

GOVERNMENT OF INDIA (भारत सरकार)
MINISTRY OF RAILWAYS (रेल मंत्रालय)
RAILWAY BOARD (रेलवे बोर्ड)

No.2023/Sec(Crime)/45/ 37

dated-14.09.2023

Principal Chief Security Commissioners/RPF
All Zonal Railways, RPSE, Kolkata Metro, PUs, CORE
Chief Security Commissioners/ KRCL & RDSO
IG Construction - NR & ECoR,
Directors- JR RPF Academy/LKO & TC/KGP.

SECURITY CIRCULAR No. 02/ 2023

Sub: Guidelines/ direction to RPF Field units for taking action/ invoking provision under Section 145(a) of the Railways Act.

The incidents of passengers committing nuisance and crime in state of intoxication is a matter of concern for the co passengers and particularly the lady passengers, over the Indian railways. RPF has been taking effective steps through counseling, general awareness programs etc. to educate people about this problem and issues related to it. RPF has also been taking action under the provisions of Section 145 of the Railways Act to curb this menace.

Recently, in an incident of Southern Railway, a writ petition was filed before the Hon'ble High Court of Kerala asking for directions to be issued to the Railway/RPF not to invoke Section 145(a) of the Railways Act otherwise than on complaint made by any passenger. In this matter Hon'ble High Court of Kerala has issued an interim order and has directed to issue guidelines regarding judicious use of Section 145(a) to avoid arbitrary exercise of such power.

In compliance to the order of Hon'ble High Court of Kerala, following directions w.r.t invoking provisions of Section 145(a) are issued which should be taken into consideration and followed by the RPF Post Commander.

- (i) Identification and assessment of person in state of intoxication- Before invoking Section 145(a), proper identification and assessment of persons suspected to be in state of intoxication may be made based on the following physical observation of appearance, behavior which discloses reasons to believe that the person is in state of intoxication and prima facie assessment is made to prove the charges-

Appearance

1. Bloodshot, glassy, or watery eyes
2. Flushed face
3. Droopy eyelids
4. Blank stare or dazed look
5. Twitching or body tremors
6. Disheveled clothing

Speech

7. Thick, slurred speech
8. Loud, noisy speech
9. Speaking loudly, then quickly
10. Rambling train of thought
11. Unusually fast or slow talking
12. Slow response to question or comments
13. Repetitive statements
14. Bravado, boasting
15. Making irrational statements

Attitude

16. Annoying other co passengers/railway users/employees
17. Argumentative
18. Aggressive or belligerent
19. Obnoxious or causing nuisance
20. Inappropriate sexual advances
21. Over friendly to other guests or Employees
22. Boisterous

Behaviour

23. Unable to sit straight
24. Swaying, staggering, or stumbling
25. Careless with money
26. Restless
27. Depressed or sullen
28. Crying or moody
29. Extreme or sudden change in behavior
30. Overly animated or entertaining
31. Crude, inappropriate speech or gestures
32. Drowsiness or falling asleep
33. Lack of focus and eye contact
34. Difficulty standing up
35. Unusual walk
36. Can't find mouth with glass
37. Falling down or falling off of chair
38. Clumsy
39. Difficulty in remembering/ recall
40. Disorientated
41. Agitated, anxious
42. Grinding teeth
43. Vomiting

Other

44. Odor of alcohol, marijuana or chemicals
45. Excessive perspiration
46. Repeated trips to rest room or outside area

(Note: These are only indicative signs. If a person shows just a few of these signs it does not necessarily mean that the person is in a state of intoxication. But, where the combinations of these signs make it apparent or there is a visible change in his/her behavior he/she may be considered for examination on other parameters to establish that the person is in state of intoxication.)

Above all, if a person is found taking any drug (defined under NDPS Act) or liquor (Alcohol based) in train or in passenger area he may be considered for invoking Section 145(a) of the Railways Act.

Besides, the above following actions in this regard are also suggested in better interest of Public and Passengers.

(i) Verbal Intervention:

Initially, attempt should be made to communicate with the intoxicated passenger calmly and politely, reminding him about the rules and regulations regarding behavior on trains and railway premises. The passengers should be informed of the potential risks associated with his behavior and requested for his cooperation in maintaining a safe and peaceful environment.

(ii) Assistance and Guidance:

If the intoxicated passenger is cooperative, he should be provided with assistance and help for contacting relatives or friends, or arranging for medical help if necessary. He should be encouraged to consume water or non-alcoholic beverages to help in sobering up.

(iii) Escalation and Action:

In cases where an intoxicated passenger becomes unruly, aggressive, or poses a threat to the safety of others, any railway servant should take necessary steps to remove the passenger from the train or railway premises and hand over the intoxicated passenger to the authorities concerned with all relevant documents i.e. complaint, arrest memo (if arrested), seizure (if any) etc. for taking legal actions, as the case may be.

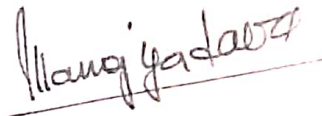
(iv) Sensitivity and Professionalism:

While dealing with intoxicated passengers, a high level of professionalism and empathy should be maintained and RPF personnel should refrain from using excessive force unless absolutely necessary for restraining or arresting an unruly passenger by following established protocols to ensure the safety of all parties involved.

While making an enquiry into the case registered, all possible efforts should be made by the EO to ensure fair enquiry without any prejudice because of the incident and submit his report/complaint timely and appropriately to the jurisdictional magistrate.

(Note: It should be ensured that there is no violation of Human Rights of the individual arrested and all procedure mentioned in CrPC has been complied. The provisions defined in RPF Crime Manual should be followed at all the time.)

This issues with the approval of Member (O&BD).



(MANOJ YADAVA)
Director General
Railway Protection Force