

Power to arrest without Warrant or written authority by RPF

RPF can arrest offenders without warrant or written authority under the provisions laid down in the following Acts.

1. Railway Property (Unlawful Possession) Act:

Section-06: Any superior officer or member of the Force may, without an order from a Magistrate and without a warrant, arrest any person who has been concerned in an offence punishable under this Act or against whom a reasonable suspicion exists of his having been so concerned.

2. Railway Protection Force Act:

Section-12: Power to arrest without warrant- Any member of the Force may, without an order from a Magistrate and without a warrant, arrest-

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

3. The Railways Act:

i. **Section 179 (2):** If any person commits any offence mentioned in sections 137 to 139, 141 to 147, 153 to 157, 159 to 167 and 172 to 176, he may be arrested, without warrant or other written authority, by the "Officer Authorised".

ii. **Section 180 (1):** Arrest of persons likely to abscond, etc.: If any person who commits any offence under this Act, other than an offence mentioned in sub-section (2) of section 179 or is liable to pay any excess charge or other sum demanded under section 138, fails or refuses to give his name and address or there is reason to believe that the name and address given by him are fictitious or that he will abscond, [the officer authorized] may arrest him without warrant or written authority.

iii. **Section 180(2):** The officer authorized may call to his aid any other person to effect the arrest under sub-section (1).

4. The Arms Act 1959:

Section 20: Where any person is found carrying or conveying any arms or ammunition whether covered by a licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are or is being carried by him with intent to use them, or that the same may be used, for any unlawful purpose, any magistrate, any police officer or any other public servant or any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, may arrest him without warrant and seize from him such arms or ammunition.

5. The Criminal Procedure Code 1973:

Section 43 (1) Any private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence, or any proclaimed offender, and, without unnecessary delay, shall make over or cause to be made over any person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.

Section 131: Power of certain armed force officers to disperse assembly.

When the public security is manifestly endangered by any such assembly and no Executive Magistrate can be communicated with, any commissioned or gazetted officer of the armed forces may disperse such assembly with the help of the armed forces under his command, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law, but if, while he is acting under this section, it becomes practicable for him to communicate with an Executive Magistrate, he shall do so,

and shall thenceforward obey the Magistrate as to whether he shall or shall not continue such action.

6. Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, production, Supply and Distribution) Act, 2003

Section 25: Prevention, detention and place of trial of offences under sections 4 and 6.-

- (1) 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 to, 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.
- (2) Any person detained under sub- section (1) shall forthwith be taken before Magistrate to be dealt with according to law.
- (3) Any person committing an offence under section 4 or section 6 shall be triable for such offence in any place in which he may be or which the State Government may notify in this behalf, as well as in any other place in which he is liable to be tried under any law for the time being in force.
- (4) Every notification issued under sub- sections (1) and (3) shall be published in the Official Gazette, and a copy thereof shall be exhibited for information to the public in some conspicuous place or places as the State Government may direct.
- (5) Every person authorized under sub- section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).