

POLICE ORDER No. 231 OF 1968

The Railway Property (unlawful possession) Act, 1966. (29 of 1966)

The Railway Property (Unlawful Possession) Act, 1966 has come into force with effect from 1-4-1968 repealing the Railway Stores (Unlawful Possession) Act, 1955. The offences under the new act are Non-Cognizable by the police. Members and officers of the Railway Protection Force have been given certain powers regarding search, seizure, arrest and enquiry under this Act. Implementation of the new Act should not bring in any conflict between the functioning and the jurisdiction of the Police and the R. P. F. The following instructions are issued for the guidance of the police—

(1) All cognizable offences will continue to be registered and investigated by the police. If some information is received regarding unlawful possession of Railway property which does not disclose a Cog. offence, the information be entered in the Station Diary and extract sent to the nearest R. P. F. post. The R. P. F. posts are at present located at Khurda Roads, Cuttack, Rourkela, Bonamunda, Balangir, Jharsuguda and Titlagarh. There are also Out Post. at Talcher, Berhampur, Palasa, Puri, Bhadrak, Bargarh and Sambalpur.

It has been decided in consultation with the Railways that if any R. P. F. Officer get information regarding the commission of a Cog. offence in course of enquiries under R. P. (U. P.) Act, he will immediately pass on the information to the nearest police-station for necessary action. If property has been seized or arrest made by the R. P. F. in course of above enquiry and he has reason to believe that the property seized or person arrested is wanted in connection with any Cog. case instituted by the Police, he will send information to the officer-in-charge of the concerned police-station explaining the circumstances of arrest on the seizure of the property. For this purpose it is necessary for the police to circulate the list of stolen articles and persons wanted by the police by issuing enquiry slip to the R. P. F. posts.

(2) Information regarding Railway property seized by the police in course of investigation of Cog. offences where final report has been submitted and accepted by the Magistrate should be sent to the officer-in-charge of R. P. F. post for taking further action in obtaining Magistrate's orders for transferring the property to the R. P. F. for inquiries by him under the R. P. (U. P.) Act. Information regarding the persons arrested should also be treated similar to the property seized in case where accused is not sent up for trial.

(3) Enhanced punishment has been provided on re-conviction under this Act. It is therefore necessary that finger print slips for the convicts should be sent to the F. P. B. for record. Offences under this Act are being added to Police Manual Rule 330 so that they can be treated as P. R. prisoners.

Court Officers should treat the persons convicted for the above offences and sent to Jail in the same manner as required under P. M. Rule 350, Prepare their finger print slips in P. M. Form No. 90 and obtain P. R. orders of S. P. on the Jail Parade Report accordingly.

(4) R. P. F. may required the help of the Police Officers in conducting searches and raid under the Act. During searches, and raids necessary help may be given when breach of the peace is apprehended. Such help need not be given in all cases as a matter of course.

(5) R. P. F. may request for providing escorts and vehicles for the arrested persons. Such necessity will arise only in very rare cases. Police vehicles and escorts, if available may be given to the R. P. F. on their request on payment of usual charges.

(6) Close co-operation exchange of information and co-ordinated efforts by the Police and the R. P. F. will go a long way in preventing crimes on the Railways and bringing offenders to Justice. Police officers particularly Officer-in-charge of the post should avail of opportunity to meet the R. P. F. officers to exchange views and chalk out steps for prevention and detection of crime on the Railways.

(Law-63—66)