and other tobacco products

(**Prohibition of advertisement and regulation of trade and commerce, production, supply and distribution) Act 2003**

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1. **Section-3 (L) –Public place**

1.1. “Public place” means any place to which people have access, whether as of right or not, and includes auditorium, hospital buildings, railway waiting room, amusement centre, restaurants, public offices, court buildings, educational institutions, libraries, public conveyances and the like which are visited by general public but does not include any open space.

1.2. Section-4. Prohibition of smoking in public place- No person shall smoke in any public place provided that in a hotel having thirty rooms or a restaurant having seating capacity of thirty persons or more and in the airports, a separate provision for smoking area or space may be made.

1.3. Section-6. Prohibition of sale of cigarettes or other tobacco products to a person below the age of 18 years and in any particular area - No person shall sell, offer for sale, or permit sale of, cigarettes or any other tobacco product –

i. To any person who is under 18 years of age, and
ii. In an area within a radius of 100 yards of any educational institution.

1.4. Section- 21. Penalties for smoking in some places-

i. Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to two hundred rupees.
ii. An offence under this section shall be compoundable and shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.

1.5. Section-24. Punishment for selling cigarettes or other tobacco products to a person below the age of 18 years and in any particular area-

i. Any person who contravenes the provisions of section 6 shall be guilty of an offence under this Act and shall be punishable with fine which may extend to two hundred rupees.
ii. All offences under this section shall be compoundable and shall be tried summarily in accordance with the procedure provided for summary trials in the Code of Criminal Procedure, 1973.

1.6. Section 25. Prevention, detention and place of trial of offences under section 4 and 6

i. Notwithstanding anything contained in any other law for the time being in force, the Central Government or the State Government may, by notification in the Official Gazette, authorise one or more persons who shall be competent to act under this Act: Provided that the person so authorised may, if he has reasonable ground for believing that any person has committed an offence under section 4 or section 6, may detain such person unless the accused person furnishes his name and address, and otherwise satisfies the officer detaining him that he will duly answer any summons or other proceedings which may be taken against him.
ii. Any person detained under sub-section (i) shall forthwith be taken before Magistrate to be dealt with according to law.

1.7 Section-27. An offence punishable under this Act shall be bailable.

1.8 Section-28. Any offence committed under section 4 or section 6 may either before or after the institution of the prosecution be compounded by such officer authorised by Central Government or State Government and for an amount which may not exceed two hundred rupees.

Note: Through the Central Government's GSR 21 (E) dated 12.01.2006

i. An Officer of the rank not less than the ticket collector of the commerce department or equivalent officer of the Operative department. **Or**

ii. An officer of the rank not less than Assistant Sub-Inspector of the Railway Protection Force, who is competent, has been authorized to take action under this Act.

2. Procedure of action taken by the Inspector in-charge under this Act: -

2.1 For offences under Section 4 or 6 of this Act, the Inspector in-charge himself or the Subordinate Officer will release the offender on the spot by taking fine and giving receipt of the acknowledgment of Rupees Two hundred.
Format- (Annexure-1)
Provision- Section 28 (1) of this Act

2.2. The notice of procedures under Para 2.1 will be register in Rojnamcha.

2.3. The money received from the penalty will be deposited in the booking office daily and receipt will be taken, which will be pasted in the register for record on the post. According to Annexure-5, the monthly report will be forwarded to the Sr.DSC / DSC in details. This report will be forwarded to PCSC by Sr. DSC / DSC.

2.4. If the offender does not pay the fine on the spot, and if his name and address are correct and it becomes clear that he will answer the summon or other proceedings in a proper manner, then by filling a payment receipt on his information, by filling a bond paper with his signature, a bail form will be prepared and he will be released. On the prescribed date in the bond letter, the Court Advocates / Investigators will appear in the court along with the above documents. The order of the court will be complied by the post and will be register in Rojnamcha.
Format of bond letter (Annexure-2)
Format of bail form (Annexure-3)
Format of bail bond (Annexure-4)

2.5. If the offender does not pay the fine on the spot, nor does he tell his name and address, nor does he make it clear that he will answer the summons or other proceedings in a proper manner, then he shall be detained.

2.6. According to Para 2.3, for detaining the offenders the procedures like, preparing the memo, conducting personal search etc are to be conducted on the spot, complying with the provisions of the Code of Criminal Procedure Code 1973 and the directions of Hon'ble Supreme Court.

2.7. After reaching the post, the details will be recorded in the Rojnamcha and the accused will be produced, before the Magistrate, forthwith.

Provision- Section 25 (2) of this Act

Note- If a person is found smoking and through the body language and activities if it is evident to the member of force, that the person is a juvenile delinquent or is a woman, then the procedure to be followed…

3. If the offender is a juvenile delinquent: -

3.1. If the offender is a juvenile delinquent and pays the fine, then according to Para 2.1, he shall be released.

3.2. If the offender does not pay the fine, his name and address are correct and it becomes clear that he will answer the summon or other proceedings in a proper manner, then he shall be produced before the Juvenile Justice Board and information will be given to his guardian.

3.3. During the proceeding, the provisions of Juvenile Justice (Care and Protection of Children) Act 2015 shall be followed.

4. If the offender is a woman: -

4.1. The arrest and the search of such woman shall be done by a lady officer.
(Provision in section 46 and 51(2) of the Code of Criminal Procedure 1973)

4.2. All the remaining proceedings shall be in accordance with Para 2.

5. Format of payment receipt

007599

भारतीय रेल INDIAN RAILWAYS

रेल सुरक्षा बल RAILWAY PROTECTION FORCE

कार्यालय प्रति Office Copy

सिगरेट और तम्बाकू उत्पाद (विज्ञापन पर रोक और व्यापार विनिमय उत्पादन, आपूर्ति और वितरण) 2003 का अधिनियम 34 के अंतर्गत अपराध करने वालों के लिए चालान एवं रसीद

Challan and receipt for compounding of offences under the CIGARETTES and other TOBACCO products (Prohibition of advertisement and regulation of trade, production, supply and distribution) Act 34 of 2003.

Book No. ..... Receipt No. .....

प्रतिवादी का नाम..... सुपुत्र..... S/O
Respondents Name

निवासी R/o .....

Dear Sir/Madam,

कृपया नोट करें कि यात्रा करते समय/चलती गाड़ी में उपर्युक्त नियम की धारा 4/धारा 6 के अंतर्गत आपने अपराध किया है, आप धूम्रपान कर रहे थे / सिगरेट / तंबाकू उत्पादन बेच रहे थे।

Please note that you have committed an offence under section 4 / under section 6 of the above Act, *i.e.* you have been smoking / selling CIGARETTES / TOBACCO products.

गाड़ी का नाम व सं०..... रेलवे स्टेशन..... रेलवे परिसर.....
Train Name and No. Railway Station Railway premises

समय..... बजे दिनांक.....
Time hrs. date

आप तत्स्थान इस अपराध के लिए शुल्क ..... रुपये अदा करें या दि. ..... को ..... बजे ..... न्यायालय में उपस्थित हों ।

आपने अपराध स्वीकार किया है और तत्स्थान..... रु. (अक्षरों में) ..... अदा किया है।

You may pay the compounding fee of Rs..... at the spot or to attend Hon'ble Court of ..... on ..... at ..... hrs.

You agreed for compounding the offence and paid Rs. ..... (in word) ..... on the spot

प्रतिवादी के हस्ताक्षर Respondent's Signature

NER-2010-11-0463-500 Bks-Jan . 11

अधिकृत अधिकारी Officer Authorized

6. Format of bond letter

I am (Name .....) resident of (Place) ....., arrested without warrant or detained by the Post in-charge of the RPF post (.....) and being charged in crime (.....when produced before the court) and I shall be present every day before such officer or court, in which any investigation or inquiry may be made against such allegations, and I bind myself that if I fail in it, The sum of .... rupee from my deposit will be forfeited to the government.

Date ..... Signature of the Accused .....

7. Format of bail bond given by the accused

I ..... (the name and address of the accused), hereby declare myself that I am accused in CC No..... under section ..... at RPF Post ....., I shall be present by myself on time at date..... in the court of Hon'ble Additional Chief Judicial Magistrate, Railway - ....., if I fail to do this, I shall be forfeited my money which shall be collected from my movable or immovable property, for this I shall have no objection.

Date .....
Signature of the accused
Name and address

Annexure-4

8. Format of bail bond given by guarantor-

I ..... (name and address of the guarantor) hereby declare myself that I know the accused in CC No..... under section ..... at RPF Post .....,....., I am ready to take surety of (the name and address of the accused), the accused shall be produced in the court of Honorable Additional Chief Judicial Magistrate on time at date....., if I fail to do this, I shall be forfeited my money which shall be collected from my movable or immovable property, for this I shall have no objection.

After acceptance of bail by the Inspector in-charge, the details will be recorded in the Rojnamcha and the accused shall be granted bail.

Date .....

Signature of the Guarantor
Name and address

Annexure-5

9. Format of Monthly Report-

Month	No. of persons fined by RPF	No. of persons prosecuted	No. of persons convicted	Amount of fine realized

CHAPTER-13

Unlawful Assembly (Crowd)
Mob Dispersal

1. Definition of Unlawful Assembly (Crowd): -

1.1. Crowd means gathering of a group of people. When the masses gather in a high number for any reason or purpose, then they are called crowd. Any crowd, which has no explicit general meaning or purpose, is called passive crowd. But when this gathering (crowd) creates unnecessary pressure on the administration or behave aggressively for the fulfillment of its demands, it is called an active crowd.

1.2. Law against Unlawful Assembly is defined under Section 141 of the Indian Penal Code, in which "Five or more persons are present and if the people from whom the mobilization has been formed, their general purpose is following -

i) Firstly, To overawe by criminal force, or show of criminal force, 1[the Central or any State Government or Parliament or the Legislature of any State], or any public servant in the exercise of the lawful power of such public servant, or

ii) Second- To resist the execution of any law, or of any legal process; or

iii) Third- To commit any mischief or criminal trespass, or other offence; or

iv) Fourth- By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

v) Fifth-By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do. Explanation.—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.
Explanation- Any crowd which at the time of gathering was not unlawful, later on may become unlawful

1.3. Since the responsibility of maintaining the law and order is given to the State Government under the Indian constitution, so the presence of Unlawful Assembly (crowd) comes under the category of law and order, so the primary responsibility for scattering the mob lies with the local administration of the state government. If such a mob has gathered in the rail premises, then the post in charge of the Railway Protection Force should not initiate the dispersal of the said crowd, but the information of the above situation be notified to the local administration of the state government and the higher officials of the force.We should keep watch on the situation.

1.4. Under chapter 10 of the Penal Code, any Unlawful Assembly (mob) against the law can be dispersed in the following manner: -

i) By using civil force (Section 129)
ii) Through the use of armed force (Section 130).
iii) barring some exceptional circumstances, the Gazetted Officer of the Armed Force (Section 131)

2. Duty of Inspector in charge of RPF, on receipt of notification regarding the Unlawful Assembly (Mob):

2.1. When the in charge inspector receives any information or written memo in relation to such a crowd or receives any information from the special intelligence branch, then the information will be first mentioned in the daily diary and the relevant information will be forwarded to the concerned higher officials.

2.2. Inspector In-charge will send the request to his DSC / Senior DSC to depute any Gazetted Officer on the spot.

2.3. Thereafter, the Inspector In-chargewill obtain detailed information such as the number of people in crowd, the purpose of the crowd, location, date, time etc. from his sources, special intelligence branch, IB, LIU etc. Considering the necessary force and the resources available to control the crowd as per the requirement, he will apprise the control room, high officials, local police and civil administration as per the circumstances of the case and in the above context; advance action will be ensured according to the instructions obtained from high officials.

2.4. All railway protection force posts should have the map of their jurisdiction and it should mention the police stations and GRP stations. Incharge inspector should keep the name and mobile number of the officers of the concerned GRP police station and police station, so that they can be contacted immediately contacted in need for assistance.

2.5. In addition, the name and mobile number of the Civil Administration such as District Officer, Additional District Officer and concerned Deputy District Officer and Chief Judicial Magistrate and concerned Judicial Magistrate should also be available to all the post in charge and coordinate with all the above officers, and wait for orders for further action.

2.6. The in charge inspector will deploy some of his force personnel in the plain uniform to know the object of the said crowd at the place of Unlawful Assembly.

2.7 The inspector In-charge will also deploy the force along with the camera and video camera at the gathering (crowd) site, so that the members of the said crowd can be identified if required.

2.8 If the local administration is unable to reach the gathering (crowd) which has happened against the law and if the above gathering is unregulated or fierce, then Inspector In-charge will arrive on the spot with the necessary force and resources, such as: weapon-bullet , stick, helmets, body protector, camera, video camera, loud hailer, first aid box, stretcher etc. and in the night time, Dragon search light etc. immediately and talk to the people who lead the crowd, know what problem they have, and try to convince them after knowing their problems and tell them that their gathering inside the railway premise is illegal, which is an offense punishable under Section 147 of Railway Act 1989. If you have any demand, then you can present your demand through a memorandum before the District Magistrate / Competent Authority or if you want to demonstrate, then you can conduct your protest/demonstration / rally on the site marked by the District Magistrate for the said purpose and they should immediately move out from the railway premise.

2.9 Taking into consideration the points mentioned above, the in-charge of the RPF Postat the event site should not give any order which may affect law and order. Post-in-

charge will coordinate with the local civil administration and act as his assistant and provide reasonable force upon demand by them and will continue to inform the high officials of the situation from time to time.

3. **If the local administration officer is not available at the site of Unlawful Assembly (crowd) then the procedure to be adopted by the Gazetted Officer and In charge Inspector of the force present at the site of the incident**: -

3.1. When dispersing such a gatheringagainst the law (crowd) is impossible according to the procedure described in Section 129 and 130 of IPC due to the absence of local civil administration, and the said gathering (crowd) clearly endangers the public order and it is not possible to immediately contact with any executive magistrate I, then in the said position a Commissioner of the force present or any official of the gazetted level, with the help of his subordinate force will disperse the crowd as per procedure mentioned in section 131 and can arrest any member or members of the mob (crowd) according to the procedure in the said section. It should also be noted here that if contact with an executive magistrate is done by the Commissioner of the force or the gazetted officer at the time of dispersal of the crowd (crowd), then further action will be taken by the order of the said Executive Magistrate.

3.2. It will be the duty of the officer to use only that much force to disperse the above gathering (crowd) as it appears to be appropriate in the circumstances of the case.

3.3. Under the said procedure, the concerned force in charge inspector will ensure the following action according to the manner ordered by his senior officer: -

i) The matter will be announced from the Loud hailer by the in charge-Inspector, that your mobilization (crowd) is illegal, that you should leave immediately from here, if even then the member of that crowd does not withdraw from that setting, he will be considered a member of the Unlawful Assembly and necessary force will be used to remove him.

ii) Videography and photography will be done for the entire incident.

iii) If the crowd does not turn away even after the warnings against Unlawful Assembly, then the force will do proportionate lathi charge to disperse the crowd (mob). But while doing Lathi charge, it should be taken care that the sticks are to be used around the thighs and below the waist. As soon as the member of the Unlawful Assembly is removed from the place, the sticks will not be used. If a member of the crowd (mob) is injured in the course of the lathi charge, then the member will be given proper medical assistance while in custody.

iv) If the above crowd is not dispersed even after the lathi charge, and if the said illegal agitation becomes aggressive / violent then the announcement will be made through the loud hailer that "Unlawful Assembly is violent." And if after the announcement, the members of the Unlawful Assembly are not moving out and the damage of property is still being done, an announcement needs to be made that “You are warned that you should leave this place and go to a safer place, otherwise you may get shot. " such an announcement may be done more than once according to need.

v) If the Unlawful Assembly is not scattered even after the said announcement, then the written authority of the Gazetted Officer of the force present on the spot or if

any gazetted officer is not present, the senior most officer of the Force present will take permission from the Gazetted Officer to fire in self defense.

vi) The officer giving the firing order will ensure that in the beginning one round will be fired in air by any force member. If the crowd starts scattering after the air firing, then the officer giving the order will stop the firing. If the crowd is not dispersed even after firing in air, then a round will re-fired in air and how many people will do air firing will depend on circumstances.

vii) If the crowd doesn't disperse even after firing for the second time in air and attacks the attacks the members of the Force, then in such a situation, the force member will fire on the crowd to defend itself, but it Will be kept in mind that firing will be done only after taking aim at below the waist, also if possible, it will be taken care that the bullets are not targeted at women and children.

viii) After firing, the work of the primary treatment party will be that those who have been injured will be immediately sent to the hospital after getting the first aid. If the members of the crowd have died, then if the local police is present on the spot, the police will take action and if the local police is not present, then the information to related police station, along with complete details related to the incident, will be promptly dispatched and till the police arrives, will protect the surroundings.

ix) Details of the weapon bullet at the incident site - details of how many rounds were fired, Missed rounds, empty case (Khoka) will be prepared.

xi) It will be assessed by the Inspector in charge how many lives and losses have happened in the above incident and the report will be prepared and sent to all the concerned officers.

xii) In the above proceedings, the injured persons (who were part of the mobilization (mob)) will be provided immediate medical assistance.

xiii) Detailed report of the entire episode, if the magistrates is present, then will be prepared on the spot under his direction.

xiv) In addition to the firing party, there will be a reserve party who will send the injured to the hospital immediately and make a list of the dead, and hand over to the police for further action and if the police ask for help for the post-mortem then they will cooperate.

xv) The detailed report of the entire event sequence will be recorded in the daily Roznamcha. If the incident is related to the provisions mentioned in RPF rule 230 and the Permanent Order Number -108, then a special incident report will also be issued.

xvi) The videography of complete event sequence will be kept safely so that if necessary, it can be presented as evidence in court or other judicial inquiry in the defense of force.

xvii) During the process of dispersing the mobilization (crowd) which had gathered against the law, the members of that group shall be arrested who are liable for prosecution under the law , and will ensure the compliance with the procedure prescribed in relation to the arrest.

xviii) If the arrest is not possible at the place of the incident, then the name of the persons related to the incident recorded can be marked by their names, and if they can not be marked with the name, then the case against the unknown be registered under section 145 or 147 of the Railway Act or both, as well as in addition to the above, if the person arrested has been arrested under any other Act , then in the above cases, legal action will also be taken according to the rules.

xix) If the illegal mobilization (crowd) affects the operation of the trains or any other crime which has created a crisis for travelers, then according to the situation and need cases can be registered under section 145 or 147 or 153 or 154 or 174.

xx) If the FIR is received in relation to the case, then on that basis or in case of non-receipt FIR, the post in-charge will take cognizance and register the case while taking necessary action.

4. To estimate crowds gathered in fair, festival, recruitment, etc. and thereafter ensuring crowd control

4.1. **Assistance booth**- Assistance booths should be constructed at railway stations to control the crowd. It is required to put on duty qualified and experienced force in Assistance booth. Especially, they should have knowledge of Hindi and English languages. If a passenger describes his problem, he should be given a proper answer and as far as possible help should be provided. Other equipment such as a loud hailer, wheel chair, stretcher, first aid box, telephone should be provided at the support booth.

4.2. **Announcement on Mega Phone**- Through Mega phones passengers should be made aware from time to time that if an outsider or an unknown person gives something to eat, they should not accept the item of food given to him. It can also contain poison and it can threaten your life. If a passenger sees some suspicious object in the rail premises, then give information to the RPF / GRP immediately and do not try to disturb the item as it may be explosive and it may also explode. This can lead to huge loss of railway property and human losses.

4.3. **Announcement on the P.A. system**- A system of passenger address system should be arranged on each railway station. When large crowds gather in stations, then the use of PPA system should be done with utmost care. The arrival and departure times of the trains should be properly announced. It is often seen that see when the train is stabled on platforms then the announcement is is done. This leads to rush among passengers and may lead to injury to them or leaving behind of other family members or luggage. Sometimes the platform is suddenly changed for Traindue to which many accidents occur between FOB to platform, and many passengers are injured and casualties happen. In order to prevent such incidents, there is need for setting up special coordination by the RPF with the operations department at the time of the surge in crowd.

4.4. **The entrance and exit doors to be different**- most of the stations haveentrance and exit gates, but there is no sign of which gate is for the entrance and which for the exit .So, the passengers are in confusion. They start to enter and exit from the same gate, andthe crowd becomes uncontrolled. Those stations which don't have such provision should ensure that at least there is a gate for entry and a gate for exit.It should be written in plain letters on the gate and sign should also be indicated.

4.**5** **Marking different foot overbridges for coming and going**- on large railway stations which are considered very important from religious and cultural perspectives, there are many foot over bridges but there is no sign for going on them. Which FOB is for going on the platforms and which ones for going outside are not marked.Hence, passengers use the same FOB for going in and out and so large crowds occur on the same foot over bridge. This causes injuries to passengers due to push and many times people have died due to being crushed under feet after falling down. Therefore, at least one foot over bridge should be for entry and one foot over bridge for exit should be specified and on all foot over bridges entry and exit should be written in clear letters and should be indicated as well.

4.6 **Barricading for congestion control**- During Rush at railway stations, station should be barricaded and divided into different parts as a precautionary measure by the RPF. On the basis of classification indicators and signs to be used so that the passengers can identify the routes coming and going in different directions.

4.7. **The correct information of departures and arrival of trains and the placing of the coach (location) should be given to the passengers at least 30 minutes prior by the P.A. system**. The announcement of the arrival of train should be done about 30 minutes before the scheduled time, so that passengers can reach properly on the right platform in right time without facing the rush. It can be advantageous and convenient for both the railway and the passengers.

4.8 **The availability of phone number of the Head of the Department other departments of the Railway with the post in charge** -There are several departments in the Railways and the railway is successfully operated through the coordination of all the departments. Since all the departments have different tasks, hence the names and mobile numbers of Heads of all the Railway departments and officers of the Railway should be available in the Railway Protection Force post so that it can be utilized at the time of need.

4.9 **The number of police, GRP, civil administration, judicial magistrate and disaster management should be available with the post in charge -** Railway is known as the lifeline of India; On this, millions of passengers travel every day. Hence the Railway Protection Force posts should have the names, addresses and mobile numbers of all police stations, GRPs, and civil administration officers within their jurisdiction, so that any problem can be solved by establishing mutual coordination.

4.10. **Photography and Videography by the Special Team**- If the cameras and video camera have been given for camera photography and videography on the posts of Railway Protection Force, then designating the skilledandefficientforcemembers for its operation, photography and video recording should be nominated for photography and video recording of sensitive places of the station. This will help in controlling of anti-social acts and illegal activities done by undesirable elements and also legal action can be taken against them.

4.11. **Use of Integrated Security System-** With the Integrated Security System on Railway Stations such as CCTV, luggage scanner, HMD, HHMD, critical success is being achieved in keeping the criminal elements away from the Stations complexes through intensive monitoring. The activities of whole station area can be monitored by experienced and qualified force members from the same place, which save both manpower and money, and the message goes in the travelers that the security arrangement of the station is quite strong and safe, and it is not possible to skip by

violating railway rules . This system puts psychological effect in controlling the crowd of passengers.

4.12. **Continuous action under the penal sections of the Railway Act-** Chapter 15 of the Railway Act 1989 provides for punishable sections, that if any passenger or public servant or any other person is caught in violation of the provisions made under the Railway Act he will be punished such as - traveling without ticket, Alarm chain puling, traveling on roof or footboard, etc. All these and other provisions prohibit unauthorized passengers from coming to the railway premises and through this process, unnecessary crowd can also be stopped.

4.13 **Crowd control by RPFWith the help of GRP, Civil Police and Local Civil Administration:** Three-tier security system works in Railway security. With the help of this the crowd can be controlled. Local civil administration help can also be taken in case of necessity, because in case of excessive rush some mischievous / anti-social elements attempts to disturb the law and order. So, RPF with the help of GRP, civil police and civil administration can take action immediately and achieve Successin controlling the crowd.

4.14. **Operation of Taxi, Rickshaw Stand-** It becomes important in the time of heavy rush on Railway Stations that the parking of vehicles such as Taxi, Autorickshaw and other types of vehicles should be determined by the Railway Administration for their successful operation. Signal marks should be made to reach the stand, so that the passenger can easily reach the stand and immediately leave for their destination. Successful operation of these vehicles can be achieved in controlling the crowd.

4.15. Post in charge should have the right information, tools and manual available for disaster management.

4.16. Intensive Check (Anti sabotage check) during fair, festive, recruitment, rally

CHAPTER-14

Disaster management

1. Disaster management

1.1. According to the Disaster Management Act 2005, National Disaster Management Authority (NDMA) has been formed at the national level, whose Chairman is the Prime Minister. The National Disaster Response Force under the Ministry of Home Affairs, Government of India has been constituted and is under the supervision of DG / NDRF. Under State Government, State Disaster Management Authority (SDMA) has been formed which is chaired by the Chief Minister. Under the State Home Department, the State Disaster Response Force (SDRF) has been formed. Similarly, District Disaster Management Authority is working in the district which is chaired by the District Magistrate.

1.2. The Railway Protection Force is the only force under the Ministry of Railways which plays an important role in not only ensuring uninterrupted operations of the railways, but also ensuring the continuous activities of the Railway Administration. Therefore, in case of any kind of disaster related matters relating to the railway such as - Accident, obstruction, Bomb Blast, Fire or Other Natural Disasters etc., all the personnel of the RPF have to immediately reach the spot and start performing relief work along with other departments.

1.3. It is required to constitute a disaster management team of 15 members in the Railway Protection Force on the basis of consultation number 46 of the High Level Committee set up on Disaster Management. This team will be constituted at Headquarters and Divisional level. It will comprise of fit and active force members who will be given training in disaster management from time to time.

2. Definition of disaster - A natural or human phenomenon that causes life and economic loss on a large scale is called disaster. It comes for a short period but leaves a sign of destruction for a long time. There are two types of disaster, 1. Natural disasters such as floods, earthquakes, volcanoes, tsunamis, plague, epidemics etc. 2. Human induced disasters such as bomb blasts, terrorist attacks etc.

2.1. On the basis of the definition given in the Disaster Management Act 2005, the Ministry of Railways has defined the railway disaster as follows: "A railway disaster means a serious rail accident or unexpected event due to natural or human reason causing casualties and injury to a large number of people, leading to significant hindrance in rail traffic, and hence need to take help of the government, non-governmental and private organizations .

3. Railway accident-

3.1. Definition of Accident: Accident means such incident which occurs during working on the railway and can affect the safety of its engine, rail vehicle, tracks, work, passengers and employees. This affects the safety of others and may delaythe operation of the train. This leads to loss of railways.

3.2. Events occurring outside the railway boundaries, which threaten the safety of the railway line or train, should be kept in the category of accident. For example, due to floods outside the railway boundary, there could be a serious danger to the railway line. This incident should be taken as an accident.

3.3. Reasons for accident in railway: -

i) Negligence of station master and staff.
ii) Carelessness of Gate Man.
iii) Hot spikes of wagon and coaches

iv) Driver ignoring the signal.
iv) Gauge Spread
vi) Fault in points
vii) Violation of speed controlled by the driver.
viii) Poor maintenance of railway track
ix) Due to dense fog.
x) Carelessness in examining of rack before departure.
xi) Explosive being put on the track.
xii) Miscreant activity on track
xiii) Ignoring the prescribed rules by the railway staff while working on the track.
xiv) Rail fracture.
xv) Breakdown due to breaking of coupling leading to train parting.
xvi) Faulty maintenance of railway bridges.
xvii) Use of emergency brake by the driver after overshooting of signals
xviii) Incorrect setting of Points
xix) Falling of brake blocks or hammer from wagon / coach.
xx) Unmanned Railway Gate.

4. Duties and responsibilities of the Inspector in-charge in case of Railway Accidents and Other Disasters-

4.1**. First Response** - First information about any disaster related to train or railway premises is usually received by nearby RPF post or outpost. First of all, the person who receives such information will collect the maximum number of manpower as soon as possible and send them to the accident site by available means. RPF personnel who reaches the spot first will be First Responder.

4.2. After sending the immediate force available without delay, collect additional manpower from the post or outpost.

4.3. Information will be sent to the Senior Supervisory Officers and the control room of the Board / Regional Headquarters immediately.

4.4. Information will be sent to the Regional Police and Police Control Room as soon as possible.

4.5 He will seek more force from the nearby Post / Outpost, Reserve Line, Divisional headquarters or Zonal Reserve. If there is a Railway Protection Special Force (RPSF) battalion or company located nearby, to cope with such an emergency situation, unless additional force is obtained from other sources, it can be asked to supply force members.

4.6 When sending additional force, it will be ensured that they have been given necessary equipment available for the rescue, relief and security of the incident site, which is as follows: -

i) Torch, dragon search light or other equipment for lighting.
ii) Nylon ropes and plastic pillars to keep the unwanted crowd away from the affected area and keep them separate.
iii) Loud speakers to make announcements.
iv) Stretcher and First Aid Equipment.
v) Wireless set to maintain dialogue.
vi) Camera to take photos of event site.

vii) Video recording of rescue and relief operations and related administrative arrangements.

4.7. The senior most officers present at the spot will take control of the situation and immediately initiate the following action:-

i) The first duty of the first responder will be that, by using the maximum of his ability, he will provide protection to the victim and keep the site safe so that there is no alteration at the place of incident.

ii) As the investigation of incident often begins from the incident site, the outcome of the investigation of the incident depends on the first person who marks the spot and secures it separately.

iii) First responder will protect the event site to a fixed perimeter. The objective of securing the event site is that outsiders cannot enter the site and evidence is not destroyed.

iv) The first responder will separate the maximum area of the accident site from the remaining site as possible using nylon ropes or any other material available on the site of the incident

v) First responder will ensure that the outsiders cannot enter the affected area, thereby preventing any external interference in relief work. Only authorized persons will be allowed to come to the spot.

vi) Imprint of evidence found by the first responder at the event site, including fingerprint, tool marks, shoe cloth,(footwear) cloth, tire marks, bite marks, etc. is to be secured.

vii) The first responder has to secure blood, semen, discharge of the body, hair marks, nail marks, types of blood stains, etc. needed in the legal evidence.

viii) First responder has to secure trace evidence such as gun pistol marks, arson-enhancing elements, paints, glasses, fibers, etc.

ix) The first responder has to protect firearms, such as weapon, gun powder pattern casings, projectiles, fragments, pellets, wadding, cartridges, etc.

x) Fingerprints are usually easily found on the appropriate surfaces such as the mirrors, ambient and polished stones, which will be protected by the first responder.

xi) According to the law, there are three types of finger prints, which are to be protected:

a) Patent print- In case the hands of a person are smeared with Grease, paints, blood or ink , their fingerprints are easily marked, which can be easily seen from the naked eyes.
b) Plastic print- When a person touches any item which has wax, butter, soap, that leaves an (three dimensional) impression.
c) Latent print- A person touches the porous or plain surface, then his marks are imprinted due to natural oil and dust in his hands.

xii) After reaching the venue, videography and photography will be done before or after removing anything from the Spot. Videography and photography will focus on three aspects: -

i) Photograph / videograph for the scene of the entire event site.
ii) Mid-range photographs / videographs of all items at the event site
iii) Photographs / videographs closely related to all related evidence.

xiii) The first responder will make necessary queries from witnesses and suspects related to the incident. This inquiry will not be long, because the first obligation of the first responder is to secure the incident site and the victim. The detailed investigation will be done by the appointed inquiry officer .

xiv) The luggage of the passengers will be separated and will be protected until it is given to their claimants or taken into their possession by the railway authorities.

xv) RPF personnel will always be ready for service on any need to assist in the relief and rescue work of accident victims.

xvi) The injured will be admitted to a nearby hospital. The details of the number of injured sent to the hospital will be kept. The requisite force personnel will be sent to the hospital, who will inform the in-charge from time to time about the number of injured persons being treated. With the permission of the hospital administration, they will regulate the people who meet the injured. Any unpleasant incident occurring in the hospital, such as dharna or notice for protest, will be given to the immediate in charge inspector.

xvii) The officials of the other departments of the railway, present at the site of the incident, will maintain close contact and cordiality with officials of the Government Railway Police, Local Police and Local Administration.

xviii) With the updated status of the incident site, the details of each hour will continue to be sent to the Circle / Local Control Room, until the rescue relief work ceases.

xix) A temporary Local support post (shade or tent) will be installed in a convenient location, along with appropriate information board, so that the person seeking help can contact RPF.

xx) If the security and rescue work are likely to last long, the railway will contact the Department of Telecommunication and establish a temporary telephone booth for quick exchange of information.

xxi) A Register will be opened in which the full details of the proceedings will be recorded from time to time on the basis of Daily Roznamcha.

xxii) It will be ensured that appropriate documents are being made in respect of the number of people injured or dead by the Commercial Department, in which their identity, address, if available, will be registered.

xxiii) If any inquiries are made by the friends or relatives of the injured / dead, on the basis of the information of the Commercial Department, they will be given proper information.

xxiv) After completion of relief / rescue work, a detailed report including photograph available will be sent to Sr. DSC / DSC & Sr. DSC/DSC will

send that report to PCSC and PCSC will send that report to the Railway Board.

xxv) Photograph and videograph of accident site will be kept safe for taking any reference in the future in CD, Pen Drive and Hard Disk.

Standing Order No. -34 / 97 of DG/RPF New Delhi.

5. Explosive.

5.1. Definition of Explosives - Explosive is a chemical substance found in solid, liquid or gaseous forms, which activates a chemical disintegration when activated with heat, spark, fire, collision, push or electricity, producing excessive amounts Gas. In this process, a great amount of energy, heat, light and sound emerges. Its effect is quite devastating.

5.2. There are three types of explosives depending on the effect: -

i) **High explosives**-such as RDX (Research and Development Explosive), TNT (Tri-Nitro Toluene), Dynamite, PEC (Plastic Explosive Kirkee) PETN (Penta Eerithrittal Tetra Nitrate), Composition Four etc.

ii) **Low explosive**-like, gun powder or black powder, card dite, smokeless powder etc.

iii) **Pyrotechnics**-such as grenade 90, crackers and fireworks etc.

5.3 IMPROVISED EXPLOSIVE DEVICE-

IED is also called an artificial explosive device. Generally IED is known as a terrorist bomb because it is used only by terrorists. Terrorists use it to create an atmosphere of fear and terror in society and the country. IED doesn't have any color, shape or form. It is the brainchild of the creator who can make it in the desired look. IED is also called a (homemade bomb). Terrorists pack it in a bundled and place it in daily use items such as computers, tiffin boxes, pressure cookers, toys, cars, motorcycles, briefcases, bouquets etc.

5.4. I.E.D. (IMPROVISED EXPLOSIVE DEVICE) Have the following main elements: -

i) High Explosive.
ii) Detonator.
iii) Power source.
iv) Switch
v) Container.

5.5. Identification of IED(IMPROVISED EXPLOSIVE DEVICE). - In approximately 90% of the cases of IED, such common elements are found: -

i) Electrical Equipment - dry batteries
ii) Mechanical or electrical timer-clock
iii) Outside and outward wire
iv) Tick-tick sound
v) Separately wrapped packets, pipes and nails, food boxes, cigarette boxes, soap dishes, fire extinguishers
vi) Greasy or oily spots.
vii) Very strong and clear smell.

viii) Detonator in which there is a wire drawn on one side through which thin metal tubes are attached.

ix) In addition to the above facts, in the case of Postal Bombs, the following symptoms should be taken into consideration.

x) Special attention must be paid to letters and parcels appearing heavy and unusual.

xi) The unrecognized post on which the sender's name and address is not given should also be deemed dangerous.

6. Action plan by the In charge Inspector on the suspicion of bomb in the railway premises.

6.1. Bomb call is of two types (Real / Genuine Call) and the wrong call(Hox call). Whether the bomb call is genuine or hoax, action will always be taken as if the call is genuine.

6.2. When receiving the bomb caller, the following information about the bomb will be obtained from the caller:-

i) Where is the bomb?
ii) When is it kept?
iii) Who has kept it?
iv) How powerful is it?
v) What is it kept in?
vi) When will it explode?

6.3 Along with this, attention should also be paid to the voice of the caller regarding how his/her language is, whether the caller is a boy, a girl, a man or a woman, or is stuttering, or whether he/she is under the influence of alcohol.

6.4. As soon as the information of placing a bomb is received, it will be immediately notified to the following: -

i) Higher official
ii) Security control room
iii) Station master
iv) GRP / Local Police
iv) Dog squad
v) Bomb disposal squad
vi) Ambulance
vii) Fire brigade
ix) Local administration
x) Traffic Police.

6.5. Upon receipt of the information of the bomb, the post in charge upon reaching the site will encircle it. While barring outside passengers from entering the site, the passengers present at the station will be asked to go to the safe place outside the station along with their luggage. If this information is regarding bomb placed in a train, then the post-in-charge will ensure that passengers who are in the train are taken out of the station safely by stopping the train at a station. After ensuring detailed check of the train, the railway and civil administration to be contacted and allow the train to move forward.

6.6. Guidelines on vacating the premises: -

i) Silence should be maintained while leaving the building.
ii) should go to the specified safe place and wait for further instructions.
iii) lift etc. should not be used.
iv) Before exit, all windows and doors and filing cabinets should be opened.
v) While leaving out, take your personal items with you.
vi) Assistance to old people, women and children should be provided.
vii) Before leaving the place, gas and electricity supply should be stopped.
viii) Rumors or false reports should not be spread in place of the gathering as it will cause fear and terror.

6.7. There are following rules of searches which will be used by the in-charge in the form of SOP –

i) Do not touch the suspicious object.
ii) Do not disturb it.
iii) No part of iron to be rotated over suspicious objects.
iv) Do not see it by lighting the torch.
v) If there is any inflammable material near the suspicious object, it should be removed.
vi) Do not tamper with electrical equipment.

6.8 After finding suspicious objects or bombs, the inspector in-charge should put sand bags around it in such a way that a bomb disposal squad member can enter into it and take action.

6.9 In the event of a blast, action in respect of the injured / deceased passengers will be taken on the basis of provisions mentioned in para 4.

6.10. In the event of the explosion, take action according to the instructions given in the chapter of the special incident report.

7. **Incident of fire-**

7.1. Rail is a very big undertaking of our country. The incident of fire in the railway is mostly in buildings, industrial establishments and moving trains. Fire is more common in industrial establishments, because there is excessive use of highly inflammable substances and more workers work here. Some incidents are due to mischief done by some employees. Railway is a very big industry in our country which include workshops, diesel sheds, warehouses and many establishments where different types of flammable materials are used or stored. The incidence of fire in the railways is mostly caused by the agitated crowd. It has become a small matter for the public to stop the train and set fire for acceptance of their demand from the government.

7.2. The incidence of fire in the railway is mostly in two places: -

i) Static place - such as workshop, railway station, railway building, warehouse etc.
ii) Mobile (moving) - like moving passenger train or goods train.

7.3. Causes of fire in the trains –

i) Carrying stove, gas cylinders, sigri, diesel, gasoline, kerosene, spirit, cracker etc.
ii) Incorrectly throwing match boxes or burnt cigarette piece by travellers.
iii) Short circuit.
viii) Loose shunting of wagons filled with inflammable materials.
ix) Burning fire near gas and gas filled tanks and smoking cigarettes near them.

7.4. Action to be taken by the Railway Protection Force in case of fire in a permanent place: -

i) Information of incidence of fire is first received to RPF post.
ii) As soon as the information is received, the in charge inspector will reach the venue along with the staff.
iii) Information will be given to the Security Control Cell, Higher Officials, Fire Brigade, Ambulance, condcerned GRP / Local Police Station and other related agencies.
iv) In para 4.7 there is requisite direction for first responder
v) On reaching the site ensure crowd stays away from fire and try to control the fire using the available fire extinguishers, till the time fire brigade reaches the spot.
vi) The use of water or water type fire extinguishers will not be used in case of fire caused due to electricity as the water is conductor of the electricity and the person extinguishing the fire can be affected.
vii) Find out the reasons for the fire.
viii) Make a joint note with other departments on the spot, in which the reason for the fire and the details of the damage will be mentioned.
ix) On returning to the post, the concerned force member will mention the entire proceeding of the spot in the daily routine.
x) Inspector in-charge will send the detailed report of incident to Sr. DSC / DSC
xi) In relation to the incident, procedure to be followed according to the instructions given in the chapter of the Special Incident report.

7.5. Action to be taken on running trains: -

i) Action to be taken by the first responder is mentioned in paragraph 4.7.
ii) On receiving any message of fire in a train, the information should be immediately given to the guard or the driver, and if possible, the train will be stopped by breaking chain chain or hose pipe,.
iii) Deboarding passengers from the train
iv) Separating coach on both sides of the coach which is on fire so that the fire cannot spread.
v) Keep fire extinguishers in engine, guard brake, AC coach, pantry car etc.
vi) Reporting of the fire to the station master of the nearest railway station and informing station master of fire brigade.
vii) Find out the reason for the fire.
viii) Give detailed reports of fire to one’s department.

8. The following action will be taken in case of a terrorist attack –

i) As soon as the In charge Inspector gets the information of the incident, firstly inform Sr. DSC / DSC. By giving order to your daily diary writer, the information of this incident will be given to the DSCR, GRP, local police, district disaster management team, disaster management team of RPF, bomb disposal squad, fire brigade, ambulance, local administration.

ii) Inspector in-charge will equip the available force members with the bullet proof jacket, helmet and weapon and with the help of the GRP / Civil Police / other forces, will encircle the station from all sides so that the attacker can be stopped from escaping and he can be arrested.

ii) while taking into consideration the terrorist's location , the inspector in-charge with the assistance of RPF / GRP / Civil Police / other force on the spot will do morchabandi.

iv) Senior officers of the GRP / Civil Police present on the spot will be in charge of the operation of the whole force and the in charge inspector / RPF will act on their instructions.

v) Inspector in-charge will be bar the entry of the outsiders in the station with the help of available RPF / GRP / civil police / other force.

vi) Inspector in-charge will immediately remove the Load tank wagons filled with inflammable material and passenger trains on the affected platform with the help of Station Master.

vii) The In charge inspector will take into consideration the position of the terrorists and the direction of the firing being done through CCTV. The passengers present on the platform will be evacuated to the safe place through the loudhailer or the PA system. While evacuating the platform, children, women and senior citizens will be given preference.

viii) Inspector in-charge will get firing done on the terrorists while at the same time providing armed support to the Morcha. During firing, there will be as many rounds of firing as required.

ix) Firing should be done cautiously so that it doesn't hit any person other than the terrorists.

x) The in charge inspector will deploy a force member to apprise the personnel of concerned agencies of the present condition on reaching the station so that their help can be taken in further operation.

xi) In the absence of the GRP / Civil Police, the Inspector in-charge after the arrest of the terrorist will take possession of arms and ammunition recovered from the terrorist.

xii) Inspector in-charge will send persons injured during firing to the nearest hospital with the assistance of GRP / Civil Police.

xiii) In case of bomb blast, the Inspector in-charge will try to douse fire with the help of available firefighting equipment with the help of GRP / Civil Police.

xiv) After the surrender of the terrorist during the operation or the capture of the surviving terrorist, further action will be taken by the GRP / Civil Police in their custody. In absence of GRP / Civil Police, if the terrorist has been caught by the RPF, all the legal proceedings related to the arrest will be completed.

xv) Inspector in-charge will prepare a joint note with the supervisors of the respective department in relation to the said incident, in which the loss of life and property will be assessed.

xvi) Inspector in-charge will send detailed report Sr. DSC.

xvii) In charge inspector will provide full cooperation to the agency investigating this incident.

xviii) Special incident reports will be issued in the time limit regarding this incident.

9. Proceedings of the Divisional Security Control Room- DSCR will be obtaining the information regarding the disaster and action thereupon from time to time from the Inspector in-charge and appraising to the Sr.DSC / DSC, ASC and Disaster Management Control Cell.

10. Action by Sr. DSC / DSC- On receiving information about disaster, Sr. DSC / DSC will himself or ask ASC to attend the disaster management control room and will ensure the implementation of the prescribed duties for the RPF. Forward to PCSC of the works done. If necessary, he will go to the spot.

11. **Action by ZSCR** : Getting information related to disaster management and action taken from time to time from DSCR, Sr.DSC / DSC, ASC and provide such information to the PCSC, CSC, Dy CSC, and after that to security control, Railway Board.

12. **Action by PCSC**: on receiving information about disaster, PCSC will himself or ask DSC to attend the Zonal disaster management control room and will ensure the implementation of the prescribed duties for the RPF. PCSC will notify the information of the disaster by phone immediately to the Director General.

13. **Preparations related to disaster**-

13.1. The equipments to be kept on the post-

i) Torch, dragon search light or other lighting equipment.
ii) Nylon ropes, fluorescent tape and plastic pillars to keep unwanted crowds away from the affected area and keep them separate.
iii) Loud Hailer for making announcements.
iv) Stretcher and first aid box.
v) Wireless set, Walkie talkie.
vi) Camera for making photo / video at the spot.
vii) Bullet proof jacket, bullet proof helmet, fluorescent jacket, life jacket, gloves.
viii) Video recording of rescue and relief operations and related administrative arrangements.
ix) Jurisdiction map will be displayed on each RPF posts. The location of local police, GRP stations in the map will be displayed on the basis of km number (distance).

13.2. The post in-charge will keep the telephone number of the following who are r elated to the jurisdiction of the post:

i) All the senior officials of the RPF / Incharge Inspector / RPF member.
ii) Control of other departments of Railway.
iii) All the supervisors of other departments of the railway.
iv) Emergency service of the railway hospital.
v) Control room of regional circle
vi) GRP District Control.
vii) All the locations of GRP
viii) All the police in charge of GRP / District Police.
ix) Police control of all the districts.
x) Police stations of all the districts police.
xi) All the Superintendents of Police / Railways, office and residence.

xii) All District Superintendent's office and residence
xiii) Office of all the District Magistrates and Housing.
xiv) The offices and residences of the Deputy District Collectors of all the districts.
xv) Fire brigade of all the districts and other departments.
xvi) Control of all the forces located in the district.
xvii) Control of District Disaster Management.
xviii) Emergency service of all government and private hospitals / Trauma centers.
xix) All ambulance service of the district.

13.3. All telephone numbers should be kept in a file with a sequential index.

14. Roles and action of divisional security control room in crime control and disaster management -

14.1. Collect crime information from all posts at every 24 hours.
14.2. While collecting information, keep in mind that all the necessary points in the information such as, what happened in the crime, when the crime happened, how it happened, by whom, happened against whom, where happened and why happened. If there is any deficiency in it, then he will complete it by inquiring the Inspector in-charge or the informer.
14.3. If any section of the act has been mentioned in the offence, then it will ensure that the section is read from the book kept in its chamber and to ensure that it is consistent with the said crime.
14.4. It will ask whether the in charge inspector has taken any action according to the prescribed guidelines. If not, then he will be asked to take action.
14.5. Any instruction that are issued to the posts will be checked at the appointed time whether their compliance has come or not. If not, then the concerned will be informed for the compliance.
14.6. Any information that comes in the notice, while noting them in the information register, will be provided to the concerned force members as instructed by Sr.DSC / DSC or the concerned establishment personnel and get the signature in the register by handing them.
14.7. Report on heinous crime, significant incident, disaster, accident, etc. will be given to the Sr.DSC / DSC / ASC immediately on the telephone.
14.8. Keep coordination with the control of other departments.
14.9. The telephone number of the following related to the jurisdiction of the division will be kept:
i) All the senior officials of RPF / In charge Inspector / Posts
ii) Control of other department of railway.
iii) All the high officials of the other departments of the railway.
iv) Emergency service of the railway hospital.
v) The control boards of the Railway Board, All Regional Railways / Circle.
vi) GRP District Control's.
vii) All of the thanas of GRP.
viii) All the thana in charges of GRP / District Police.
ix) Police control of all the districts.
x) Police stations of all the districts police.
xi) All the Superintendents of Police / Railways, office and residence.
xii) All District Superintendent's office and residence
xiii) Office of all the District Magistrates and Housing.
xiv) The offices and residences of the Deputy District Collectors of all the districts.

xv) Fire brigade of all the districts and other departments.
xvi) Control of all the forces located in the district.
xvii) Control of District Disaster Management
xviii) Emergency service of all government and private hospitals / Trauma centers.
xix) All ambulance service of the district.

14.10 All telephone numbers should be kept in a file with a sequential index.
14.11. Ensuring proper maintenance of all devices in the Control and all the equipment available in the office and will be used when required.
14.12 In case of defective devices in Control and office, the concerned will be inform and ensure the entire proceeding are maintained in Roznamcha.
14.13 The action will be taken as per the instructions received on the helpline available in the control, tweeter, whatsapp, face book, e-mail, etc.

15. Roles and action in crime control and disaster management of the zonal security control room-

15.1. Collect crime information from all divisions every 24 hours.
15.2. When collecting information, keep in mind that all the necessary points in the information such as, what happened in the crime, when the crime happened, how it happened, by whom, happened against whom, where happened and why happened. If there is any deficiency in it, then he will complete the inquiry by the Inspector in-charge or the informer.
15.3. If any section of the act has been mentioned in the offense, then it will ensure that the section is read from the book kept in its chamber and to ensure that it is consistent with the said crime.
15.4. According to the guidelines issued in respect of the reported crime, the Inspector in-charge will ask DSCR whether he has taken any action. If not, then will be informed to take action.
15.5 Any instructions that are issued to the divisions will be checked at the appointed time whether their compliance has come or not. If not, then the concerned will inform for the compliance.
15.6. Any information which comes in the notice, while making their entry in the information register, will hand them over to the force member instructed by the PCSC or the concerned establishment personnel and get the signature in the register by handing them.
15.7. Report to the PCSC / CSC / Dy CSC / ASC immediately on the telephone reports of serious crime, major incident, disaster, accident, etc.
15.8. Coordination with the control of other departments of the zone will be maintained.
15.9. The telephone number of the following related to the jurisdiction of the railways will be kept:
i) All the senior officials of RPF / In charge Inspector / Posts
ii) Control of other department of railway.
iii) All the high officials of the other departments of the railway.
iv) Emergency service of the railway hospital.
v) The control boards of the Railway Board, All Regional Railways / Circle.
vi) GRP District Control's.
vii) All of the thanas of GRP.
viii) All the thana in charges of GRP / District Police.
ix) Police control of all the districts.
x) Police stations of all the districts police.

xi) All the Superintendents of Police / Railways, office and residence.
xii) All District Superintendent's office and residence
xiii) Office of all the District Magistrates and Housing.
xiv) The offices and residences of the Deputy District Collectors of all the districts.
xv) Fire brigade of all the districts and other departments.
xvi) Control of all the forces installed in the district.
xvii) Control of District Disaster Management. Of
xviii) Emergency service of all government and private hospitals / Trauma centers.
xix) All ambulance service of the district.

15.10 All telephone numbers should be created with a sequential index by creating a division wise file.

15.11. Ensuring proper maintenance of all devices in the Control and all the equipment available in the office and they should be used when required.

15.12 In case of defective devices in Control and office, the concerned will be informed and ensure that the entire proceeding is entered in Roznamcha(daily diary).

15.13 The action will be taken as per the instructions received on the helpline available in the control, twitter, whatsapp, face book, e-mail, etc.

CHAPTER-15

Prosecution

1. Prosecution Cell

1.1. There shall be a prosecution cell in each division, headed by an inspector or sub inspector level officer. The distribution of duties among the members of the force posted in the prosecution cell shall be allocated by the inspector / sub-inspector in-charge.

1.2. The prosecution cell shall assist the prosecution officer in all the proceedings related to the prosecution and shall coordinate with the prosecution officer and the RPF post.

1.3. In all cases under Railway Property (Unlawful Possession) Act, and those matters under the Railway Act in which enquiry is required, after the case is registered, a copy of all the documents related to the case shall be made available to the prosecution cell, by the respective RPF post.

1.4. For the purpose of the intimating about the progress of the case, case dairy shall be sent, from time to time, to the prosecution cell by the enquiry officer through Inspector In-charge.

1.5. The Case Diary received in para 1.4 shall be presented to the concerned ASC / DSC / Sr. DSC along with the comments by the prosecution cell and the instructions given by them shall be sent by the prosecution cell to the inquiry officer for compliance.

1.6. On receipt of the next case diary, the prosecution cell shall ensure that the instructions given earlier have been complied with by the inquiry officer.

1.7 Upon completion of the inquiry, the entire document related to the case shall be sent to the prosecution cell along with the "draft complaint letter", by the concerned RPF post.

1.8 The documents received under paragraph 1.7 shall be minutely examined by the Prosecution Cell. In important cases such minute examination shall be done by prosecuting officer.

1.9 After the micro examination, the inquiry officer in the said case shall be directed by the signature of the ASC, to rectify any error, if necessary.

1.10 If the rectification of the error is not necessary, the incharge of the prosecution cell shall produce complete case file with his comments on it, before the Sr.DSC / DSC for approval.

1.11. After the approval of Sr.DSC / DSC, the order to file complaint letter in the court shall be sent to inquiry officer by officer in charge of the prosecution cell.

1.12. The 'complaint letter' shall be filed in the court on the prescribed date by the respective inspector in-charge, , through the court pairokar.

1.13. After filing the complaint letter in the court, a copy of the said complaint letter showing the next date in the case shall be sent to prosecution cell by RPF Post.

1.14. The officer In-charge of the prosecution cell, in the event of the witnesses not being present in the court or on non production of the case property on a given date, shall produce the report of prosecution officer before ASC / DSC / Sr. DSC and shall inform the concerned RPF Post for the compliance of the directions issued by such officer.

1.15. If the Court Pairokar is not present in the court on the prescribed date, the Inspector In-charge shall nominate any other Member of the Force for the duties of court pairokar.

1.16. During the trial, the case file shall be made available to the prosecution officer by the prosecution cell, in the court.

1.17. During the testimony in the court, if any prosecution witness turns hostile, the officer In charge of the prosecution cell, shall inform the same to concerned department through Sr.DSC/DSC for appropriate departmental action.

1.18. Upon receipt of the guilt discharge report by the prosecution officer, the officer in charge of the prosecution cell, shall produce the aforesaid guilt discharge report before Sr.DSC/ DSC for perusal. The guilt discharge report in all the cases related to the Railway Property (Unlawful Possession) Act shall be sent to PCSC.

1.19. In the cases, on the directions of PCSC for filing an appeal to the High Court, Sr.DSC/DSC shall nominate a railway advocate as per rules.

1.20 In order to file an appeal, all the necessary documents shall be made available by the officer In-charge of prosecution cell to such nominated advocate.

1.21. Officer In-charge of the prosecution cell, in coordination with the nominated railway advocate, shall assist the senior and other officers in filing affidavit in High Court.

1.22. The procedure prescribed in paragraph 1.19, 1.20 and 1.21 shall also be adopted in the revision petition or appeal in cases related to inadequate punishment.

1.23. Procedure under paragraph 1.19, 1.20 and 1.21 will also be adopted after receiving notice in respect of appeals, revisions, bail applications or any other application filed by the accused against conviction.

1.24. In those states where the appeal, revision, bail application or other matters related to Railway Property (Unlawful Possession) Act and Railway Act, RPF is represented in the High Court / Sessions Court through Public Prosecutor / District Government Advocate (Crime) of the concerned State Government, this system shall continue to operate there.

1.25. The officer In-charge of the prosecution cell, in the first week of each month, shall produce a list of cases pending for inquiry, as prescribed in Annex- I under the Railway Property (Unlawful Possession) Act and the Railway Act for perusal and orders of Sr. DSC / DSC. Compliance with the instructions given by Sr. DSC / DSC shall be ensured by the inquiry officers.

1.26. The in- charge of Prosecution Cell shall submit in the first week of each month the cases pending trial and report of the cases decided by the court under the Railway Property (Unlawful Possession) Act and the Railway Act, as prescribed in Annex II, for perusal before the Sr.DSC / DSC. In the said cases, the instructions given by Sr.DSC / DSC shall be conveyed to the concerned prosecution officer. In this form, information shall be sent to PCSC along with a monthly crime review.

1.27. The in-charge of the prosecution cell shall keep the summons issued against the witnesses by the court and the accounts of the witnesses present in the court, in accordance with the prescribed Annexure-3, and the above form along with the comments shall be produced before Sr.DSC/DSC for perusal and order. In this form, information shall be sent to PCSC along with a monthly crime review.

1.28. The Prosecution Branch shall keep the records of the warrants issued by the court and accounts of their execution as per prescribed enclosure 4 and said form along with his comments shall be produced before Sr. DSC/ DSC in first week of each month for perusal and orders. In this form, information shall be sent to PCSC along with a monthly crime review.

1.29. The in-charge of Prosecution Branch, shall monitor the progress of the trial of the cases under Railway Property (Unlawful Possession) Act and Railways Act as per Annexure-5. The Sr.DSC/DSC shall be informed from time to time about any delay in the trial. In this regard the prosecution branch shall inform the Inspector In-charge and prosecution officer for compliance with their orders. In this form, information shall be sent to PCSC along with a monthly crime review.

1.30 The in-charge of prosecution cell shall prepare the monthly prosecution report and shall ensure its dispatch by the scheduled date to PCSC through signature of Sr.DSC / DSC.

1.31. The timely compliance of all correspondence related to the prosecution through the prosecution cell shall be ensured by prosecution cell.

1.32. Details of all criminal cases filed against force members shall be kept by the prosecution cell. After receiving details of the progress made in investigation and trial of these matters, the same shall be communicated from time to time to Sr.DSC/DSC.

1.33 In the criminal cases filed against the members of the force, the authority to sanction the prosecution of officer up to the rank of ASI shall lie with Sr. DSC / DSC. If the prosecution approval is required in criminal cases against the members of the sub-inspector and above, then the full details of it will be forwarded to PCSC.

1.34 The prosecution cell shall send the information to the concerned department of any conviction/acquittal of any government employee, member of the force and the railway employee, by the court, after obtaining the permission of the Sr.DSC / DSC.

1.35 Compliance shall be ensured by the prosecution cell with any other orders or directions issued by the Senior Officers from time to time.

2. Function and Duties/responsibilities of prosecution officer-

2.1. The prosecution officer shall be responsible for prosecution of the cases before the court under Railway property (Unlawful Possession) Act and Railway Act.

2.2. The prosecution officer refers to, currently working Public Prosecutor and Assistant Public Prosecutor.

2.3. In the court, the rules made under the Advocates Act, 1961 in respect of dress and general conduct of the prosecution officer shall apply.

2.4. The senior among the Public Prosecutor and Assistant Public Prosecutor who is posted in the division shall be prosecuting officer in-charge.

2.5. The allocation of prosecution related duties among the prosecuting officers shall be made in consultation with Sr.DSC/DSC and with the approval of Additional Divisional Railway Manager (ADRM).

2.6 when any advocate shall be given the duties of railway advocate in any division for the purpose of prosecution, then his responsibilities shall be same as prosecution officer which shall be mentioned in the letter of contract.

2.7 The allocation of duties among the railway advocate shall be made by prosecution officer in charge.

2.8 In the absence of any prosecution officer, the prosecution officer in charge shall nominate any other person for prosecution duties in consultation with Sr.DSC/DSC and with the approval of ADRM.

2.9 The prosecution officer in charge shall every month inform the Sr.DSC/DSC of the works done by other prosecution officers, a copy of which shall be made available to ADRM also.

2.10 Before filing the complaint letter in the court in important cases a minute examination shall be done by the prosecution officer.

2.11 In important cases the prosecution officer shall study all the documents related to the case before first hearing of the case and shall formulate a scheme of prosecution holding consultations with inquiry officer.

2.12 Prosecution officer shall also ensure that all the documents related to prosecution also available in case file of the court so that during trial it is easy to mark out the exhibits.

2.13 Prosecution officer shall ensure the production of witnesses before the concerned the court/railway court through court Pairokar. If necessary, he shall establish coordination with the concerned court/railway court requesting issuance of summon/warrants against the prosecution witness.

2.14 Matters in which the trial is being delayed due to absence of accused persons in the court, the prosecution officer shall request the court to issue summon/warrants as the case may be.

2.15 After receiving summon/warrants, the prosecution officer shall send it to RPF post through court Pairokar of the concerned RPF post.

2.16 The prosecution officer shall inform the court, on due date, of execution report of the summon/warrants received through court pairokar and ensure examination/ cross examination of the witnesses present. Like wise, on due date he shall ensure the production of case property before the court through court pairokar.

2.17 If necessary, the prosecution officer shall make available the case file to prosecution witness for refreshing memory under section 159 of Indian Evidence Act, before the deposition.

2.18 During the examination, the prosecution officer shall invite the attention of the court towards sections 151 & 152 of Code of Criminal Procedure (Cr.P.C.) on the obscene, objectionable, derogatory or tormenting questions being asked to prosecution witnesses and shall make stop such questioning.

2.19 During the trial, the prosecution officer shall verify/certify erstwhile conviction of any accused persons as per sections 248 (3) and 298 of Cr. P.C.

2.20 If during trial, it appears to the prosecution officer that it is necessary to examine any additional witness he shall make a prayer to the court in this regard under section 311 of Cr.P.C.

2.21 If during trial, it appears to prosecution officer that any person, who is not an accused, has committed an offence and can be tried along with the accused, he shall make a prayer before the court under section 319 of criminal procedure (Cr. P.C.) code.

2.22 Prosecution Cell shall make available all the case files of all the cases to the prosecution officer, at appointed date. Prosecuting officer shall (make enumerate an entry) in the case file the summary of the prosecution work performed on said date.

2.23 Prosecution officer shall inform the concerned Sr.DSC/DSC about execution or non execution of summon/warrant on appointed date or production of case property or wrongly producing case property.

2.24 Prosecution officer shall inform the witnesses present in the court about the provisions of standing order No. 4 before their deposition in the court.

2.25 The prosecution officer shall inform Sr.DSC/DSC about any witness turning hostile and such witness being a government employee/servant.

2.26 The prosecution officer shall examine the case property before the statements of any witness or any expert witness.

2.27 The prosecution officer shall inform the court, ADRM and Sr.DSC/DSC about the problems being faced in prosecution work.

2.28 Prosecution officer shall provide legal advice to RPF inquiry officer and other higher officers regarding RP(UP) Act, Railway Act or any other law.

2.29 After the trial under RP(UP) Act and Railway Act is over and in case of acquittal of the accused by the court, the concerned prosecution officer shall forthwith obtain the copy of judgement from the court.

2.30 The prosecution officer after perusal of the judgement of the court, shall produce before Sr.DSC/DSC a report on acquittal of the accused, within 07 days of obtaining the copy of judgement.

2.31 If is appears to the prosecution officer, that sufficient ground exists to file an appeal in the high court against the decision of acquittal, he shall produce in such circumstances, an acquittal report mentioning such grounds before the Sr.DSC/DSC.

2.32 If acquittal is due to wrong deposition, faulty deposition, flawed faulty inquiry or defective production of case property, in such circumstances, fault of such persons shall be mentioned in the acquittal report. The prosecution officer shall also mention in his acquittal report that such errors shall not be repeated in future.

2.33 The prosecution officer shall inform Sr.DSC/DSC, if after completion of trial any government employee has been convicted.

2.34. After the conviction by the court, if it appears to the prosecuting officer that punishment is inadequate considering the seriousness of the case, then the procedure prescribed in paragraph 2.32 shall be followed.

2.35 The prosecution officer after the trial, shall obtain an order from the court under section 451, 457, 459 of the Code of Criminal Procedure, upon receipt from the inspector in-charge an application for the disposal of seized case property.

2.36 After the final decision of the court, the prosecution officer shall obtain the order for the disposal of the seized property from the court under Section 452 of the Code of Criminal Procedure.

2.37 If during the trial, the property seized has been claimed by the accused and the case ends in conviction, then in such cases, only after the disposal of the appeal filed by the accused against the said conviction, the prosecution officer shall obtain the order of the court for the disposal of such seized property under Section 452 of the Code of Criminal Procedure.

2.38. If an appeal has not been filed against the conviction of the accused, then after the expiry of the appeal period in the said circumstances, the prosecution officer shall obtain the order for the disposal of the seized property in the lawsuit, from the court under Section 452 of the Code of Criminal Procedure.

2.39 The prosecution officer shall consult other prosecuting officers or any senior advocate as required in any important case.

2.40 The bail application of the accused shall be opposed in the court, by the prosecution officer. In the appropriate cases, the action required to get the accused's bail cancelled shall also be taken by the prosecution officer in accordance with the provisions contained in Section 437 (5) and 439 (2) of the Code of Penal code and in collaboration with the inquiry officer.

2.41. For immediate execution of cases pending for consideration, the prosecutor shall make every possible effort. In the appropriate cases, efforts shall be made, for the disposal of the cases, under the provisions Sections 265-A and 265 -P of the Cr.P.C. and through Camp Court / Lok Adalat, where required.

2.42. If in any case, under the provisions of Section 167 of the Code of Penal code, an application has been made to the court by the inquiry officer for the remand of the accused, then the said application in the court shall be conducted by the prosecution officer and the inquiry officer shall be immediately informed of the order passed by the court.

2.43 In the cases where the accused have become fugitives, in those cases a request shall be made to the court under section 446 of Cr.P.C. for the action against the securities/property of the accused.

2.44. The prosecution officer, shall from time to time, make the progress in important promises be known to the Sr.DSC /DSC.

2.45. The prosecution officer, in those cases, in which, the order of the adjournment (consigned to record room) has been passed by the court, according to the instructions issued by the Railway Board, action in relation to withdrawal of such cases from the court, as per the procedure under the provisions of Section 321 of the Cr.P.C. shall be followed.

2.46 The prosecution officer shall ensure the compliance of the departmental orders and the direction of the higher officials issued from time to time related to the prosecution.

3. The Duties of Court Pairokar-

3.1. The inspector in-charge of each RPF post will nominate one or more court advocates, based on the number of pending cases and the number of trial courts related to the such cases.

3.2. Its main function is to coordinate between the RPF post, the court, the prosecution officer and the prosecution branch.

3.3. The court pairokar shall monitor the progress of pending cases for trial in the court. In relation to this, he shall follow the procedure prescribed under Annexure-5 and in case of delays in trial of the cases, shall inform the inspector in- charge.

3.4. The complaint letter relating to Railway Property (Unlawful Possession) Act or Railways Act as approved by Sr. DSC / DSC shall be submitted by the court pairokar in the court on the prescribed date. The next date of the above case shall be obtained from the court and the prosecution branch shall be informed.

3.5. During the trial, in consultation with the prosecution officer, on the prescribed date for evidence, for the presence of witnesses, the correspondence shall be communicated through the inspector in-charge.

3.6. In consultation with the prosecution officer, where necessary, to ensure the presence of witnesses in the court, the summons / warrants from the court shall be received and the execution report shall be deposited in the court on the prescribed date, through the prosecution officer.

3.7 The summons / warrant issued by Hon'ble Court shall be noted in the case file available at the RPF Post and the dates of its' issuing and its execution shall be noted in summons / warrant register.

3.8 He shall produce before the court the case property in relevant cases on the due date.

3.9 If a government witness is absent more than once without notice, then his absence shall be reported to the prosecution cell. The prosecution cell shall correspond to the controlling authority of the said witness, through Sr.DSC / DSC, to ensure his presence on the next date.

3.10 With the consent of the prosecution officer, if necessary, he shall obtain bailable warrant against the witnesses who are absent in the court.

3.11. He shall, without any delay, inform the witnesses about any sudden closure of the court or of the absence of the presiding officer in the court.

3.12. A brief note of the action taken in the court and the next date, shall be recorded in the case file. If any important order has been given in any dispute, then its notice shall be given to Inspector in-charge and prosecution branch.

3.13 On final decision by the court in the case, the copy of the final decision shall be attached in case file available on the post.

3.14. For the disposal of case property, the application form shall be submitted before the court by the Inspector's signature and through the prosecution officer and according to the order of the court, the case property shall be disposed of with the help of the in-charge of case property room.

3.15 The court Pairokar shall ensure that after the disposal of the case property, the details of such property have been entered in the case property register, in the case file and in daily-diary and the acknowledgement receipt of depositing case property has been obtained from the concerned department and the entry of such receipt in daily-diary has been done.

3.16. All the details of the final decision of the case and the disposal of the case property have to be entered in the Railway Property (Unlawful Possession) Act register.

3.17. In the cases under the Railways Act also, on final decision, the details of it shall be recorded in the case file and in the Railway Act register.

4. Appeal and revision-

4.1. If in any case a decision, to file an appeal against the acquittal, is taken by Sr.DSC /DSC, then a proposal in this regard, showing the basis for appealing, will be sent to PCSC.

4.2. After accepting the proposal of Para 4.1 by PCSC, the Deputy General Manager (Law), shall be requested by the headquarters to nominate a Railway Advocate for filing an appeal under section 378 (4) of the Cr.P.C. in the High Court.

4.3. After the said advocate is nominated, all the papers related to the appeal shall be made available to him by the prosecution cell in charge.

4.4. While preparing the basis of the appeal, prosecuting officer shall discuss with inspector in-charge.

4.5 For filing an appeal against the acquittal Along with a verified copy of the court's decision a copy of the statements given of witnesses given in the court shall be made available to the said advocate.

4.6 After the memorandum of appeals has been prepared, the prosecution officer should re-examine the same so that if any fact was left out in relation to the case can be included in the memorandum of appeal.

4.7. After the re-examination by the prosecuting officer in charge, the memorandum of appeal shall be returned to the Railway Advocate, which shall be filed by the Railway Advocate in the High Court.

4.8 The in-charge of the prosecution branch shall coordinate with the aforesaid advocate for filing affidavit in appeal.

4.9 In-charge of the prosecution branch will contact the said advocate from time to time regarding the progress of the appeal and shall inform the same to the PCSC, through the Sr.DSC / DSC.

4.10. According to Section 378 (5) ofCr.P.C., the maximum limit for filing an appeal against acquittal, is six months from the date of decision.

4.11. Appeal against inadequate punishment shall be filed in the sessions court under section 377 (1) of the Cr.P.C.

4.12. In order to file an appeal in the sessions court, after the approval of the Divisional Railway Manager, by the Law Officer of the Division, the Railway Advocate shall be nominated in the sessions court, and the information of the same shall also be given to the Headquarters. The remaining action shall be in line with the appeal filed in the High Court.

4.13 The deadline for appeals filed in paragraph 4.10 is also six months from the date of decision.

4.14. In cases under Railway Property (Unlawful Possession) Act and Railways Act, against any order passed during the trial by the concerned court, if necessary, a revision petition shall be filed in the High Court or Session Court under Section 397 of the Cr.P.C.

4.15. The maximum period for filing the revision shall be 90 days from the date of the order given by the court. The procedure for filing an appeal in the High Court / Session Court, as mentioned above, shall also be adopted for the filing the revision petition.

4.16. In relation to the appeal / revision filed by the accused also, in the concerned High Court / Sessions Court, as the case may be, the Railway Advocate shall be nominated. The remaining procedures shall be the same like the appeal to be filed in the High Court / Sessions Court.

4.17. Upon receipt of information related to filing a bail application in the High Court / Sessions Court, by an accused, , the Deputy General Manager (Law) or the Divisional Railway Manager, as the case may be, shall nominate a Railway

Advocate in the concerned court and the inquiry officer having Contacted the Railway Advocate, shall make him available the case file along with the case diary for perusal and prosecution branch shall be informed of the order given in connection with this bail.

4.18. In those states in which a system prevails where the Public Prosecutor of the concerned State Government represents the RPF in the High Court or Sessions Court in appeals, revisions, bail applications or other matters in the cases under Railway Property (Unlawful Possession) Act and Railway Act, this system shall continue to run as usual.

5. Functions and duties/responsibilities of the prosecution cell established in the headquarters of the Regional Railway-

5.1. There shall be a prosecution cell in the headquarters office of the Regional Rail, which will be in charge of ASC/Prosecution. In the prosecution cell, the duties among the members of the force shall be allocated by such ASC/Prosecution.

5.2. Prosecution Cell, in all the proceedings related to the prosecution, if prosecuting officer is posted, shall assist him and establish co-ordination between the prosecution officer and the division.

5.3. To file an appeal in any crime under The Railway Property(Unlawful Possession) Act and Railways Act, the prosecution cell shall act as per the instructions of the Assistant Security Commissioner / Prosecution.

5.4. If PCSC receives any proposal to file appeals / revision in any case from the Divisional Office, then the prosecuting officer shall conduct a thorough study of the proposal. If, then, the proposed appeal / revision is fit for filing appeal/revision in the High Court / Sessions Court, then it shall make available to the PCSC, through ASC / Prosecution along with his file.

5.5 For the appeals which are pending in the High Court, the Government Advocates, for contesting the case in the High Court, shall submit detailed report to the PCSC, from time to time, in coordination with the ASC/Prosecution and shall take action according to the instructions received.

5.6. All correspondence sent by the public prosecutor posted in the Divisional Office, shall be submitted to the PCSC for appropriate action and ensure the proceedings as per the instructions given.

5.7. Regarding the legal aid to the members of Railway Protection Force, it shall submit necessary correspondence to the PCSC along with detailed report and if the request is made to provide the railway advocate then the case file shall be sent for to receive approval of the Law Officer. After the approval, the case file shall be presented to PCSC and after getting the approval, the divisional office and concerned RPF member shall be informed about legal aid.

5.8. All appropriate actions shall be taken in organizing the prosecution meetings at Headquarters.

5.9. The reports of daily court proceedings received from the Divisions shall be submitted to the PCSC. And it shall be ensured that the actions are according to the directions received.

5.10 On receiving the reports of cases pending trial and the cases disposed of by the court prescribed in annexure-2, under the Railway Property (Unlawful Possession) Act and Railway Act and after reviewing it, PCSC shall be informed.

5.11. The PCSC shall be apprised of the summons issued against the witnesses by the court and the accounts of the witnesses present in the court, as prescribed in Annex-3 on receiving and reviewing it, from the Prosecution cell of the Divisions.

5.12. The PCSC shall be informed of the warrants issued by the court against the accused persons and the accounts of their execution as prescribed in Annexure-4 on receiving it from the Prosecution Cell of the Division and reviewing it.

5.13. On receiving, from the Prosecution Cell of the Divisions, the monitoring of the cases under Railway Property (Unlawful Possession) Act and Railway Act, as prescribed in Annexure-5and after reviewing, the PCSC shall be informed.

5.14. In charge of prosecution cell, shall prepare monthly prosecution report and shall ensure that it is sent to the PCSC through the signature of Sr. DSC / DSC, on the scheduled date.

5.15. Regarding the circular, guidelines and information sought from the Railway Board / Headquarters, from time to time, the prosecution cell shall help in necessary action by providing legal assistance.

5.16. In the matters of criminal cases filed against the members of the force, if the matter pertains to a proposal of approval for Prosecution in criminal cases filed against the of the rank of sub-inspector and above force members, it shall review it and present it before PCSC.

5.17. With the permission of the PCSC, it shall send the information to the concerned department, when the court convict/acquit any government employee, member of the force and railway employee.

5.18. Compliance shall be ensured by the prosecution cell, regarding any other directions issued by the Senior Officers from time to time.

6. Directions regarding Appearing in Court- Summons

6.1. In the litigations filed in the court on the basis of disputes, in order to ensure the presence of the accused or witnesses, for trial, the summons are issued by the court, respectively, under Sections 204 (1) (a) (b) and section 244 (2) of the CR.P.C details of which are there in Section 61-69 of the Cr.P.C.

6.2. In order to ensure presence in the Court of Prosecution witnesses, summons are issued by the court on the application of the prosecution officer under section 244 (2) of the Cr.P.C .

6.3 In the cases filed on the basis of complaint, the responsibility of attendance of the witnesses in the court lies upon the Prosecution side under section 244 (1) of the Code of Criminal Procedure, hence, even without summons being received from the court, the prosecution branch or the concerned RPF post, through correspondence, the presence of witnesses in the court shall be made.

6.4. In order to ensure presence in the court of the accused, the summons are issued automatically by the office of the court, but in the trial of any case, if there is a delay due to the absence of the accused, in the said circumstances, a request to court shall be made by the prosecution officer to issue a summon against the accused.

6.5. In relation to the execution of the summons received from the court, the Inspector In-charge shall nominate a member of the Force, prior to the date written in the summon or within the period of 15 days, whichever is earlier.

6.6. Summon is issued in two copies, and if possible, the execution of summon shall be done by giving one of the two copies of the summons, to the person summoned. After executing, the signature of that person shall be taken on the other copy.

6.7. If the summoned person is not present in his house, then a copy of the summons shall be given to the adult male member of the house and on the back side of the second copy of the summon, the signature of that adult male member along with name and date shall be taken.

6.8 If the summon is issued to a public servant, then for the execution, such summon shall be sent, to his controlling authority. The Controlling Authority shall return the

summon to the court after marking the back side of the second copy of the summons, with an office stamp with signature, name, designation, and date.

6.9 If the summon is to the employee of a corporate body, then for the execution, such summon shall be sent to their executive officer. The Executive Officer shall return the summon to the court by placing the signature, name, designation, date and office stamp on the back side of the second copy of the summon.

6.10. In addition to issuing summons or along with it, the Court may instruct to send summons through the registered post to the address of the place of residence or place of business. After sending the summons through the registered post, the written notice shall be given to the court along with the receipt obtained from the postal department.

6.11. In the case of a summon, whether executed or not executed, the inspector in-charge shall inform the court on the given date, by a written application, through the prosecution officer.

6.12. The above application shall be given separately for each suit.

6.13 After execution of the summon, if the person summoned fails to be present in the court, a prayer shall be made to re-issue the summon against that person. In this way, the court shall be prayed for re- issuance of summon when the summon is not executed.

6.14. If a person summoned is not present in the court without a valid reason, then action can be taken against him, under section 350 of the Code of Criminal Procedure.

6.15. Under the Section 174 of the Cr.P.C. a lawsuit can be instituted against the person who is absent in the court without valid reason.

6.16. When the court wants that the summons issued by it shall be executed in a place outside its local jurisdiction, then it shall send such a summons in two copies to that magistrates, in whose local jurisdiction, the person summoned resides.

6.17. During the trial, the court may issue summon to produce any document or any other material, the production of which in the court is under section 91 of the Code of Criminal Procedure.

6.18. If the witness is a retired or a private person and is a witness under the Railway Property (Unlawful Possession) Act and the Railway Act, Railway pass shall be issued by Inspector in charge, in the favour of the witness, with sufficient validity to commute from nearest station of his residence to the nearest station of the court and as per the eligibility of the person to be called, which shall be made available to the witness along with the summons.

7. The directions to appear before the court - Arrest-

7.1. Arrest warrant against the witness or the accused shall be issued under Section 87 of the Cr. P.C. for failing to appear in the court even after receiving the summons issued by the court, without any valid reason.

7.2. In the court, firstly a "bailable arrest warrant " is issued against the witness who fails to be present. In the execution of this type of warrant, the person arrested shall be released from the custody if he furnishes bail bond with sufficient surety, or executes personal bond, to ensure his appearance before the court as directed in the warrant. The officer executing the warrant shall send the warrant to the issuing court.

7.3. A warrant of arrest can also be issued by the court under section 204 (1) (b) of the Code of Criminal Procedure against the accused to ensure his presence in the court.

7.4. The warrant is normally issued by the court in the name of the inspector in-charge or the inquiry officer. The execution of the warrant issued in the name of the inspector in-charge shall either be executed by him personally or get it executed by his

subordinate officer. The execution of the warrant shall be done before the scheduled date by the court.

7.5. It is the responsibility of the RPF officer executing the warrant, to inform the officer in-charge of the police station of that area in which accused resides, and arrest the accused with the help of that police station. Warrant of arrest can be executed in any place in India.

7.6. On the arrest of the accused, all the directions mentioned in chapter 5 of the Cr.P.C. shall be followed.

7.7. After the arrest, the accused shall be brought to the RPF post. Regarding the execution of warrant after making an entry in the daily diary, the accused shall be forwarded to the court.

7.8. Whenever the RPF officer executing the warrant has reason to believe that the officer in-charge of the police station, in whose local jurisdiction the warrant is to be executed, that there shall be delay in taking his recourse, then the warrant can be executed even without the assistance of the said police officer. After the execution, the notice shall be given to the officer in-charge of the said police station.

7.9. If, in the execution of the warrant, the arrest of the accused / witness is not being made possible and the deadline for execution of the warrant is getting expired, then the court shall be informed by the officer in-charge by a written application through the prosecution officer, on the prescribed date. The court shall be requested to issue a new warrants or extend the date the warrant.

7.10. If even after all attempts, arrest of the person against whom a warrant is issued is not arrested, all details of such non-arrest shall be sent to the court.

7.11. In the event of failure of arrest of the person against whom a warrant is issued, the Railway Protection Force officer executing the warrant, shall pray to the court, through the prosecution officer, for issuing a notice against the sureties.

7.12. In the event of the failure of the sureties in making the person against whom a warrant is issued to be present in the court, on the prescribed date, the process of seizure of the securities against a surety shall be done under section 446 of the Code of Criminal Procedure and in addition this, action shall be taken against the warranty under Sections 82 & 83of the Code of Criminal Procedure.

7.13. Case can be registered under the section 174 of the Code of Criminal Procedure, against the person who, after receiving summons, fails to be present in the Court without a valid reason. If the person does not appear in the court even after the declaration made under section 82 of the Cr.P.C., then the case can be filed against him under Section 174 (A) of the Indian Penal Code.

7.14. If the present address of the accused is not available for the execution of the warrant, the action under Sections 82-83 of the Code of Criminal Procedure is not possible or even after taking action under the Sections 82-83 of Code of Criminal Procedure, accused does not appear before the court. Then, in that situation, the officer of the force shall submit the request letter praying for issuing a standing warrant by the concerned court. An entry shall be made in the daily-diary and warrant register regarding such standing warrant received from the court.

7.15. In cases where a standing warrant has been issued by the court, in regarding the warrants of those cases also, the inquiry shall be done from time to time by the inspector in-charge.

7.16. If a warrant has been issued by court against the accused in cases under Railway Property (Unlawful Possession) Act or Railways Act and the accused is in jail in any other case, in such a situation, in order to execute the warrant, the court issuing warrants shall be informed about the arrest of such person in such other case. On the basis of the said information, a production warrant shall be issued under Section

267 of the Code of Criminal Procedure against the accused, and the presence of the accused shall be ensured.

8. Proceedings in case of an absconder

8.1 When after a summon or warrant has been issued against an accused and he fails to appear in the court on the specified date, then the member of the Force after writing the complete description, will get the application forwarded and will request the court through the Public Prosecutor to begin the proceedings under Section 82-83 of Criminal Procedure Code.

8.2 The information about the order received from the Railway Court on the said application will be registered in the Roznamcha of the Railway Protection Force post.

8.3 First of all, in compliance with the order of the court under section 82 of the Penal Code, the declaration will be made in connection with the absconding accused that the person be present at the date and place fixed by the court.

8.4 The order issued by the court will be read by the Railway Protection Force officer in a public place near the residence of the absconding accused.

8.5 A copy of Cr.PC.- 82 order, will be pasted near the residence of the absconding accused at a place easily visible.

8.6 The papers related to the action taken by the Railway Protection Force officer at the residence of the absconding accused will be prepared in the presence of at least 2 witnesses and the signatures (readable) of those witnesses will be taken along with their residential address and date.

8.7 After posting the order of the court at the place of the accused, a copy of the said order shall be posted at an easily visible location in the court.

8.8 By the order of the court, a copy of the proclamation of the proceedings of Cr.PC.- 82 will be published in a daily newspaper circulated in the area of the residence of the accused. The expenditure on publishing in the newspaper will be paid from the imprest of the post.

8.9 After the above proceeding the entire information will be given to the court by the officer through the inspector Incharge.

8.10 If the accused absconding is not present in the court even after the above action, then the Inspector In-charge , either by himself or through any officer of the Force , will submit the request letter in the concerned court for proceedings under section 83 of the Criminal Procedure Code.

8.11 Following para 8.10, after the issuance of order, including the reason for attachment of the property of the accused absconding, by the court, the movable-immovable property of the accused absconding will be confiscated.

8.12 As soon as the order is received under section 83 of the Code of Criminal Procedure by the officer of the Force, it will be registered in the Roznamcha at the post.

8.13 The member of the Force will give a certified copy of the order of the court and a memo to assist in the seizure of the attached property, to the officer in charge of the police station, under whose jurisdiction the residence and immovable property of the absconding person lies.

8.14 The Force officer, along with the force provided by the local police and the force provided by the RPF post, will depart to the place where the absconding accused resides or where his property is located and will take action according to the Section 83 of the Criminal Procedure Code.

8.15 Seizure List of movable assets acquired from the residence of the absconding accused will be made and in relation to immovable property, a person will be appointed as receiver. The person appointed as a receiver should be a respected person in that area.

8.16 If the officer of the Force receives livestock, damageable, or perishable property, then the information will be given to the concerned Court and an application will be made through the Public Prosecutor for the auction of the above items. After receiving order from the Court, the property will be auctioned. The officer will complete the auction process by obtaining necessary guidelines from the prosecutor regarding the auction process. The Public Prosecutor has to keep the details of the procedure for the auction as per the concerned Court. The officer of the Force shall deposit the money received from the auction in the Court.

8.17 The movable property acquired in the attachment will be kept as per the instructions given by the Court or safely in the Malkhana of the post.

8.18. Report of the actions taken according to the Para 8.12 to 8.17 will be presented by the officer of the Force in the Court and an application for issuing warrant against the absconding person, will be presented in the court.

8.19. Details of the proceedings from Para 8.12 to 8.18 will be maintained in the Roznamcha of the post.

8.20. The warrant received from the court will be entered in the warrant register and the Roznamcha.

8.21. If the absconding person appears before the officer of the Force during the proceedings of Section 82-83, or the officer of the Force receives the confirmation of surrender of the absconding accused in the Court, the next proceedings will be stopped.

8.22 On receiving the direction from the Inspector Incharge about the serving of the warrant, the officer of the Force shall visit the place mentioned as the residence of the accused in the Roznamcha or where there is a possibility to find him, after informing the police station of that area through a memo.

8.23 If the absconding accused is found, then the arrest memo and the seizure list will be prepared on the spot and the accused will be presented in front of the Court as per the rules.

8.24 The arrest of the absconding person and the complete details of the proceeding will be registered in the Roznamcha.

8.25 If the accused is not found for serving the warrant, then the efforts made on the spot, inquiry made from the respected persons of the locality, their names and contact numbers will be taken. After stationing an informer, complete details of the proceedings will be registered in the Roznamcha after coming back to the post.

8.26 If in the above proceedings, any type of problem arises and the Inspector Incharge is unable to solve the problem, then necessary directions can be asked for from the Sr. DSC/DSC Office. The direction thus received will be followed.

Provision – Section 82-83 of Criminal Procedure Code (Proclamation and Attachment)

8.27 During trial in cases of Railway Property (Unlawful Possession) Act and Railway Act, if the proceeding according to the Section 82-83 of Criminal Procedure Code isn't possible because of the absence of the accused at his present residence, or if even after the proceedings of Sec 82-83, the accused does not appear in front of the Court, then in that case through the prosecution officer, a request letter for issuance of standing warrant is given and a standing warrant is then received against the above accused.

8.28 In cases where a Standing warrant is issued, the trial of such cases is deferred till the arrest of the accused and all the documents related to the case are kept in the record room of the Court till the arrest of the accused.

8.29 If deemed necessary, then under Section 299 of Criminal Procedure Code, Prosecuting officer can get the statement or deposition of an important prosecution witness recorded even in the absence of the accused.

8.30 In cases where a standing warrant has been issued by the court, such accused will be kept under surveillance from time to time by the Inspector In-charge.

9. Proceeding in cases consigned to record room

9.1 If in the case the court has ordered it to be consigned to the record room, then the court advocate will get the standing warrant from the court and on entering it in the warrant register, he will inform the Inspector Incharge.

9.2 Inspector Incharge will either nominate himself or any other subordinate officer for arresting the accused.

9.3 Effort will be made to arrest at the address given in the dossier or at relatives' place or possible places of residence.

9.4 In case the Absconding accused are not found, then the above information will be given to the concerned court along with divisional office and headquarter/prosecution office. With respect to this, reasonable decision will be taken at the headquarter level by PCSC based on the orders of the Railway Board.

9.5 At least once a month, efforts will be made by the Inspector Incharge, to direct the members of the Force to arrest the absconding accused. The above stated efforts will be registered by the Inspector Incharge in the Roznamcha and every effort will be made for their arrest.

9.6 After making every possible effort to arrest the accused, Inspector Incharge will send a report to Sr. DSC/DSC with address letter along with the original copy of warrant, case documents available at the post and the statements/documents related to the every possible effort made to arrest the accused.

9.7 In order to withdraw the Consigned case, recommendation to withdraw the case will be made only in those cases where the case property is less than 2000, accused is not a receiver, accused in not involved in heinous crimes. Only in such cases, recommendation to withdraw the case will be sent to Sr. DSC/DSC.
Provision – Railway Board letter – 90/Sec(Spl)/70/5 dt. 13.04.2016

9.8 Sr. DSC/DSC will send the above case file after careful consideration to the PCSC with their own recommendations.

9.9 PCSC will make the decision based on the directions issued by the Railway Board.

9.10 PCSC will return the complete case file with all documents received to Sr. DSC/DSC with his own recommendations. Sr. DSC/DSC will send the case file to the concerned RPF Post.

9.11 Consigned case file after being received by the Inspector Incharge will be presented to the Railway court through Public prosecutor along with the application from the Inspector Incharge. The case will be finally closed on the orders of the court. Related case property will be disposed off according to the order of the court. Information about the same will be registered in the Malkhana register by the court advocate through Malkhanaincharge after getting the permission from Inspector Incharge.

9.12 Inspector Incharge will send the information about withdrawing of the case to Sr. DSC/DSC.

9.13 Sr.DSC/DSC will send the information to PCSC.

10. Directions related to giving witness statements in the court.

10.1 All members of the force while giving evidence in court have to be present in proper uniform.

10.2 He/She must salute the court before beginning his statement and after finishing his/her statement.

10.3 Statements given in the court should be done with alertness and according to instructions.

10.4 While giving evidence during Examination-in-chief and Cross Examination , only answer as much as is asked. Unnecessary talking must be avoided.

10.5 During the cross examination of the witness by the opposite party, satisfactory answers must be given. Do not look at the Public Prosecutor.

10.6 Questions during cross examination should not be answered without giving them a proper thought. If any question is not clear or understood, then respectfully ask them to repeat the question.

10.7 If while giving evidence, any fact is not properly understood, then to keep going, then request the court to allow him to consult case files for freshening up the memory.

10.8 Witness during cross examination shouldn't become irritated by incompatible questions. One should not fall into a debate in those times.

10.9 Before giving evidence in court, witness should carefully and seriously read his diary about the incident, so that clarity of the case can be ensured.

10.10 Try to avoid answering unnecessary tough questions.

10.11 Witness should only leave the court after taking permission of the court. Before leaving it should be ensured that today's witness work has been completed.
Provision – Standing order No. 4

11. Solutions to get fast trial of pending cases in the court-

11.1 Sr.DSC/DSC should hold coordination meetings with presiding officers of courts for faster disposal of pending cases. In these meetings, discussion should be done about reasons behind pendency of older cases. Minutes of such meetings should be issued by Sr. DSC/DSC and copy should be sent to the court and to PCSC.

11.2 Inspector Incharge must ensure serving of summons and warrants within 15 days or before whichever date is decided. If that date is before 15 days, then it should be ensured that they are served before that date and report given to the court.

11.3 Inspector Incharge should ensure that the accused and the prosecution witnesses must be present on the specified date in the court.

11.4 Public prosecutors, whenever possible, should ensure statements of the witnesses are recorded in front of the court.

11.5 If for some reason, the written statement of the prosecution witness hasn't happened, then nearest date for doing the same should be taken.

11.6 Public Prosecutors shouldn't use same type of witnesses and who give statements on the same topics all the time.

11.7 Inspector Incharge through the Court Advocate should ensure production of case property and documents in the court on the set date.

11.8 If there is some problem in prosecution work, then the Public Prosecutor should inform Inspector Incharge, Sr.DSC/DSC and PCSC.

11.9 After taking permission from Sr.DSC/DSC, cases should be disposed using the Mega Lok Adalats established by Indian Government and State Governments.

11.10 As per the need, cases of Railway Property(Unlawful Possession) Act and Railway Act can be disposed off using the Plea Bargaining process under Sec 265-A to 265-L of Criminal Procedure Code.

11.11 If in any Railway Court, there is no presiding officer, then SR.DSC/DSC should request the District judge for setting up the presiding officer to ensure that there is no adverse effects on different cases.

11.12 For very quick disposal of cases related to Railway property, Inspector incharge can request setting up of Camp courts for quick disposal.

11.13 If the District Judge expresses his inability to create a post of Presiding Officer in the Railway Court, then in that case, PCSC will send a request letter to the Registrar General of the concerned High Court for the setting up of a presiding officer.

11.14 In cases related to railway servants, Public Prosecutor through Inspector Incharge will give a request letter for disposal of such cases on first priority.

11.15 Sr.DSC/DSC/ASC/Inspector Incharge/all members of the force will remain in constant contact with the presiding officers of courts in their jurisdiction for complete disposal of cases.

11.16 Everyday, reports about serving of summons and warrants, report about presence of witnesses and statements will be received by Sr.DSC/DSC and sent to PCSC.

11.17 If any prosecution witness hasn't been appearing in the court over a long time, then the Inspector Incharge will write a letter to their controlling authority to ensure their presence and also write a letter for departmental proceedings against them, so that the statement of that prosecution witness can be ensured.

11.18 If the opposition advocate appeals for postponement, then Public Prosecutor should raise objection so that the Honourable court is aware of it and thus ensuring that the case doesn't remain pending for a long time.

11.19 If Railway Property (Unlawful Possession) Act and Railway Act cases have remained pending for more than 6 months due to a stay order of the High Court or the Supreme Court and the stay order hasn't been extended by the Honourable Court, then the stay order will be considered nullified. In that case, Public Prosecutor by submitting an application will bring this to the notice of the court and request for beginning of the trial.

Provision – Asian Resurfacing of Road Agency Pvt. Ltd. Vs Central Bureau of Investigation Criminal Appeal No. 1375.1376/2013 dated 28.03.2018

11.20 PCSC will discuss with Sr.DSC/DSC during the Monthly Crime Meeting about Railway Act cases pending for more than 2 years and will give directions about solutions to achieve faster disposal of such cases.

11.21 Sr.DSC/DSC will in the same way discuss about the Railway Act cases pending for more than 1 year during Monthly Crime Meetings and will give directions about solutions to achieve their fast disposal.

12. Plea Bargaining

12.1 Under Plea bargaining in Criminal Procedure Code, Inspector Incharge under Legal Services Authority Act, 1987, through Court Advocate as part of Legal awareness, will inform the accused about the possibility of disposing off the case through Plea Bargaining by submitting an application in the concerned court. Court Advocate will tell the accused that it will save time and money and could lead to lesser punishment or even just fine.

12.2 Above provision can only be applied in cases where this is 1st crime of the accused and the accused hasn't been convicted in the past for this crime.This application will be submitted with affidavit. It will not apply in the cases of plea bargaining, women and children matters.

12.3 On the court working day, when the accused is present in the court for his trial, then the court will tell him about the Para 1 and he will be encouraged psychologically to end the trial through Plea Bargaining.

12.4 When an application about this is received by the court, then the court ensures that such application hasn't been submitted under any sort of pressure.

12.5 If after ensuring that the accused voluntarily wishes to end his case through Plea Bargaining, then the court will issue a notice to the Public prosecutor or the Inquiry officer stating that in order to settle this case, they should have a meeting with the

accused and inform the court after that about any consensus reached between the two. After that a final date is decided by the court for final proceedings in the case to take place.

12.6 It is very important that the court advocate and the public prosecutor are present in the court on the date fixed for cases related to Railway Property (Unlawful Possession) Act and Railway Act. If the court asks for a comment from the Post Incharge through the Public Prosecutor, then it should be ensured that on that day or on the next working day a report about the same should be submitted in the court by the Inspector Incharge through the Court Advocate.

12.7 The case is disposed off by the court using this principle and minimum fine is submitted by the accused in the court. An estimate about the loss to the Railways incurred because of this is made by the court and to overcome the loss, accused is asked to deposit the money.

Provision – Section 265 (A to L) of Criminal Procedure Code.

Note –

1. To remove any suspicion, it is mentioned here that whenever any concerned Public Prosecutor or the Inquiry Officer under the above provisions receives any notice, then through their superior officers, they take the written consent of the departmental head of the department subject to the crime, that in the above case if Settlement is done then how much money should be taken from the accused person for overcoming the damage.
2. The amount thus recovered from the accused will be submitted in the Railway accounts and a receipt of the same will be received and a copy of it is submitted to the court and other copy is pasted in the concerned crime register at the post.
3. Appeals cannot be made on cases disposed using the above provision.
4. Inspector Incharge will give the information about the cases thus disposed using Plea bargaining to the Sr.DSC/DSC. Sr.DSC./DSC will inform the PCSC.

13. Lok Adalat –

13.1 The provision of Lok Adalat has been given in the Legal Services Authority Act, 1987 in force since 9th November, 1995.

13.2 In the Chapter 6 of Legal Services Authority Act, 1987, provisions related to the setting up of Lok Adalats have been given. Lok Adalats are instituted based on the Section 19 of the above Act. Lok Adalats are set up from the below mentioned persons –

(1) Serving or Retired Judicial Officers

(2) Members nominated by the Legal Services Committee of the concerned district.

13.3 Qualifications of a member of Lok Adalat –

i) A member from Legal profession
ii) A respected person interested in the implementation of Legal Services Programmes and schemes
iii) A social worker engaged in the upliftment of the weaker sections of the society, women, children, rural and urban workers

13.4 According to the Section 19(5) of Legal Services Authority Act, 1987, Lok Adalat is empowered in relation to –

i) Pending cases in the courts within the jurisdiction of the Lok Adalat.
ii) Such cases which come under the jurisdiction of the Lok Adalat but have not been settled.

Note – Lok Adalats aren't empowered to take up such cases where Non-Compoundable Offence has been committed. Such provisions which are

pending in the court cannot be brought to the Lok Adalats by the parties without the permission of the court.

13.5 Lok Adalat taking cognisance of a case – According to Section 20(1) of Legal Services Authority Act, 1987, if any party in a case pending in the court wants its disposal through Lok Adalat, and the 2nd party is agreeable to this, then after the satisfaction of the court that there is a possibility of quick disposal of the case in the Lok Adalat, then the Lok Adalat can take the cognisance of such a case. The concerned court, before sending the case to the Lok Adalat, will give both the parties a hearing.

13.6 The powers of Lok Adalat – Lok Adalats will have the powers of a Civil Court as per the Civil Procedures Code, 1908. Proceedings under Section 195 and Chapter 6 of Criminal Procedures Code, 1973 will be civil proceedings.

13.7 Advantages of Lok Adalat – In disposing cases Lok Adalat has the following advantages –

i) No need to keep an advocate.
ii) There is no court fee.
iii) No party faces punishment
iv) Cases are solved through discussions
v) Compensations and Damages are decided
vi) Verdict is final
vii) There is no provision of appeal against the verdict of the Lok Adalat

13.8 Procedure for the proceedings in Lok Adalat-

i) Inspector Incharge, through the Court Advocatewill tell the persons accused under cases of Railway Property(Unlawful Possession) Act and Railway Act registered at the post about Legal Services Authority Act 1987 for legal literacy that the accused can himself or through his advocate request for final disposal of the case in the concerned court.
ii) On this request of the accused, the court after taking cognisance accumulates the trial records separate from the trial.
iii) On the decision of date in the Lok Adalat, the case records will be sent by the court to the Lok Adalat.
iv) After being called to appear in the case, the accused and RPF Public Prosecutor will be present for putting up their case.
v) After the final decision of the case by the Lok Adalat, a copy of the order will be received by the Court Advocate.
vi) During these complete proceedings, Court Advocate will remain in contact with the accused through the Inspector Incharge and on disposal of the case, information about the same will be collected and written in the case file available at the post and the case file will be kept separately from the record room.
vii) Complete details of these proceedings will be registered in the Roznamcha and report of this will be sent to Sr.DSC/DSC, who will send it to PCSC.
viii) Cases decided in the Lok Adalat are not subject to appeals.

13.9 For disposal of cases pending in the Lok Adalat, at divisional level Sr.DSC/DSC will hold regular meetings, in order to ensure coordination between the prosecution branch and judicial branch. Whether these meetings are being organised or not will be supervised by PCSC.

Annexure-1

14. Pending Inquiry

Pending Inquiry (RP (UP) Act)

Cases registered during month	Complaint Submitted	Pending Enquiry	Under (03) months	Over (03) months	Over (06) Months	Over (01) Year

Pending Inquiry (Railway Act)

Cases registered during month	Complaint Submitted	Pending Enquiry	Under (03) months	Over (03) months	Over (06) Months	Over (01) Year

Annexure -2

15. Pending Trial

Pending Trial (RP(UP) Act)

No. of cases disposed of during the year						Total Pending Trial	Below 01 Year	Over 01 Year	Over 03 Years	Over 05 Years	Over 10 Years
Con.	Acq,	Dis	Cons	Ors	Total						

Pending Trial (Railway Act)

No. of cases disposed of during the year						Total Pending Trial	Up to 01 Year	>1Year but<2 Year	>2 Year but<3 Year	More than 3 Year	Over 10 Year
Con.	Acq,	Dis	Cons	Ors	Total						

Annexure -3

16. Monitoring of service of summons against witnesses : RP(UP) Act

Sl. No.	No. of cases pending for evidence.	No. of witnesses called.	No. of witnesses attended.	No. of witnesses examined.	No. of witnesses not examined with reasons.			
					Court	PP	Def.	Others
1.	2.	3.	4.	5.	6.1	6.2	6.3	6.4

Monitoring of service of summons against witnesses : Railway Act

Sl. No.	No. of cases pending for evidence.	No. of witnesses called.	No. of witnesses attended.	No. of witnesses examined.	No. of witnesses not examined with reasons.			
					Court	PP	Def.	Others
1.	2.	3.	4.	5.	6.1	6.2	6.3	6.4

17. Monitoring of Execution of warrants against accused : RP(UP) Act

Sl. No.	Post Case No./Date	Court case No.	Court's Name	• Name of Accused • Date of jumping bail. • Date of issue of W/A • Date of dispatch/receipt of W/A • Result of execution Order of court.

Monitoring of Execution of warrants against accused : Rly Act

Sl. No.	Post Case No./Date	Court case No.	Court's Name	• Name of Accused • Date of jumping bail • Date of issue of W/A Date of dispatch/receipt of W/A • Result of execution Order of court.

Annexure -5

18. Monitoring Progression of RP(UP) Act

Sl. No.	Post case No. with Date	Court Case No. with Date	Name of the Court.	Date of submission of compliant.	Next date with stage.	Next date with stage*
1	2	3	4	5	6	7*

Monitoring Progression of Railway Act

Sl. No.	Post case No. with Date	Court Case No. with Date	Name of the Court.	Date of submission of compliant.	Next date with stage.	Next date with stage*
1	2	3	4	5	6	7*

***NB:** (1) Stage of case means case is pending for appearance of accused, pending for Evidence before charge, pending for after charge evidence etc. (2)Entries in column No. 07 will be progressive and flow with the cause list of courts.

CHAPTER-16

The Narcotic Drugs and Psychotropic Substances Act, 1985

1.1. Under section-42(1) and 67 of the NDPS Act, the Central Government has empowered RPF officers of the rank of ASI and above to use the powers given U/S-42 of the Act within their jurisdiction and search without search warrant. Also, the above mentioned officers have been authorised to use the powers given U/S-67 of the Act.

1.2. The said authorization has been provided via file number-N-11012/06/2010-NC-II of the notification number -1403 New Delhi 11 April 2019 of the Finance Ministry(Revenue Department).

2. Proceedings to be followed by RPF upon receiving information related to narcotic material/substance :-

(i.) When information is received on RPF post regarding any narcotic material/substance, the Inspector in-charge will make entry in the Daily diary or any subordinate officer will make the entry in the Daily diary.

(ii.) The document related to the information should be made in accordance with Annexure-1.

(iii.) The documented information should be put in a sealed envelope and sent to the Sr. DSC/DSC by the Inspector in-charge immediately, and if that is not possible, it should definitely be sent within 72 hours.Thedespatch number of the letter/envelope ,alongwith the date, should be entered in the Daily diary.

(iv.) If the information from the source is received at a place far away from the post , then only the documentation of the information shall be prepared according to Annexure-1.

(v.) The Inspector in-charge shall immediately communicate to the Sr. DSC/DSC regarding the received information and after obtaining necessary orders , shall proceed to the spot himself or send a subordinate officer instead.

(vi.) If there is information that a person is in possession of narcotic material/substance, then there is no need of a search warrant to conduct the search of the accused person.

(vii.) If there is information that there is narcotic material/substance inside any shop/house/building , then a search warrant has to be obtained to search the shop/house/building.

(viii.) If the Gazetted officer himself/herself is the officer authorized, then he/she can search the shop/house/building without search warrant.

(ix.) At the time of search , if the officer authorised is acting on the basis of a search warrant , then he shall keep the warrant with himself during the proceedings.Or if the officer has been authorized by a Gazetted officer U/S-42 of the Act, the officer shall keep the command/order letter with himself during the proceedings.

(x.) Under this Act, any search will be conducted only by an officer authorised. The seniormost member of the team shall be in-charge, who shall ensure that the search proceedings take place properly and effectively according to the rules and take place in the minimum time possible. The person in-charge shall explain to the team members their responsibilities and the objectives of the search.

(xi.) If the accused is female or if a house is to be searched , then there must be a female officer/ staff in the team.

(xii.) If the search is to be conducted after sunset of before sunrise , then a search warrant must be obtained from the concerned Magistrate/Special court.

(xiii.) Search can be conducted without warrant between sunrise and sunset.

(xiv.) If search is to be conducted without warrant between sunset and sunrise, then the officer authorised shall prepare a notice form(Annexure-II) regarding why the warrant could not be obtained and shall mention those reasons in the Daily diary before moving towards the spot. Those reasons should also be mentioned in the seizure list prepared at the spot.

(xv.) Before conducting the raid or within 72 hours after the raid , the information received from the source/informer(Annexure-I) and the information that the warrant could not be obtained(Annexure-II) should be communicated by the Inspector in-charge to the Sr. DSC/DSC. The above details should be recorded in the Daily diary. The senior officer of the division, who has been presented with the related documents, shall obtain a receipt and enter the said information in the Daily diary.

Note : If the Sr. DSC/DSC is out of the HQ, then the said information shall be provided to his/her personal assistant, who shall present the information to the Sr. DSC/DSC as soon as possible. The comments made by the Sr. DSC/DSC on the above report shall be immediately sent to the concerned RPF post. A separate register shall be prepared by the personal assistant for entering these kinds of information.

(xvi.) After the completion of the above proceedings , its entry shall be made by the Inspector in-charge in the C-44 register available at the post.

(xvii.) There should not be any cuttings while mentioning these kinds of information in the Daily diary or register.

(xviii.) The Inspector in-charge shall ensure that specific personal seals shall be prepared for all authorized officers stationed at the post, so that information can be obtained about the seizing officer just by looking at the seal.

Provision : Section-42 of Narcotic Drugs and Psychotropic Substances Act, 1985 .

3. Proceedings to be followed during search :

(i.) The officer authorized shall tell him name and designation to the accused person and shall inform him/her in writing that the officer has information from the source that the accused might be in possession of narcotic material/substance. It is the accused's legal right that if he/she wants , his/her search may be conducted in front of a Gazetted officer or magistrate.

(ii.) If the suspected person wants the search to be conducted in front of a competent magistrate or Gazettedofficer , then the person shall be presented, without any delay , in front of competent magistrate or Gazetted officer authorised under section-42, in the presence of witnesses.

(iii.) If the accused person is ready to allow search to the officer authorized in the absence of Gazetted officer or magistrate, then the document of letter/note of acceptance shall be prepared according to Annexure-III whose original copy shall be attached with the invoice.

(iv.) The search shall be conducted in the presence of at least 2 independent local witnesses.

(v.) The search of store/premises(scrap shop/building/godown) shall be conducted according to Sec-93,165,166,167 of CrPC 1973.

(vi.) In the case of either personal search or search of premises , before the search begins, the officer authorized shall let the accused person conduct personal search of each and every member of the raiding team including that of the officer

authorized. The document of this personal search shall be prepared in accordance with Annexure-IV which shall be attached with the chargesheet.

(vii.) If the accused person trusts and does not wish to conduct personal search of the members of the team conducting the raid , even that wish has to be documented in written and then the accused's signature taken on it.

(viii.) The complete details of the above process should be entered in the Daily diary and case diary.

(ix.) If the officer authorized feels that before the arrival of Gazetted officer or magistrate for search , the accused person might get rid of the narcotic material/substance, document or other related thing or might escape , then the officer authorized shall conduct the search according to provisions of Sec-100 of CrPC 1973 instead of conducting it in front Gazetted officer or magistrate.The description of this situation shall be mentioned by the officer authorized in the seizure list. The description of the entire proceeding shall be entered in the Daily diary and case diary.

(x.) After the search is completed , the officer authorized shall send the full description of the proceedings to the Sr. DSC/DSC within 72 hours.

Provision : Section-42 of Narcotic Drugs and Psychotropic Substances Act, 1985 .

4. Proceedings after narcotic material/substance has been found :

(i.) Inspector in-charge shall ensure that drug-testing kit is available at the RPF post at all times and shall be used during search proceedings.

(ii.) Inspector in-charge shall ensure that electronic measuring instrument is available at the post which can be used at any stage in the proceedings under NDPS Act.

(iii.) The material found during search should be tested through smelling/burning/seeing or other method like using drug-testing kit to ascertain that the material so found is a narcotic substance. Then the list is to be prepared on which the signatures of witnesses and accused person are to be taken(Annexure-V).

(iv.) The electronic measurement instrument shall be brought to the concerned place to measure the seized narcotic material/substance and then a list is to be prepared. If the same narcotic substance is present in more than one package , then all the packages shall be opened and mixed with each other and then a sample drawn from it. This should also be mentioned in the seizure list.

(v.) The mixed narcotic materials and sample shall be put in separate packets and sealed in such a way that it is not possible to take out the material or sample without breaking the seal.

(vi.) The seizing/memo-making/documenting officer must use his/her personal seal to seal the narcotic material/substance and sample. If the seizing officer/memo-making officer does not have a personal seal, then the personal seal of another officer can be used. After use, the seal of the person should be returned to him/her. The description of this entire process should be mentioned in the seizure list.

(vii.) While taking a sample from every packet of the narcotic substance, in the case of opium, hemp, charas at least 2 samples of 24 grams each and in the case of smack, cocaine, heroin at least 2 samples of 5 grams each shall be extracted. Before extracting the sample, the narcotic substance should be properly mixed. The sample of the narcotic material/substance should be put in a polythene bag. The bag should be heated with a candle and then sealed. The bag should be put in a paper envelope and the envelope should be closed/sealed using gum(adhesive). On the side of the envelope where it is closed, wide sheets of

thin paper should be stuck . The memo-making officer should put his/her personal seal on all four corners of the envelope.

(viii.) If the narcotic substance is hasheesh or opium and it is less than 20 packets/containers,and in the case of other narcotic substances, if it is less than 5 packets/containers ,then in that case it is not necessary to open and mix all the packets/containers to extract a sample.

(ix.) The memo-making officer shall put the sample seal separately on a white silk cloth upon which the following information shall be mentioned:
   (a.) Daily diary serial number,name of RPF post-
   (b.) Date, time-
   (c.) Total weight of the narcotic material/substance-
   (d.) Place-
   (e.) Names and signatures of witnesses and accused-
   (f.) Name and signature of the memo-making officer-

(x.) The document/memo of the sample seal shall be prepared according to Annexure-VI, upon which signatures of witnesses and accused shall be obtained. On the memo, sample seal shall be put using ink.

(xi.) Separate serial numbers shall be put on the packets of the narcotic substance and sample respectively so that it becomes clear as to which sample has been taken in which packet. As for example, packet will be labelled A and sample will be given A-1 and A-2.Similarly, packet will be labelled B and sample will be given B-1 and B-2.

(xii.) If possible, the proceedings of seizure and sealing on the spot should be photographed so that the proof of the presence of witnesses on the spot at the particular date can be presented in court.

5. Proceedings of seizure of narcotic material/substance-

The seized narcotic material/substance shall be listed and taken into RPF custody. While preparing the memo, the following things should be mentioned:

(i.) Names and addresses of witnesses
(ii.) Mention/description of consent of accused person
(iii.) Mention of search of self and of witnesses
(iv.) Clear mention and statement of which officer/staff first saw or found the narcotics
(v.) Where had the accused kept the narcotics
(vi.) From where it was taken out or where it was found
(vii.) In which section/part of the building was it found
(viii.) If the house or vehicle was locked then from whom the key was obtained
(ix.) Full description of -Narcotic drug/psychotropic substance or controlled substance/paper document , if obtained from locked almirah , then from whom the key was obtained and how it was opened
(x.) Full description of packing of the narcotic material/substance
(xi.) Description of the bringing of the electronic measurement instrument
(xii.) Quantity and weight of the narcotic substance
(xiii.) In how many packets was the narcotic substance sealed. The numbers of every packet and samples withdrawn from them should be mentioned
(xiv.) Which seal and how many seals have been put on the seal of every packet and sample
(xv.) Description of preparation of sample seal

(xvi.) If the memo-making officer's personal seal has not been used and some other person's seal has been used instead, then after the process, the seal has been returned to the same person-this description should be there

(xvii.) Timing of start and end of the search and record of observation/witness

(xviii.) Accused shall be given a copy of the seizure list and signature of receipt of accused shall be taken on the original copy

(xix.) Signatures of witnesses and accused person/persons shall be taken on the seizure list

6. Important proceedings/steps to be followed on the spot:

6.1. If any narcotic material/substance has been found in some house or building, then the following evidences should be collected from the accused person in relation to his/her dominion or ownership of the house or building:

(i.) After obtaining a copy from the revenue records, the revenue or Panchayat officer to be kept as witness

(ii.) On whose name is the electricity meter, water meter, telephone and whose signature is on the application form for these:on whose name is the house rent and panchayat tax/rent

(iii.) If the building is being used by some other person who is not the person on whose name the electricity meter,watermeter,telephone connection is there, then some legal document showing the relationship between the person using it and the owner

(iv.) If the accused person has some other house as well, then how is it being used and who is using it

(v.) Statements of people living nearby the house should be taken

7. Under section-42 of this Act, the authorized officer shall inform the person(accused) being arrested of the reasons behind the arrest. Arrest memo shall be prepared separately and a copy shall be provided to the accused free of cost(Annexure-VII).

8. The names of the accused's relatives, friends , guardians etc who have been informed of his/her arrest should be given to the accused in writing. This description should be entered by the officer authorized in the Daily diary.

9. If the accused is a foreign citizen, then this information should be sent to Joint Secretary, CPV Division, MEA, Patiala House, New Delhi and to Foreign Section no. 26 of Home Ministry, Man Singh Road, Jaisalmer House, New Delhi-26. This description should be entered by the officer authorized in the Daily diary.

10. If the narcotic substance is in joint possession of more than one persons, then all of them should be made accused since in the Court, the accused can escape by claiming that it was in possession of the other person.

11. If any animal or vehicle has been used for carrying/transporting the narcotic material/substance, then it can be acquired, unless the owner of the vehicle proves that the creature's or vehicle's use has taken place without the knowledge or connivance of the owner himself/herself, the owner's agent, if any, and the creature's or vehicle's loader or in-charge and each one of them had taken full precautions against such use.

Provision : Section-42 of Narcotic Drugs and Psychotropic Substances Act, 1985

12. While preparing the sketch map, the officer authorized shall necessarily mention the following information :

(i.) Situation/Condition of place/spot

(ii.) Place of seizure

(iii.) Description of houses and shops nearby the place of seizure

(iv.) Situation/Condition of places from where the witnesses were taken

(v.) Source of light
(vi.) The direction from which the accused was coming, place where the accused was stopped, place were search was conducted and place where proceedings were conducted
(vii.) If search has been conducted, then the condition/situation of the house and the place from where entry into the house was made.
(viii.) Condition/situation of the house or vehicle where the narcotic substance was found.
(ix.) The sketch map shall be signed by the witnesses and also by the officer authorized.

13. Every person arrested and every article seized under sub-section 2 of section-41, section-42,43 or 44, without unnecessary delay, shall be transferred in hand to the officer in-charge of the nearest police station or to officer empowered U/S-53, by the officer authorized who shall obtain a receipt of such transfer. The complete description of this proceeding should be entered in the daily diary and the report of the concerned matter should be sent to the Sr. DSC/DSC after being forwarded by the Inspector in-charge.

14. The Inspector in-charge shall send the filled Annexure-9 to Director General/NCB within 48 hours. The information related to the above action should be entered in the daily diary.

15. On the spot, the officer authorized shall fill the forwarding note of form NCRB-1(Annexure-VIII) regarding the narcotic material/substance and shall sign himself/herself, in the place mentioned as “Seizing Officer”. This form shall be forwarded by Inspector in-charge and sent to NCRB, New Delhi.

16. After the search, seizure, sampling and arrest, the officer authorized shall ensure that none of the proceedings mentioned in the check-list of Annexure 10 have been missed and all have been followed.

17. Uploading online data base of drug offences and offenders by the USERs credentials in Seizure Information Management System (SIMS).

NCB, Home Ministry has provided login and ID with the officers of RPF to upload online data base of drug offences and offenders. The concerned officers will upload the data base in time.

Provision: Railway Board letter No.2018/Sec(CCB)/NCORD dated 25.07.2019.

Annexure-1

Serial no.(If sent from post) ……

18. Message of information regarding occurrence of crime
(Section-42(2) of NDPS Act)

I (name and designation of officer authorized) am posted at (place of posting).Today on date …. at time ..… hours , I got the information from a source regarding sale/cultivation of (narcotic substance name) at (name of place, method of hiding the property) by (name ,address, description and attire of accused) or regarding illegal acquisition of property/wealth,through crimes punishable under this Act, which can be seized,forfeited.

Since the information is not trustworthy, so it is documented and then being sent to senior officer(name, designation and deployment of officer authorised) through Constable(name,number and posting).Please send receipt acknowledgement.

Name,Designation and Signature
Place
Date and time

Annexure- 2

Serial no.(If sent from post) ……

19. Message regarding non-receipt of search warrant

(Section-42(2) of NDPS Act)

I (name and designation of officer authorized) am posted at (place of posting).Today on date …. at time ..… hours , I got a very credible information from a special source regarding presence of evidence of sale/cultivation of (narcotic substance name) at (name of place, method of hiding the property) by (name ,address, description and attire of accused) or regarding illegal acquisition of property/wealth,through crimes punishable under this Act, which can be seized,forfeited. For this purpose, if the procedure for obtaining search warrant U/S-41,NDPS Act,1985 is followed, then the accused might escape and destroy the evidence.(If the information is received after Courts have closed or on a holiday, then that should also be mentioned).

Hence I am going for conducting search without a search warrant.The information is being sent to (Sr. DSC/DSC) through Constable(name,number and posting).Please send receipt acknowledgement.

Name,Designation and Signature
Place
Date and time

Annexure-3

20. Personal Search Memo

(U/S-50 of NDPS Act)

I (name and designation of officer authorized) am posted at (place of posting).I have received credible information that you are in possession of (name of narcotic substance) for which it is necessary to conduct your personal search. You can have the search conducted in presence of a Magistrate of Gazetted officer, which is your legal right under section-50 of NDPS Act 1985.

Hence you are being informed of your rights in this regard. Please tell us in whose presence you want the search to be conducted.

Names,addresses and signatures of witnesses

1. …….
2. …….

Name of inquiry officer

Date,time and signature

I was informed/I want to give the search in presence of (……..).

Signature/Thumb impression of accused

Name

Date

Names ,addresses and signatures of witnesses

1. ……
2. ……

Name of officer authorized
Date and signature

21. Search Memo of the Witnesses and Officers

After taking the consent and search of Sh.(Name and address of the accused), Sh. (Name and address of the accused) has been allowed to do the personal search of me (name and designation of the officer conducting the search) and rest of the members of my team. Sh. Name and address of the accused) found the following items on search : -

1. Name and Desig. of officer conducting: the search	-	Name and shape of the Item found.
2. Name and address of witness- I	-	Name and shape of the Item found.
3. Name and address of witness-II	-	Name and shape of the Item found.
4. Name and address of witness-III	-	Name and shape of the Item found.

These all items are of daily use. Therefore, on finding no illegal item, these items are return back to their owners. On personal search of witnesses and RPF officer, no illegal durg/narcotics was found. The memo was read and explained to the accused.

Signature of the accused/Thumb impression, name, address and date

Signature of the Witness-I/Thumb impression, name, address and date

Signature of the Witness-II/Thumb impression, name, address and date

Signature of the search officer,
Name, designation, date and place

22. Identification Memo of Narcotics substance

Today on date _____time _____ hrs. place _____ the narcotics material/substance seized from Sh. (Name and address of the accused) was identified by the way of sniffing/testing/verifying/experiencing in presence of the following witnesses.

Signature of the Witness-I/Thumb impression, name, address and date

Signature of the Witness-II/Thumb impression, name, address and date

Signature of the authorized officer_____
Name, designation, RPF Post_____
Date_____
Place_____

23. Memo of preparing the specimen stamp

Today on date _____time _____ hrs. place _____ the seized narcotics material/substance was kept in the envelops/bags, in presence of the following witnesses, and a stamp in the form of specimen (the word inscribed on the stamp) was pasted on it and after that, specimen of the stamp (the word inscribed on the stamp) was taken on a piece of cloth separately. Three specimen of the stamp were taken on three papers on which the witnesses, accused and myself put their signatures. The specimen, in ink, of the same stamp has been put on this memo. After taking the specimen of the stamp, the stamp has been handed over to the witness(name of the witness). After taking the specimen of the stamp, the seized specimen of narcotics substances/materials will be sent to judicial laboratory.

Specimen in ink of the stamp

Signature of the Witness-I/Thumb impression, name, address and date

Signature of the Witness-II/Thumb impression, name, address and date

(Received the stamp_____)

Signature of the accused
Name, address and date

Signature of the authorized officer_____
Name, designation, RPF Post_____
Date_____
Place_____

24. Inormation and arrest memo

Under section 52 of NDPS Act

Today on date _____time _____ hrs. place _____ the seizure (weight and name of narcotics substance) has been done from your possession/ownership in presence of the following witnesses. This act on your part is an legal offence under section _____ of NDPS Act 1985. Therefore, after informing you of this offence, I (Name and designation of authorized officer and place of posting) arrest you. Please inform also as to whom you want to send information of your arrest.

In the handwriting of the accused_____ received information. I want to give information of my arrest _____ (name, address, mob No. and relation of the person)

Signature of the authorized officer

Signature of the Witness-I/Thumb impression, name, address and date

Signature of the Witness-II/Thumb impression, name, address and date

In the handwriting of the accused_____
(Received the copy free of cost)
Signature of the accused and name

25. Forwarding Note for sending information to National Crime Record Bureau

Form: NCRB-1

1. Name and address of seizure department
2. Primary Report No., date and section of the law
3. Name and address of the accused person/persons
4. Details and weight (accurate/approximate) of the seized narcotic drugs/psychotrophy substance/restricted substance
5. Weight of the sample/nos. of the samples
6. Place and date of receiving
7. Date of the drawal of the sample and description of the sample
8. Nos. of the sample and its identification, mark of the identification etc
9. Describition of the stamp used during the process of seizure
10. No. of the stamps used for putting on samples and its identification(should be enclosed separately)

Signature of the seizing officer with date

Signature of the authorized officer

Annexue-9

26. FORM-F

(Seizure report of narcotic drugs, Psychotropic substances, Controlled substances)

(to be forwarded within 48 hours of the seizure to DG, NCB)

1. Name of seizure agency:
2. Date of seizure:
3. Place of seizure:
4. Quantity seizure:

Kgs, Grams, Milligrams

(i) Opium……
(ii) Morphine……..……..
(iii) Heroin……
(iv) Ganja…….…….
(v) Charas (Hshish)…….
(vi) Cocaine…….
(vii) Ecstasy……..
(viii) Methaqualone/ mandrax…….
(ix) Controlled substance (*) (Precursors)……..
(*) Acetic Anhdride/ N-Acetyl, Anthranilic Acid/ Ephedrine/ Pseudo elephant and Anthranilic acid

(x) Psychotropic Substances……
(xi) Ketamine……
(xii) Pharmaceuticals preparations containing narcotic drugs & psychotropic substances …….
(xiii) Amphetamine type stimulants (ATS)…….....
(xiv) LSD……
(xv) Any other drug/chemical…….

5. Packing/ marking, if any:
6. Section of the NDPS/other acts (Drugs & cosmetics act, Customs Act, PML State Excise Act, etc) under which offence is committed:
7. Address of the premises, where seizure effected:
8. Whether, seized from a factory/ illicit laboratory: (if so, details thereof)
9. Price of seized drugs:
   (a) At the place of origin/source:
   (b) Wholesale
   (c) Retail (Street Level)
10. If seized at Airport/ Railway station/ Bus stand, etc:
   (i) Flight/ Train / Bus route
   (ii) Arrival /Departure
   (iii) Origin/ Destination
11. Mode of transport, Air/ Road/ Courier:
   (i) Registration number of the vehicle:
   (ii) Make: Model
   (iii) Name & Address of the owner:

12. Suspected source of the seized drugs/controlled Substances (country/place and name/person name):
13. Suspected destination of the seized drug/Controlled substances (country/place and name/person name):
14. Modus operandi/concealment (specify the details of modus operandi noticed)
15. New method of diversion of precursors and illicit Manufacture:
16. Particulars of the offenders/person arrested (fill up separate sheet if persons arrested are more than one):
    (i) Name:
    (ii) Alias (if any)
    (iii) Sex (male/female):
    (iv) Profession -Business/Student/Labour etc.
    (v) Father's name:
    (vi) Age/Date of birth:
    (vii) Adult or Minor (below 18 years):
    (viii) Nationality:
    (ix) Passport/ Identity/ PAN number, etc.
    (x) Date and place of issue:
    (xi) Address (indicate the police station and post office within which the person has residence: PO, PS:
17. Whether trafficker/carrier/drug peddler/ drug addict:
18. Previous involvement in drug trafficking or other criminal cases:
19. Whether member are part of drug Syndicate/cartel/ gang (if so, provide details):
20. Whether detained under the PITNDPS Act earlier (if so, furnish details)
21. Particular of accomplices named by the offender/arrested persons (full separate sheet for each accomplice)
    (i) Name:
    (ii) Alias (if any)
    (iii) Sex (male/ female):
    (iv) Profession- Business/Student/Labour etc.
    (v) Father's name:
    (vi) Age/ Date of birth
    (vii) Adult or minor (below 18 years)
    (viii) Nationality:
    (ix) Passport/ Identity card/PAN number, etc.:
    (x) Date & place of issue:
    (xi) Address (indicate the police, station and post office within which the person has residence PO, PS:
22. Brief facts of the case (Narrate the events starting from receipt of Intelligence (if any) and any fact of interest from verification angle):
23. Details of property seized/ forfeited:
24. Name, designation and part played by the officers in the seizure case:
25. Any emergence/formation of Network/Gangs & interlinkage (if so, provide details)
26. Whether joint interrogation done and input shared with concerned Enforcement Agencies (if so, provide details)

27. Send follow up action/ investigation report in respect of the following within 30 days:

(i) Purity percentage of seized drugs:
(ii) Adulterants/ dilutants:
(iii) Result of financial investigations:
(iv) Linkage of narco - terrorism and money laundering:
(v) Action against member of gang/syndicates:
(vi) Detail of action initiated by Income tax/Enforcement Directorate of Revenue Intelligence and Customs:
(vii) Interface with other agencies in India/Abroad:

Dated…….

(signature)

(Name and designation of the officer)

This report should be forwarded to the DG, NCB west block- 1, wing No. V, RK Puram, New Delhi- 110066, fax No. 011-26185240 within 48 hours of the seizure. A copy of this report should be endorsed to DG/RPF. The detail of seizure shall also be uploaded in the web portal SIMS within 48 hours of completion of formalities.

CHECK LIST

CHECK LIST in order to ensure that nothing material has been overlooked by the empowered officers during the course of seizure, Sampling and arrest, a checklist shall be kept ready and tick marked appropriately for the same.

1. Was the information regarding possession of NDPS substance reduced in writing? ☐
2. Was the search conducted between sunrise and sunset? ☐
3. If search conducted after sunset and before Sunrise was the reason for not obtaining authorization recorded? ☐
4. Was the reason mentioned in (3) sent in writing to his official superior within 72 hours? ☐
5. Were the personal belief and the ground for conducting search in the absence of authorization recorded in writing? {section 42 (1)} ☐
6. Was a copy of the said documents as at 1 or 2, as applicable, sent to his official superior within 72 hours? {section 42 (2)} ☐
7. Was it mentioned clearly in the case file as to when and under what dispatch number the copy of the information so recorded was sent to the immediate official superior? ☐
8. Was the copy of search authorization shown and signature of two independent witnesses and the owner/ occupier available in the premises at the time of search obtained/procured thereon? ☐
9. Did the search team offer their own personal search by the owner/occupier of the premises before beginning the search of the promises? ☐
10. Was a written notice under section 50 of the NDPS act served on the occupants of the premises or on the person who is intercepted at a public place and was the response to such a notice recorded in writing thereon? ☐
11. Was the person, whose searched so requires, taken to the nearest Gazetted officer/ Magistrate? ☐
12. Was a lady officer present in the search team to ensure that female is searched by a female? {section 50(4)} ☐
13. Was the reason to believe that the person about to be searched will part with the possession of drugs and other, incriminating articles as such cannot be taken to such officer, recorded in writing {Section 50 (5)} ☐
14. Was the copy of the document, as at 8, sent to his immediate superior within 72 hours? {Section (50(6)} ☐
15. Were all the recovered substances tested on the spot with drug detection kits etc. to verify the presence of narcotics, and were the necessary documents prepared in this regard? ☐
16. Were all the recovered documents, articles, or things scrutinized/examined to determine their relevance to the commission of offence under the Act? ☐
17. Were all the recovered and relevant items liable to seizure and confiscation entered carefully in an inventory and documents in the seizure memo? ☐
18. Were all the goods, documents, articles, things and assets found relevant to the commission of offence and subsequent investigation, recovered during search, seized and the fact of seizure documented in the memo? ☐
19. Were two representative samples drawn from each package or lot of the suspect seizure substance on the spot? ☐
20. Was it ensured that the representative samples are specified weights? ☐

21. Were all the packages including the representative samples properly packed, marked and sealed? ☐
22. Was the seizured memo/site plan of place of recovery prepared/ drawn carefully on the spot and correctly indicating the sequence of events including start and end time of the search proceedings? ☐
23. Was it ensured that the seizure memo of all recovered/seized documents/ articles/ things bear signatures of the person whose premises was searched or from whom the recovery was made, two independent witnesses, the empowered officer and the lady officer present on the spot for the search of a lady? ☐
24. Was a notice to examine the owner/occupant and recovery witnesses under section 67 of the Act issued and his/their statements recorded by the empowered officer? ☐
25. Was a written arrest memo informing the grounds of arrest prepared in respect of the person arrested? ☐
26. Was the arrest made in the presence of a witness and his signature obtained on the arrest memo? ☐
27. Was the fact of arrest intimated to one of the relative or friend of the person who was arrested and the same endorsed on the arrest memo? ☐
28. Were the guideline prescribed by the Hon'ble Supreme Court of India in case titled Govt. of West Bengal Vs D.K. Basu followed? ☐
29. Was the personal search memo (fard Jamatalashi) prepared?
30. Was a report of seizure and arrest sent to the immediate superior within 48 hours of seizure / arrest? (Section 57) ☐
31. Was the arrested person handed over the officer in charge of the nearest Police Station or officer empowered U/s 53 of NDPS Act without unnecessarily delay? ☐
32. Was the seized material along with representative sample and documents prepared handed over to the officer in charge of the arrest Police Station or officers empowered u/s 53 of NDPS Act without unnecessarily delay? ☐
33. Was the information of search, seizure and arrest (if any) sent to DG/NCB, DG/RPF and uploaded in web portal? ☐

CHAPTER-17

Escorting of arrester accused under RP(UP) Act, 1966 and Railway Act

1. In the event of producing arrested accused under RP(UP) Act and Railway Act by RPF to the court, the escort team shall have the following strength- 2 constables for 1-3 accused, 3 constables for 4-6 accused, 1 HC and 4 constables for 7-10 accused, 2 HC and 5 Constables for 11-15 accused. 2 HC and 8 Constables for 16-25 accused, 3 HC and 10 constables for 26-50. If the number of accused is more than 50, then 1 SI will be added to the team.
2. In the event of producing accused without handcuffs to the court, the escort party team shall comprise of 2 constables for 1 accused. If the number of arrested accused is more than one, then 1 HC/Constable shall be put for every arrested accused.
3. If the accused are to be taken on a police van, then the escort team shall have 1 subordinate officer and 4 staff.
4. In the event of the escort team comprising of more than 1 member of the force, the senior most member shall be the incharge of the escort party.
5. The Inspector Incharge shall make an entry into the diary of the members of the force sent to produce the accused person in from of magistrate.
6. If there are more than 3 accused, then the weapons and ammunition shall be issued to the escort party in accordance with directions given by DG. In case of less than 3 accused, the escort party shall be provided with Lathi.
7. The members of the force escorting the accused shall not put Bayonet on the weapon.
8. Generally, the accused person should not be handcuffed.
9. Female and Male accused shall not be handcuffed unless it is necessary to stop them from escaping, committing violent acts or suicide. In case they are handcuffed, then the Inspector Incharge shall record reasons in the diary and inform the senior officers.
10. If the accused has been handcuffed, then the cuffs shall be removed while producing in front of the court.
11. Whenever the accused is handcuffed, then the senior most member of the force present there shall be responsible for proper handcuffing.
12. The handcuffed accused shall not be permitted to hide his/her hand or its any part using a cloth etc. The handcuffed hand shall always be open.
13. While escorting the accused from post to court, the RPF escort party shall not engage in conversation with the accused and also not allow him to contact anyone. If any member of the force provides any facility to the accused, then departmental enquiry shall be initiated against that member.
14. Escort Party shall not allow the accused to use any prohibited items. Examples of prohibited items – alcohol, Any mixture containing Afeem, psychotropic drugs, tobacco, Beedi, Cigarette, matchstick, currency note, expensive items, gold, solver, any printed item, knife, rope etc.
15. If the accused wants to meet any advocate in the court, then the application of the accused shall be given to Public Prosecutor, who shall then present it to the court. The accused shall be allowed to meet the advocate only after the court's permission.

16. If the accused falls sick during escorting, then he shall be immediately taken to a Govt. or recognised hospital after informing the Inspector Incharge. He shall enter this information in the Roznamcha. The court shall be informed about this and the accused shall be presented only after the treatment.
17. While producing the Juvenile delinquent in front of the court, the RPF escort party shall be in civil dress.
18. The member of the RPF Escort party shall make the accused carry his belongings; neither shall he carry the accused person's belongings.
19. The RPF escort party shall not fire upon the escaping accused or accused trying to escape unless it is necessary as per the Right of Private Defence.
20. If any accused escapes on the way, then the escort party incharge shall inform to the nearest police station and shall produce the remaining accused in the court.
21. If the escort party is travelling on the train with the accused, then they should travel in the General Compartment.
22. Proper lighting arrangement shall be available from sunset to sunrise in the coaches in which the accused are being taken.
23. The escort party shall take the shortest route while taking the accused to the court and shall ensure that the path is not crowded and it should be a normal route.

Reference – Guard and escort rules of UP Police.

CHAPTER-18

Record of crime related figures

1. **Registers maintained as record of crime related figures at PCSC, Sr.DSC/DSC/ASC office, posts and outposts** –

Sr. No.	Register Number	Name of register	Register kept at Post or Outpost		DSC Office	PCSC Office
1	C1	Damage Deficiency Message Register	Post	--		--
2	C3	Register of Crime for Booked Consignment	Post	--	Divisional Office	--
3	C3A	Register of Crime for Railway Material (Rolling Stock)	Post	--	Divisional Office	--
4	C3B	Register of Crime for Railway Material (other than Rolling stock)	Post	--	Divisional Office	--
5	C3C	Crime register (Arrest related to Trespass)	Post	--	Divisional Office	--
6	C4	Special Report Register	Post	--	Divisional Office	PCSC Office
7	C5	Case Property Register	Post	--		--
8	C6	Register for cases send for Departmental Action.	Post	--	Divisional Office	--
9	C7	Continuation report Register	Post	--		--
10	C8	Railway Criminals Confidential register	Post	--	Divisional Office	--
11	C9	Register for Submitting of final Report (For Booked Consignment)	Post	--	--	--
12	C10	Register for Submitting of final Report (Rly Material)	Post	--	--	--
13	C11	Seal Memo Book	Post	Outpost	--	--
14	C12	Seal, Rivet, Latch checking Book	Post	Outpost	--	--
15	C13	Defective Wagon Checking Register	Post	Outpost		--
16	C14	Register of shortage from Seal Intact wagon (Inward)	Post	--	--	--
17	C15	Register of shortage from Seal Intact wagon (outward)	Post	--	--	--
18	C16	Incoming register (Railway Staff) Workshop/Store	Worksho p Post	--	--	--
19	C17	Incoming Material	Worksho	--	--	--

		Register	p Post			
20	C18	Outgoing Material Register	Worksho p Post	--	--	--
21	C19	Incoming Material Return Register (Returnable)	Worksho p Post	--	--	--
22	C20	Outgoing Material Return Register (Returnable)	Worksho p Post	--	--	--
23	C21	Register for pending Railway Act cases	Post	--	Divisional Office	--
24	C22	Standing warrant register	Post	--	Divisional Office	--
25	C23	Court prosecution register	Post	--	--	--
26	C24	Search register	Post	Outpost	--	--
27	C25	Criminal Confidential Register	Post	--	--	--
28	C26	Passenger FIR register	Post	--	--	--
29	C27	Injured/Semi conscious/Disease related register	Post	Outpost	Divisional Office	--
30	C28	Heinous crime register	Post	Outpost	Divisional Office	PCSC Office
31	C29	Ticketless checking register	Post	Outpost	Divisional Office	PCSC Office
32	C30	Register regarding action taken against littering on Railway Premises	Post	--	Divisional Office	--
33	C31	Personal Cash register	Post	Outpost	--	--
34	C32	Register related to meal provided to accused	Post	Outpost	--	--
35	C33	Train escort checking register	Post	Outpost	--	--
36	C34	ACP/ VD Guard FIR register	Post	Outpost	--	--
37	C35	Register related to missing children	Post	Outpost	Divisional Office	PCSC Office

38	C36	182 Security Helpline register	Post	Outpost	Divisional Office	PCSC Office
39	C37	Train attendant register	Post	Outpost	--	--
40	C38	Rail Mitra register	Post	Outpost	Divisional Office	--
41	C39	Railway Act register	Post	Outpost	Divisional Office	--
42	C40	Railway Act enquiry register	Post	Outpost	Divisional Office	--
43	C41	Railway Property RP(UP) Act register	Post	Outpost	Divisional Office	PCSC Office
44	C42	Untoward incident inquiry register	Post	Outpost	Divisional Office	PCSC Office
45	C43	Personal Search register	Post	--	--	--
46	C44	Register of format related to NDPS	Post	--	--	--

2. The responsibility of entering the description in the above registers and supervision of their maintenance lies with the Sub Inspector of the post. This process will be helpful in the maintenance of register and in understanding the descriptions and will play a major role in analysing any matter and drawing conclusion. The Sub Inspectors will be transferred after regular intervals.

Railway…….

Railway Protection Force

3. Deficiency Message Register

---------- Brief of Month

Division---------- Post/Outpost-------

1	2	3	4	5	6	7	8	9
Sl.no	Date & time of received message	Action taken	Total number of messages and memo	Total number of such messages/ memo on which Case Registered	Total numbers of cases Transferred from other Post	Total number of such messages/memo on which enquire processed	Total number of such messages/memo on which crime not established	Any other special details

RPF/C-3

Railway…….

Railway Protection Force

4. Crime Register of Booked consignment

---------- Brief of Month

1	2	3	4	5	6	7	8	9	10	11
Sl.No.	Date , time & place of occurrence	Date & Time of report to (A)RPF (B) GRP	(A)Name of the Reporting officer (B) Enquiring Officer RPF	Date of visiting spot holding enquiry & submitting report including final report	Detail of occurrence including local condition and modus operandi	Description of stolen property with approximate cost	Booking particulars and identification mark	Description of property recovered and value	Railway staff in charge, i.e. Guard, Crew,Van, Potter, Commercial clerk and store clerk	Name ofRPF and GRPon duty

Continuation……..

12	13	14	15	16	17	18	19	20	21
Result ofRPF Enquiry with classification	Result of Police investigation with classification	Arrested Person		Suspected Person		Railway Employee responsible for contributory negligence	Final result of case in the court	Result of departmental action, if any	Any other special details
		Out-slider person	Railway Employee	Out-slider person	Railway Employee				

RPF/C-3(A)

Railway…….

Railway Protection Force

5. Crime Register (Theft of Railway material)……

…… Brief of Month

Division-…… Post/Outpost……

Page-I

1	2	3	4	5	6
Sl.No	Date & time of occurrence	Place of occurrence	Date of report send to (A)RPF (B) GRP	Name of reporting officer	Detail of occurrence

Continuation……..

7	8	9	10	11	12	13	14
Description of property stolen and recovered					Carriage and Wagon fittings		
Bulb	Cell/Batteries	Fans	Cables	Misc.	DV	Push cock	Mirror
Nos. and Value	Nos. and Value	Nos. and Value	Nos. and Value	Nos. and Value	Nos. and Value	Nos. and Value	Nos. and Value
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)

RPF/C-3(A)

Railway…….

Railway Protection Force

6. Crime Register (Theft of Railway material)……

Division---------- Post/Outpost-------

Page-2

1	2	3	4	5	6	7
Carriage and wagon fittings				OHE and other fittings		Result of enquiry by RPF
Seat cushion and rexine in Sqft.	Wash basin		Engg. fittings	Signal material	Others	
No. and price	No. and price	No. and price	No. and price	No. and price	No. and price	
J	K	L	M	N	O	

Continuation……..

8	9	10	11	12	13	14
Result of enquiry report by police	Arrested or suspected person		Rly. Employee responsible for the loss	Final report filed in the court	Result of departmental action(If any)	Remark
	Outsider	Railway employee				

RPF/C-3(B)

Railway…….

Railway Protection Force

7. Crime Register (Theft of Railway material except fittings)……

Division-..... Post/Outpost.....

Page-I

1	2	3	4	5	6
Sl.No	Date & time of occurrence	Place of occurrence	Date of report send to (A)RPF (B) GRP	Name of reporting officer	Detail of occurrence

Continuation……..

7	8	9	10	11	12
Description of property stolen and recovered					Carriage and Wagon fittings
Bulb	Cell/Batteries	Fans	Cables	Misc.	Mirror
Nos. and Value	Nos. and Value	Nos. and Value	Nos. and Value	Nos. and Value	Nos. and Value
(A)	(B)	(C)	(D)	(E)	(F)

RPF/C-3(B)

Railway…….

Railway Protection Force

Crime Register (Theft of railway material except fittings)

Division---------- Post/Outpost-------

Page-II

1	2	3	4	5	6	7
Carriage and Wagons fittings				O.H.E & other Railway Material		Result of R.P.F Enquire
Seat Cushion and Raxin sq. feet	Wash Basin	Engineering Material Nos. and Value		Signal Equipments	Other Equipments	
Nos. and Value	Nos. and Value			Nos. and Value	Nos. and Value	
(A)	(B)	(C)		(D)	(E)	

Continuation……..

8	9	10	11	12	13	14
Report of Police Investigation	Person Arrest or suspected		Railway Employee responsible for contributory negligence	Final result of case in court	Result of Departmental Action If any	Remarks
	Outsider person	Railway Employee				

RPF/C-3(C)

Railway…….

Railway Protection Force
8. Crime Register Pertaining to arrest in Trespass & Non-Specific Cases

DIVISION…….. OFFICE/POST

1	2	3	4	5	6	7	8	9
Sl. No.	Date Time and Place of occurrence.	By whom arrested and under which Act.	Persons arrested		Action taken by R.P.F.	Action taken by G.R.P.	Result of the case	Remarks
			Other than Railway employees	Rly. Employees.				

RPF/C-4

Railway…….

Railway Protection Force
09. Special Report Register

DIVISION---------- OFFICE/POST

Page-I

1	2	3	4	5
Sl.No.	Crime Register no.	Special Report Nos. and Specification	Post/Out-Post	Place & Date of Occurrence

Continuation……..

Page-II

6	7	8	9	10	11
In which Police Station case was register, Case No. & Date	Sending date of Special Report	Description of lost property and estimated value	If any property found then the estimated value	Sent progress report No. & Date	Final Result

RPF/C-5

Railway…….

Railway Protection Force

10. Case Property Register

DIVISION---------- OFFICE/POST

1	2	3	4	5	6	7	8	9	10
Sl. No.	Crime no.	Received Date	Description of property	Estimated Date	Who Deposit	Dairy Entry No	Settlement	Date	Any other special Detail

Railway…….

Railway Protection Force

11. Case arising out of thefts Pilferaged losses hand over for departmental action

DIVISION……. OFFICE/POST……

1	2	3	4	5	6	7	8	9	10	11
Sl. No.	Date , time & place of occurrence	Date & Time of report send to (A)RPF (B) GRP	(A)Name of the Reporting officer (B) Enquire Officer name	Date of inspection, Final report submission date, date of expunged	Description of case and local situation and modus operandi of crime	Description of stolen property and approximate cost	Detail of booking and identification mark	Detail of recovered property and cost	In charges railway employees, i.e. Guard, Workers ,commercial clerk and store clerk etc	Name of on duty Posted security forces and government Railway Police personnel

Continuation……..

12	13	14	15	16	17	18	19	20	21
Classification and result ofRPF Enquire	Classification and result of Police investigation	Arrested Person		Suspected Person		Railway Employee negligence in duty due to which theft occurred	Final result in the court	Result of departmental proceedings	Any other special details
		Out-slider person	Railway Employee	Out-slider person	Railway Employee				

RPF/C-7

Railway…….

Railway Protection Force

12. Continuation Report Register

DIVISION---------- **OFFICE/POST----------**

1	2	3	4	5
Sl.No.	Date	Type of Crime (SOR/SR) with date of Registration	Progress report send to Divn.HQ/Zonal HQ	Remarks

RPF/C-8

Railway…….
Railway Protection Force
13. Register of Railway Criminals (Confidential)

DIVISION---------- OFFICE/POST----------

	2	3	4	5	6	7	8
Sl.No.	Offender Name, Sur-Name with father name	Occupation & Address	Description of proven allegation	Cases in which offender suspected	Modus operandi of crime	Name of the Companion in crime	Any other special details

Railway…….

Railway Protection Force

14. Final report theft/pilferage booked consignment

DIVISION---------- OFFICE/POST

1	2	3	4	5	6	7	8	9	10	11
Sl. No.	Date , time & place of occurrence	Date & Time of report send to (A)RPF (B) GRP	(A)Name of the Reporting officer (B) Enquire Officer name	Date of inspection, Final report submission date, date of expunged	Description of case and local situation and modus operandi of crime	Description of stolen property and approximate cost	Detail of booking and identification mark	Detail of recovered property and cost	In charges railway employees, i.e. Guard, Workers, commercial clerk and store clerk etc	Name of on duty Posted security forces and government Railway Police personnel

Continuation……..

12	13	14	15	16	17	18	19	20	21
Classification and result ofRPF Enquire	Classification and result of Police investigation	Arrested Person		Suspected Person		Railway Employee negligence in duty due to which theft occurred	Final result in the court	Result of departmental proceedings	Any other special details
		Out-slider person	Railway Employee	Out-slider person	Railway Employee				

15. FINAL REPORT FORM(Theft of Rly. material)

रेलवे
Railway

(10)

C-10

रेलवे सुरक्षा बल
RAILWAY PROTECTION FORCE

अंतिम रिपोर्ट का फार्म
FINAL RPORT FORM

रेलवे के माल की चोरी/हानि के सम्बन्ध में अंतिम रिपोर्ट
(Final Report on Theft/Loss of Railway Property)

मुकदमे का हवाला नं० ..... तारीख ..... चौकी ..... डिवीजन .....
R. P. F. Case Ref. No. ..... Date ..... Post ..... Division .....

खोये हुए या कम पाये गये माल का विवरण और अनुमानित कीमत
Description of property lost or found short with approximate value .....

उपर्युक्त मामले की जांच की गई है और इसे .... *का सही मामला पाया गया है। ब्यौरा नीचे दिया है
सही ब्यौरा पुलिस/रेलवे सुरक्षा दल की रिपोर्ट में दिया है।
The case referred to above has been enquired into and found to be a true case of .....
Details as noted are hereunder. Further details have been noted in the Police/R.P.F. Report.

††उपर्युक्त मामले की जांच की नहीं की गई है, लेकिन इसे चोरी/हानि/दुर्विनियोग/धोखा-धड़ी का मामला माना गया है।
The case referred to above has/has not been enquired into but accepted as a case of theft/loss/misappropriation,/fraud.

†††उपर्युक्त मामले की जांच की गयी/नहीं की गयी है और इसे चोरी/हानि/दुर्विनियोग/धोखा-धड़ी का मामला न मानकर कारणों से हुई हानि का मामला माना गया है। कारणों का ब्यौरा पैरा 12 में दिया गया है।
The case referred of above has/has not been enquired into and has not been accepted as a case of theft, misappropriation/fraud but loss due to other causes as detailed in para. 12,

*चोरी, धोखा-धड़ी या दुर्विनियोग या इनमें से कोई एक और उसके साथ क्षति/हानि।
Theft, fraud or misappopriation or any one combined with damage/loss.

†, ††, ††† { जो लागू न हो उसे काट दिया जाये।
Strike out whichever is not applicable.

लिफाफे पर छापे जाने वाली हिदायत
Instructions to be printed on the cover.

1. स्थान ..... Local .....
यह ठीक वही स्थान होना चाहिए जहां माल खोया हो जैसे कारखाना, गोदाम, भंडार डिपो आदि।
This should be actual site where goods were lost, namely WorkShop, Godown Stores Depot, etc.

2. घटना स्थल ..... Place of occurrence .....
स्टेशन का नाम, क्षेत्र या स्थान जहां हानि हुई।
Name of station, sector or place in which loss occurred.

3. स्थान की हालत ..... Condition of locals .....
'स्थान की हालत' शीर्षक में यह लिखा जायेगा कि गोदाम, कारखाना आदि सील बन्द था, उसमें ताला लगा था या बाड़ लगी थी आदि।
Under 'condion of local' will be written whether sealed, locked or fenced godown, WorkShop, etc.

4. प्राप्ति का ब्यौरा ..... particulars of receipt .....
प्राप्ति की तारीख, समय और जरिया या माल अभिरक्षा में कब लिया गया।
Date, time and means of receipt or when the property was taken into custody.

5. कारखाना, भण्डार डिपो, भण्डार यार्ड, गोदाम आदि के कार्यभारी कर्मचारियों के नाम ..... Names of staff in-charge of W/Shop, Stores Depot, Stores Yards, Godowns, etc .....
(i) सन्देह होने पर फोरमैन, भण्डार-क्लर्क, रेल-पथ निरीक्षक, गोदाम सीपर आदि (और अन्य कर्मचारियों) के नाम दिये जायेंगे और
Name of Foreman, Stores Clerk, P. W. I. Overseer, etc. (and others) will be given if suspected guilty

16. SEAL MEMO BOOK

C-11

फार्म नं०
Form No.

पूर्वोत्तर रेलवे
N. E. RAILWAY

रेलवे सुरक्षा दल
Railway Protection Force

पू० उ०-डब्ल्यू० डब्ल्यू०-18
N. E.—W. W.—18

आर० बी०-आर०पी०एफ०/सी-11
RB-RPF/C-11

मंडल .....
Division

चौकी .....
Post

सील मेमो बुक
Seal Memo Book

क्रम सं० .....
Serial No.

दिनांक .....
Date

समय .....
Time

रे०सु०ब० सील मेमो
R. P. F. Seal Memo

स्टेशन मास्टर .....
The Station Master

वैगन सं० ..... से ..... तक दिनांक ..... को समय .....
दाहिने/बायें तरफ की अपूर्ण/त्रुटि-पूर्ण सील सहित (.....) ..... द्वारा
त्रुटि का प्रकार
पहुंचा और दायें/बायें तरफ को रिवेट पैडलाक/ई०पी० लाक लुप्त है जैसा कि सैनिक द्वारा पता लगाया गया।

Wagon No. ..... from ..... to ..... arrived by ..... on ..... at ..... with Right/Left side (s) seal deficient/defective (.....) and Right/Left side rivet padlock/E.P. lock missing as detected by Sainik.
Nature of defect

वैगन सं० ..... से ..... तक यार्ड ..... को लाइन सं० .....पर
दिनांक ..... को समय ..... से खड़ा है जिसका स्टेशन/आफ साइड सील अपूर्ण/त्रुटि-पूर्ण
(.....) है और स्टेशन/आफ साइड रिवेट/पैडलाक/ई०पी० लाक लुप्त है जैसा कि सैनिक द्वारा
त्रुटि का प्रकार
पता लगाया गया।

Wagon No. ..... from ..... to ..... is standing in ..... yard on line No. ..... on ..... at ..... with station/offside seal deficient/defective (.....) and station off side rivet/padlock/E.P. lock missing as detected by Sainik.
Nature of defect

कृपया उस पर तुरन्त पुनः सील लगाने का प्रबंध करें।
Please arrange to re-seal it immediately.

.....
रेलवे सुरक्षा बल अधिकारी के हस्ताक्षर
(Signature of R. P. F. Official)

1. मेमो प्राप्त करने वाले यातायात अधिकारी के हस्ताक्षर.....
Signature of Traffic Official receiving Memo.
2. वैगन के पुनः सील लगाने का समय और दिनांक .....
Time and date when wagon re-sealed.
3. पुनः सील लगाने वाले लिपिक का नाम .....
Name of re-sealing clerk.

पु०रे०—98990957—450 किलोई— May'06

RPF/C-12

Railway…….
Railway Protection Force
17. Seal, rivet, lock checking Register

Date---------- Train No. ----------

Train Arrival Time ---------- Train Departure Time ----------

Wagon No.	Condition of Seal	Revert/ Bolt	Latch	Carter Pin	Remarks

RPF/C-13

Railway…….
Railway Protection Force
18. Defective Wagons Checking Register

Division……..

1	2	3	4	5	6	7	8
Serial No.	No.and Date of guard's Memo	Particulars of wagons			Particulars of defection		
		Wagon No. and owning Railway	Station from	Station To	Place	Time	Nature of defects and Conditions of seals,rivets and locks.

Continuation……

9	10	11	12	13	14	15	16
Particulars of defection			Date of checking	Name of joint checking staff	Result of checking	Action taken	Remarks
Name of Detecting staff	Name of Staff Whose presence re-sealing	Time & Date of re-sealing					

RPF/C-14

Railway…….
Railway Protection Force
19. Register of shortage from seal intact wagon Inward

DIVISION---------- OFFICE/POST

1	2	3	4	5	6
SL. No.	Date	Particulars of Information Issued	Particulars of wagons		
			Wagon No.	Station from	Station to

Continuation……..

7	8	9	10	11	12
Particulars Of Consignment	Name of handling clerk at unloading Station	Name with parentage of collies with unloaded the wagons	R.P.F. Staff on duty	Name on duty Head constable/constable	Remarks

Railway…….

Railway Protection Force

20. Register of shortage from seal intact wagon (outward)

DIVISION…… OFFICE/POST……..

1	2	3	4	5	6
SL. No.	Date	Particulars of Information Issued	Particulars of wagons		
			Wagon No.	Station from	Station to

Continuation……..

7	8	9	10	11	12
Particulars Of Consignment	Name of handling clerk at unloading Station	Name with parentage of collies with unloaded the wagons	R.P.F. Staff on duty	Name on duty Head condstable/constable	Remarks

RPF/C-16

Railway…….

Railway Protection Force

21. Visitors RegisterRailway Emp. Workshop/Stores

SL. No.	Entry Time	Visitor's Name	Address	Motive of visiting and for whom to meet.	Signature	Exit Time	Signature	Remark
1	2	4	5	6	7	8	9	10

RPF/C-17

Railway…….

Railway Protection Force

22. Incoming Material Register

SL. No.	Date	Entry Time	Challan No.	Purchase Order no.	Where did it Supply from	To whom sent-Address
1	2	3	4	5	6	7

Contd……..

Name & No. of Vehicle	Detail of content and No. of packages	Representative/ Driver's Name & Mob. No.	Officer's Signature	Representative/ Driver's Signature	Remarks
8	9	10	11	12	13

RPF/C-18

Railway…….

Railway Protection Force

23. Outgoing Material Register

SL. No.	Date	Exit Time	Gate Pass No.	Issue Note No.	Ward/ Store No.	To whom sent- Address	Name & No. of Vehicle	Detail of content and No. of packages	Representative/Driver's Name & Mob. No.	Officer's Signature	Representative/Driver's Signature	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

RPF/C-19

Railway…….

Railway Protection Force

24. Incoming Material Register(Returnable)

SL. No.	Entry Time	Exit Time	Gate pass no./Challan No.	Entry or Exit Date	Arrival/Departure Time	From where supplied	To whom sent- Address	Name & No. of Vehicle
1	2	3	4	5	6	7	8	9

Continuation……..

Detail of content and No. of packages	Representative/ Driver's Name & Mob. No.	Officer's Signature	Representative/Driver's Signature	Remarks
10	11	12	13	14

RPF/C-20

Railway…….

Railway Protection Force

25. Outgoing Material Register(Returnable)

SL. No.	Entry Time	Exit Time	Gate pass no./Challan No.	Entry or Exit Date	Arrival/Departure Time	From where supplied	To whom sent-Address	Name & No. of Vehicle
1	2	3	4	5	6	7	8	9

Continuation…….

Detail of content and No. of packages	Representative/Driver's Name & Mob. No.	Officer's Signature	Representative/Driver's Signature	Remarks
10	11	12	13	14

RPF/C-21

Railway…….

Railway Protection Force

26. Under Trail Railway Act Register

SL. No.	Date & Crime No.	Case No. & Date	State vs.	Section	Number of Accuses Name and Address	Court Page no.	Result	Date wise action taken
1	2	3	4	5	6	7	8	9

RPF/C-22

Railway…….

27. Permanent warrant Register

SL. No.	Crime No.	Permanent warrant date issued by the court	Name / addres sof accuse	Registration date	Name, Designation and signature of the recipient	Details of Action taken with Date & Time
1	2	3	4	5	6	7

RPF/C-23

Railway…….

28. Court Pairvi Register

SL. No.	Crime & Case No., Section S/V Name & Address of accused	Witness Name & Address	Name of the Court	Summon Date	Witness Status	Case status	Status of court proceeding	Next date	Progress Report
1	2	3	4	5	6	7	8	9	10

RPF/C-24

Railway…….

29. Personal search Register

SL. No.	Crime No.	Section	Date	Name of arresting RPF Personnel	Name & Address of accuse	Recovered property detail	Searching Officer's signature
1	2	3	4	5	6	7	8

RPF/C-25

Railway…….

30. Criminal Confidential Register

SL. No.	Dossier No.	Date	Name & father's name Of accuse	Address of accuse	Classification of crime	Remark
1	2	3	4	5	5	7

RPF/C-26

Railway…….

31. Passenger FIR Register

SL. No.	Passenger's Name & Address with contact No.	Date & time of complaint	Brief of incident	Date & time of complaint forwarded to GRP/Civil Police	Name of the Police Station	Case FIR No. Date & time with EO Name	Date of disposal
1	2	3	4	5	6	7	8

RPF/C-27

Railway…….

32. Injured/unconscious /Sick passenger Register

SL. No.	Date	Train No.	Source of information	Name of the Injured/unconscious /Sick passenger	Name & Designation of staff sent with Injured/unconscious /Sick passenger	DO/NDO Name	Detail of action taken
1	2	3	4	5	6	7	8

RPF/C-28

Railway…….

33. Heinous Crime Register

SL. No.	Nature of crime	Date	Date & Crime No. with Section	Stolen Property	Recovered Property	Place of arresting Train/Premises	Place of occurrence	Case brief	EO Name	Daily progress report
1	2	3	4	5	6	7	8	9	10	11

RPF/C-29

Railway…….

34. Ticketless Checking Register

SL. No.	Date	No. of RPF Personnel	No. of GRP Personnel	No. of T.T.E/ TC	No. of EFT	Collection of Money	Collection from Un-booked Luggage	Fine imposed by court	Total (7+8 +9)	No. Of person arrested and sent to Jail
1	2	3	4	5	6	7	8	9	10	11

RPF/C-30

Railway…….

35. Register for action taken against affecting cleanness in railway premises

SL. No.	Date	No. of person penalty by RPF Personnel	Prosecuted person Name & Address	Fine Amount	Book/Receipt No.
1	2	3	4	5	6

RPF/C-31

Railway…….

36. Personal cash register

SL. No.	Name & designation	Beat No.	Cash Amount	Staff Signature	Name of the officer in presence cash declared
1	2	3	4	5	6

RPF/C-32

Railway…….

37. Accuse Meal Register

SL. No.	Dairy No.	Time	Date	Crime No.	Name & address of the accuse	Name of staff who provided meal	Voucher No. & amount
1	2	3	4	5	6	7	8

RPF/C-33

Railway…….

38. Train Escort Register

SL. No.	Train No.	Date	From	To	Arrival Date & Time Dairy No.	Escort Party details	Report of Train Escort	Train Departure Time & Serial No.	Train Arrival Time	From	To	Any other detail	Briefing officer's Name	Enroute checking officers' Name
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

RPF/C-34

Railway…….

39. ACP / VD Guard F.I.R. Register

SL. No.	Train No.	Punctuality Loss time	Place of occurrence section with KM	Crime No.	Train Escorted or Non-Escorted
1	2	3	4	5	6

RPF/C-35

Railway…….

40. Register of Lost/Found Children

SL. No.	Name of the where child found	Child Name, Age & Address	Visitor/Father/ Mother/Guardian/NGO Name & Address whom child handed over	Photo of child	Officer's Name & Designation who taken action	Action taken document(File Name & No.) kept
1	2	3	4	5	6	7

RPF/C-36

Railway…….

41. 182 Security Helpline Register

SL. No.	Message	Name & Address of informer	Action taken	Feedback
1	2	3	4	5

RPF/C-37

Railway…….

42. Train Attend Register

SL. No.	Date & Time	Attend Train No. & Numbers of Train	Observation	Signature of staff who attend	Remark
1	2	3	4	5	6

RPF/C-38

Railway…….

43. Yatri Mitra Register

SL. No.	RPF Yatri Mitra name & Address	Mobile No.	Photo	Remark	Police Verification
1	2	3	4	5	6

RPF/C-39

Railway…….

44. Railway Act Register

SL. No.	Crime No. & Date	Section	Brief of case with date & time	Name of the RPF Personnel arrested	Place	Name & Father Name Full permanent and temporary address	Producing date in court	Order of court with date
1	2	3	4	5	6	7	8	9

RPF/C-40

Railway…….

45. Railway Act Enquiry Register

SL. No.	Crime No. & Date	Section	Name & Address of Accuse	Name of the EO	Enquiry completion date & Complaint filling date	Result
1	2	3	4	5	6	7

RPF/C-41

Railway…….

46. Railway Property (Unlawful Possession) Act Register

SL. No.	Crime	Date& Time with Place of occurrence	Brief of case	Police/GRP Jurdiction	Jurdiction of Court	Number of arrest persons	Recovered Property	Result of Enquiry	Proceeding in court and Final conclusion
1	2	3	4	5	6	7	8	9	10

RPF/C-42

Railway…….

47. Untoward Incident Register

SL. No.	Date	Untoward Incident enquiry (Clame)	Brief of case	Case handed to EO with Date	Result of the Case	Date of submission Enquiry in Office	Date of submission of report sent to DSC office
1	2	3	4	5	6	7	8

Railway…….

48. Personal Search Register

SL. No.	Crime No. Date & Section	Name of Accused and Address	Inventory of personal search Item	Court Order to release of Personal search items with Date	Items Releasing Date & Time	General Diary Sl.no. and Date
1	2	3	4	5	6	7

Continuation……..

Personal Search Items Receiving Name	Personal Search Items Receiving person Signature	Name and Designation of force member who handed over the personal belongings	Remark
8	9	10	11

Railway…….

49. NDPS Act Case Register

Sl. No.	Date & Time of Information received	Informer name & address	Brief of information	Date & Time when the information sent to Sr.DSC/DSC	General Diary Sl.no. & Time	Departure for recovery General Diary Sl.no. & time	Recovery Date & Time	Description & value of recovery property
1	2	3	4	5	6	7	8	9

Continuation……..-

Name & Address of accuse arrested	Date, time &Sl.No. of Arrival	Date, time &Sl.No. of departure for hand over to GRP/ Civil Police	Date, time &Sl.No. of returning after hand over to GRP/ Civil Police	Name & Design ation who Handed over	Name & Signature of Recipient	Signat ure of RPF Perso nnel who Hande d over	Case registered at GRP/Civil Police	Case Progr ess report	Rema rk
10	11	12	13	14	15	16	17	18	19

CHAPTER-19

I. FUNDAMENTALS OF CYBERSPACE

1. **Introduction:-**Reinvented by Norbert Wiener in 1948, the term 'Cyber' denotes anything related to computer, communication or network systems. In the present world, they have become essential for our life. Relationships, governance, management or war, all resonate now on the cyberspace. Security of the huge IOT systems is the biggest challenge today. Cyber offences *or* use of cyber tools for other offences, are not only becoming common, but also keep changing very fast. An institutionalized mechanism to upgrade our security & investigative abilities, is call of the hour.

   To keep pace with time, we yearn to adopt cyber techniques in prevention & detection of crime. We need to set up Cyber Cells in every Zonal Rly. The instant handbook is meant to regulate and standardize their functioning, as well as to provide a foundation stone for their future progress.

2. **Definitions:-**

   a. *Computer-* means any electronic, magnetic, optical or other high speed data processing device or system which performs logical, arithmetic and memory functions by manipulations of electronic, magnetic or optical impulses and includes all inputs, output processing, storage, computer software or communication facilities which are concerned or related to the computer in a computer system or computer network. [Sec. 2(1)(i), IT Act 2000]
   Example:-A washing machine has a 'fuzzy logic' system and 'read only memory', but it cannot perform arithmetic calculations like- addition, subtraction, division etc. Then, that cannot be referred as a computer. Similar logic should be applied to other electronic devices.

   b. *Central Processing Units (CPU)-* It is the most primary part of a computer which processes instructions/inputs with the use of arithmetic, logical operations to give output. Earlier, it used to structure in a separate box, but now comes integrated with the monitor.

   c. *Data-* means a representation of *information*, knowledge, facts, concepts or instructions which are being prepared or have been *prepared in a formalized manner*, and is intended to be processed, is being processed or has been *processed in a computer system* or computer network, and may be any form (including computer printouts, magnetic or optical storage media, punched cards, punched tapes) or stored internally in the memory of the computer. [2(1)(o), ITA 2000]

   d. *Random Access Memory (RAM)-*It is the *"primary memory chip"* installed on motherboard of a computer system. It is considered volatile as data is lost as soon as power is turned off. But being a type of storage, it may contain important evidences. Data can be extracted only when the computer is in running state.

   e. *Motherboard-* It is a *"printed circuit board"* contained inside the computer cabinet, which allows communication between the electronic components of the system, such as CPU and memory. It also provides connection for other peripherals.

f. ***Hard Disk-*** It is an electro-mechanical or solid-state device, which can store and retrieve digital information in electromagnetic forms. It is *'secondary memory'* of a computer.

Common types of hard disks-

• PATA (Parallel Advanced Technology Attachment)	• SAS (Serial Attached SCSI)
• SATA (Serial Advanced Technology Attachment)	• ZIF (Zero Insertion Force)
• SCSI (Small Computer System Interface)	• SSD (Solid State Device)

g. ***Computer System-*** means a device or collections of devices, including inputs and output support devices and excluding calculators which are not programmable and capable of being used in conjunction with external files, which contain computer programs, electronic instructions, input data and output data that performs logic, arithmetic, data storage and retrieval, communication control and other functions; [Sec.2(1)(l), IT Act 2000]

h. ***Communication Device-***means cell phones, Personal Digital assistance, or combination of both or any other device used to communicate, send or transmit any text, video, audio, or images. [Sec. 2(1) (ha), IT Act 2000]

i. ***Computer Network-***Itmeans the inter-connection of one or more computers or computer systems or communication devices through-

(i) The use of satellite, microwave, terrestrial line, wire, wireless or other communication media; and [Sec. 2(1)(j), IT Act 2000]

(ii) Terminals or a complex consisting of two or more interconnected computers or communication device whether or not the interconnection is continuously maintained.

j. ***Ethernet Hub/Switch-*** It is commonly used to connect segments of a Local Area Network (LAN) and acts as a common connection point for devices in a network. That could be vulnerable and insecure. A switch is a more intelligent device, which sends packets only to the intended ports. That provides better network efficiency and higher levels of security.

k. ***Network Interface Controller-*** It is a computer hardware that provides a computer with the ability to access the transmission media. It has the ability to process low-level network information as well.

l. ***MAC (Media Access Control) Address-*** Each network interface controller has a unique MAC address, usually stored in the NIC's permanent memory given to it at the time of manufacture. It is a 12-digit hexadecimal number (e.g. d8:32:e3:fc:04:0e) assigned to the network interfaces which acts as unique identifier for them.

m. ***Router-*** It is an inter-networking device which connects two or more networks; one may be the LAN and the other may be an internet. It forwards data packets between networks.

n. ***Computer Resources-*** means computer, computer network, data, computer database or software. [Sec. 2(1)(k), IT Act 2000]

o. ***Originator/Intermediary-*** Originator means a persons who sends, generates, stores or transmits any electronic message; or causes any electronic message to be sent, generated, stored or transmitted to any other person but does not include an intermediary.
On the other hand,with respect to any particular electronic records, *Intermediary* means any person who on behalf of another person receives, stores or transmits that records or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web hosting service providers, search engines, online payment sites, online-auction sites, online market places and cyber cafes.
[Sec. 2(1)(za) & (w), IT Act 2000 respectively]

p. ***Protocol-*** It is the set of rules which defines the way two devices can communicate across the network. *FTP (File Transfer Protocol), TCP (Transmission Control Protocol/Internet Protocol), HTTP (Hypertext Transfer Protocol)* are some common examples.

q. ***Internet/World Wide Web***-

Internet is a comprehensive network of computers distributed across the globe. World Wide Web (www) is the collection of webpages to be accessed by a user through internet, using the 'http' protocol. All the web pages registered with 'www' start with http://www or https://www. Thus, www is a means to access information in internet.

r. ***Domain Name***- It is unique name that identifies a website. It is virtual name of the website. These are developed to easily identify the entities on internet, rather than using IP addresses which are long string of numbers or alpha-numeric.

s. ***IP Address (Internet Protocol Address) -***It is a unique numerical address given to every device participating in a network which uses TCP/IP protocol for communication. Two common versions of IP addresses are - IPv4 (e.g. 47.00.155.99, 32 bits) and IPv6 (e.g. 2001:0:9d35:6ab5:1c84:3b1c:a95a:b2c5, 128 bits). The **IPv6** is the most recent communication protocol that provides an *identification* and *location* system for computers on networks and *routes traffic* across the internet.

t. ***Domain Name System-*** Itis an internet service that translate domain names into IP addresses. They are alphabetic and hence easier to remember. However, the internet is actually based on IP addresses. Every time one use a domain name, the DNS service translates the domain name into the corresponding IP address.

u. ***Cloud Computing-*** It is *delivery of services* through *shared resources*, software and data that is provided to a computer over a network. A simple example is Google services, which provides e-mail, calendar services, word processing and data storage over the internet. It refers to a more *distributed model*, where data and resources are spread over many different physical computers, connected through internet.

v. ***Internet of things***- It is a network of (non-computer) physical devices connected to the internet and identifying themselves to other devices through communication

methods like- Wi-Fi, RFID, QR codes etc. For example- a TV and its remote, a TV and a mobile connected to each other for streaming you tube over Wi-Fi etc.

w. ***Indexing***- It is a technique to efficiently retrieve data from the database of a network entity, based on some attributes. It is just like index of a book. The most common example is the details of the websites collected by Google and their retrieval, as and when required.

x. ***VPN***- It is a private network (or virtual tunnel), built over a public network with security mechanism like- encryption etc. It allows a user to securely access a network from different locations, even on a public or insecure network.

y. ***IMEI/IMSI/SIM-*** International Mobile Equipment Identity (IMEI) is a 15-digit unique number given to every single mobile handset. IMEI of the cellphones connected to a GSM network are stored in EIR (Equipment Identity Register) database containing all valid mobile equipment. It consists four groups (nnnnnn-nn-nnnnn-n). The first group is type approval (TAC; country & assembly) code, the second group identifies the manufacturer, the third group is the serial number of the mobile phone and the last group is an additional number, usually '0'. It can be viewed by typing ***#06#** on the handset.International Mobile Subscriber Identity (IMSI) is a unique 15-20 digit code stored in a SIM for identification of the subscriber. Subscriber Identity Module (SIM) is a 'portable memory chip' that enables identification of the subscriber and processing of the services offered by the service provider.

z. ***CDR/IPDR***- Call Detail Record is a data record of all the information related to the mobile call like- caller or called number, date & duration, incoming/outgoing messages etc., mandatorily stored by the service provider. Internet Protocol Detail Record (IPDR) is the data record which provides information about the internet protocol usage like- voice call on Whatsapp, duration of call, destination IP address etc. Subject to the Govt. guidelines, both are to be made available to the Law Enforcing Agencies (LEA) for investigation, intelligence or security purposes, as and when required.

aa. ***Hash Value-*** It is a numeric value of fixed length which identifies a data uniquely. Due its incorruptible nature, it can is considered as fingerprint of a file. In cyber forensics, it is used to ascertain integrity of the digital evidences.

bb. ***Write Blocker-***These are devices which allow acquisition of information on a drive without creating the possibility of accidentally damaging the drive contents. They pass the read commands but block the write commands. They are used before imaging the data.

cc. ***SOC (System on Chip)-***Itis a circuit that integrates all components of a computer, like-CPU, memory, ports and storage etc. -- on a single microchip, normally the size of a coin. Its components usually include a graphical processing unit (GPU), a central processing unit (CPU) that may be multi-core and a system memory (RAM). Depending on the application, it may contain digital, analog, or radio frequencysignal processing functions.

II. AN OVERVIEW OF CYBERCRIMES

All criminal activities involving the medium of computers, communication devices, networking, internet, worldwide web and cyberspace, are commonly referred as Cybercrime. The computer or communication device may have been used as –

(a) The object of the crime (hacking, phishing, spamming), or
(b) A tool to commit an offense (child pornography, hate crimes); or
(c) To access & store personal information, trade secrets or other exploitative/malicious purposes.

Cyber Security- means protecting information, equipment, devices, computer, computer resource, communication device and information stored therein from unauthorized access, use, disclosure, disruption, modification or destruction. [Sec. 2(1)(na), IT Act 2000]

1. Crimes targeting computer systems:

a. ***Hacking-*** It is a broad term which can be defined as *gaining entry into a computer system without permission, with an intention to cause loss, steal, or destroy the data contained in it*. It is done by acquiring sensitive information (usernames, passwords, IP addresses etc.) and exploiting them to access and/or control the computer system.

Hackers use various applications or programs that can breach defense mechanisms of the target computer system and send back critical information like- configuration, usernames, IP addresses, MAC addresses etc., which can be used to gain entry into the system. Such applications may be in the form of trojans, malware, worms or viruses, which will install in the targeted system and compromise its security. After entering into the computer system, the hacker can gain administrative rights and can do anything with the data contained or can infect and destroy other systems, using the target system. [Sec. 66 ITAA 2008]

b. ***Denial or Disrupted Denial-of-Service (DDoS) -*** In this kind of attack, an important service offered by a Website or a server is denied or disrupted, causing loss to the intended users of the service. Typically, the loss of service is the inability of a particular network service, such as e-mail, to be available or the temporary loss of all network connectivity and services. In some cases, this has even forced the Websites to cease operation. [Sec. 66 ITAA 2008]

A DoS attack usually involves sending large amount of traffic using multiple systems, to the targeted network or server so that it occupies the entire bandwidth of the system and ultimately results in a crash. ICMP flooding, teardrop attacks, peer-to-peer attacks, application-level flooding, etc. are a few examples of DDoS attacks.

c. ***Spreading viruses and malware:***This is the biggest cybercrime reported today. These can be generic or targeted to a specific computer system. Injecting and spreading malicious code can also come in the forms of viruses, worms, trojans, spywares, adwares, and rootkits. These get installed secretly in the victim's computer system and can be used to access and transmit sensitive information about the system. In some cases, the infected systems can also be used as tools to commit other types of cybercrimes like- wage war against the state or strike terror

among the people. ***Ransomware***is a malware that takes control of a system and blocks access to its data unless a ransom is paid to the attacker. [Sec. 66 & 66F of ITAA, 2008]

d. ***Website defacement-***It is an attack which changes visual appearance of a website and the attacker may post some undesirable, indecent, hostile or obscene images, messages or videos. Sometimes, he nay also make the website completely dysfunctional. It is often done by hackers of one country to the websites of the rival countries to display their technological superiority and infecting them with malware. [Sec. 66 & 66F of ITAA 2008]

e. ***Cyber terrorism-*** Now a days, terrorists are using state-of-the art technologies like- satellite phones, encryption of messages and use of the darknet, for raising funds, conducting recruitments or organizing their activities. In the cyberspace, they may also resort to largescale disruption of computer networks/websites, and attack other critical infrastructural facilities governed by the computer systems. In all these instances, digital evidences might be present in the computer systems and computer resources in the form of e-mails, web addresses, encrypted messages, photographs and videos, etc. [Sec. 66F of ITAA 2008)

f. **Spoofing-**It is the most common method of network attacks. The attacker *masquerades* the data packets, IP addresses, MAC addresses and e-mail addresses etc. to create an impression that they are originating from somebody else's addresses. [Sec. 66A, 66D of ITAA 2008]

g. ***Skimming-***It is a kind of SIM/Credit cards fraud in which *a handheld device* (skimmer) is used to capture the information contained in the chip. Later on, the data like- name, credit card number, expiry date etc., is transferred to a computer system and used for unlawful gains or to create fake credit cards. [Sec. 66C & 66D of ITAA 2008]

h. ***Bugging***- It is to install a secret listening device in a physical space (like- cabin/room etc.) or a secret software in a mobile set to gain access to all the verbal communication of the target.

i. ***Spamming-*** Spamming is an act of sending unsolicited and junk e-mails oressagesby anyone for the purpose of causing annoyance or inconvenience. [Sec. 66A of ITAA 2008]

j. ***Phishing/Pharming-***Usually through spoof mails, *phishing* directs the victim to fake websites, or deceives them otherwise to divulge personal/business details. *Pharming* is a type of attack in which the user is deceived to enter sensitive data like- credit card numbers, passwords or PIN, on a fake websites, which impersonates to be a genuine one. It is different from Phishing as the attacker need not rely on any of the URL or link. Rather, he redirects the website traffic from a legitimate website to a fake one.[Sec. 66C, 66D of ITAA 2008]

2. Crimes where computer systems are used as a tool:

a. ***Financial fraud-***These are the frauds where unsuspecting people are lured by promising investments, business or job opportunities and are deceived of their money and other valuables. These include mass marketing and false offering of jobs

overseas, Nigerian frauds etc. and are covered under sections of IPC, IT Act and other laws discussed separately.

b. ***Data modification-*** In this type of crime, the criminal gains entry into the targeted system (like- financial systems) and modifies or changes the data contained there. This can also be committed by authorized users of the computers inside the Company.

[Sec. 66 of IT Act 2000 and Sec. 403, 406, 408, 409 IPC]

c. ***Identity theft and its misuse-***It is theft of sensitive identity information like- date of birth, name, PAN/passport/credit card numbers, e-mail accounts etc., for fraudulent purposes. The criminal may adopt techniques like- phishing, sending some links to victim's e-mail address and asking them to furnish confidential information, or obtaining the information through social engineering, using key-loggers etc. [Sec. 66C, 66D of IT Act 2008]

d. ***Cyber bullying/stalking-***It can be defined as *use of Information and Communication technologies to harass, threaten or intimidate some other person*. It includes- sending online threats, provocative insults or racial/ethnic slurs, gay bashing or intentionally flooding an e-mail inbox with messages. [Sect. 66A of IT Act 2008 and Sec. 500, 504 to 509 IPC]

e. ***Data theft-*** It can be defined as *copying any data without permission of the owner of a computer, computer network or computer system*. It includes breaking into the system and copying classified and sensitive information in the workplace/business like- contact details, addresses, user names/passwords, credit card/bank account numbers, business communications and/or other related information. [Sec. 66 of IT Act 2008 and Sec. 379 IPC]

f. ***Pornography-***It is *posting, publishing and transmitting obscene messages, texts, chats, photographs or videos over the Internet, through e-mails, websites or other forms*. Child pornography is one of the biggest unlawful ventures on the Cyberspace. That is covered under Sec. 66E, 67, 67A and 67 B of IT Act 2008 and Sec. 292 IPC.

g. ***Theft of intellectual property/trade secrets-***It is a *theft of knowledge-based assets and capital, trade designs, logos, ideas and innovations material copyrighted by an individual or organization*. It includes documents, audios, videos or movies. The most common IP thefts are related to the software and their source code. [Sec. 66 of IT Act 2008, IPR & other laws]

h. ***Espionage on protected systems-*** It is *spying and espionage conducted over the cyberspace*. Such kind of activities are normally conducted against the Govt. systems, by the intelligence officials of the rival countries, with a view to access sensitive and strategic information.

Sec. 66, 70 of ITAA 2008 and other laws]

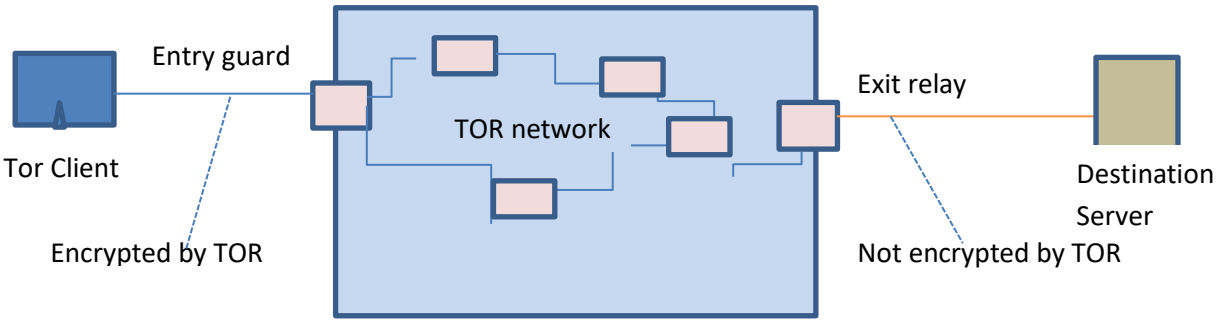
3. **Surface, Deep and Dark web:** Based on the restrictions of availability, architecture and protocol, the entire web world can be classified into – Surface, Deep and Dark web. Surface web are the sites, software or networks openly available to the public for use or share. The common examples are the Wikipedia, Google maps or the Public portals run by the Govt. organizations. A deep web is the realm restricted only to the members. However, anybody eligible & willing can join and participate. To avert unauthorized

entries, those are protected by usernames, passwords and other methods like-OTPs. The most common examples are- the E-mails, business and banking services etc. Contrary to the surface and deep web, a ***Dark web*** is the part invisible to the internet users. That is un-indexed, un-localized and anonymous. The broad categorization is illustrated below-

Surface Web	**Publicly available information** **Wikipedia entries** **Free websites**
Deep Web	**Information that's ccess-controlled** **Emails, Member–only files** **Medical and bank records**
Dark Web	**Need special software to reach**

4. **Darknets**: In the realm of Dark web, it is the category of networks available only to a select group of people through specific *authorization*, *configuration* or *software*; but are not available to the general internet users. These are not visible in the search engines like- Google or Yahoo. Due to anonymity, these are the safe havens of the international arms/drug mafia, money launderers and militants. Breaching the darknets are the growing challenges before the LEAs across the world.

   (a) ***TOR (The Onion Router)***is the most widely used open source software enabling anonymous communication. It uses onion routing protocol i.e. transmitting the user's web traffic through a series of computers (nodes) located around the globe, which makes a user's location/internet activities difficult to track. It deploys virtual 'entry guards' to secure entry into the darknet, directs the traffic through a free worldwide volunteer *overlay networks,* and then hands them over to the visible networks through virtual 'exit relays'. A typical architecture is illustrated below-



   (b) IIP or **I2P (Invisible Internet Project):** Created in 2003, itis an open source *network layer* that allows for censorship-resistant *peer-to-peer communication*. The anonymity is achieved by end-to-end encryption and routing that through a volunteer run huge network of computers (I2P nodes) distributed around the world.

   (c) Zeronet: Created by Tamas Kocsis in 2015, it is the most recent and more secure than TOR. It is a decentralized web-like network of peer-to-peer users. Here, instead of having an IP address, the sites are identified by a public key (bitcoin address). It is not anonymous by default, but supports routing traffic through TOR network.

5. Techniques used in cybercrimes

Cyber Criminals make use of various tools & techniques. Many of these tools are installed on the victim's computer systems by surreptitiously gaining access (virtual or physical) and exploiting the vulnerabilities. The criminal may deceive the victim to himself allow an access, or may use the sensitive information (like- user ID & password), or may use intermediaries, for the purpose. Once installed, they are used for malicious maneuvers, using some common techniques given below.

a. ***Malware/Spyware***- Malware is a program that is covertly pushed into a computer system with an intent to compromise its integrity, or availability of data/applications/operating system, or otherwise annoying or disrupting the victim. *Spyware*is a type of malicious code, installed into a system to secretly gather information on individuals/organizations.
b. ***Cracking-*** It is breaking into someone's computer system, bypassing passwords or licenses, or by other methods which intentionally breach a system's security. That could be done either for a profit, or for malicious/other purposes.
c. ***Data Diddling-***Involves altering the raw data just before a computer processes it and then changing it back after processing is complete.
d. ***Buffer overflow-*** Buffers are the temporary data storage areas created to contain some extra information which has to go somewhere else. When a program/process tries to store more data than it was intended to hold, that overflows into the adjacent buffers, corrupting or overwriting the valid data held in them. It is used to destroy a system's data.
e. ***Rootkit***- It is a set of secret tools that enables *continued privileged access* to a computer, while actively hiding its presence from the administrator. Usually, after obtaining user-level access, a cracker installs a rootkit on the computer either by cracking its password or by exploiting a known vulnerability. Once installed, it allows the attacker to mask the intrusion and gain root or privileged access to the computer/other machines on the system network.
f. ***Salami Attack-***It is a programmed attack implemented in small unnoticeable increments. It involves making alterations which go completely unnoticed. For example, if a program deducts some insignificant amount from every account holder of a bank, individually that will go unnoticed, but taken together, the amount so transferred would be huge.
g. ***Sniffer-*** It is a program/device that monitors data traveling over a network. It can be used for legitimate network management as well as for stealing information *off the network*. They can be inserted almost anywhere and are virtually impossible to detect.
h. ***Social Engineering-*** It is a *non-technical intrusion* for deceiving and manipulating unwitting people into giving out sensitive information about a system/network. A common example is sending friend-requests and/or use of honeypots.
i. ***Steganography-***It involves*writing hidden messages* in such a way that none, except the sender and the recipient, can suspects the existence of any message. For example, an apparently innocent Lohri/Id sticker may contain hidden messages between the terror groups.
j. ***Trojan-***It is a malicious program that *masquerades as a benign application* and once installed, can take complete control of the victim's computer system.
k. ***Virus/worm/zombie-***Virus is a self-replicating program that runs and spreads by modifying other programs or files. On the other hand, *aworm* is not only a self-replicating, but also a self-propagating and self-contained program that uses networking mechanisms to spread. *Zombie*is a program that (once installed) causes a system to attack another systems.

III. PROCEDURE FOR COLLECTION OF CYBER EVIDENCES

The moment an offence, cyber/digital in nature, or involving cyber/digital aspects/evidences, or having cyber/digital consequences, comes into the picture; the officer coming into the knowledge shall immediately take all necessary steps to protect and safeguard the cyber/digital evidences keeping in view of their critical and volatile electro-magnetic nature. For the purpose, he shall follow the guidelines provided herein. He shall also report the matter forthwith to the IPF, RPF/Post and the Sr.DSC having jurisdiction, with full details available.

On receipt of the information, the IPF, RPF/Post, shall nominate a competent enquiry officer and dispatch him to the place of occurrence (PO) by first available means. The Sr. DSC concerned, satisfying himself of requirement of cyber investigation into the offence, shall report the same to the nearest Cyber Cell, duly nominating the In-charge/Cyber Cell or other officer authorized on his behalf, as assistant enquiry officer (A.E.O) of the case, in enclosed Form-1 of Schedule-I. He shall authorize him to visit the P.O., collect the cyber/digital evidences and take such other steps as considered necessary to assist the E.O. arrive at the true and full picture of the offence. On receipt of such authorization, the In-charge/Cyber cell shall proceed as follows.

1. **Pre-investigation assessment:** The In-charge/Cyber cell (A.E.O) shall collect all necessary information (like- profiles of the suspects, location, circumstances, computer systems involved) and analyze scope of the offence and its possible outcomes. Accordingly, in consultation with the site officer and the E.O, he shall chalk out an enquiry plan. He shall proceed to the PO along with all necessary tools & equipment.

2. **Evaluation of the Scene of Crime:**The digital evidences are very volatile in nature. Those could be available in a number of devices, locations and formats. For example, apart from the standard computer/storage devices, hubs, routers, dongles, copiers and fax machines can also have vital information relevant to the case. Therefore, the crime scene should be carefully evaluated before the collection of evidences. While evaluating, the A.E.O should keep taking some brief observation notes (could also be required by the FSLs, later on), draw a network architecture sketch of the scene of crime on ‘as is where is’ basis, and arrange for photography & videography through a trained professional; and document them in the panchnama proceedings.

   The crime scenes could be broadly categorized as – (a) House of an individual/s having one or more computer/networks, (b) Office or shop of an individual/company like- an IRCTC agent having large no of computer systems spread over several places and connected through several networks, and (c) A public place like- a Cyber Café or a public information portal manned & maintained by the Govt. organizations directly or through lease holders. The pre-investigation assessments should be modified on the basis of evaluation of the crime scene.

   Following evidences should be looked for, noted and photographed. Number of computer systems present, no. of them having LAN or internet connections, Types of connections (Wi-Fi-Ethernet), Computer peripherals used, personal appliances (like- hearing aids or spectacles etc.), Network topology and client-server architecture, CCTV/web camera clippings if any, user management software installed if any, log register maintained if any etc.

3. **Collection of physical evidences:** Based on the information gathered and inspection of the scene of crime, the A.E.O shall identify and collect all the potential evidences. The physical evidences may include manuals/user guides or receipts of the cyber appliances, left behind diaries, notes/passwords on slips, e-mail IDs, contact numbers or bank account numbers etc.

   It is also important to note & sketch the position of the various equipment at the scene of crime. For example, a mouse at the left hand side of the keyboard may indicate the user being dexterous, the number of the reading glass kept beside may reveal exact identity of the user.

4. **Precautions to be taken while collecting Digital evidences:** Collection of digital evidencesrequire special precautions because, (a) Even the slightest mishandling may vanish or corrupt the evidences, (b) They may not be admissible in the court of law if proper documentation is not done, (c) leveling and preserving digital evidences may require special skills.
   - **a.** If the systems are 'off', those should not be turned 'on'. If the systems are 'on', those should be left 'on' and photographed. The time zone/system time displayed should be photographed. Perishableevidences should be identified and preserved.
   - **b.** The E.O should make note of the attached network cables, power lines, all the network connections, modems, telephone lines; and mark them at the both ends- at the equipment connection end and at the source end in the wall.
   - **c.** The search team shall physically inspect all the storage mediums, take photographs and record observations. Good data encryption should be used and housed in multiple copies at different locations and guarded against mechanical & electronic hazards.
   - **d.** The E.O. shall establish a baseline of contents for authentication and proof of integrity by calculating hash value for each of the contents.
   - **e.** The E.O shall ensure that some technical person from the suspect side, along with two independent local witnesses, should remain present, identify the equipment correctly, guide and sign the search & seizure proceedings.
   - **f.** He shall ensure that the provisions of Sec. 165 Cr.PC and Sec. 80 IT Act are strictly followed.
   - **g.** A serial number should be allotted to each device. The same should be noted in the panchanama as well as in the 'Chain of Custody' [Form-2 of schedule-I] and 'Digital Evidences Collection forms' [Form-3 of schedule-I].
   - **h.** ***Digital Evidence Form*** (DEC): A proper documentation of the processes used (like-kind of software, version, time and media on which the evidence is being copied etc.) should be done for every device separately.
   - **i.** The E.O shall image the evidences forensically, acquire hash value and record the process, the tool, time and hashing algorithm in the DEC form (Form-3 of schedule-I) as well as in the Panchanama. The report generated by the forensic tool shall form an enclosure to the DEC.
   - **j.** The Hard Disk or any other internal parts, once removed from the system, should be photographed along with the system. The serial no., case no. and sections of law involved should also be marked to the extent possible.
   - **k.** ***Chain of custody*** should be prepared. As electronic evidences are prone to tamper/damage, it is necessary to know by whom, when, where, what and why the evidence was transferred. Therefore, once the evidence is collected and every time that is transferred, that shall be properly documented and no one other than the 'persons entrusted' should have access to that.

5. Collection of Digital evidences:

A. Switched off systems –

a. Secure the scene of crime and disable all the modems, network connections etc. Unplug the power and all other devices from sockets. Never switch on the computer, in any circumstances. Allow printers to finish printing, pending if any.
b. Confirm that the computer is switched off. As sometimes the screen may mislead, that should be done from the hard drive and monitor activity lights. Some laptops switch on, only by opening the lid. So, remove the battery if required.
c. Label and photograph (or video) all the components *in-situ*. Label the in & out port cables so as if required, the computer could be reconstructed in future.
d. Open the side casing of CPU/Laptop carefully and detach the hard disk from the mother board by disconnecting the data transfer cable and power cable.

e. Take out the Hard disk carefully and record the *unique identifiers* (like- make, model, serial number etc.). Take signature of the accused & witnesses with date & time on the Hard disk, by a permanent marker. All other items/documents should also be signed and pasted with exhibit labels.
f. Ask the user for the passwords, operating system, application package running on the suspected system, details of the other users and the off-site data storage, if any.
g. After the Hard disk is removed, switch on the system and go to BIOS. Note down the date and time shown in BIOS. Prepare detail notes of "when, where, what, why & who" and overall actions taken in connection with the computer system.
h. The suspected hard drive should be connected to the investigator computer only through a 'write-block device' for forensic preview/copy.

B. Switched on systems –

a. Secure the scene of crime and disconnect the modem and all other connection cables, if attached. Label and photograph (or video) all the components *in-situ*.
b. Carefully remove all the equipment attached and record their *unique identifiers* separately. All the items should have signed exhibit labels attached.
c. Ask the user for the passwords, operating system, application package running on the suspected system, details of the other users and the off-site data storage, if any.
d. Photograph the 'live screen' and also prepare a written note of the content. Do not touch the keyboard or click the mouse.
e. In case a screen saver is active or the screen is blank, given to the circumstances of the case, the E.O. shall decide whether he wants to restore and inspect the screen. If required, the screen could be restored with a gentle movement of the mouse. Then follow the procedure (c) above. Record every mouse activity with time.
f. If available, use live forensics tools to extract the information present in the RAM. Otherwise, remove the power cable (end attached to the computer) without closing down any program. Then follow (A) above.

C. Cellphone systems-

a. If the device is switched off, do not turn that 'on'. If the device is live or switched on, let that remain so. Photograph the device and screen display. Label and collect all the cables and additional storage media available; and transport them with the device.

b. Keep the device charged; if not possible, then the forensic analysis must be completed before the battery gets discharged or the data may be lost. Record every activity with photograph (if possible) and time.

c. ***Faraday bags****:* The mobile handsets often get 'PIN locked' and keep communicating with the Network which may tamper with the evidences. The Faraday Bags are envelops made of flexible metallic fabric or conductive mess, which block external electromagnetic fields. Whenever an external field or radio frequency interference comes into contact with the mess, it produces equal and opposite electrical charges distributed over the surface, which neutralizes the effect of the field inside the envelop. Thus, they are used for electromagnetic shielding.

The mobile handsets and other sensitive radio equipment should be secured in faraday bags. It potentially avoids the PIN locking and prevents the networks from communicating with the device (covert acquisition). At the same time, an examiner can also view the equipment in 'faraday' condition, through the window in the bag.

6. Forensic Duplication: Every storage media consists certain data. For the forensic purpose, the data needs to be copied in a manner that does not change any information available in the device. The common techniques are follows-

(i) ***Logical Backup***- It copies the directories & files of a logical volume. It does not capture other data that may be present on the media, like- deleted files or residual data stored in the slack spaces.

(ii) ***Bit Stream Imaging***- Also known as imaging or cloning, it generates copy of the original media bit-for-bit. It can be done in a 'disk-to-disk' (from target media to another media) or 'disk-to-file' (from media to single logical file) fashion; and requires more space-time.

(iii) ***Write blocker-***These are the hardware or software tools which prevent a computer from writing on a storage media. The suspected storage media is directly connected to the hardware write-blocker, and then the write blocker is connected to the device taking the backup. Similarly, a software write blocker is loaded onto the suspect computer, before the copying device is connected to that.

Precautions:

a. The integrity of the original media must be maintained. After the duplication is complete, it should be verified that the copied data is an exact copy of the original data.

b. Hash value of the copied data should be calculated to ensure the data integrity.

c. The forensic image files (Cyber checksuite ".p01", Encase ".e01", or Safeback ".001/.SFB") must be written as *logical files*, on a brand new *freshly formatted media* or *forensically wiped sterile media.* HDDs should be used only for evidence storage.

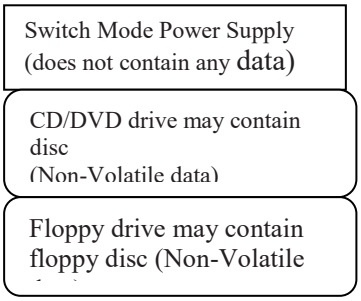
d. The logical file copies of the forensic image files shall be made on a brand new sterile HDD before traveling back to the office, and labeled as copy of hard drive etc. *using*

barcode. If use of barcode is not possible, serial code with relevant information (like- unit name, year, case number etc.) can be used.

Acquiring data from some common devices:

a. **Hard Drives of Desktop/Laptops-** Use forensic software like Cyber Check Suite, Encase, FTK to image the drives. Be sure to connect the evidence drives to a write blocker so that the OS does not accidentally write to the hard drive. The Write blockers restricts any data to be written on to the seized hard disk either intentionally or accidently. The Write protection device is used as an interface between the seized media and the forensic computer.

Drives in a Prototype Computer:



When the hard drive (like-SSDs) cannot be removed,the entire device should be taken into the evidence. Connect the suspect computer to the forensic computer with the help of a network crossover cable, boot that from a *forensic Distribution* (like- Helix or Linen); then connect with the forensic computer and duplicate via forensic tools like- Encase.

b. **Smartphones-** All data like- Contact lists, call records, SMS, MMS, GPS, pictures/videos can be acquired from a cellphone using software like- Cellebrite, Paraben Device Seizure etc. However, while working with a live (switched on) Cellphone, necessary precautions like use of network jammers/Faraday bags, should be taken.

c. **USB Drives**- They can easily be imaged by connecting to a forensic machine. However, must use soft/hard-ware write blockers to maintain data integrity.

d. **Digital Camera**- The internal memory as well as the memory card can easily be imaged using same technique and precautions, as for the USB drives.

7. **Seizure of Digital Evidences:** It involves- (a) calculating hash value of the suspect storage media, (b) creating a digital fingerprints of the same at a System on Chip (SoC) and (c) calculating hash value of the forensic image as well.

Precautions:

(i) The digital evidences may look simple to gather, but maintaining its reliability integrity and legal relevance is always challenging. The E.O. should adopt a thorough professional approach and follow the guidelines prescribed here and also provided from time to time.

(ii) No file should be opened without using a write blocker. Otherwise, the *time stamping* would change which amounts to tempering with the evidences.

(iii) Always, a *permanent sterilenew* physical storage media should be used. In case of an already used hard disk, all previous data must be wiped off prior to the forensic storage.

(iv) The new physical media must be *fire proof&tamper proof*. Immediately after imaging the data on it, that should be marked with a unique exhibit number related to the case.
(v) Thereafter, a unique number should be given to the contents of the forensic storage media, duly computed through *hash algorithm*. This number should be mentioned in the panchnama to authenticate the evidence in future.
(vi) It should be verified and cross-checked that the hash values of the evidences in original (say N1) and that of the copies imaged (N2, N3, N4 etc.) are be the same.
(vii) The seizure memo should be prepared in the format prescribed (Form-4 of schedule-I) and the evidences to be sent to the Cyber Cell/FSL/Court for further analysis or presentation.
(viii) The digital evidences so collected, should always be preserved in an anti-static cover with all details and tag/barcode, with separate inventory lists for all the media seized with case/other reference numbers; and stored in a dry & cool place.

8. **Packaging, Labelling and transportation**: The collected digital evidences shall be numbered and labeled in a manner so as connecting those to the case in future could be easy. That shall be attached with a tag bearing the number as well as all the visible details of the evidence. The same shall be recorded in the daily diary, case diary and schedule of evidences maintained.

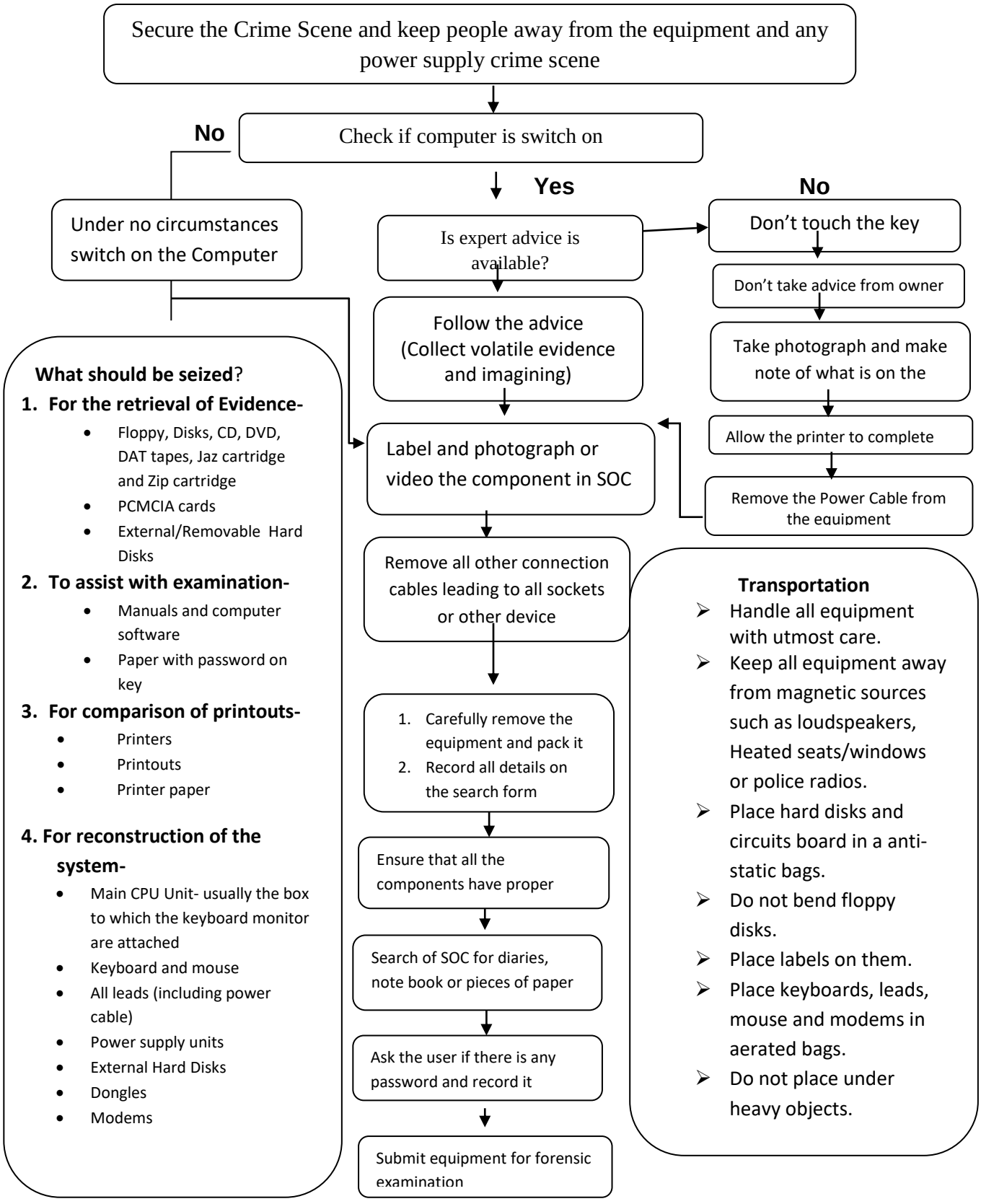
A proper and suitable size material should be chosen for packaging. They should not be dropped/wrapped into common plastic/gunny bags. Good quality evidence envelops, faraday bags or damp/fire & tamper proof containers should be used. Diskettes have fragile magnetic media. If they are packed loosely and strike each other during transit, they could be damaged and the data could be lost. Hence, each piece of evidence should be packaged and sealed separately.

During transportation, the digital evidences should not be kept in a place of frequent mechanical shocks or with drastic temperature changes. As far as possible, anti-static bags should be used, so as any localized electrostatic induction could not affect the data. The same should be carried only by a *trained & authorized* special messenger, not by Courier/post.

9. **Legal procedure after seizure:** After seizure,duedocumentation and transportation, the digital evidences should be brought to the knowledge of the Court having jurisdiction and permission to keep the same in the custody of the E.O for further investigation, should be obtained. Permission of the Court to image and send the same to the forensic labs should also be obtained, if required. All such transactions should be duly recorded in the chain of custody.

The accused/owners of the material seized, may approach the Court for release of the same. The EO should carefully prepare his objections based on merit of the case and their requirement for further investigation. He should ensure that no original evidences having bearing on the prosecution of the case, are returned. Even if the Court is inclined to consider the accused's request, the E.O should try to impress upon that only an authentically imaged copy is provided to him, not the evidences in original.

Flowchart for collection of Digital evidences:



10. Gathering information from various agencies:

The Internet service providers (ISPs) and other firms are liable to preserve certain information and provide them to the LEAs, if requisitioned under the law. Normally, they have 'Nodal officers' who functions as per the guidelines of the ministry concerned. The E.O may acquire such information as given below. Standard formats for such correspondences are appended in Schedule- II.

a. **Telecom Service Providers (TSP)/ Internet Service Providers (ISPs)-**
   (i) Username
   (ii) Telephone number in case of DSL/CDMA/3G,4G and Dial up
   (iii) Personal details like name, e-mail ID, address, etc., mentioned in the CAF form
   (iv) Day-wise activity i.e., when and how long used, etc
   (v) Physical address of the IP address

b. **E-mail service Providers-**
   (i) Username; User activity, i.e., date and time of logged in and time it is active, etc
   (ii) Details of all incoming and outgoing e-mails along with mails stored in Draft folder
   (iii) The IP address from where the e-mail ID is accessed.
   (iv) Reg. details (IP address, date and time, other services availed, secondary mail ID) etc.

c. **Mobile service providers**
   (i) Customer Acquisition Forms (CAF) Forms — Personal details like name, address. Etc
   (ii) Calling number, called number, time, type of call (ISD/STD/Local/SMS, etc.)
   (iii) Roaming to other cities, Tower locations and Tower data

d. **Social networking sites**
   (i) User name
   (ii) Personal details updated in the profile
   (iii) The IP address from where the profile is accessed
   (iv) User activity, i.e., date and time of logged in and duration of the active sessions, etc
   (v) Friends and groups with which the user is associated
   (vi) E-mail IDs updated in the personal information

e. **Financial institutions/Internet banking institutions**
   (i) Personal details updated in the profile of the account holder
   (ii) Transactional details
   (iii) CAF and other supporting documents submitted by the customer along with the introducer details
   (iv) IP address from where the transaction happened in case of Internet banking

f. **Web site domain/hosting providers**
   (i) Registration details, Access details, FTP logs
   (ii) Payment details
   (iii) Technical/administrative/owner of the domain
   (iv) Details of website developer

g**. VoIP service providers**
   (i) Registration details, Access details,
   (ii) IP addresses, Payment details,
   (iii) Calling/Called numbers.

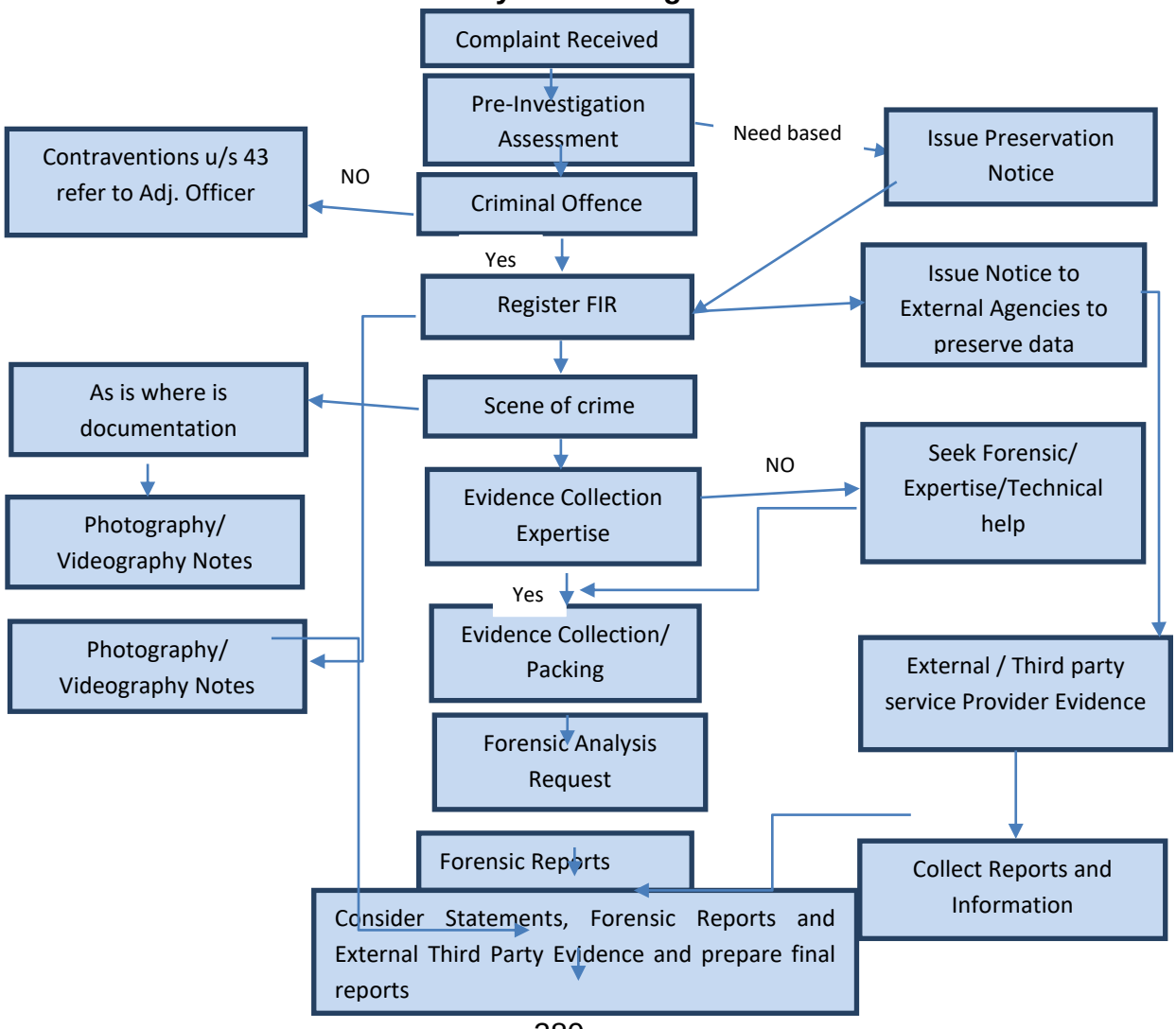
(iv) The above information has to be certified by the third-party company/Providers under the Indian Evidence Act, 1872.

11. **Interception of calls/messages:** In theinterest of the inquiry, for a limited period, the E.O may request for interception of the calls/messages of the suspects/other persons related to the case through a Central/State Nodal Officer as provided in Schedule- III. However, it should be limited strictly as per the provisions and pressing requirements of the enquiry.

12. **Deposition in the Court:** The EO may have to depose/testify the evidences in the court of law. He should carefully go through the facts of the case, digital and other evidences and prepare his notes in the following manner –

a. Details of the information/complaint received by him,
b. Collection of relevant information for pre-investigation assessment,
c. Visit and evaluation of the Scene of Crime,
d. Identification and collection of the evidences,
e. The care and procedures followed during collection of digital evidence,
f. Steps taken to maintain integrity of the evidences,
g. The lebelling, sealing and other documentation (like-entries into case diary) done,
h. Request for expert opinion or forensic analysis,
i. Analysis & Interpretation of the evidences and reconstruction of the case before the Court.

Flow chart/Cyber investigation:



IV. LEGAL FRAMEWORK

The RPF has composite roles in Cyber or cyber-natured offences over Indian Railways.

a. ***Prevention of Crime:*** Under Section- 11(b) & (d) of the RPF Act read with Rule-41.1 RPF Rules, it is our duty to *protect and safeguard* and *do any other act conducive to the better protection and securityof* railway property, passenger area and passengers.

Further,Rule-41.2 requires us to (ii) reduce the opportunities of thefts, pilferages, misappropriation, trades etc., against railway property and *leakage of railway revenue* through surprise preventive checks or other appropriate measures; (iii)*aid, co-operate and co-ordinate* the measures of other railway agencies or the Police or other authorities in implementing other appropriate measures for ensuring prevention of crime against the railway property and providing for its better security; (iv) interpose at any time or place for preventing any attempt to steal, misuse, damage or tamper with the railway property or to convert it into private use without lawful authority and to initiate action against offenders; (vii) *obtain intelligence* relating to the commission of or intention to commit any offence specified in clauses (i) to (ix) of sub-section (1) of Sec. 39 Cr. PC on the railways and *to lay such information* and *to take such other steps* …to prevent commission of cognizable and within his view, of non-cognizable offences; and (viii) *collect intelligence* about *subversive and other objectionable activities* affecting the security and functioning of the railways as well …criminals and suspects prying on railway property. These include the related cyber or cyber-natured offences.

b. ***Security Advisor to the Indian Railways:*** As a security watchdog of the Indian Railways,Rule-41.2 requires us to (i)*identify the situations* that have *potential for the commission of crime* against the railway property …and take remedial measures or *suggest improvements* in basic security arrangements or faulty procedures …to the railway administration. This includes security of the Rly cyberspace involving Rly property/revenue.

c. ***Detection of Crime:*** In the offences registered under RP (UP) Act, Rly Act, or any other Act where RPF is authorized to conduct an enquiry, subject to the provisions of Cr. PC 1973 and guidelines of the Govt. of India; the digital evidences shall be collected by the EO in the same manner as are done by other LEAs while investigating into cyber offences. Whenever cyber-oriented methods are involved in offences concerning RPF, the members of the force shall take such precautions and adopt such techniques, as provided in the chapters above and further guidelines issued from time-to-time.

d. ***Assistance to Police****and* ***other agencies***: In the cases of pure cybercrimes covered under the IT Act, IPC, or any other Acts, RPF have to take preventive action, protect the scene of crime and inform the local Police/GRP under Sec. 12 to 14 RPF Act. Acting as a bridge between the Railway and Civil authorities, as provided under Rule 41.2(vi), it is our duty*to registerorto promptly pass on reports for registration* to the local Police of all cognizable offences against the railway property, conduct enquiries and collect evidence for localizing the crime or which is otherwise considered necessary *and render such other assistance as may be possible* in investigation of such cases. This includes the cyber offences.

Important provisions of law covering Cyber/cyber-natured offences or requiring Cyber-oriented investigations, with powers of the LEAs concerned; are appended below.

A. Information Technology Act 2000 (as amended in 2008)

1. ***Section 43: Penalty for Damage to Computer, Computer System, etc.*** **:**If any person without permission (or the knowledge) of the owner or any other person who is in-charge of a computer, computer system or computer network, —
    a. accesses or secures access to such computer, computer system or computer network;
    b. downloads, copies or extracts any data, computer data base or information from such computer, computer system or computer network including information or data held or stored in any removable storage medium;
    c. introduces or causes to be introduced any computer contaminant or computer virus into any computer, computer system or computer network;
    d. damages or causes to be damaged any computer, computer system or computer network, data, computer data base or any other programmes residing in such computer, computer system or computer network;
    e. disrupts or causes disruption of any computer, computer system or computer network;
    f. denies or causes the denial of access to any person authorized to access any computer, computer system or computer network by any means;
    g. provides any assistance to any person to facilitate access to a computer, computer system or computer network in contravention of the provisions of this Act, rules or regulations made there under;
    h. charges the services availed of by a person to the account of another person by tampering with or manipulating any computer, computer system, or computer network;
    i. destroys, deletes or alters any information residing in a computer resource or diminishes its value or utility or affects it injuriously by any means;
    j. Steals, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used for a computer resource with an intention to cause damage;

    He can be made liable to pay damages by way of compensation not exceeding one crore rupees to the person so affected. Explanation -- For this purposes,
        i. "computer contaminant" means any set of computer instructions that are designed—
            a. to modify, destroy, record, transmit data or program residing within a computer, computer system or computer network; or
            b. by any means to usurp the normal operation of the computer, computer system, or computer network;
        ii. "computer data base" means a representation of information, knowledge, facts, concepts or instructions in text, image, audio, video that are being prepared or have been prepared in a formalised manner or have been produced by a computer, computer system or computer network and are intended for use in a computer, computer system or computer network;
        iii. "computer virus" means any computer instruction, information, data or program that destroys, damages, degrades or adversely affects the performance of a computer resource or attaches itself to another computer resource and operates when a program, data or instruction is executed or some other event takes place in that computer resource;

iv. "damage" means to destroy, alter, delete, add, modify or rearrange any computer resource by any means.
v. "Computer Source code" means the listing of programs, computer commands, design and layout and program analysis of computer resource in any form.

2. ***Section 63 - Compounding of contraventions****: At any time, before or after the institution of adjudication proceedings, the CCA or an Officer specially authorized in this regard or the Adjudicating Office can compound contraventions under the Act. The compounded amount however cannot, in any case, exceed the maximum penalty imposable for the contravention under this Act. Where any contravention has been compounded, no proceeding or further proceeding, as the case may be, can be taken for the compounded offence. Once a contravention has been compounded, the same person cannot seek relief of compounding for the same or similar contraventions committed within a period of 3 years from the date of compounding.*

3. ***Section 65: Tampering with computer source documents :*** Whoever knowingly or intentionally conceals, destroys or alters or intentionally or knowingly causes another to conceal, destroy or alter any computer source code used for a computer, computer programme, computer system or computer network, when the computer source code is required to be kept or maintained by law for the time being in force, shall be punishable with imprisonment up to three years, or with fine which may extend up to two lakh rupees, or with both.

4. ***Section 66: Computer related offences:*** If any person, dishonestly, or fraudulently, does any act referred to in section 43, he shall be punishable with imprisonment for a term which may extend to two **three** years or with fine which may extend to five lakh rupees or with both.

Explanation: **For the purpose of this section,-**

a. the word "dishonestly" shall have the meaning assigned to it in section 24 of the IPC;
b. the word "fraudulently" shall have the meaning assigned to it in section 25 of the IPC.

5. ***Section 66A: Punishment for sending offensive messages through communication service, etc. (Introduced vide ITAA 2008) :*** Any person who sends, by means of a computer resource or a communication device,-

a. any information that is grossly offensive or has menacing character; or
b. any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, or ill will, persistently makes by making use of such computer resource or a communication device,
c. any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages (Inserted vide ITAA 2008) shall be punishable with imprisonment for a term which may extend to two three years and with fine.

Explanation: For the purposes of this section, terms "Electronic mail" and "Electronic Mail Message" means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message.

6. ***Section 66B: Punishment for dishonestly receiving stolen computer resource or communication device (Inserted Vide ITA 2008):*** Whoever dishonestly receives or

retains any stolen computer resource or communication device knowing or having reason to believe the same to be stolen computer resource or communication device, shall be punished with imprisonment of either description for a term which may extend to three years or with fine which may extend to rupees one lakh or with both.

7. ***Section 66C: Punishment for identity theft. (Inserted Vide ITA 2008) :*** Whoever, fraudulently or dishonestly make use of the electronic signature, password or any other unique identification feature of any other person, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to rupees one lakh.

8. ***Section 66D: Punishment for cheating by personation by using computer resource (Inserted Vide ITA 2008) :*** Whoever, by means of any communication device or computer resource cheats by personation, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one lakh rupees.

9. ***Section 66E: Punishment for violation of privacy. (Inserted Vide ITA 2008) :*** Whoever, intentionally or knowingly captures, publishes or transmits the image of a private area of any person without his or her consent, under circumstances violating the privacy of that person, shall be punished with imprisonment which may extend to three years or with fine not exceeding two lakh rupees, or with both

   Explanation.- For the purposes of this section--
   (a) "transmit" means to electronically send a visual image with the intent that it be viewed by a person or persons;
   (b) "capture", with respect to an image, means to videotape, photograph, film or record by any means;
   (c) "private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast;
   (d) "publishes" means reproduction in the printed or electronic form and making it available for public;
   (e) "under circumstances violating privacy" means circumstances in which a person can have a reasonable expectation that--
      (i) he or she could disrobe in privacy, without being concerned that an image of his private area was being captured; or
      (ii) any part of his or her private area would not be visible to the public, regardless of whether that person is in a public or private place.

10. ***Section 66F: Punishment for cyber terrorism :***

   (1) Whoever,-

      (A) With intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people by –
         1. denying or cause the denial of access to any person authorized to access computer resource; or
         2. attempting to penetrate or access a computer resource without authorization or exceeding authorized access; or
         3. Introducing or causing to introduce any Computer Contaminant.

         and by means of such conduct causes or is likely to cause death or injuries to persons or damage to or destruction of property or disrupts or knowing

that it is likely to cause damage or disruption of supplies or services essential to the life of the community or adversely affect the critical information infrastructure specified under section 70, or

(B) knowingly or intentionally penetrates or accesses a computer resource without authorization or exceeding authorized access, and by means of such conduct obtains access to information, data or computer database that is restricted for reasons of the security of the State or foreign relations; or any restricted information, data or computer database, with reasons to believe that such information, data or computer database so obtained may be used to cause or likely to cause injury to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence, or to the advantage of any foreign nation, group of individuals or otherwise, commits the offence of cyber terrorism.

(2) Whoever commits or conspires to commit cyber terrorism shall be punishable with imprisonment which may extend to imprisonment for life'.

11. ***Section 67: Punishment for publishing or transmitting obscene material in electronic form (Amended vide ITAA 2008) :*** Whoever publishes or transmits or causes to be published in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to two three years and with fine which may extend to five lakh rupees and in the event of a second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees.

12. ***Section 67A: Punishment for publishing or transmitting of material containing sexually explicit act, etc. in electronic form (Inserted vide ITAA 2008) :*** Whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.

Exception: This section and section 67 does not extend to any book, pamphlet, paper, writing, drawing, painting, representation or figure in electronic form-

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art, or learning or other objects of general concern; or

(ii) which is kept or used bonafide for religious purposes.

13. ***Section 67B: Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc. in electronic form :*** Whoever,-

(a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct or

(b) creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner or
(c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource or
(d) facilitates abusing children online or
(e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children,

Shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with a fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees:

Provided that the provisions of section 67, section 67A and this section does not extend to any book, pamphlet, paper, writing, drawing, painting, representation or figure in electronic form-

(i) The publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern; or
(ii) which is kept or used for bonafide heritage or religious purposes

Explanation: For the purposes of this section, "children" means a person who has not completed the age of 18 years.

14. *Section 67C: Preservation and Retention of information by intermediaries :*

1) Intermediary shall preserve and retain such information as may be specified for such duration and in such manner and format as the Central Government may prescribe.
2) Any intermediary who intentionally or knowingly contravenes the provisions of sub section (1) shall be punished with an imprisonment for a term which may extend to three years and shall also be liable to fine.

15. *Section 69: Powers to issue directions for interception or monitoring or decryption of any information through any computer resource (Substituted Vide ITAA 2008):*

1. Where the central Government or a State Government or any of its officer specially authorized by the Central Government or the State Government, as the case may be, in this behalf may, if is satisfied that it is necessary or expedient to do in the interest of the sovereignty or integrity of India, defense of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above or for investigation of any offence, it may, subject to the provisions of sub-section (2), for reasons to be recorded in writing, by order, direct any agency of the appropriate Government to intercept, monitor or decrypt or cause to be intercepted or monitored or decrypted any information transmitted received or stored through any computer resource.

2. The Procedure and safeguards subject to which such interception or monitoring or decryption may be carried out, shall be such as may be prescribed
3. The subscriber or intermediary or any person in charge of the computer resource shall, when called upon by any agency which has been directed under sub section (1), extend all facilities and technical assistance to -
   a. provide access to or secure access to the computer resource containing such information; generating, transmitting, receiving or storing such information; or
   b. intercept or monitor or decrypt the information, as the case may be; or
   c. provide information stored in computer resource.
4. The subscriber or intermediary or any person who fails to assist the agency referred to in sub-section (3) shall be punished with an imprisonment for a term which may extend to seven years and shall also be liable to fine.

16. *Section 69A: Power to issue directions for blocking for public access of any information through any computer resource :*

1) Where the Central Government or any of its officer specially authorized by it in this behalf is satisfied that it is necessary or expedient so to do in the interest of sovereignty and integrity of India, defense of India, security of the State, friendly relations with foreign states or public order or for preventing incitement to the commission of any cognizable offence relating to above, it may subject to the provisions of sub-sections (2) for reasons to be recorded in writing, by order direct any agency of the Government or intermediary to block access by the public or cause to be blocked for access by public any information generated, transmitted, received, stored or hosted in any computer resource.
2) The procedure and safeguards subject to which such blocking for access by the public may be carried out shall be such as may be prescribed.
3) The intermediary who fails to comply with the direction issued under sub-section (1) shall be punished with an imprisonment for a term which may extend to seven years and also be liable to fine.

17. *Section 69B: Power to authorize to monitor and collect traffic data or information through any computer resource for Cyber Security :*

1) The Central Government may, to enhance Cyber Security and for identification, analysis and prevention of any intrusion or spread of computer contaminant in the country, by notification in the official Gazette, authorize any agency of the Government to monitor and collect traffic data or information generated, transmitted, received or stored in any computer resource.
2) The Intermediary or any person in-charge of the Computer resource shall when called upon by the agency which has been authorized under sub-section (1), provide technical assistance and extend all facilities to such agency to enable online access or to secure and provide online access to the computer resource generating, transmitting, receiving or storing such traffic data or information.
3) The procedure and safeguards for monitoring and collecting traffic data or information, shall be such as may be prescribed.
4) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (2) shall be punished with an imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation: For the purposes of this section,

(i) "Computer Contaminant" shall have the meaning assigned to it in section 43

(ii) "traffic data" means any data identifying or purporting to identify any person, computer system or computer network or location to or from which the communication is or may be transmitted and includes communications origin,

destination, route, time, date, size, duration or type of underlying service or any other information.

18. ***Section 70 : Protected system (Amended Vide ITAA-2008)***

1. The appropriate Government may, by notification in the Official Gazette, declare any computer resource which directly or indirectly affects the facility of Critical Information Infrastructure, to be a protected system.
   Explanation: For the purposes of this section, "Critical Information Infrastructure" means the computer resource, the incapacitation or destruction of which, shall have debilitating impact on national security, economy, public health or safety.
2. The appropriate Government may, by order in writing, authorize the persons who are authorized to access protected systems notified under sub-section (1)
3. Any person who secures access or attempts to secure access to a protected system in contravention of the provisions of this section shall be punished with imprisonment of either description for a term which may extend to 10 years and shall also be liable to fine.
4. The Central Government shall prescribe the information security practices and procedures for such protected system. (Inserted vide ITAA 2008)

19. ***Section 70A: National nodal agency. (Inserted vide ITAA 2008) :***

1. The Central Government may, by notification published in the official Gazette, designate any organization of the Government as the national nodal agency in respect of Critical Information Infrastructure Protection.
2. The national nodal agency designated under Sub-section (1) shall be responsible for all measures, including Re-search and Development relating to protection of Critical Information Infrastructure.
3. The manner of performing functions and duties of the agency referred to in Sub-section (1) shall be such as may be prescribed.

20. ***Section 70B: Indian Computer Emergency Response Team to serve as national agency for incident response :***

1. The Central Government shall, by notification in the Official Gazette, appoint an agency of the government to be called the Indian Computer Emergency Response Team
2. The Central Government shall provide the agency referred to in sub-section (1) with a Director General and such other officers and employees as may be prescribed
3. The salary and allowances and terms and conditions of the Director General and other officers and employees shall be such as may be prescribed
4. The Indian Computer Emergency Response Team shall serve as the national agency for performing the following functions in the area of Cyber Security,-
   a. collection, analysis and dissemination of information on cyber incidents
   b. forecast and alerts of cyber security incidents
   c. emergency measures for handling cyber security incidents
   d. Coordination of cyber incidents response activities
   e. issue guidelines, advisories, vulnerability notes and white papers relating to information security practices, procedures, prevention, response and reporting of cyber incidents
   f. such other functions relating to cyber security as may be prescribed
   g. The manner of performing functions and duties of the agency referred to in sub-section (1) shall be such as may be prescribed
   h. For carrying out the provisions of sub-section (4), the agency referred to in sub-section (1) may call for information and give direction to the service providers, intermediaries, data centers, body corporate and any other person

i. Any service provider, intermediaries, data centers, body corporate or person who fails to provide the information called for or comply with the direction under sub-section (6), shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees or with both

j. No Court shall take cognizance of any offence under this section, except on a complaint made by an officer authorized in this behalf by the agency referred to in sub-section (1).

21. ***Section 72: Breach of confidentiality and privacy :*** Save as otherwise provided in this Act or any other law for the time being in force, any person who, in pursuant of any of the powers conferred under this Act, rules or regulations made there under, has secured access to any electronic record, book, register, correspondence, information, document or other material without the consent of the person concerned discloses such electronic record, book, register, correspondence, information, document or other material to any other person shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both.

22. ***Section 72A : Punishment for Disclosure of information in breach of lawful contract (Inserted vide ITAA-2008) :*** Save as otherwise provided in this Act or any other law for the time being in force, any person including an intermediary who, while providing services under the terms of lawful contract, has secured access to any material containing personal information about another person, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain discloses, without the consent of the person concerned, or in breach of a lawful contract, such material to any other person shall be punished with imprisonment for a term which may extend to **three** years, or with a fine which may extend to five lakh rupees, or with both.

23. ***Section 78: Power to investigate offences (Amended Vide ITAA 2008) :***Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a police officer not below the rank of Inspector shall investigate any offence under this Act. (Amended Vide ITAA 2008)

24. ***Section 79: Exemption from liability of intermediary in certain cases :***

1. Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and (3), an intermediary shall not be liable for any third party information, data, or communication link hosted by him. (corrected vide ITAA 2008)

2. The provisions of sub-section (1) shall apply if-
   a. the function of the intermediary is limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored; or
   b. the intermediary does not-
      i. initiate the transmission,
      ii. select the receiver of the transmission, and
      iii. select or modify the information contained in the transmission

   c. the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf (Inserted Vide ITAA 2008)

3. The provisions of sub-section (1) shall not apply if-

   a. the intermediary has conspired or abetted or aided or induced whether by threats or promise or otherwise in the commission of the unlawful act (ITAA 2008)
   b. upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

Explanation:- For the purpose of this section, the expression "third party information" means any information dealt with by an intermediary in his capacity as an intermediary.

25. ***Section 79A: Central Government to notify Examiner of Electronic Evidence :*** The Central Government may, for the purposes of providing expert opinion on electronic form evidence before any court or other authority specify, by notification in the official Gazette, any department, body or agency of the Central Government or a State Government as an Examiner of Electronic Evidence.

Explanation: - For the purpose of this section, "Electronic Form Evidence" means any information of probative value that is either stored or transmitted in electronic form and includes computer evidence, digital audio, digital video, cell phones, digital fax machines".

26. ***Section 80: Power of Police Officer and Other Officers to Enter, Search, etc. :***

1. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer, not below the rank of a Inspector or any other officer of the Central Government or a State Government authorized by the Central Government in this behalf may enter any public place and search and arrest without warrant any person found therein who is reasonably suspected of having committed or of committing or of being about to commit any offence under this Act

   Explanation: For the purposes of this sub-section, the expression "Public Place" includes any public conveyance, any hotel, any shop or any other place intended for use by, or accessible to the public.
2. Where any person is arrested under sub-section (1) by an officer other than a police officer, such officer shall, without unnecessary delay, take or send the person arrested before a magistrate having jurisdiction in the case or before the officer-in-charge of a police station.
3. The provisions of the Code of Criminal Procedure, 1973 shall, subject to the provisions of this section, apply, so far as may be, in relation to any entry, search or arrest, made under this section.

27. ***Section 84B: Punishment for abetment of offences (Inserted Vide ITA-2008) :*** Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be punished with the punishment provided for the offence under this Act.
Explanation: An Act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

28. ***Section 84C: Punishment for attempt to commit offences (Inserted Vide ITA-2008) :*** Whoever attempts to commit an offence punishable by this Act or causes such an offence to be committed, and in such an attempt does any act towards the commission of the offence, shall, where no express provision is made for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence or both.

B. Indian Penal Code Act 1860 (as amended vide IT Act '2008)

1. ***Section 29A: The words "electronic record" shall have the meaning assigned to them in clause (s) of sub-section (1) of section 2 of the Information Technology Act, 2000.***

2. ***Section 167 :*** Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document ***or electronic record,*** frames, prepares or translates that document ***or electronic record*** in a manner which he knows or believes to be incorrect intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

3. ***Section 172 :*** Whoever absconds in order to avoid being served with a summons, notice or order, proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both or, if the summons or notice or order is to attend in person or by agent, or to produce a document ***or an electronic record*** in a Court of Justice 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.

4. ***Section 173 :*** Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order, proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order or intentionally prevents the lawful affixing to any place of any such summons, notice or order, or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both; or, if the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document ***or electronic record*** in a Court of Justice 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.

5. ***Section 175 :*** Whoever, being legally bound to produce or deliver up any document or electronic record to any public servant, as such, intentionally omits so to produce or deliver up any document ***or electronic record*** to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both; or, if the document ***or electronic record*** is to be produced or delivered up to a Court of Justice, 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.
6. ***Section 192 :*** Whoever causes any circumstance to exist or makes any false entry in any book or record, *or electronic record* or makes any document *or electronic record* containing a false statement, intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance,

false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding is said "to fabricate false evidence".

7. ***Section 204 :*** Whoever secrets or destroys any document *or electronic record* which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant, as such or obliterates or renders illegible the whole or any part of such document *or electronic record* with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

8. ***Section 463 :*** Whoever makes any false document *or false electronic record* or part of a document *or electronic record*, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

9. ***Section 464 :*** A person is said to make a false document *or false electronic record*-
   First--Who dishonestly or fraudulently--
   a. makes, signs, seals or executes a document or part of a document;
   b. makes or transmits any electronic record or part of any electronic record;
   c. affixes any digital signature on any electronic record;
   d. makes any mark denoting the execution of a document or the authenticity of the digital signature,

   with the intention of causing it to be believed that such document or part of document, *electronic record of digital signature* was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or
   Secondly--Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document *or an electronic record*in any material part thereof, after it has been made, executed or affixed with digital signature either by himself or by any other person, whether such person be living or dead at the time of such alteration; or
   Thirdly--Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document *or an electronic recordor to affix his digital signature on any electronic record* knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him, he does not know the contents of the document *or electronic record* or the nature of the alteration.

10. ***Section 466 :*** Whoever forges a document *or an electronic record*, purporting to be a record or proceeding of or in a Court of Justice, or a register of birth, baptism, marriage or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. *For the purpose of this section, "register" includes any list, data or record of any entries maintained in the electronic form as defined in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000*.

11. ***Section 468:*** Whoever commits forgery, intending that the document *or electronic record* forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
12. ***Section 469:*** Whoever commits forgery intending that the document *or electronic record* forged] shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment for either description for a term which may extend to three years, and shall also be liable to fine.
13. ***Section 470:*** A false document *or electronic record* made wholly or in part by forgery is designated a forged document *or electronic record*.
14. ***Section 471:*** Whoever fraudulently or dishonestly uses as genuine any document *or electronic record* which he knows or has reason to believe to be a forged document *or electronic record,* shall be punished in the same manner as if he had forged such document *or electronic record.*
15. ***Section 474:*** Whoever has in his possession any document *or electronic record*, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as a genuine, shall, if the document *or electronic record* is one of the description mentioned in section 466 of this Code, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 467, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

16. ***Section 476:*** Whoever counterfeits upon, or in the substance of any material, any device or mark used for the purpose of authenticating any document *or electronic record* other than the documents described in section 467 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity or any document then forged or thereafter to be forged on such material, or who with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

17. ***Section 477A:*** Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates or falsifies any book, *electronic record*, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in, any such book, *electronic recordpaper*, writing], valuable security or account, shall be punished with imprisonment of either description of a term which may extend to seven years, or with fine, or with both.

C. Evidence Act as amended vide IT Act 2008.

1. ***Section 3:*** "***Evidence":- "Evidence" means and includes :***
   a) (1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry; such statements are called oral evidence;
   (2) all documents *including electronic records* produced for the inspection of the Court; such documents are called documentary evidence.
   b) after the definition of "India", the following shall be inserted, namely:- the expressions; "Certifying Authority", "digital signature", "Digital Signature Certificate", "electronic form", "electronic records". "Information", "secure electronic record", "secure digital signature" and "subscriber" shall have the meanings respectively assigned to them in the Information Technology Act, 2000.
2. ***Section 17:*** An admission is a statement, oral or documentary or contained in electronic form, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.

3. ***Section 22A:When oral admission as to contents of electronic records are relevant:*** Oral admissions as to the contents of electronic records are not relevant, unless the genuineness of the electronic record produced is in question.

4. ***Section 34:Entries in books of account including those maintained in an electronic form when relevant:*** Entries in books of accounts including those maintained in an electronic form, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

5. ***Section 35: Relevancy of entry in public record or an electronic record made in performance of duty :*** An entry in any public or other official book, register or record or an electronic record, stating a fact in issue or relevant fact, and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record or an electronic record is kept, is itself a relevant fact.

6. ***Section 39:What evidence to be given when statement forms part of a conversation, document, electronic record, book or series of letters or papers :*** When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or is contained in part of electronic record or a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, electronic record, book or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

7. ***Section 47A: Opinion as to electronic signature when relevant:***When the Court has to form an opinion as to the Electronic signature of any person, the opinion of the Certifying Authority which has issued the Electronic Signature Certificate] is a relevant fact.

8. ***Section 59:*** All facts, except the contents of documents or electronic records, may be proved by oral evidence

9. Section 65A: Special provisions as to evidence relating to electronic record: The contents of electronic records may be proved in accordance with the provisions of section 65B.

10. ***Section 65B: Admissibility of electronics records:***

(1) Notwithstanding anything contained in this Act, any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer (hereinafter referred to as the computer output) shall be deemed to be also a document, if the conditions mentioned in this section are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original, as evidence or any contents of the original or of any fact stated therein of which direct evidence would be admissible.

(2) The conditions referred to in sub-section (1) in respect of a computer output shall be the following, namely: -

(a) the computer output containing the information was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer;

(b) during the said period, information of the kind contained in me electronic record or of the kind from which the information so contained is derived was regularly fed into the computer in the ordinary course of the said activities;

(c) 'throughout the material part of the said period, the computer was operating properly or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the electronic record or the accuracy of its contents; and

(d) the information contained in the electronic record reproduces or is derived from such information fed into the computer in the ordinary course of the said activities.

(3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (a) of sub-section (2) was regularly performed by computers, whether--

(a) by a combination of computers operating over that period; or

(b) by different computers operating in succession over that period; or

(c) by different combinations of computers operating in succession over that period; or

(d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers, all the computers used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer; and references in the section to a computer shall be construed accordingly.

(4) In any proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say, -

(a) identifying the electronic record containing the statement and describing the manner in which it was produced;

(b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;

(c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate, and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device

or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a mailer to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this section, -

(a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;

(b) whether in the course of activities carried on by any official information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;

(c) a computer output shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

11. ***Section 67A:*** The Court shall presume, unless contrary is proved, that the information listed in a Electronic Signature Certificate is correct, except for information specified as subscriber information which has not been verified, if the certificate was accepted by the subscriber.

12. Section 73A: Proof as to verification of digital signature: In order to ascertain whether a digital signature is that of the person by whom it purports to have been affixed, the Court may direct--

(a) that person or the Controller or the Certifying Authority to produce the Digital Signature Certificate;

(b) any other person to apply the public key listed in the Digital Signature Certificate and verify the digital signature purported to have been affixed by that person.

13. Section 81A: Presumption as to Gazettes in electronic forms: The Court shall presume the genuineness of every electronic record purporting to be the Official Gazette or purporting to be electronic record directed by any law to be kept by any person, if such electronic record is kept substantially in the form required by law and is produced from proper custody.

14. Section 85A: 85A. Presumption as to electronic agreements: The Court shall presume that every electronic record purporting to be an agreement containing the digital signatures of the parties was so concluded by affixing the electronic signature of the parties.

15. ***Section 85B:***

(1) In any proceedings involving a secure electronic record, the Court shall presume unless contrary is proved, that the secure electronic record has not been altered since the specific point of time to which the secure status relates.

(2) In any proceedings, involving secure digital signature, the Court shall presume unless the contrary is proved that

(a) the secure digital signature is affixed by subscriber with the intention of signing or approving the electronic record;

(b) except in the case of a secure electronic record or a secure 1[electronic signature], nothing in this section shall create any presumption, relating to authenticity and integrity of the electronic record or any digital signature.

16. ***Section 85C: Presumption as to Electronic Signature Certificates:*** The Court shall presume, unless contrary is proved, that the information listed in a Electronic Signature Certificate is correct, except for information specified as subscriber information which has not been verified, if the certificate was accepted by the subscriber.
17. ***Section 88A: Presumption as to electronic messages:*** The Court may presume that an electronic message, forwarded by the originator through an electronic mail server to the addressee to whom the message purports to be addressed corresponds with the message as fed into his computer for transmission; but the Court shall not make any presumption as to the person by whom such message was sent.
18. ***Section 90A:*** Where any electronic record, purporting or proved to be five years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the [Electronic signature] which purports to be the digital signature of any particular person was so affixed by him or any person authorised by him in this behalf.
19. ***Section 131: Production of documents or electronic records which another person, having possession, could refuse to produce:*** No one shall be compelled to produce documents in his possession or electronic records under his control, which any other person would be entitled to refuse to produce if they were in his possession or control, unless such last-mentioned person consents to their production.

D. Railway Protection Force Act, 1957

1. ***Section 12. Power arrest without warrant :*** Any superior officer or member of the Force may, without an order from a Magistrate and without a warrant, arrest-
   (a) Any person who has been concerned in an offence relating to railway property punishable with imprisonment for a term exceeding six months, or against whom a reasonable suspicion exists of his having been so concerned; or
   (b) Any person found taking precautions to conceal his presence within 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.

2. ***Section 13: Power to search without warrant :***
   1) Whenever any superior officer, or any member of the Force, not below the rank of a Naik [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 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.

3. **Section 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 persons], or in the absence of a police officer, take such person or cause him to be taken to the nearest police.

E. The Railway Act, 1989 (Amended in 2003)

1. ***Section 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. a fine of five hundred rupees, in the case of conviction for the first offence; and
   b. imprisonment for three months in case of conviction for the second or subsequent offence.

2. ***Section 143: Penalty for unauthorised carrying on of 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 from 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 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: Provided that in the absence of special and adequate reasons to the contrary to be mentioned in 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.
   2. 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.

3. ***Section 144: Prohibition on hawking, etc., and begging :***
   1. 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 license 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 judgment of the court, such punishment shall not be less than a fine of one thousand rupees
   2. 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)
   3. 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 authorized in this behalf or by any other person whom such railway servant may call to his aid.

4. ***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; or
    c. wilfully 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 judgment of the court, such punishment shall not be less than-
        a. a fine of one hundred rupees in the case of conviction for the first offence; and
        b. imprisonment of one month and a fine of two hundred and fifty rupees, in the case of conviction for second or subsequent offence.

5. ***Section 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.

6. **Section 150**: ***Maliciously wrecking or attempting to wreck a train :***
    1. Subject to the provisions of sub-section (2), if any person unlawfully,—
        a. puts or throws upon or across any railways, any wood, stone or other matter or thing; or
        b. takes up, removes, loosens or displaces any rail, sleeper or other matter or things belonging to any railway; or
        c. turns/moves, unlocks or diverts any points or other machinery belonging to any railway; or
        d. makes or shows, or hides or removes, any signal or light upon or near to any railway; or
        e. 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 judgment of the court, where a person is punishable with rigorous imprisonment, such imprisonment shall not be less than—
            a. three years, in the case of a conviction for the first offence; and
            b. seven years, in the case of conviction for the second or subsequent offence
    2. If any person unlawfully does any act/thing referred to in any of the clauses of sub-section (1)-
        a. with intent to cause the death of any person and the doing of such act or thing causes the death of any person; or
        b. 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.

7. **Section 151**: ***Damage to or destruction of certain railway properties :***
    1. 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 (2), 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.
    2. The properties of a railway referred to in sub-section (1) are railway track, bridges, station buildings and installations, carriages or wagons, locomotives, signalling, telecommunications, electric traction and block equipment 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.

8. ***Section 153: Endangering safety of persons travelling by railway by wilful act or omission:*** If any person by any unlawful act or by any wilful 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.

9. ***Section 154: Endangering safety of persons travelling 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 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.

10. ***Section 157: Altering or defacing pass or ticket:*** If any passenger wilfully 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.
11. ***Section 166: Defacing public notices :*** If any person without lawful authority—
    a. pulls down or wilfully 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.

V. COMPARATIVE ANALYSIS OF THE IT ACT, IPC AND OTHER LAWS

S. No.	Nature of complaint	Applicable section(s) and punishments under ITAA 2008	Applicable sections(s) under other laws and punishments
1	Mobile phone lost/stolen		Section 379 IPC upto 03 years imprisonment or fine or both
2	Receiving stolen computer/ mobile/data (data or computer or mobile phone owned by you is found in the hands of someone else.	Section 66 B of ITAA 2008- upto 03 years imprisonment or Rupees one lakh fine or both	Section 411 IPC-upto 03 years imprisonment or fine or both
3	Data owned by you or your company in any form is stolen	Section 66 B of ITAA 2008- upto 03 years imprisonment or fine upto rupees five lakh or both	Section 379 IPC upto 03 years imprisonment or fine or both
4	A password is stolen and used by someone else for fraudulent purpose	Section 66C of ITAA 2008 – upto 03 years imprisonment and fine upto rupees one lakh Section 66D ITAA 2008-upto 03 years imprisonment and fine upto rupees one lakh	Section 419 IPC- upto 03 years imprisonment or fine Section 420 IPC- upto 7 years imprisonment and fine
5	An e-mail is read by someone else by fraudulently making use of password	Section 66 of ITAA 2008- upto 03 years imprisonment or fine upto rupees five lakh or both Section 66C of ITAA 2008 – upto 03 years imprisonment and fine upto rupees one lakh	
6	A biometric impression is misused	Section 66C of ITAA 2008 – upto 03 years imprisonment and fine upto rupees one lakh	
7	An electronic signature or digital signature is misused	Section 66C of ITAA 2008 – upto 03 years imprisonment and fine upto rupees one lakh	
8	A phishing e-mail is sent out in your name, asking for login credentials	Section 66D ITAA 2008-upto 03 years imprisonment and fine upto rupees one lakh	Section 419 IPC- upto 03 years imprisonment or fine
9	Capturing, publishing or transmitting the image of the private area without any person's consent or knowledge	Section 66E of ITAA 2008- upto 03 years imprisonment or fine not exceeding rupees two lakh or both	Section 292 IPC- upto 02 years imprisonment and fine rupees 2000; and upto 05 years and rupees 5000 for second and subsequent conviction

10	Tempering with computer source documents	Section 65 of ITAA 2008- upto 03 years imprisonment or fine upto rupees two lakh or both Section 66 of ITAA 2008- upto 03 years imprisonment or fine upto rupees five lakh or both	
11	Data Modification	Section 66 of ITAA 2008- upto 03 years imprisonment or fine upto rupees five lakh or both	
12	Sending offensive message through communication services etc.	Section 66A of ITAA 2008- upto 03 years imprisonment or fine	Section 500 IPC- upto 02 years or fine or both Section 504 IPC- upto 02 years or fine or both Section 506 IPC - upto 02 years or fine or both- if threat be to cause death or grievous hurt etc- upto 07 years or fine or both Section 507 IPC- upto 02 years along with punishment under section 506 IPC Section 508 IPC – upto 1 year or fine or both Section 509 IPC – upto 01 year or fine or both of IPC as applicable
13	Publishing or transmitting obscene material in electronic form	Section 67 of ITAA 2008 first conviction- upto 03 years and 05 lakhs; second or subsequent conviction- upto 05 years and upto 10 lakh	Section 292 IPC- upto 02 years imprisonment and fine rupees 2000; and upto 05 years and rupees 5000 for second and subsequent conviction
14	Publishing or transmitting of material containing sexually explicit act etc, in electronic form	Section 67A of ITAA 2008 first conviction- upto 05 years and 10 lakhs; second or subsequent conviction- upto 07 years and upto 10 lakh	Section 292 IPC- upto 02 years imprisonment and fine rupees 2000; and upto 05 years and rupees 5000 for second and subsequent conviction
15	Punishment for publishing or transmitting of material depicting children in sexually explicit act etc, in electronic form	Section 67B of ITAA 2008 first conviction- upto 05 years and 10 lakhs; second or subsequent conviction- upto 07 years and upto 10 lakh	Section 292 IPC- upto 02 years imprisonment and fine rupees 2000; and upto 05 years and rupees 5000 for second and subsequent conviction
16	Misusing WiFi connection if done against the State	Section 66 of ITAA 2008- upto 03 years imprisonment or fine upto rupees five lakh or both Section 66F- Life imprisonment of ITAA 2008	

17	Planting a computer virus, if done against the State	Section 66 of ITAA 2008- upto 03 years imprisonment or fine upto rupees five lakh or both	
18	Conducting denial of service attack against a government computer	Section 66 of ITAA 2008- upto 03 years imprisonment or fine upto rupees five lakh or both	
19	Stealing data from a government computer that has significance from national security perspective	Section 66 of ITAA 2008- upto 03 years imprisonment or fine upto rupees five lakh or both Section 66F- Life imprisonment of ITAA 2008	
20	Not allowing the authority to decrypt all communication that passes through computer or network	Section 69 of ITAA 2008- Imprisonment upto 07 years and fine	
21	Intermediaries not providing access information stored on their computer to the relevant authorities	Section 69 of ITAA 2008- Imprisonment upto 07 years and fine	
22	Failure to block websites, when ordered	Section 69A of ITAA 2008- Imprisonment upto 07 years and fine	
23	Sending threating message by e-mail	Section 66A of ITAA 2008- Imprisonment upto 03 years and fine	Section 504 - upto 02 years or fine or both
24	Word, gesture or act intended to insult the modesty of a woman		Section 509 IPC- upto 01 year or fine or both- IPC as applicable
25	Sending defamatory message by e-mail	Section 66A of ITAA 2008- upto 03 years imprisonment and fine	Section 500 IPC – upto 02 years or fine or both
26	Bogus website, cyber frauds	Section 66D ITAA 2008-upto 03 years imprisonment and fine upto rupees one lakh	Section 419 IPC- upto 03 years imprisonment or fine Section 420 IPC- upto 7 years imprisonment and fine
27	E-mail spoofing	Section 66C of ITAA 2008 – upto 03 years imprisonment and fine upto rupees one lakh	Section 465 IPC- upto 02 years or fine or both Section 468 IPC- upto 7 years imprisonment and fine
28	Making a false document	Section 66D ITAA 2008-upto 03 years imprisonment and fine upto rupees one lakh	Section 465 IPC- upto 02 years or fine or both

29	Forgery for purpose of cheating	Section 66D ITAA 2008-upto 03 years imprisonment and fine upto rupees one lakh	Section 468 IPC- upto 7 years imprisonment and fine
30	Forgery for purpose of harming reputation	Section 66D ITAA 2008-upto 03 years imprisonment and fine upto rupees one lakh	Section 469 IPC – upto 03 years and fine
31	Email Abuse	Section 66A of ITAA 2008-upto 03 years imprisonment and fine	Section 500 IPC – upto 02 years or fine or both
32	Punishment for criminals intimidation	Section 66A of ITAA 2008-upto 03 years imprisonment and fine	Section 506 IPC - upto 02 years or fine or both- if threat be to cause death or grievous hurt etc- upto 07 years or fine or both
33	Criminal intimidation by an anonymous communication	Section 66A of ITAA 2008-upto 03 years imprisonment and fine	Section 507 IPC- upto 02 years along with punishment under section 506 IPC
34	Copyright infringement	Section 66 of ITAA 2008-upto 03 years imprisonment or fine upto rupees five lakh or both	Sec. 63 63B Copyright Act 1957
35	Theft of computer Hardware		Sec. 379 IPC upto 03 years imprisonment or fine or both
36	Online sales of drugs		NDPS Act
37	Online sales of Arms		Arms Act

Schedule –I
(Forms and Registers)

Form 1:- Request for Cyber Cell assistance.

Date: ……

To,

The In-charge, Cyber Cell,

……

……

Mention brief details of the case.----------

S. No.	Particulars	Details
1.	Divn.	
2.	Jurisdiction	
3.	RPF Post	
4.	Place of occurrence	
5.	Date & Time of occurrence	
6.	Date & Time of information	
7.	Classification of crime	
8.	Value of stolen railway property/ E-tickets	
9.	Name and Rank of the E.O.	
10.	Case Crime No.	

You are hereby nominated and authorized to act as Assistant Enquiry Officer in the afore mentioned case; and requested to visit the scene of crime forthwith and assist the EO in collection, evaluation, documentation and presentation of the evidences as warranted under the law.

(Sr DSC/ DSC)

Form 2:- Chain of Custody Form

Chain Of Custody			
Details Of The Digital Evidence			
Crime No……. Name of the EO…….....		Date of Seizure…….. Time……..	
Technical Information			
Manufacturer	Model	Serial No.	Other details

Description					
Chain of custody					
reason/ action	received from	received by	date	time	remarks

Reason/action: EO shall ensure documentation of the reasons for transferring the seized evidence to other custodians in chronological order

Form 3:- Digital Evidence Collection Form

Digital Evidence Collection Form			
Crime Number		Date	
RPF Post		Time:	
EO Name		Item Number	
Location		Custodian/ Suspect Name	

Computer Information			
Laptop	Desktop	Manufacturer	
HDD Only	External HDD	Model Number	
Others		Serial Number	
Time Zone		Asset Tag	
BIOS Date and Time		Actual Date and Time	

Evidence Drive			
Acquired by		Date of Acquisition	
Sign. Of EO		Time of Acquisition	

Collection Details		Destination Drive Details	
Software used		Manufacturer	
Version		Model Number	
Write Protect Device used		Serial Number	
Image File Name			
Notes			

Form-4 Seizure Memo

1.	Name of Investigator :
2.	Rank of Investigator :
3.	Police Station :
4.	Crime Number :
5.	Seizure Memo Number :
6.	Place of Seizure :
7.	Time of Seizure :
8.	Article seized (a) Article name (label number)
9.	Suspect Name :
10.	Address :
11.	Evidence File number :
12.	Brief of the case:-
13.	Signature of Investigating officer :
14.	Name, Address and Sign. of Witness-1
15.	Name, Address and Sign. of Witness-2

Schedule-II
(Standardized letter formats)

CL-1:- Prototype Notice (Facebook)-

L. No. …….. Date: / /2019

1. Notice u/Sec. 91 Cr.P.C.

I am the***[Rank of the officer]***working at Cyber Cell of Railway Protection Force, Delhi, India. I am investigating a case wherein ***[very brief details of the case]***. A case u/s ……. of Railway Act or RP(UP) Act is registered at ***[Name of RPF/Post, City, State]***. Hence during the course of investigation/enquiry the accomplice of the accused has revealed that accused had communicated to him with an unknown Facebook profile. Further to trace the accused, the IP logs details of the profile used by the accused is very much needed. The URL is appended below.

https://www.facebook.com/nazir.sath (Example)

In this connection it is requested to furnish the registration & accessing IP Log details of the above said profile including dates and timings for the purpose of investigation. You are further requested to remove the said profile soon after furnishing of information.

DECLARATION

I declare that the case upon charge sheeted will be tried before Hon'ble Special Railway Magistrate Court, ----------.

I further declare that the case under investigation is non-political, military, racial or religious character as required under Mutual Legal Assistance Treaty (MLAT) and arrangements of International conventions under which the request is being made.

CL-2:- Prototype Notice (Google)-

URGENT

L. No. …….. Date: / /2019

2. Notice u/Sec. 91 Cr.P.C.

It is to inform that a case is being investigating by this agency wherein ***[brief of the case].*** During the course of investigation/enquiry, it was found that ***[mention the fact which leads to the need of getting IP log details eg: Later on 26 May 2019 at about 10.00 am from sandeepsingh12@gmail.com email id an email of ransom was sent to his family member.***] A case u/s …… of Railway Act is registered for which the IP log details is very much required for the purpose of investigation. Further the gmail account is appended below:-

xyz234@gmail.com (Example)

Therefore you are requested to furnish the registration & accessing IP Log details (including IP addressed & timing) of the above email ID since its creation to till date for the purpose of investigation. Early action will be highly appreciated.

Sr.DSC/DSC/RPF

CL-3:- Prototype Notice (Godaddy)-

L. No. …….. Date: / /2019

3. Notice u/Sec. 91 Cr.P.C.

Ref.:- Cr. No…../2019 u/s …., of Railways Act and 66-D of IT Act 2000 of Cyber Cell, RPF, Northern Railway, Baroda House, New Delhi.

***

It is to inform you that, a case vide reference cited above is being investigated by this agency wherein the registrant of www.smsmarketingworld.com has been doing touting of e-tickets on the name of CONFIRMED 1st or 2nd AC RESERVATION TICKET. During the course of investigation, it came to light that the above domain was registered and hosted with your organization.

Therefore it is requested to furnish the following information for the purpose of investigation.

1. Registrant details including contact details i.e. Name, Address, all phone numbers, Email IDs.
2. Accessing IP Log details of the domain from 1st January 2018 to till date.
3. Billing details of the registrant including Bank details // Credit/ Debit card details.
4. Any other information which may be useful to track down the administrator of the domain.

Early action would be highly appreciated.

Sr.DSC/DSC/RPF

To,
The Webmaster (www.ingodaddy.com)

CL-4:- Prototype Notice (Yahoo)- **URGENT**

L. No. …….. Date: / /2019

4. Notice u/Sec. 91 Cr.P.C.

It is to inform that a case is being investigating by this agency wherein some unknown accused has sent a threatening email which contains her personal photos. The email has some private photos of the victim. Further in this connection the registration and accessing IP log details of the following Email ID are very much required for the purpose of investigation.

Trac.1212@yahoo.com

Therefore, you are requested to furnish the registration & accessing IP Log details (including IP addressed & timing) of the above email ID since its creation to till date for the purpose of investigation.

Early action will be highly appreciated.

Sr.DSC/DSC/RPF

TO,
YAHOO,
INDIA

CL-5:- Prototype Notice (Xvideos)-

L. No. …….. Date: / /2019

5. Notice u/Sec. 91 Cr.P.C.

It is to inform that a case is being investigating by this agency wherein an unknown person has uploaded the private photos of a women. A case u/e 292A of IPC & 57A of IT Act 2000 was registered. Some known person has created a profile on your website with victim name and has uploaded the personal photos. It is requested to immediately remove the posting and furnish the registration and accessing IP log details of the user for the purpose of investigation. The url of the are appended below:-

http://www.xvideos.com/profiles/valliko.dhuri/photos/885563/

Therefore you are requested to furnish the registration & accessing IP Log details (including IP addressed & timing) of the above user since its creation to till date and it is requested to remove the POSTING immediately for the purpose of investigation.

Early action will be highly appreciated.

Sr.DSC/DSC
Railway Protection Force,
……..

TO,
ADMIN,
XVIDEOS.COM

CL-6:- Prototype Notice (Payment Gateway)-

// URGENT //

CC No. 123/19 /143/RA Date: / /2019

6. Notice u/Sec. 91 Cr.P.C.

Dear Sir,

It is to inform you that a case vide reference cited above is being investigated by this agency wherein accused is using payment gateway of your company to book railway e-tickets from personal user account for wrongful gain.

Transaction ID	POS	Service	Amount
01072016	PAYUMONEY0125	PAYUMONEY	3000
01072018	PAYUMONEY0126	PAYUMONEY	5000

1. Please stop payment to the merchant and refund the amount to the actual customer's account.
2. Complete details of the transaction including beneficiary account/mobile holders
3. Accessing IP Log details of the above transactions
4. Any other information which may be useful to trace the fraudsters.

Early action will be highly appreciated.

Sr.DSC/DSC
Railway Protection Force,

CL-7:- Prototype Notice to ISP (Internet Service Provider)

// URGENT //

CC. No 248/19/….. Date: / /2019

7. Notice u/Sec. 91 Cr.P.C.

Dear Sir,

It is requested to furnish the end-user particulars of the following IP addressed for the purpose of Investigation.

IP Address	Date	Time
49.205.234.82	07/21/2016	23:10:17
49.205.234.82	07/21/2016	23:03:54
49.205.226.202	07/21/2016	20:10:23
183.83.242.165	07/18/2016	15:21:05

Early action will be highly appreciated.

Sr.DSC/DSC
Railway Protection Force,

CL-8:- Request letter to Cyber Forensic Labs/Expert opinion.

To,
The ……..
……
……..

Sub:- Forensic analysis and opinion about the digital evidence collected in CC No…… u/s…. of Rlys Act/RP(UP) Act.

Dear Sir,

Whereas I am authorize to enquire into the case No. …….. u/s …of RP(UP) Act and under section….Cr.PC, whereas I am of the opinion that forensic analysis / Expert opinion of the following evidence are required;

S. No.	Particulars of the evidence (Name & Unique No.)	Type of analysis	Suggested time period

A brief forensic check-list of the case is as under-

S. No.	Particulars	
1	Brief history of the case	
2	The details of the exhibits seized and their place of seizure.	
3	The model, make and description of the hard disk or any storage media.	
4	The date and time of the visit to the scene of crime.	
5	The condition of the computer system (on or off) at the scene of crime	
6	Is the photograph of the scene of crime is taken?	
7	Is it a stand-alone computer or a network?	
8	Is the computer has any Internet connection or any means to communicate with external computers?	
9	Information obtained on the basis of interrogation of the accused: a. The name of the operating system b. The application software packages used in the computer system with specific reference to the case like TALLY, FOCUS etc c. Any password protected files and if the accused cooperates, the passwords for the files. d. The employees who have access to the computer systems, their names, designations and their nature of work	
10	Is the BIOS date and time stamps were taken, or not? If taken the date and time should be mentioned?	

11	Is the storage media forensically imaged and hashed for maintaining the integrity of the evidence? If so the HASH value should be mentioned & the algorithm used for hashing.	
12	The signature of accused along with two witnesses should be taken on the suspected storage media.	
13	Is the storage media previewed, if so, is the preview done forensically or not?	
14	Some keywords useful and relevant to the case.	
15	The date and time at which the panchanama of the seized computer system was written.	
16	At the time of forensic analysis of the image of the suspected computer storage media if the forensic expert feels that the EO presence is necessary at the forensic lab the EO should be available for the same.	

It is requested to kindly take up the same and provide your valuable opinion within……days for the above. Your co-operation will be highly appreciated.

Name & Sign. of EO of the case
Designation

Schedule-III
(Govt. guidelines for interception of calls/messages)

Annexure 'C'

No. II/21021/5/2016-IS.II/M
Government of India
Ministry of Home Affairs
(CIS Division)

North Block, New Delhi
Dated : 9 February, 2018

To,

Shri Sumati Shandilya
DIG / MAC
Railway Board
Ministry of Railway, New Delhi

Subject: Authorization of railway Protection Force (RPF) to obtain CDR - reg.

The undersigned is directed to refer Railway Board letter no. 2014/Sec (CA)/6/9 dated 07.12.2017 on the subject mentioned above. As per the Guidelines, issued by MHA vide OM No. II/21021/235/2013-IS.II/M dated 28th July, 2016(copy enclosed), Call Data Records (CDRs) from Telecom Service Provider can be sought only under the statutory provisions contained in Section 92 of the Code of Criminal Procedure, 1973 or Section 5(2) of Indian Telegraph Act, 1885 read with Rule 419 A of Indian Telegraph (Amendment) Rules, 2007. It is clarified that MHA authorizes any LEA under Section 5(2) Indian Telegraph Act for the lawful interception and monitoring purpose only. Presently 10 central LEAs and DGPs of States/ UTs are authorized under section 5(2) of the Indian Telegraph Act, 1885 for the purpose.

2. As per section 92 of the CrPC, 1973, "If any document, parcel or thing In the custody of a postal or telegraph authority is, in the opinion of the District Magistrate, Chief Judicial Magistrate, Court of Session or High Court wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require the postal or telegraph authority, as the case may be, to deliver the document, parcel or thing to such person as the Magistrate or Court directs".

2. Therefore, Railway Protection Force is advised to get the Call Detail Records/Subscriber Detail Record under the provisions contained in Section 92 of the Code of Criminal Procedure, 1973 or through DGP of State Police, who is competent under the statutory provisions.

(Shailendra Vikram Singh)
DGM (CIS)
Tel: 23093753

Copy to:

Shri B.K. Singh
Director (S-II), DoT, New Delhi

No.II/21021/235/2013-IS.II/HI
Government of India
Ministry of Home Affairs
Monitoring Unit (IS-I Division)

North Block, New Delhi
Dated: 28th July, 2016

Office Memorandum

Subject: Guidelines for seeking Call Data Records (CDRs) from Telecom Service Providers.

In supersession of interim guidelines issued vide this office OM of even number dated 5th Feb, 2014, please find enclosed the guidelines for seeking Call Data Records (CDRs) from Telecom Service Providers.

2. It is requested that these guidelines may be made applicable with immediate effect for seeking Call Data Records (CDRs) from Telecom Service Providers.

3. This issues with the approval of competent authority.

(Mukesh Mangal)
Director (IS-I)
Tele: 23092132

Encl.As above

To,

1. Director IB, New Delhi
2. Secretary (R), Cabinet Secretariat, New Delhi
3. Member (Investigation), CBDT, M/o Finance, North Block, New Delhi
4. Director CBI, New Delhi
5. Commissioner of Police, Delhi Police, Police Headquarters, New Delhi
6. Director General, Narcotics Control Bureau, West Block No.1, Wing-5, Sector-1, RK Puram, New Delhi-110066
7. Major General, Directorate of Signal Intelligence SI-3, Sena Bhawan, Integrated HQ of MoD (Army), DHQ Post Office, New Delhi-110011
8. Director General, Directorate of Enforcement, 6th Floor, Lok Nayak Bhawan, Khan Market, New Delhi-110003
9. Director General, NIA 6th / 7th Floor, NDCC-II Building, Jai Singh Road, New Delhi-110001
10. Director General, Directorate of Revenue Intelligence, 7th Floor, I.P. Bhawan, I.P. Estate, New Delhi

Copy to,

1. The Chief Secretary of all states along with a copy of the guidelines with a request to consider the same for issue of suitable instructions to state LEAs.
2. Secretary, Department of Telecommunications, Sanchar Bhawan, 20, Ashoka Road, New Delhi.

Schedule-IV

(Standardized list of Equipments)

A. Essential:

a. Infra.:- Rooms, Workstation, Climate control system, Power backup (since analysis of the huge storage devices, videos takes nonstop continuous hours), high speed wired internet connection, Multi Utility Vehicle, Spike Guards (Heavy duty 5amp-16amp with individual switches), Inverter (20KVA true sine-wave, fluctuation free with heavy duty batteries).

b. Hardware:

1. Desktops (i7 8th gen. 64GB RAM, 4TB HDD, 4GB graphics of Nvidia, MS Office 2019 or latest with other standard accessories). Laptop (i7 8th generation, 8GB RAM, 2TB HDD, 2GB graphics of Nvidia, MS Office '19 or latest with other standard accessories).
2. All in one laser printer (scanner, copier, fax). Camera for photography and videography.
3. Dongles, Pen drives (32GB), Portable hard disks (2 each of 2TB, 4TB, 8TB).
4. UFED Ultimate Ruggedized with Chinese mobiles (Extraction of data from the Mobile including Chinese mobiles. Write blocker, Imaging tool (Tableau Duplicator).
5. Cell site analyzer (Facilitates to access the tower location at a place).
6. Documentation tools (Cable tags, permanent marker, stick on labels).
7. Packaging and transportation material (antistatic bags, Faraday bag, bubble wrap, evidence bag, packing tape, evidence tag, large rubber bands, magnifying glass).

c. Software:

1. Hash value calculator (Hashmyfiles, FTK Imager, Gizmo)
2. Forensic image and video enhancement software (Eg Amped FIVE)
3. Internet evidence finder (IEF) (To extract data from the internet browsers such as Internet Explorer, Google Chrome etc., and data can be analyzed)
4. CDR, IPDR and Dump data analyzer

B. Optional

a. Hardware:

1. XRY Mobile extraction tool (Mobile phone data extractor to retrieve data from them)
2. Forensic falcon (Imaging the hard disc and thereby retrieving the deleted data).

b. Software:

1. GPS forensics (to examine data from GPS system).
2. Password recovery software (To intercept and view the suspected computer systems).
3. MAC Forensic Lab (To retrieve/extract and analyze data from the Mac devices).
4. Oxygen forensic (Retrieval and analysis of data from computer/mobiles systems etc.)

C. Standard toolkit for scene of crime

i) Crime scene tapes. A kit containing screwdrivers (non-magnetic), pliers/forceps/scissors.
ii) Digital/Video camera with extra batteries. Torch and magnifying lens.Write Blocker.
iii) Note/sketch pads, pens and permanent markers. Rubber gloves.
iv) Blank sterile storage media: Portable USB hard disks and pen drives. Storage containers.
v) Anti-static bags and Faraday bags. Anti-static wand to earth static charge of human body.
vi) Line tester (check leakage of current in comp. chassis. Soft brush to remove dust etc.)
vii) Incident Response Toolkit. Converter/Adapter: SATA to USB, IDE to USB, SCSI to USB
viii) Boot Software (to start a computer for imaging/analysis without making any changes).

Schedule-V

(Co-ordination centres and Cyber Forensic Labs)

Sl	Name of the Orgn./Lab.	Address and contact details
1.	Cyber Forensic Laboratory, DGMO, Signals Enclave, New Delhi	Army Cyber Group, DGMO, Signals Enclave, New Delhi.
2.	State Forensic Science Laboratory, Madiwala , Bangalure	Madiwala , Bangalure
3.	Central Forensic Science Laboratory(CFSL), Hyderabad	Amberpet Post, RamanthapurHyderabad - 500013, Telangana, Phone:+91-40-27038429, Fax:+91-40-2703928. Email: director.cfsl-hyd@gov.in
4.	Directorate of Forensic Science, Gandhi Nagar, Gujarat.	Behind Police Bhavan, Sector-18/A, *Gandhinagar*, State: *Gujarat*
5.	Serious Fraud Investigation Office (SFIO), Delhi	2nd floor, Deendayal Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi-110003, Tel:011-24369593 (off), Fax:24365809 E-mail: inf.sfio@nic.in
6.	Forensic Science Laboratory Govt of NCT, Rohini New Delhi	MadhubanChok, Near Rohini Court, Bhagawan Mahavir Marg, Sector 14, Rohini, Delhi, 110085
7.	Indian Computer Emergency Response Team [www.cert-in.org.in]	Set up under the Min. of Electronics, it is national nodal agency for responding computer security incidents.
8.	Cy-cord [https://ncdrc.res.in] (National Cyber coordination Centre)	It is an operational Cyber security and e-surveillance agency in India. It also acts as a bridge between LEAs, Academicians and Pvt. Professionals and provides one stop solutions for all Cyber issues.

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- *Cyber Forensics in India: Nishesh Sharma, Universal Law Publishing, Delhi.*
- *Cyber Crime Investigation:*
  Data Security Council of India in partnership with Deloitte.
- *Cyber Laws and Crimes:*
  Ms. Barkha and U. Rama Mohan, Asia law House, Hyderabad.
- *A Forensic guide for Crime Investigations, Standard Operating Procedures: National Institute of Criminology and Forensic Science, New Delhi.*
- *Cyber Crimes, Electronic evidence & Investigation:*
  Sri Vivek Sood, A Nabhi Publication, New Delhi.
- *Railway Security Manual: Sri S.K. Dubey, Eastern Book Company, Lucknow.*
- *Special Inputs: (i) National Police Academy, Hyderabad,*
  (ii) CBI Academy, Ghaziabad, UP,
  (iii) Cyber Cell/Mah. Police, World Trade Centre, Mumbai,
  (iii) Central Crime Station, Telangana Police, Hyderabad.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.2019/Sec (CCB)/210/15 New Delhi, dated .08.2019

The Principal Chief Security Commissioners/RPF
All Zonal Railways
(Including ICF, KRCL, Core, Construction & RDSO)

IG-cum- Principal Chief Security Commissioners/RPSF,
Force Headquarter, Dayabasti, Delhi.

Director/JR/RPF Academy/Lucknow & RPF/Training Center/Maula-ali/Hyderabad.

All officers, Security Directorate, Railway Board.

All Branches, Security Directorate, Railway Board.

Sub: - Modification of **Para No.3 (a)** in Directive-40 dated 11.01.2018.

*****

In continuation of Directive-40 issued by this office letter No.2018/Sec(CCB) /210/15 dated 11.01.2018, the following modification in Para No.3(a) has been made as produced below:-

Para 3(a) of Directive-40 dated 11.01.2018 will be read as "**Theft of Passenger Belonging(s) where value of stolen article(s) is/are of and above Rs. Five Lakhs**" in place of "Theft of Passenger Belongings where value of stolen articles of and above Rs. Two Lakhs".

An acknowledgement of this modification may please be sent to this office.

6/8/19

(Arun Kumar, IPS)
Director General RPF,
Railway Board, New Delhi.

6/C

Inspr

03/IG/CRJ
13.9.19.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.2019/Sec (CCB)/210/15 New Delhi, dated .09.2019

The Principal Chief Security Commissioners/RPF
All Zonal Railways
(Including ICF, KRCL, Core, Construction & RDSO)

IG-cum- Principal Chief Security Commissioners/RPSF,
Force Headquarter, Dayabasti, Delhi.

Director/JR/RPF Academy/Lucknow & RPF/Training Center/Maula-ali/Hyderabad.

All officers, Security Directorate, Railway Board.

IG/CRJ

All Branches, Security Directorate, Railway Board.

DIG/AS

Sub: - Modifications in Directive-40 dated 11.01.2018.

on crime manual

14/9.

*****

In continuation of Directive-40 issued by this office letters No.2018/Sec(CCB)/210/15 dated 11.01.2018 & 06.08.2019, the following modifications have been made as produced below:-

1379

(1) New Point 3.5 inserted "***In all the cases of Special Occurrence, Special Occurrence Report (SOR) should be issued on prescribed format within 24 hours of the incident reported***".

(2) Amendment in Point No.9 (a) "On receipt of case on transfer, the receiving Zone shall register the case in '***Localized Crime Head***' and intimate the registration number to transferring Zone endorsing a copy to the Railway Board, within 30 days from the date of receipt so that case may be expunged from the originating Zone. If the receiving Zone, after registration of the case, finds that crime did not occur in this Zone, such disputed case of Zonal Railway shall be referred to Security Directorate within 30 days for arbitration".

(3) New Point No. 15 inserted "***It supersedes all the Directives/Standing orders/instructions issued previously on the issues covered in this directive***".

An acknowledgement of this modification may please be sent to this office.

12/9/19

(Arun Kumar, IPS)
Director General RPF,

GOVERNMENT OF INDIA भारत सरकार
MINISTRY OF RAILWAYS रेल मंत्रालय
(RAILWAY BOARD रेलवे बोर्ड)

No-2019/Sec. (Crime)/45/02 Delhi, Dated: 31.01.2019

The Principal Chief Security Commissioners/RPF,
All Zonal Railways & Konkan Railway

(SECURITY CIRCULAR No. - 01/2019)

Sub: Review of Rlys Act cases under 'Pending Enquiry' & 'Pending Trial'.

While reviewing pending enquiry and pending trail status of cases registered under the Railways Act as on 30.01.2018, it is found that thousands of such cases are pending trial or even pending enquiries for years altogether, which is very serious and reflects unprofessional approach. Critical pendency, wherein enquiry cases are pending for more than 02 year are in SECR (53.45%) followed by WR (25.10%), SCR (23.37%) and NCR (54.66%).

Main reasons for pendency has been found as Bail jumping, Change of accused/sureties' address, Non-identification of 'unknowns', Cases against politicians, transfer of Enquiry Officers, Lethargic E.O. etc. and for pending trials Non-execution of Summons or Warrants, Shortage of PPs, Non-cognizance by Courts, Court's jurisdiction in multiple States, Fixing long dates by Ld Courts etc.

Accordingly, the following line of action need to be taken:-

a. PCSCs to review all critically pending Rly Act cases (i.e. pending enquiry for more than one year and pending trial for more than 2 years) with Sr.DSCs/DSCs during Monthly Crime Review Meetings.
b. Similarly, Sr.DSCs/DSCs to review all long pending Rly Act cases (i.e. pending enquiry for more than 6 months and pending trial for more than 1 year) with Post In-charges during Monthly Crime Review Meetings.
c. Enquiry Officers conducting enquiries into Rly Act cases may be sensitized to complete the enquiries within the prescribed time period. However, beyond 06 months or 1 year, review and written approval of concerned Sr.DSC/DSC or PCSC respectively are mandatory for E.O. to continue the enquiry.
d. While reviewing pending Rlys. Act cases at PCSC or Sr.DSC/DSC level, lethargic E.Os. need to be identified, sensitized, changed or taken up, if required in the interest of speedy completion of enquiries.
e. Frequent meetings & close co-ordination with Prosecution Branch and Judicial Magistrates for organizing *"Lok Adalats"* to clear long pending trail cases be ensured by all levels of RPF.
f. There will be review of disposals at Board level in 2nd week of March.

All concerned to ensure strict compliance of above instructions.

31/1/19

(Arun Kumar)
Director General
Railway Protection Force

Copy to: DIG/MAC/Rly Board to upload a copy of this circular on RPF official site.

31-1-19

Through RSMS

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 2018/Sec (CCB)/210/CIB

Delhi, Dated: 26.02.2019

The Principal Chief Security Commissioners/RPF,
All Zonal Railways
RPSF, ICF, KRCL, CORE, Construction/NWR & WR, RDSO,
Director/JR RPF Academy/ LKO & TC/MLY
DIG/Projects

(SECURITY CIRCULAR No.-02/2019)

Sub. Revamping of Crime Intelligence Units of Railway Protection Force.

RPF Rules, 1987 has provision of Central Crime Bureau (CCB) at Railway Board level and Crime Wings (CW) at Zonal level as under –

Central Crime Bureau (CCB) at Railway Board: Rule 8 of the RPF Rules,1987 lays down following provisions with regard to existence of CCB at Railway Board level-

8.1 - A Central Crime Bureau consisting of such number of superior officers and enrolled members of the Force as may be determined by the Director General shall be maintained at his headquarters.

8.2 - The Central Crime Bureau shall consist of a Central Detective Wing, a Central Records Wing and shall perform such duties, maintain such records, compile and submit such reports and returns as may be directed by the Director General.

Crime Wings (CW) at Zonal level: Rule 17.4 of the RPF Rules, 1987 provides for provision of Crime Wings at Zonal level as under-

17.4 Crime Wing shall function as a specialised squad for collection and collation of information pertaining to criminals prying on railway property, detection of crime, inquiries into difficult cases having wider ramifications, arrest of criminals and their prosecution. The Principal Chief Security Commissioner may attach some enrolled members of the Force working in this Wing of his Security Commissariat as also the Dog Squad and handlers to each division. Control over such staff shall be sharea functionally between the division and the Security Commissariat as may be ordered by the Principal Chief Security Commissioner.

On the basis of above provision different Zonal Railways have different structure & function of Crime Wing which is not uniform. In view of the above and changing role and responsibilities of the RPF in present security scenario, there is need to revamp the present set up of Crime Wings at every level.

1. **The Crime wing needs to be structured at Board, Zone and Division level as described below.**

2. **The Function of Crime wing will be divided in to two major categories –**

A. Analytics and data management wing –

(i) It shall be responsible for Maintenance of all statistics relating to railway crime and passenger offences as well as preparation of charts, graphs, maps etc.

(ii) Maintenance of Dossiers and Card Indices relating to Railway crime, passenger offences and criminals.

(iii) Collections, collation and dissemination of crime summaries, statistics and other information relating to Railway crime and passenger offences.

(iv) Publication of Criminal Intelligence Gazette.

(v) Maintenance of records and files connected with crime and criminals their modus operandi and other connected office records.

(vi) Preparation of agenda and minutes for various Crime Meetings.

(vii) Preparation of returns in regard to crime for submission to other departments.

(viii) Maintenance of all statistics of cause-wise and commodity-wise claims paid by the Railway Administration and a periodical analysis of figures with a view to monitor the same.

(ix) Study of all cases of obstruction and tampering with Railway track & advising corrective action.

(x) Keeping details of persons and other Railway employees who are suspected in theft and other crimes.

(xi) Periodical analysis of RSMS data and to put up desired analytics.

B. Detective or investigation wing

(i) Making thorough enquiries into cases, specially entrusted to them as decided by PCSC & send progress report.

(ii) Collection of intelligence regarding the movement of active criminals and suspects within railway premises and organizing raids with the help of the local police to cause arrest of wanted criminals and the recovery of stolen property.

(iii) Assisting the RPF and Police in the detection and prevention work as advised by PCSC.

(iv) Visiting the scene of a serious crime of inter-Railway ramification, and coordinating with the local RPF and police for the detection of the cases.

3. **Railway Board level** – Central Crime Bureau (CCB) at Railway Board level will function under a Security Commissioner/ASC level officer with two separate wings as above.

4. **Zonal Railway**- Crime Intelligence Branch (CIB) at Zonal level will work under an ASC rank officer with two separate wings as prescribed for CCB/Rly Board.

5. **Divisional level**- Divisional CIB will be headed by an Inspector rank officer with two separate wings.

6. Tentative Strength of CCB/CIB :-

6.1 Board level:

Wing	SC/ASC	IPF	SIPF/ASI	HC/CT	Total
Analytical and Data	01	02	02	03	07
Detective	-	02	02	04	08

6.2 Zonal level:

Wing	ASC	IPF	SIPF/ASI	HC/CT	Total
Analytical and data	01	01	02	04	07
Detective	-	02	02	04	08

6.3 Divisional level:

Wing	IPF	SIPF/ASI	HC/CT	Total
Analytical and data	01	02	04	07
Detective	02	03	10	15

6.4 Other details:

6.4.1 CCB Railway Board will be under the administrative and operational control of DIG/Railway Security.

6.4.2 CIB at Zonal and Divisional level will be under the administrative and operational control of PCSC.

6.4.3 Sr.DSC/DSC may utilize the CIB in selected cases with the approval of PCSC concerned on case to case basis.

6.4.4 At Zonal and Divisional level the strength of CIB may vary according to size, volume, crime pattern, vulnerability and threat perception of the jurisdiction.

6.4.5 The staff deployed in CCB and CIB should be screened & selected by PCSC to give maximum result.

6.4.6 Each case referred to CIB must have a Crime number of jurisdictional RPF post concerned and CIB Officer will work only as special investigating officer for that particular crime/case.

6.4.7 The Zonal and Divisional CIB will submit its report and findings to PCSC.

7. Passenger Security Cell: -

Policing on railway being a state subject, prevention of crime, registration of cases, their investigation and maintenance of Law and order in Railway Premises as well as in running trains are the prime responsibility of State Government which they discharge through the "Government Railway Police" (GRP)/Civil Police. But after the amendment in RPF Act, 1985 in 2003 the responsibility of security of passenger and passenger area has been extended to RPF. Hence RPF Supplements the efforts of GRP by providing better prevention and security of passengers and passenger area. Security of passenger and passenger area includes many aspects of passenger security like prevention of theft of passenger belongings, detection of crime against passenger and passenger luggage, access control, train escorting, security of women and children on Railway etc.

To cope up with the responsibilities of security of passenger and passenger area, there is a necessity to collect, collate the information pertaining to passenger crime, criminals, analysis and maintenance of data related to such crimes at Divisional, Zonal and Railway Board level.

7.1 The function of the cell is as under: -

7.1.1 Supervision and monitoring of Train escorting duties, protection of women and children. Maintenance of records in this regard to analysis & take corrective action.

7.1.2 Periodical review of Train escort based on the vulnerability of Trains, Section, stations, etc.

7.1.3 Real time monitoring of train escort by IPF (PS) at Divisional level.

7.1.4 To supervise, implement and monitor the status of ISS and CCTV.

7.1.5 182, Twitter, Facebook and E-mail shall also be supervised and monitored by Passenger Security Cell.

7.1.6 To monitor passenger complaints received though 182, Twitter, E-mail, Facebook, etc.

7.1.7 Procurement and supply of modern gadgets for train escort parties.

7.1.8 Updating the photo album of criminals of passenger crime and provide it to the train escort parties periodically.

7.1.9 Awareness campaigns shall be conducted based on the crime and also to adopt proactive steps to control the crime in co-ordination with the counterparts of GRP and Police.

7.1.10 Liaison and visit of local police jurisdictions while maintaining regular coordination and sharing of intelligence with counterpart GRP/Police.

7.1.11 At Zonal and Division the strength of Passenger Security Cell may be decided depending upon the jurisdiction and crime pattern of the region.

7.1.12 The Passenger Security Cell will be reporting to PCSC in Zone & to Sr.DSC/DSC in Division.

7.2 Structural Strength of Passenger Security Cell

7.2.1 Board level:

ASC	IPF	SIPF/ASI	HC/CT	Total
01	02	02	04	09

7.2.2 Zonal level:

ASC	IPF	SIPF/ASI	HC/CT	Total
01	01	02	04	08

7.2.3 Divisional level:

IPF/Passenger Security	SIPF/ASI	HC/CT	Total
01	02	04	07

All concerned to ensure strict compliance.

(Arun Kumar)
Director General
Railway Protection Force

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(Railway Board)

No.- 2018/Sec(Cr.)/120/RNC-2/SER **Delhi, Dated: 22.04.2019**

The Principal Chief Security Commissioners/RPF
All Zonal Railways, ICF, KRCL, CORE, Construction
Directors/JR RPF Academy, Lucknow
& RPF Training Centre, Moula-Ali.

(SECURITY CIRCULAR No. - 03/2019)

Sub:- Improper practice of registration of cases of theft/pilferage of Booked Consignment on fictitious value-reg:

Few cases registered against theft/pilferage of Booked Consignment were recently reviewed at railway Board. It was observed that the practice of undervaluation of stolen /pilfered property is prevalent during registration.

The reasons attributed are non availability of record of value, non payment of percentage charge etc. This has led to important cases not being followed by special report & supervision of gazetted officers. Subsequently the crime/gangs operating are not apprehended/arrested which dents the image of Indian Railways as a safe transporter.

2. The procedure for ascertaining value of property stolen/missing in cases of Booked Consignments have already been specified in para 05 of Directive No. 40 dated 11.01.2018 and addendum/modification of Standing Order No. 108 issued from Railway Board vide L.No. 2011/Sec(Crime) /45/63 dated 20.02.2017, where it has been clarified that the present market/face/actual value should be taken into account for ascertaining the value of property stolen invariably in all cases of Booked Consignment. It is hereby reiterated that these instructions must be followed in letter and spirit.

3. The procedure for granting open delivery of goods as laid down in para 1842 of Commercial Manual Volume-II must be followed while granting open delivery and contents must be checked with senders original beejuck/trade invoice or puttee to avoid any misdeclaration of goods and to ascertain the shortage. In such cases, the value of the property stolen/missing may be taken into account as per the original beejuck/trade invoice/ puttee produced by the consignee / endorsee at the time of open delivery.

4. Every effort should be made by the EOs to ascertain the actual value of the booked consignment reported stolen/missing and reflect the same in case records. Any deliberate attempt by the officials to manipulate and undervalue the stolen/missing booked consignments in cases registered by RPF will be viewed seriously and appropriate action will be taken against officials responsible.

22/4/19

(Arun Kumar)
Director General/RPF

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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. 2019/Sec(Cr.)/45/50/Misc./Stone pelting New Delhi, dated: 25.04.2019

The Principal Chief Security Commissioners/RPF,
All Zonal Railways.

(SECURITY CIRCULAR No.04/2019)

Sub: Action to be taken on stone pelting on Running train over Indian Railways-reg.

*****

Incidents of stone pelting on running trains are common in various parts of Indian Railways. It not only creates fear and insecurity but damage Railway property too. The menace takes serious proportion when the train crew, especially drivers, become victim. It also plays on the safety of train operation. Stone pelting on prestigious/luxury trains has its own ramification of denting image of Indian Railways as a transporter.

The incidents are caused due to reasons like minors playing by the side of railway track, lack of education, attraction towards shining glasses of coaches, unauthorized encroachment, illegal liquor shops situated near railway tracks, unauthorized route of crossing the railway tracks, small factory adjacent to railway tracks, etc. Initiatives like **Dosti, Operation Sathi,** etc launched by some Zonal Railways have shown quite positive and encouraging results.

The following preventive measures need to be taken:-

a. PCSCs to identify the black spots and timing, where frequent incidents of stone pelting are being reported.
b. RPF staff should be deployed at worst effected sections/spots to ensure safe passage of trains and a joint patrolling in the effected sections be introduced in co-ordination with GRP/Civil Police.
c. RPF train escort staff should be sensitized to remain more vigilant in the affected sections during their duty hours.
d. Regular drives under Railways Act should be conducted against anti-social elements like drunkard etc. in the effected section/black spot.
e. Regular co-ordination with GRP/Local Police should be made for sharing the critical information to control the menace of pelting of stones on trains.

Contd:.. .2

f. Close coordination should be made with TTE and coach attendants and they should also be sensitized for educating the passengers to shut their windows and do not sit or stand near the door of the train.
g. Illegal encroachments near railway track should be removed in close coordination with the concerned railway departments and local Police.
h. Owners & staff of wine shop/factories, etc. located near railway track be counseled and their workers should be sensitized regarding seriousness of stone pelting on running trains which is criminal offence punishable under section 153 & 154 of Railways Act.
i. Unauthorized crossing on railway track should be identified where traffic stops for long hours and inpatient people pelt stones on passing trains.
j. A mega awareness campaign should be launched amongst children whose parents reside near railway track and they may also be counseled about the wrong doing of stone pelting and its repercussions on safety of passengers.
k. Awareness campaign by RPF may also be organized nearby school to create awareness among the children about seriousness of stone pelting against the trains. They should also be briefed that stone pelting is a criminal offence punishable under section 153 & 154 of the Railways Act.
l. RPF should make close coordination with local authorities/NGOs to provide playground and play items to the children residing nearby the affected railway track, so that children are occupied in constructive way.
m. RPF should make inroad to the nearby colony/society by having intelligence and developing social bonding with reputed people of the mass to alert, sensitized and inculcate culture of helping Railways to make travel safe.
n. Whenever the children found involved in the incident of stone pelting, a bond from their parents may be obtained that they will keep watch on their children and their children will never engage in the act of pelting of stones in future.
o. Awareness programmes through Nukkad Natak may be organized with the help of NGOs for creating awareness about seriousness of stone pelting among the people residing in the Jhuggies and colonies adjacent to railway tracks.
p. Post-wise team of dedicated staff may be formed to create awareness amongst children and their parents, about repercussions of pelting of stones on running trains.
q. Announcement through PA system/loud hailers should be made at the Railway Stations, Railway premises and near the railway tracks and other areas regarding the consequences of pelting of stones on trains.
r. Posters and pamphlets should be displayed and distributed near the affected places, so that people see it and get aware about the harms of pelting of stones on the running trains.

Contd.....3

s. Workshop with the help of NGOs may be organized involving inhabitant of railway track to create the awareness regarding the consequences of pelting of stones on trains.

t. Wide publicity should be made by publishing the news in local newspapers on regular basis, relating loss and damage to railway property and harm to passengers due to the incidents of stone pelting.

u. Community Policing including involvement of local people of effected area in sports/games be organized to curb the menace.

The above list is non exhaustive, PCSCs may issue instructions locally as per situation prevailing.

All concerned to ensure strict compliance of the above instructions.

25/4/19

(Arun Kumar)
Director General
Railway Protection Force

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26/4/19

26/4/19

26/4/19

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(Railway Board)

No. 2018/Sec(IVG)/NR/19 **Dated /08/201**

The Pr. Chief Security Commissioners/RPF
All Zonal Rlys,
RPSF, ICF, KRCL, RDSO, CORE, Construction
Director/JR RPF Academy/LKO

(SECURITY CIRCULAR NO. 05/2019)

Subject: Improper registration of cases of "Dashing of vehicles to Boom Barrier provided at Railway Level Crossing Gate resulting in damage to it".

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The cases registered against offenders on the above subject were reviewed at Railway Board. The cases registered under these sections should contain proper ingredients to assign the case to the right section of Railway Act. The sections under which these offences are generally registered are as under –

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

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, open any gate or chain or barrier set up on either side of a level crossing which is closed to roa 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 crossin which is closed to road traffic, he shall be punishable with imprisonment for a term whic may extend to five years.

It is seen from the above two sections that importance is being given to Rash & Negligent act u/s 154 over intentionally opening or breaking of the level crossing gate bein closed for road traffic under section 160.1 & 160.2. The punishment accordingly varies fron One year to Five years respectively. On review, it was found that there is tendency to assig offence u/s 154 which is fit to be registered under section 160.1 & 160.2.

It is thus advised that:-

1. Cases should be registered under proper section.
2. Cases registered should be reviewed by Sr. DSCs/DSCs in their monthly crime meetings.
3. PCSCs may pickup sample cases and get it reviewed at HQ level on monthly basis.
4. Necessary coordination should be made to ensure that CCTVs be installed at level crossing gates specifically on the busy gates (high TUV).
5. Surprise check be ensured by supervisory officer on level crossing gates where such offences are frequently registered.

30/8/17

(Arun Kumar)
Director General
Railway Protection Force

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O/C

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(Railway Board)

No. 2019/Sec(Crime)/45/34 **Dated 03/09/2019**

The Pr. Chief Security Commissioners/RPF
All Zonal Rlys,
RPSF, ICF, KRCL, RDSO, CORE, Construction
Director/JR RPF Academy/LKO

(SECURITY CIRCULAR NO. 06/2019)

Subject: Management of traffic at Railway Level Crossing Gates.

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Hon'ble Minister of Railways is highly concerned about issues pertaining to safety of passengers. These issues are personally monitored by him on his Dash Board. Of these items on the dash Board of Hon'ble MR, management of traffic at Railway Crossing Gates has been assigned to RPF.

Congestion of vehicles at LC Gates causes unwarranted delay in closing of the gates, resulting into loss of punctuality of trains, obstruction in movement of vehicular traffic and altercation between the road users & Gateman. It is also an important safety concern.

In order to streamline the same it is advised that:–

1. Such level crossings where there is a large flow of vehicles be identified, division wise.
2. Operating & Engineering department of railways, Local Traffic Police and State authorities i.e. Road Construction Department, Municipal authorities, etc. be consulted to chalk out a plan for smooth movement of traffic at level crossing gates.
3. During the peak hours, when there is maximum flow of vehicles & train service, additional deployment of railwaymen & Police/RPF be made in coordination with concerned authorities.
4. Hiring of private security guards for deployment on such LC gates may be worked out in coordination with the concerned departments of railways.
5. The gates where traffic merges from different directions and the width of the gate is not proper to accommodate such large volume of traffic, suitable infrastructural development should be planned with the coordination of Engineering department.
6. Provision of road dividers may be done where there is feasibility, in coordination with concerned authorities of Railways & State.
7. CCTVs may be provided at identified vulnerable L/Cs which are prone to frequent Traffic Jams to find out the offenders and stern action be taken under the prevalent laws.
8. Surprise checks be done by supervisory officer on such level crossing gates to identify the issues required to be looked into for smooth functioning of traffic on these L/Cs and action be taken thereof to solve the issues.

Continued on page – 2

9. Situation should be reviewed involving all stake holders periodically basis.
10. These instructions are not exhaustive and PCSCs should take all measures proactively to avoid any congestion on the L/C gates and ensure safety of persons & smooth movement.

3/9/19

(Arun Kumar)
Director General
Railway Protection Force

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