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THE PAKISTAN RAILWAYS POLICE ACT, 1977

'Act No. VII of 1977

[9th January, 1977]

An Act to provide for the constitution and regulation of the Pakistan Railways Police

*[WHEREAS it is expedient to provide for the constitution and regulation of the Pakistan Railways Police for the safety of passengers and goods transported by licensees, the protection of Railway, the prevention, inquiry and investigation of offences committed in relation to Railway and for matters connected therewith;]

It is hereby enacted as follows:—

CHAPTER I

1. Short title, extent, application and commencement.—(1) This Act may be called the Pakistan Railways Police Act, 1977.

(2) It extends to the whole of Pakistan.

(3) It shall apply to all members and officers of the Pakistan Railways Police wherever they may be.

(4) It shall come into force at once.

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,—

(a) 'Chief Executive' means a person appointed by the Federal Government to manage the Pakistan Railways, by whatever name called;

(b) 'Code' means the Code of Criminal Procedure, 1898 (Act V of 1898).

(c) 'competent authority' means any officer or authority designated as such by the Federal Government;

(d) 'Inspector-General' means the Inspector-General of the Pakistan Railways police or any person for the time being performing the duties of the Inspector-General;

'For Statement of Objects and reasons, see Gaz., of P., 1976 Ext., Pt. III, pp. 1230-31.

*Subs. by Ord. 92 of 02, s 44, sch.

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'member' means a person, other than an officer, who is appointed to the Pakistan Railways Police and has signed an affirmation in the form set out in the First Schedule;

'offence' means an offence punishable under this Act or under any other law for the time being in force;

'officer' means a person who is so appointed to the Pakistan Railways Police and has signed an affirmation in the form set out in the First Schedule;

'Officer-in-Charge of Railway Police Station' means any person appointed as such by the competent authority and includes, when the officer-in-charge of the Railway Police Station is absent from the station-house or is unable by reason of illness or any other cause to perform his duties, the member present at the station-house who is next in rank to such officer and is above the rank of a constable;

'Provincial Police' means the police constituted by a Provincial Government under the Police Act, 1861 (V of 1861).

'Railway' means railway as defined in the Railways Act, 1890 (IX of 1890) including rolling stock as defined in the said Act, but excluding—

(i) such lines of rail as lie outside the territorial limits notified under section 3; and

(ii) such fixed installations as lie outside the territorial limits notified under section 3 and are classified by the Federal Government as key points;

"railway employee" means railway employee as defined in the Railway Regulatory Authority Ordinance, 2002(_—_ of 2002)]

'regulations' means regulations made under this Act; and

'rules' means rules made under this Act.

CHAPTER II

3. Power to constitute, control and maintain the Pakistan Railways Police and its functions.—(1) Notwithstanding anything contained in any other law for the time being in force, the

Federal Government may constitute, control and maintain a force to be called the Pakistan Railways Police for performing, within such territorial limits as the Federal Government may, by notification

in the official Gazette, specify the following functions, namely:—

'ns. by Ord. 92 of 2002 s. 44 and Sch.

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preventing loss to Railway property and property consigned to the Railways and prevention of offences in respect thereof;

ensuring proper conduct of persons on the Railways;

general maintenance of law and order on the Railways and taking cognizance of offences committed on them;

to render all possible assistance to passengers and ' [railway employees;]
to protect travellers from injury to person or property;

to keep Railway platforms and other Railway premises clear of idlers and beggars and to keep a lookout for suspicious persons, smugglers and persons travelling with arms without a licence or in contravention of rules, regulations or orders for the time being in force;

to search empty carriages for property left behind by passengers and to take possession of such property for due disposal under the law;

to control and regulate movement and parking of hackney carriages and mechanically propelled vehicles. at Railway Stations and to enforce the regulations of the Railway authorities with regard to them;

to bring to the notice. of the appropriate Railway authorities any contravention, breach or violation of any law of which the Pakistan Railways Police cannot itself take cognizance; and

such other functions connected with the purposes of this Act as the Federal Government may, by notification in the official Gazette, require the Pakistan Railways Police to perform.

(2) Without prejudice to the powers conferred on it by or under this Act, the Federal

Government may, in relation to the Pakistan Railways Police exercise all powers which, under the Police Act, 1861 (V of 1861) and the Code, are exercisable by a Provincial Government in relation to the Provincial Police.

4. Constitution superintendence and administration of the Pakistan Railways

Police.(1) The Pakistan Railways Police shall be constituted in such manner as may be

prescribed by rules.

(2) The head of the Pakistan Railways Police shall be an Inspector-General who shall administer it in accordance with the provisions of this Act and the rules and regulations, and such orders and instructions as may be made or issued by the Federal Government from time to time.

'Subs., of Ord. 92 of 2002, s.44 and sch.

(3) The Inspector-General shall exercise his powers and perform his functions under the general supervision of the Chief Executive.

5. Transfer of Provincial Railway Police and Railway Watch and Ward to the Pakistan Railways Police—(1) Notwithstanding anything contained in any other law for the time being in force or any contract, agreement or any condition of service, —

(a) all persons holding any rank or post, not above the rank or post of Superintendent, in or under the Railway Police of any Province; and

(b) all persons holding any rank or post in the Railway Watch and Ward;

shall, subject to such conditions as may be laid down by the Federal Government, stand transferred and appointed to such corresponding ranks or posts in or under the Pakistan Railways Police as may be notified by the Federal Government.

(2) If, at any time, the Federal Government considers that the services of any person referred to in clause (a) of sub-section (1) are no longer needed by the Pakistan Railways Police, the Federal Government may, by order in writing, revert such person to the Police of the Province, to which he belonged immediately before the commencement of this Act.

6. Ordinance No. XXIII of 1969 not to apply to the Pakistan Railways Police. Nothing contained in the Industrial Relations Ordinance, 1969 (XXIII of 1969), shall apply to, or in relation to, the Pakistan Railways Police.

7. Appointment of officers of the Pakistan Railways Police. For the purposes of this Act, the Federal Government may, by notification in the official Gazette, appoint any person to be—

(a) the Inspector-General of the Pakistan Railways Police ;

(b) a Deputy Inspector-General of the Pakistan Railways Police;

(c) a Superintendent of the Pakistan Railways Police; and

(d) an officer with any other designation.

8. Appointment of members and ministerial staff—(1) The Inspector-General, or an officer to whom the power is delegated by the Inspector-General, may appoint members and ministerial staff and determine the duties to be performed by them.

(2) Appointments under sub-section (1) shall be made by direct recruitment or promotion or transfer from any other force or any department of the Federal Government or a Provincial Government in such manner as may be prescribed by rules.

(3) The officers and members and ministerial staff shall receive such pay, pension, allowances and other remuneration, and shall enjoy such other privileges, as may be prescribed by rules.

(4) Every officer and member, other than the Inspector-General, shall receive a certificate in the form set out in the Second Schedule under the seal of the Inspector-General or such other officer as the Inspector-General may authorise in this behalf and, by virtue of holding such certificate, he shall be vested with the powers, functions and privileges of an officer or member, as the case may be.

(5) Any person who ceases, for any reason, to be an officer or member shall forthwith surrender the certificate referred to in subsection (4) to any officer authorised by the Inspector-General in this behalf, together with the uniform and equipment, if any, issued to him.

(6) Officers and members of the Pakistan Railways Police shall wear such uniforms as may be prescribed by regulations.

9. Powers of officers and members of the Pakistan Railways Police.—(1) The Inspector-General shall exercise the powers of an Inspector-General of Police under the Police Act, 1861 (V of 1861).

(2) The Inspector-General shall, in respect of the officers, members and ministerial staff, have all the powers conferred on him by or under this Act.

(3) An officer or member shall, in respect of '[Railway],—

(a) for the purpose of inquiry, investigation, arrest, trial and prosecution, exercise all the powers conferred on an officer or member of Police under the Police Act, 1861 (V of 1861), and the Code [* * * * *] the Railways Act, 1890 (IX of 1890), this Act and the rules and regulations; *!* *]

(b) use such arms, ammunition and equipment as may be authorised by the Inspector-General, for the purposes of this Act,*[; and]

5[(c) for the purpose of arresting without warrant any person whom he is authorised by law to arrest and who is attempting to escape, or has escaped, immediately after the commission of an offence, have the power to pursue such person into any place in Pakistan.]

(4) Officers superior in rank to an officer-in-charge of a Railway Police Station may exercise the same powers, throughout the local areas or jurisdictions to which they are appointed, as may be exercised by such officer within the limits of his station or jurisdiction.

Explanation.—For the purpose of the exercise by the officers and members of the powers of an officer-in-charge of a Railway Police Station under this Act, 'Police Station' means any place declared, generally or specially, by the Federal Government to be a Police Station within the meaning of the 'Code'.

'Subs., by Ord 92 of 2002 s. 44 and Sch.

?The brackets and words "(except powers under section 58 thereof)" omitted by the Pakistan Railways P 8.2.

>The word "and" omitted ibid.

4Subs. *ibid.*, for full-stop.

5Cl. (c) added *ibid.*,

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(5) If any officer or member suspects that any property is stolen property and that it is likely to be removed, transferred or otherwise disposed of before an order of the appropriate authority for its seizure is obtained, such officer or member may, by order in writing, direct the owner or any person who is apparently for the time being in possession thereof not to remove, transfer or otherwise dispose of such property in any manner except with the previous permission of that officer or member and such order shall be subject to any order made by the Court having jurisdiction in the matter.

(6) Any contravention of an order made under sub-section (5) shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine, or with both.

(7) An officer or an officer-in-charge of a Railway Police Station may, for the purposes of this Act, call upon the Provincial Police and the District Magistrate concerned to come to the help of the Pakistan Railways Police and in such a case the Provincial Police and the District Magistrate shall act in the same manner as they act within their own jurisdiction for the maintenance of law and order, for the arrest of offenders and for recovery of persons and property.

CHAPTER IV

10. Appointment of Magistrates and Public Prosecutors. Notwithstanding anything contained in the Code, the Federal Government may, for the purposes of this Act, appoint—

(a) any person to be a Magistrate of the first class within the meaning of the Code; and

(b) any person or officer of the Pakistan Railways Police to be a public prosecutor within the meaning of the Code.

CHAPTER V

11. Liabilities of officers and members.—(1) It shall be the duty of every officer and member promptly to obey and to execute all orders and instructions issued to him by the competent authority.

(2) Every officer and member shall be liable to serve wherever he is required to serve by the competent authority.

(3) Every officer or member who is guilty of any violation of duty or wilful breach or neglect of any provision of this Act or of any rule or regulation or lawful order made by a competent authority, or who withdraws from his duties without permission, or who, being absent On leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave, or on being recalled to duty earlier, or who engages without authority in any employment other than his

duty under this Act, or Who is guilty of cowardice, or who offers any unwarrantable personal violence to any person in his custody, shall be liable to be proceeded against departmentally, or, on conviction before a Magistrate, to imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(4) No court shall take cognizance of an offence punishable under sub-section (3) except upon a complaint in writing made by a person authorised in this behalf by the Federal Government.

(5) Any person convicted, under sub-section (3) may, within thirty days from the date of his conviction, file an appeal to the Court of Session having jurisdiction, whose decision thereon shall be final.

12. Indemnity. No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done under this Act or the rules or regulations.

CHAPTER VI

13. Public servant. Every officer and member of the Pakistan Railways Police shall be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

14. Assets and liabilities—(1) All rights, properties, assets and liabilities of the Railway Police of a Province shall stand transferred to the Pakistan Railways Police on the commencement of this Act.

(2) The transfer of rights, properties, assets and liabilities under sub-section (1) shall be subject to such terms and conditions as may be agreed upon between the Federal Government and the Provincial Government or, in the absence of such agreement, as may be determined by the President.

(3) All rights, properties, assets and liabilities of the Railway Watch and Ward shall stand transferred to the Pakistan Railways Police on the commencement of this Act in such manner and to such extent as may be determined by the Federal Government.

15. Delegation of powers by the Federal Government. The Federal Government may, by notification in the official Gazette, delegate all or any of its powers under this Act, except those under section 17, to '[* * *] the Inspector-General.

16. Delegation of powers by the Inspector-General. The Inspector-General may, with the prior approval in writing of the Federal Government, delegate all or any of his powers under the rules for the efficient functioning of the Pakistan Railways Police to any officer or member.

17. Power to make rules. The Federal Government may, by notification in the official Gazette, make rules—

| omitted by ord. 92 of 02, s.44 and sch.

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regulating the functions and powers of the officers including the Magistrates and the public prosecutors;

regulating the grades of, and the remuneration and rewards to be paid to, the officers, members and ministerial staff of the Pakistan Railways Police and their conditions of service;

prescribing and regulating the award of departmental punishments and trial of cases by Magistrates;

appointing the place where a person punished with imprisonment may be kept in custody; and
generally for the purpose of carrying into effect the provisions of this Act.

1118. Power to make regulations. The Inspector-General may, with the prior approval in writing of the Federal Government, make regulations consistent with this Act and the rules.]

19. Transitional provision. Till such time as the rules and regulations are framed,—

(a)

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the persons referred to in clause (a) of sub-section (1) of section 5, and the officers and members appointed after the commencement of this Act, shall, so far as may be and with the necessary modifications, be governed by the Punjab Police Rules, 1934; and

the persons referred to in clause (b) of the aforesaid sub-section shall, so far as may be and with the necessary modifications, be governed by the rules governing the Railway Watch and. Ward immediately before the commencement of this Act.

20. [Repeal]. Omitted by the Federal Laws (Revision and' Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Sch, IL.

' Subs by ord. 92 of 02, s.44 and sch.

FIRST SCHEDULE

[See section 2(e) and (g)]

FORM OF AFFIRMATION

I, son/daughter of solemnly affirm in the presence of Almighty Allah that I will bear true faith and allegiance to the Islamic Republic of

Pakistan and that I will, as in duty bound, honestly and faithfully serve in the Pakistan Railways Police and go wherever I may be ordered by air, land or sea, and that I will observe and obey all commands of any officer set over me even to the peril of my life.

Signed in acknowledgement of the above having been read out to me.

Person Enrolled

Dated esssssssscsscsecescrsscee

Signed in my presence after I had ascertained that the person understood the purpose of what he/she signed.

Inspector-General,
Pakistan Railways Police
Or
Other Enrolling Officer.

ROMAN—URDU TRANSLATION OF AFFIRMATION

Main WALD/BINT Khuda-e-Taala ko
hazir-o-nazir janker iman se iqrar karta/karti hun key main Islami Jamhooria Pakistan ka/ki suche dil
se wafadar rahunga/rahungi aur Pakistan Railways Police men imandari aur wafadari se khidmat
seranjam doonga/doongi aur hawa, khushki ya tari ke raste jahan bhi jane ka hukam melega
jaonga/jaongi aur jise mera afsar muqarar kia jaega uskey her hukam ki tamil aur pairwi
karunga/karungi, khah us men jan ka khatra ho.

SECOND SCHEDULE
[See section 8(4)]
CERTIFICATE

Mr./Mrs/Miss has been appointed as
officer/member of the Pakistan Railways Police under the Pakistan Railways Police Act, 1977,
and is vested with powers, functions and privileges of an officer a member of the Pakistan
Railways Police.

Identification of the
Officer/Member.

Inspector-General,
Seal of the Pakistan Railways,
Police.

Photo of the
Officer/Member.