

## **Legal Safeguards to RPF**

### **1. Railway Protection Force Act:**

#### **Section 20:** Protection of acts of members of the Force-

1. In any suit or proceeding against any member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under the orders of a competent authority.
2. Any such plea may be proved by the production of the order directing the act, and if it is so proved, the member of the Force shall thereupon be discharged from any liability in respect of that act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such order.
3. Notwithstanding anything contained any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any member of the force for anything done or intended to be done under powers conferred by, or in pursuance of, any the act complained of shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such proceeding and of the cause thereof shall be given to the person concerned and his superior officer at least one month before the commencement of such proceeding.

### **2. Railway Protection Force Rules 1987:**

#### **Rule 256 : Protection where a member of the Force has opened fire:**

Whenever a member of the Force has opened fire in pursuance of his statutory duties of providing better protection and security to railway property and for matter connected therewith or in exercise of the right of defence of person or property, resulting in such or injury to the other party, the result of the magisterial of judicial inquiry instituted in this behalf shall be awaited. A member of the Force shall ordinarily be prosecuted and/or disciplinary proceeding instituted against him only when he is adversely commented upon in that inquiry or when the Court of Inquiry instituted under rule 265 finds his conduct suspicious.

### **3. Criminal Procedure Code:**

#### **1. Section 45**

- (i) Notwithstanding anything contained in sections 41 to 44 (both inclusive), no member of the Armed Forces of the Union shall be arrested for anything done or purported to be done by him in the discharge of his official duties except after obtaining the consent of the Central Government.
- (ii) The State Government may, by notification, direct that the provisions of subsection (1) shall apply to such class or category of the members of the Force charged with the maintenance of public order as may be specified therein, wherever they may be serving, and thereupon the provisions of that sub-section shall apply as if for the expression "Central Government" occurring therein, the expression "State Government" were substituted.

#### **2. Section 132(2)**

- (i) No prosecution against any person for any act purporting to be done under section 129, section 130 or section 131 shall be instituted in any Criminal Court except-
  - (a) with the sanction of the Central Government where such person is an officer or member of the armed forces;
  - (b) with the sanction of the State Government in an other case.
- (ii)
  - (a) no executive Magistrate or police officer acting under any of the said sections in good faith;
  - (b) no person doing any act in good faith in compliance with a requisition under section 129 or section 130;
  - (c) no officer of the armed forces acting under section 131 in good faith;
  - (d) no member of the armed forces doing any act in obedience to any order which he was bound to obey;shall be deemed to have thereby, committed an offence.
- (iii) In this section and in the preceding sections of this Chapter, -

- (a) the expression "armed forces" means the military, naval and air forces, operating as land forces and includes any other Armed Forces of the Union so operating;
  - (b) "officer," in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces and includes a junior commissioned officer, a warrant officer, a petty officer of the armed forces a non-commissioned officer and a non-gazetted officer.
  - (c) "member" in relation to the armed forces, means a person in the armed forces other than an officer.
- 3. Section 197 (2) :** No Court shall take cognizance of any offence alleged to have been committed by any member of the Armed Forces of the Union while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the Central Government.