CHAPTER I
BACKGROUND OF THE STUDY

Overview

In this chapter an attempt has been made to explain the details relating to Quasi-Police Subject in the Union List, Power of the Central Government to Amend the Basic Police Acts, Indian Police Service, Ministry of Home Affairs, The Home Ministry and the organization and the role of Central Police Organizations in India such as Central Reserve Police Force (C.R.P.F.), Border Security Force (B.S.F.), Assam Rifles, Central Industrial Security Force (C.I.S.F.), Intelligence Bureau (I.B.), Central Bureau of Investigation (C.B.I.), Railway Protection Force (R.P.F) and State Government Railway Police as Tamil Nadu Railway Police has to function not only with the cooperation of State police but also Central Police organizations. As the subject of the research is Tamil Nadu Railway Police which has to function in close cooperation with Railway Protection Force. The details relating to the organization and functions of Railway Protection Force are provided in detail and explained through the Railway Protection Force Act, 1957.

Quasi-Police Subject in the Union List

Though the Constitution of India enumerates Police as a Subject in the State List, it simultaneously includes a long list of allied and quasi-Police Subjects in the Union List. For example, the Administration of Subjects like All India Services, Central Bureau of Intelligence and Investigation, Preventive Detention, Arms, Ammunition, Explosives, Extradition, Passports and a host of similar Subjects, is the sole responsibility of the Central Government. It cannot be denied that the administration of these subjects has a direct and critical bearing on Police Administration, which in a strictly constitutional sense falls within the jurisdiction of the State. Besides,
the control of the Central Government over the State Police Administration becomes clearer when one goes through the Concurrent List, which includes subjects like Criminal Law, Criminal Procedure, Maintenance of Public Order, Evidence, Trade in Essential Goods and Price Control. The administration of these Subjects is intimately connected with Police work and “if the Union Parliament decides to legislate on any of these Subjects, the State Government have to accept, adjust, and act accordingly”.

**Power of the Central Government to Amend the Basic Police Acts**

The Central Government has also the power to amend some of the basic Police acts like the Indian Police Act, 1861, the Indian Penal Code, 1861, the Code of Criminal Procedure 1861, the Code of Civil Procedure 1859 and the Hindu and Muslim laws. The parliament has the sole authority to amend these laws. Thus the Constitution creates a flexible situation in which the administration and organization of Police, though they generally come under the jurisdiction of the States, are simultaneously within the purview of the Central Government under special circumstances.

**Indian Police Service**

Indian Police Service, whose personnel are appointed in senior positions in the State, is a Central Subject. The Central Government determines the selection and conditions of service of all Indian Police Service (I.P.S.) officers, whereas the States determine the selection and conditions of service of all lower ranks.

**Ministry of Home Affairs**

In addition, the Ministry of Home Affairs is responsible to the Government of India for Police Administration and guides and assists its counterparts in the States in important matters pertaining to criminal administration and special problems of law and order. Besides, the Government of India is responsible for the maintenance and administration of Police force in the Union Territories, which
directly administered on behalf of the President of India by Lt. Governors and Civil Administrators. The Ministry of Home Affairs, Government of India, also plays a special role in the co-ordination of Police work. It calls annual meetings of the State Home Ministers and Inspector General of Police to lay down policy directives. Through these meetings the Central Government comes to know about the problems of Police Administration and policy implementation at the State level.

The Home Ministry

The Ministry of Home Affairs, Government of India, can and does supervise the performance of Police in the State. The Home Ministry every year in recognition of the outstanding Police service rendered by meritorious Policemen in the States, distributes Police Medals and National Awards. In addition, the Central Government looks after the supply and provision of arms, ammunition, wireless equipments and vehicles for Police use of the State level. Moreover, it advances an annual loan to the State Governments for the construction of residential quarters for non-gazetted Police officials in the States. This gives the Central Government a say in the Police affairs of the States. Finally whenever a State needs the assistance of the Central Government, the latter comes to its rescue by providing specialized help and guidance. To discharge this function, the Ministry of Home Affairs maintains an extensive network of specialized agencies and reserve units all over the country.

Central Police Organizations

The Police Administration at the Central level is carried out through Central Police Organizations. Let us discuss the organization and the role of the Central Police Organizations of the Central Government in the following pages.
Central Reserve Police Force (C.R.P.F.)

The Central Reserve Police Force is a Central Police Organization. It came into existence with the passage of the Central Reserve Police Force Act, 1949, and an Inspector General in the Union Home Ministry directs it. The 1949 Act ordains that the “Superintendent of, and control over, the force shall vest in the Central Government in accordance with the provisions of this Act”. Though, the Police are a State subject, the Central Reserve Police Force is maintained and supervised by the Central Government. The Government of India sends the Central Reserve Police Force to those troubled spots, where it has a special responsibility to discharge and the situation warrants the deployment of Armed Police. In crisis, the State Police Organization can also request the services of the Central Reserve Police Force units. The Central Reserve Police Force is a reserve establishment meant for emergencies and can be rushed to any part of the country to supplement and strengthen the hands of local Police. Thus, the Central Reserve Police Force can be deployed anywhere in the country to aid the civil authorities at their request to maintain law and order.

The Headquarters of Central Reserve Police Force is located at Block No. 1, CGO Complex, Lodhi Road, New Delhi. It is headed by Director General, who is assisted by 3 Additional Directors General, 5 Inspectors General of Police, a Financial Adviser and Director (Medical). Various branches in the force Headquarters are as under:-

The Administration Directorate is functioning under the overall supervision of Inspector General (Administration). He is assisted by Deputy Inspector General (Administration), Deputy Inspector General (Welfare), Deputy Inspector General (Works), Assistant Director (Administration/Accounts) and Assistant Director (Legal) and Public Relations Officer.
The Personnel Directorate is functioning under the overall supervision of Inspector General (Personnel). He is assisted by Deputy Inspector General (Personnel), Deputy Inspector General (Crime and Vigilance), Deputy Inspector General (Organization), Deputy Inspector General (Establishment) and Deputy Inspector General (Recruitment).

The Training Directorate is functioning under the overall supervision of Inspector General (Training). He is assisted by Deputy Inspector General (Training-I) and Deputy Inspector General (Training-II).

The Operations Directorate is functioning under the overall supervision of Inspector General (Operations). He is assisted by Deputy Inspector General (Operations-I) and Deputy Inspector General (Operations-II).

The Provisioning Directorate is functioning under the overall supervision of Inspector General (Provisioning and Communication). He is assisted by Deputy Inspector General (Provision) and Deputy Inspector General (Motor Transport/Ordinance) and Assistant Director (Provision).

The Communication Directorate is functioning under the overall supervision of Inspector General (Provisions and Communication). He is assisted by Deputy Inspector General (Communications), Deputy Inspector General (Equipment), Deputy Inspector General (Technology) and Deputy Inspector General (Information Technology).

The Finance Branch and Pay and Accounts Office are functioning under the Direct Supervision of Financial Advisor. He is assisted by Deputy Financial Advisor and Deputy Director (Accounts).

The Medical Branch is functioning under the overall supervision of Inspector General/Director (Medical). He is assisted by 2 Chief Medical Officer level officers.
Central Reserve Police Force is assisted by supervisory and support establishments, filed formations/units, training institutions and hospitals.¹

**Border Security Force (B.S.F.)**

This is the second kind of Police force under the control and supervision of the Central Government. Till the end of Indo-Pakistan conflict of 1965, prevention of trans-border crimes and security of the borders were the responsibility of the respective Border States. The conflict highlighted the increasing incidence of crime on the borders. At that time the State Police, the army units, the border officials and the battalions were all collectively involved in the administration of border security, but had no unified administrative command. The Central Government, with the consent of the Border States, established a separate and independent Border Security Force, under a Senior Inspector General of Police as its Director General. The major functions of the Border Security Force are to co-ordinate the activities of various law and order agencies involved in the detection and prevention of crime in the border areas; to patrol the Indo-Pakistan and Indo-Bangladesh borders and to give a sense of security and high morale to the people living in border areas by providing special protection to their persons and property against depredations from across the border; and to deal effectively the incidents of minor intrusions, illegal infiltrations and trans-border smuggling in the sensitive border areas.²

**Assam Rifles**

The Government of British India organized a special Police force in 1914, known as the Assam Rifles, and the main aim of this force was to maintain law and order in Assam and Nagaland. After Independence the Government of India made the Governor of Assam

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and Nagaland responsible for the overall superintendence and control of the Assam Rifles. The Major functions of the Assam Rifles are: security of north-eastern sector of the international border, maintenance of law and order in the tribal areas of Arunachal Pradesh, Nagaland, Mizoram and Manipur; internal security of other areas only when the local Police is unable to cope with the situation; and counter-insurgency operations in Nagaland, Manipur and Mizoram. Thus, the Assam Rifles plays an important role in keeping a watch on the eastern sector of the international border and in maintaining law and order in the States of Assam and Nagaland.3

Central Industrial Security Force (C.I.S.F.)

The CISF came into existence in 1969 with a modest beginning, having three battalions, to provide integrated security cover to the Public Sector Undertakings (PSUs) which, in those years, occupied the “commanding heights” of the economy. In a span of four decades, the Force has grown several folds to reach one lakh twelve thousand personnel today. With globalization and liberalization of the economy, CISF is no longer a Public Sector Undertakings (PSU)-centric organization. Instead, it has become a premier multi-skilled security agency of the country, mandated to provide security to major critical infrastructure installations of the country in diverse areas. CISF is currently providing security cover to nuclear installations, space establishments, airports, seaports, power plants, sensitive Government buildings and ever heritage monuments. Among the important responsibilities recently entrusted to the CISF are the Delhi Metro Rail Corporation, VIP Security, Disaster Management and establishment of a Formed Police Unit (FPU) of the United Nations at Haiti.

It is a testimony to the level of professional competence and standing acquired by the Force over the decades that its services

3 The Assam Railways Act, 1941 and 2006.
are being sought for consultancy by the private sector also. Over the years, the CISF has provided Consultancy Services to more than 65 different organizations, including those in the private sector. After the Mumbai terrorist attack on November 2008, the mandate of the force has been broadened to provide direct security cover to private sector also. The CISF Act has been amended, heralding a new chapter in the glorious history of the Force.

Adaptability and use of cutting edge technology have been the hallmark of the Force which has always confronted new security challenges successfully. In view of the prevailing security environment in the country and threat from trans-national terrorism, the Force continuously strives towards technological modernization and skills upgradation to build an edifice of dedicated service to the Nation. The CISF is being continuously modernized, both in terms of equipment and training. The Central Industrial Security Force looks forward to a brighter tomorrow with pride and confidence having set very high professional standards with an impressive track record.4

**Intelligence Bureau (I.B.)**

The Central Intelligence Bureau (IB) is reputed to be the oldest intelligence agency in the world. In the past it was tasked with all intelligence targeting but in recent times it has focused on internal security. The IB is officially under the Ministry of Home Affairs (MHA), but in practice the Director IB (DIB) is a member of the Joint Intelligence Committee (JIC) and Steering Committee and has the authority to brief the Prime Minister should the need arise, but intelligence inputs (at least in theory) go through the regular channels in the MHA to the JIC.

The collection mechanisms of the IB vary depending on the region, but the IB operates both at the state level and the national level. The bulk of the intelligence collection is carried out by ‘Grade II’

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employees of the IB, i.e. in increasing order of seniority; the Security Assistants (Constable), the Junior Intelligence Officers (Head Constable), the Asst. (Central) Intelligence Officer (Sub-Inspector), Deputy Central Intelligence Officers (Inspector), and Joint Central Intelligence Officers (Superintendent of Police). The `Class I'(gazette) officers carry out coordination and higher-level management the IB. These officers are (again in increasing order of seniority) Asst. Director, the Deputy Director, Joint Director, Addl. Director, Special Director or Special Secretary and finally the Director IB. Grade II officers are in part direct recruitment and officer deputed from state police forces, but Class I officers are mostly deputed from state services.

At the state level all IB officers are part of the State Special Bureau report to a Central Intelligence Officer (the intelligence advisor to the Governor). The IB maintains a large number of field units and headquarters (which are under the control of Joint or Deputy Directors). It is through these offices and the intricate process of deputation that a very `organic' linkage between the state police agencies and the IB is maintained. In addition to these at the national level the IB has several units (in some cases Subsidiary Intelligence Bureaus) to keep track of issues like terrorism, counter-intelligence, Very Important Person (VIP) security and threat assessment, and sensitive areas (i.e. Jammu and Kashmir (J & K) North East Region (NER) etc...).

There are problems regarding recruiting: in the past postings and deputations with the IB were regarded as positive career choices among police officers, and this led to a favorable buildup of expertise in the both state and national law enforcement circles. In more recent times, this has changed, state police forces offer far swifter means of promotion and career advancement, also the perks of state level police postings in some cases compare more favorably than
those of a central posting. The result is that people have to be forcibly deputed to the IB. This is further compounded by the fact that IB postings often involve extremely hazardous duties in hostile populations. Thus some postings go unfilled and in some cases the IB gets very thinly stretched on the ground. This leads to gaps in intelligence collection.

In sensitive areas (ex. J&K. NER) the pace of security operations is very high. This means that the turnaround time between collection, collation and dissemination has to be very small. IB officers serve largely in advisory capacity and have to coordinate with the regular enforcement arms. To reduce the dead time in intelligence handling, today in most sensitive areas, the law enforcement arms (in most cases) are endowed with their own intelligence units. These units do varying amounts of intelligence targeting and are in theory supposed to coordinate with the IB, sometimes however, this coordination is not achieved and quite possibly another intelligence agency dominates leading to the loss of the ‘overall picture’.

The IB is Government of India’s principal internal news agency. It is responsible for monitoring all aspects of governance. As an extension of this role, it routinely monitors the state governments and often draws up independent assessments of the security situation in a state and advises the Governor. At the central level the IB closely monitors developments relating to parliamentary affairs and reports back to the Cabinet Secretariat. The Special Enquiry and Surveillance unit (SES) of the IB handles most of this work. This task is vital in maintaining the stability of elected governments. However it can easily be subverted to achieve less savory aims, especially at the state level. Apart from any actual degradation in capacity, this kind of work breeds the impression in that the IB is purely a mechanism for targeting the opposition.
The IB is also tasked with Counter-Intelligence operations. This area of IB work has been the object of severe criticism and almost every internal disturbance is projected as a failure in counter-intelligence (there is always talk of the absence of specificity in threat assessments). Problems related to this part are discussed more extensively in the section on counter-intelligence issues.

The task forces have in all probability made several recommendations about these topics. The task force on Internal Security has stated the need to place emphasis on the position of the Secretary (MHA) and that all intelligence regarding internal security developments should be passed to him; this is appears to be an attempt to foster the functioning of the ‘Core Intelligence Processing Unit’ in the MHA. The task force on Internal Security has also made clear the need to create dedicated ‘systems and procedures’ of intelligence dissemination to aid in the conduct of counter-terrorist and counter-insurgency operations. It is also likely that the capabilities in the IB relating to counter-intelligence are being upgraded (this is discussed in greater detail in the section on Counter-Intelligence). The task force on internal security has also called for an end to political interference in the IB, it has suggested that a internal review and oversight body be set up in the IB to stamp out this sort of thing, but it is unclear to the author as to exactly how this mechanism will function.5

Central Bureau of Investigation (C.B.I.)

The Central Bureau of Investigation traces its origin to the Special Police Establishment (SPE) which was set up in 1941 by the Government of India. The functions of the SPE then were to investigate cases of bribery and corruption in transactions with the War and Supply Department of India during World War II. Superintendence of the SPE was vested with the War Department.

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5Central Intelligence Agency Act, 1949.
Even after the end of the War, the need for a Central Government agency to investigate cases of bribery and corruption by Central Government employees was felt. The Delhi Special Police Establishment Act was therefore brought into force in 1946. This Act transferred the superintendence of the SPE to the Home Department and its functions were enlarged to cover all departments of the Government of India. The jurisdiction of the SPE extended to all the Union Territories and could be extended also to the States with the consent of the State Government concerned.

The DSPE acquired its popular current name, Central Bureau of Investigation (CBI), through a Home Ministry resolution dated 1.4.1963. Initially the offences that were notified by the Central Government related only to corruption by Central Government servants. In due course, with the setting up of a large number of public sector undertakings, the employees of these undertakings were also brought under CBI purview. Similarly, with the nationalisation of the banks in 1969, the Public Sector Banks and their employees also came within the ambit of the CBI.

The Central Bureau of Investigation is an organization of recent origin. The Government of India established this Bureau under the Ministry of Home Affairs, as a central agency, for the investigation especially important crimes, which have repercussions in more than one State. The Special Police Establishment Division of the C.B.I. is mainly concerned with the complaints of corruption against Central Government employees. The Central Bureau of Investigation initiates its own investigation and the State Governments can borrow its services for the prevention and detection of crime, as and when required. It also maintains systematic statistics and records relating to crime and criminals on an all India basis. The State Governments and their Police Departments can seek and make use of the information collected by the C.B.I. The publications of the Bureau
appraise the Police officials of the contemporary trends in the ever-changing world of crime, and provide a useful forum for an exchange of valuable ideas and professional experience. The Central Bureau of Investigation is under the control of a Senior Inspector General of Police who is appointed by the Government of India. Though, the C.B.I. is still in a nebulous state, it has already established a reputation for efficiency and impartiality. The increasing role of the C.B.I. of the Central Government in the last five decades has made serious inroads into the Police Administration in the States. There are number of important specialist agencies in the Ministry of Home Affairs of the Central Government for providing specialist help and guidance to the State Police. They are:

1. Central Forensic Institutes
2. Serologist to the Government of India
3. The Central Finger Print Bureau
4. The Masters of the Mints
5. Examiner of Questioned Documents
6. The Master, Indian Security Printing
7. The Inspector of Explosives

The Government of India maintains a wide network of forensic institutes to conduct research and serve as clearinghouses for various kinds of scientific aids necessary to detect criminals. These institutes assist the State Police force in combating and preventing organized crimes such as forging of documents, counter feting of currency and manufacture of explosives.

The serologist is primarily concerned with the analysis, identification, origin and grouping of blood and blood-like stains and other physiological fluids. The opinion of the serologist is sought by the Police departments of the States in matters pertaining to such crimes as murder, rape and suicide.
It is a specialized agency for the examination of all kinds of fingerprints, which are not only complicated but also require a skilled knowledge of the science of fingerprints. On reference, this bureau can readily establish finger print relationships and identify the old offenders. The previous records help differentiate between the innocent and the guilty.

These agencies are located in Calcutta and Bombay, and their function is to furnish expert opinion on suspected coins. The offices of the Masters of the Mints help the police and provide technical guidance.

All kinds of questioned documents, involving forgery, cheating, fake signature, etc., are referred to the Examiner of Questioned Documents. The experts in the science of handwriting process these documents and thereby establish their veracity or otherwise.

The security printing press is responsible for printing currency notes and postal and court stamps. Printing of fake currency of postage is a grave crime. The office of the Master, Indian Security Printing, furnishes expert opinion and advice, which establishes conclusively whether particular bank notes or stamps are genuine or not. This helps the Police to arrest the criminals in the trade.

The country is divided into number of circles for the administration of explosives. Each of these circles has its headquarters in the cities where they are situated. Each of these headquarters has the technical know-how to examine the components, nature and sensitivity of explosives. It provides an examination Report on the explosives used in various kinds of criminal offences.6

The various Central Police Organizations have been created to enforce uniformity in the standards of efficiency of the

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police throughout the country and help the State Police Organizations by providing specialized help and guidance.

**Central Police Organizations**

The Police Administration at the Central level is carried out through Central Police Organizations such as Central Reserve Police Force, Border Security Force, Railway Protection Force, Government Railway Police, Assam Rifles, Central Industrial Security Force, Intelligence Bureau and Central Bureau of Investigation. Our topic of research is related to Railway Police. Let us discuss the organization and the role of the Railway Protection Force in the following pages.

**Genesis of Railway Police**

Since Railways have a linear territory traversing interstate lines, a corresponding linear defense has been hard to provide. Nevertheless, the genesis of such an Endeavour can be traced back to 1854 when East Indian Railways Company employed certain staff designated as "Police". Seven years later the Government of India under the British Rule too used the term "POLICE" to note its own force by enacting the Police Act, 1861 and deployed a contingent for the security of the railway with the owner companies. The expenditure was met with the ratio of 75%:25% by Railways and States respectively. By 1882, as a result of formal division of the Police Force deployed on the railways into "Government Police" and "Private (Companies) Police", the Railway Companies directly assumed the responsibility of protection and security of their property as well as of the goods entrusted to them by public for carriage. For this, they appointed Chowkidars" for various departments and placed them under control of their local departmental heads. All the Railway companies in India followed the system of protecting the property entrusted to their company for carriage. The “Chowkidari” system was effective to some extent in the protection of railway property which
made the provincial Government to develop railway administration. In the year 1890, the Indian Railways Act and concerning Rules about the Administration of Railways were passed. In course of time the entire administration of railways came under the control of the Indian Government (British Rule). In the year 1905, a separate department for railways was established by constituting a Railway Board, whose chief was designated as “Chairman”. In the year 1914, during the First World War the Railway service was worst affected. With an increase in commercial traffic and consequential steep rise in the incidence of theft of goods, entrusted to railways for carriage, in the year 1921, for the better protection of Railways and the property entrusted with Railways the Indian Government appointed a Committee named Police Inquiry Committee headed by Shri.Thomson with Police Officials, Railway Officials and Public as members. The Committee examined the security system and recommended for reorganizing the Chowkidari system in existence during that period. The "Chowkidari" system was reorganized into Watch & Ward organization under a single Superior Officer designated as Superintendent, Watch & Ward. In the year 1939, when the II World war broke-out, the crime against Railway once again increased especially in railway workshops & stores and the "Watch & Ward" system was also proved inadequate. Between 10\textsuperscript{th} April, 1950 and 14\textsuperscript{th} April, 1952 a great change in Railway administration took place under the Republic of India. The Indian Railways was divided into 6 zones paving way for the zonal administration. A Committee under Shri.B.N.Mullik, recommended the Railway Board to induct Watch & Ward in every department of Railway.

Though the Watch & Ward was used for providing security to the vital artery of National Communication and economic progress did not itself have any legislative status. The Watch & Ward units were found to be hopelessly inadequate for the purpose for
which they were intended, due to lack of proper training. In July 1953, the Railway Board appointed Shri.B.N.Lahari, retired IG of UP Police as Security Adviser to the Railway Board to work out the details of re-organization of the Watch & Ward department. Shri.B.N.Mullik, the then Director of Intelligence Bureau and Shri.B.N.Lahari, the then Security Adviser to the Railway Board recommended to the Government of India to transform the erstwhile Watch & Ward department of Indian Railways in to a "Statutory Force" and vest in it requisite legal powers for efficient discharge of its duties of providing better protection to Railway property. The Government of India had accepted the aforesaid recommendations. Accordingly the "Railway Security Force" (RSF) was formed and the training for the members of RSF commenced on 12th March, 1953, in State Police training schools. The RSF was vested with a very limited legal power of arrest under the Indian Railways Act.

In the year 1954, a Chief Security Officer (CSO) was appointed to RSF in each zonal railway. In order to make the RSF into a statutory Force and vest in it requisite legal powers for efficient discharge of its duty of providing better protection to the railway property. The Government of India after due discussion enacted Railway Stores (Unlawful Possession) Act 1955. As per the Act the members of RSF can detain a person in unlawful possession of railway property and to work with the State Police in further prosecution of the offenders. The above powers vested with RSF too proved to be insufficient to tackle the crime against railway property. Then as per the recommendations of the then Director/Intelligence Bureau (Home Ministry), to establish Police system in Railway, Railway Protection Force was made in the year 1956. On 29th August, 1957, Railway Protection Force Act was enacted by the Parliament, the RPF Rules were made on 10th September, 1959 and RPF Regulations were formulated in 1966.
The Railway Protection Force Act, 1957

The Watch and Ward Department of the Railways was responsible for the protection of railway property as well as the property entrusted to Railways for transport. But the said Department had not been given adequate powers and well defined status so as to fulfill the primary functions of protecting railway property. The Railways have been incurring heavy losses on account of theft and pilferage and in making payment in large number of compensation claims preferred against them for such thefts and pilferage. To bring about radical changes in the functioning of the Watch and Ward Department of the Railways it was proposed to form a separate Force with the adequate powers so as to achieve quick and effective results. In order to provide for the constitution and powers so as to achieve quick and effective results. In order to provide for the constitution and regulations of an armed force of the Union for the better protection and security of railway property the Railway Protection Force Bill was introduced in the parliament.

Statement of Objects and Reasons

1. The Watch and Ward Department functioning of the Railways have hitherto been handicapped by lack of adequate powers and well defined status as also of a proper sense of discipline to fulfill their primary functions of protecting railway property and of property entrusted to Railways for transport. The Railways have during these years incurred heavy losses on account of theft and pilferage of railway property and of making payment of quite a large number of compensation claims preferred against them.

2. The proposed legislation is designed to bring about a radical change in the functioning of this Department, which is being re-designated as the Railway Protection Force, so as to achieve quick and effective results. It enables the personnel of the Force
to be brought under a special set of disciplinary rules and confers on them, under certain conditions powers of arrest and search without warrant. Moreover, the Railway Protection Force, thus reorganized could provide, in times of need, suitable assistance to the Railway Police who are charged mainly with the responsibility for overall maintenance of law and order in railway premises.

**Act 23 of 1957**

The Railway Protection Force Bill was passed by both the Houses of Parliament. It received the assent of the President on 29th August, 1957 and came on the statute Book as The Railway Protection Force Act, 1957 (23 of 1957).

**Amending Act**


**Constitution of the Force**

There shall be constituted and maintained by the Central Government [an armed force of the Union] to be called the Railway Protection Force for the better protection and security of railway property. The Force shall be constituted in such manner, shall consist of such number of [superior officers, subordinate officers, under officers and other enrolled members] of the Force and shall receive such pay and other remuneration as may be prescribed.\(^7\)

**Appointment and Powers of Superior Officers**

The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be inspector-General, Additional Inspectors-General, or deputy Inspector-General, Assistant Inspector-General, Senior Commandants, Commandants or Assistant Commandants of the Force.] The [Director-General] and every other superior officer so appointed shall

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\(^7\) The Railway Protection Force Act, 1957, Section 3.
possess and exercise such powers and authority over the members of the Force under their respective commands as is provided by or under this Act.8

**Appointment of Members of the Force**

The appointment of enrolled members of the Force shall rest with the Inspector-General, Additional Inspector-General or Deputy Inspector-General, who shall exercise that power in accordance with rules made under this Act provided that the power of appointment under this section may also be exercised by other superior officer as the Inspector-General, Additional Inspector-General, or Deputy Inspector-General concerned may, by order, specify in this behalf.]

Section 6 contemplates that the appointment of members of the Force shall rest with the Chief Security Officer who is supposed to exercise powers in accordance with the Rules made under the Act. The proviso to this section contemplates other authorities being authorized for making the appointment as may be delegated to such officers by the Chief Security Officer.9

Rules 20 of the Railway protection Force Rules is ultra vires to the extent it authorises the Security Officer and assistant officer to make appointments without delegation as contemplated under proviso to section 6 of the Act.10

**Certificates to Members of the Force**

Every member of the Force shall receive on his appointment a certificate in the form specified in the schedule, under the seal of the [inspector-General, additional Inspector-General or Deputy Inspector-General] or such other superior officer as the [Inspector-General, Additional Inspector-General or Deputy Inspector-

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8 The Railway Protection Force Act, 1957, Section 4.
9 Union of India V. Rajendra Singh, AIR 1993 SC 205.
general] may specify in this behalf, by virtue if which the person holdings such certificate shall vested with the powers of a member of the force. Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a member of the Force.\textsuperscript{11}

**Superintendence and Administration of the Force**

The superintendence of the Force shall vest in the Central Government, and subject thereto and to the provisions of this Act and of any rules made there under, the command, supervision and administration of the Force shall vest in the Director-General. Subject to the provisions of sub-section (1), the administration of the Force, within such local limits in relation to a railway as may be prescribed shall be carried on by an Inspector-General, an additional Inspector-General or a Deputy Inspector-general in accordance with the provisions of this Act and any rules made there under and they shall, subject to any direction that may be given by the Central Government or the Director-General in this behalf discharge his functions under the general supervision of the General Manager of the railway.\textsuperscript{12}

**Dismissal, Removal, etc. of Members of the Force**

Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any superior officer may dismiss, suspend or reduce in rank any [enrolled member] of the Force whom he shall think remiss or negligent in the discharge of his duty, or unfit for the same or award any one or more of the following punishments to any [enrolled member] of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely fine to any amount not exceeding seven days pay or reduction in pay scale; confinement to quarters for

\textsuperscript{11} The Railway Protection Force Act, 1957, Section 7.

\textsuperscript{12} The Railway Protection Force Act, 1957, Section 8.
a period not exceeding fourteen days with or without punishment, drill, extra guard, fatigue or other duty; and Removal from any office of distinction of deprivation of any special emolument.

Where the Head Rakshaks were appointed by Assistant Security Officer and were removed from service by Security Officer Superior in rank to an Assistant Security Officer, there was no violation of Article 311 of the Constitution.13 If the punishment of removal is reduced to compulsory retirement by revising authority, such retirement would take effect from the date if removal.14 Though appointment has been made by Assistant Security Officer, removal from service is not bad or illegal and neither in violation or Article 311 (1) of the constitution if it is made by Senior Security Officer.15 Any enrolled member of the Force aggrieved by an order made under sub-section (1) may, within thirty days from the date on which the order is communicated to him, prefer an appeal against the order to such authority as may be prescribed provided that the prescribed authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. In disposing of the appeal, the prescribed authority shall follow such procedure as may be prescribed provided that no order imposing as enhanced penalty under subsection (2) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order.16

**Officers and Members of the Force to be Deemed to be Railway Servant**

[Director-General and every member of the force] shall for all purposes be regarded as railway servants within the meaning of

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13 Union of Indiaa V. Babban Singh, 1982 Lab IC 89 : FAC LR 151 (All).
14 V. Udai Pratap Singh, the Commandant Head Quarters 5th Battalion Railway Protection Special Force, 1992 (2) Lab IC 2121 (All).
the Indian Railway Act, 1890(9 of 1890) other than Chapter VIA thereof, and shall be entitled to exercise the powers conferred on railway servants by or under that Act.17

**Duties of Members of the Force**

It shall be the duty of every superior officer and member of the Force promptly to execute all orders lawfully issued to him by his superior authority; to protect and safeguard railway property; to remove any obstruction in the movement of railway property; and to do any other act conductive to the better protection and security of railway property.18

**Power to Arrest without Warrant**

Any member of the Force may, without an order from a Magistrate and without a warrant, arrest any person who voluntarily causes hurt to, or attempts voluntarily to cause hurt to, or wrongly 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 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 relates to railway property; or any person found taking precautions to conceal his presence within the railway limits under circumstances which afford reason to believe that he is taking such precaution with a view to committing theft of, or damage to, railway property; or any

17 The Railway Protection Force Act, 1957, Section 10.
18 The Railway Protection Force Act, 1957, Section 11.
person who commits or attempts to commit a cognizable offence which involves or which is likely to involve imminent danger to the life of any person engaged in carrying on any work relating to railway property.\textsuperscript{19}

**Power to Search without Warrant**

Whenever any member of the Force, not below the rank of a Senior Rakshak, has reason to believe that any such offence as is referred to in section 12 has been or is being committed that a search warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, he may detain him and search his person and belongings forthwith and, if he thinks proper, arrest any person whom he has reason to believe to have committed the offence. The provisions of the Criminal Procedure, 1973 (2 of 1974), relating to search under that Code shall, so far as may be, apply to searches under this sections.\textsuperscript{20}

**Procedure to be Followed After Arrest**

Any member of the Force Making an Arrest under This Act, shall, without unnecessary delay, make over the person so arrested to a police officer, or in the absence of a Police officer, take such person or cause him to be taken to the nearest Police station.\textsuperscript{21}

**Officers and Members of the Force to be Considered Always on Duty and Liable to be Employed in Any Part of the Railways**

Every member of the Force shall, for the purpose of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed at any place within India. No member of Force shall engage himself in any employment or office other than his duties under this Act.\textsuperscript{22}

\textsuperscript{19} The Railway Protection Force Act, 1957, Section 12.
\textsuperscript{20} The Railway Protection Force Act, 1957, Section 13.
\textsuperscript{21} The Railway Protection Force Act, 1957, Section 14.
\textsuperscript{22} The Railway Protection Force Act, 1957, Section 15.
Restrictions Respecting Right to Form Association, Etc.,

No member of the force shall, without the previous sanction in writing of the Central Government or of the prescribed authority be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, or political associations; or be a member of, or be associated in any with, any other society, institution, association or organization that is not recognized as part of the Force or is not of a purely social, recreational or religious nature; or communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bonafied discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation if any question arises as to whether any society, institution, association or organization is of a purely social, recreational or religious nature under Clause(b) of this sub-section, the decision of the Central Government thereon shall be final. No member of the Force shall participate in, or address, any meeting or take part in any demonstration organized by any body of persons for any political purposes or for such other purposes as may be prescribed.23

Responsibilities of Members of the Force During Suspension

A member of the Force shall not by reason of his suspension from office to be a member of the Force: and he shall, during that period, be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty.24

23 The Railway Protection Force Act, 1957, Section 15A.
24 The Railway Protection Force Act, 1957, Section 16.
**Surrender of Certificate, Arms, etc., by Persons Ceasing to be Members of the Force**

Every person who for any reason ceases to be a member of the Force, shall forthwith surrender to any superior officer empowered to receive the same, his certificate of appointment, the arms, accoutrements, clothing and other articles which have been furnished to him for the performance of his duties as a member of the Force. Any person who willfully neglects or refuses to surrender his certificate of appointment, the arms, accoutrements, clothing and other articles furnished to him, as required by sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both. Nothing in this section shall be deemed to apply to any article, which under the orders of the Director-General has become the property of the person to whom the same was furnished.\(^{25}\)

**Penalties for Neglect of Duty etc.**

Without prejudice to the provisions contained in section 9, every enrolled member of the Force who shall be guilty of any violation of duty or willful breach or neglect of any rule or lawful order made by a superior officer, or who shall withdraw from duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority for any employment other than his duty as an enrolled member of the Force, or who shall be guilty of cowardice may be taken into Force custody and, shall, on conviction, punished with imprisonment which may extend to one year.

Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), an offence punishable under this section shall be cognizable and non-bailable.

\(^{25}\) The Railway Protection Force Act, 1957, Section 16A.
Notwithstanding anything contained in the code of Criminal Procedure, 1973 (2 of 1974), the Central Government may invest Assistant Inspector-General, Senior Commandant or Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by an enrolled member of the Force and punishable under this Act, or any offence committed by an enrolled member of the Force against the person or property of another member of the Force provided that when the offender is on leave or absent from duty; or when the offence is not connected with the offender’s duties as an enrolled member of the Force; or when it is a petty offence even of connected with the offender’s duties as an enrolled member of the Force; or when, for reasons to be recorded in writing, it is not practicable for the Commandant invested with the powers of a Magistrate to inquire into or to try the offence.

The offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed so requires, be inquired into or tried by an ordinary criminal court having jurisdiction in the matter. Nothing contained in this section shall be constructed to prevent any enrolled member of the Force from being prosecuted under any other law for any offence made punishable by that law, or for being liable under any such law to any other or higher penalty or punishment than is provided for such offence by this section provided that no person shall be punished twice for the same offence].26

**Application of Act 22 of 1922 to Members of the Force**

The Police (Incitement to Disaffection) Act, 1922 shall apply to members of the Force as it applies to members of a Police force.27

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26 The Railway Protection Force Act, 1957, Section 17.
27 The Railway Protection Force Act, 1957, Section 18.
Certain Acts Not to Apply to Members of the Force

Nothing contained in the payment of Wages Act, 1936(4 of 1936) of the Industrial Disputes Act, 1947(14 of 1947 or the Factories Act, 1948(63 of 1948) or any corresponding law relating to investigation and settlement of Industrial dispute in force in a state shall apply to members of the Force.]\textsuperscript{28}

Protection of Acts of Members of the Force

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. Any such plea may be provided 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. Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawful be brought against any member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provisions of this Act or the rules there under 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.\textsuperscript{29}

Power to Make Rules

The central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. In particulars, and without prejudice to the generality of the foregoing

\textsuperscript{28} The Railway Protection Force Act, 1957, Section 19.
\textsuperscript{29} The Railway Protection Force Act, 1957, Section 20.
powers, such rules may provide for regulating the classes and grades
and the pay and remuneration of members of the Force and their
conditions of service in the Force; regulating the powers and duties of
members of the Force authorized to exercise any functions by or
under this Act; fixing the period of service for members if the Force;
prescribing the description and quantity of arms, accoutrements,
clothing and other necessary articles to be furnished to the members
of the Force; prescribing the place of residence of the member of the
Force; institution, management and regulation of any fund for any
purpose connected with the administration of the Force; regulating
the punishment and prescribing authorities to whom appeal shall be
preferred from orders of punishment, or remission of fines, or other
punishments and the procedure to be followed for the disposal of such
custody; regulating matters with respect to Force custody under this
Act, including the procedure to be followed for taking persons into
such custody; regulating matters with respect to disposal of cases
relating to offences under this Act and specifying the places in which
persons convicted under this Act may be confined; any other matter
which has to be, or may be, imposed, or in respect of which rules are
required to be made under this Act.] Every rule made under this Act
shall be laid, as soon as may be after it is made, before each House of
parliament, while it is in session, for a total period or thirty days
which may be comprised in one session or in two or more successive
sessions, and if, before the expiry of the session immediately following
the session or the successive sessions aforesaid, both Houses agree in
making any modification in the rule or both Houses agree that the
rule should not be made, the rule shall thereafter have effect only in
such modified form or be of no effect, as the case may be; so, however,
that any such modification or annulment shall be without prejudice to
the validity of anything previously done under that rule.\textsuperscript{30}

\textsuperscript{30} The Railway Protection Force Act, 1957, Section 21.
**Government Railway Police**

In order to supplement the work of Railway Protection Force, the Government of India created the Government Railway Police for the different States as the problems relating to local railway stations could be effectively dealt with by the State Railway Police. The duties of the Government Railway Police as regards the areas in their jurisdiction correspond in general to those of the District Police in the areas under their charge. The Government Railway Police have in addition certain special duties. They are to maintain order at railway stations and in trains. The term “Order” duties comprises control of passenger traffic within station premises, especially on platforms, in booking offices, waiting halls, at entrance and exit gates and wherever specially required in emergencies by the station officials; control of vehicular and other traffic in station precincts; maintenance of order in passenger trains halted at stations and prevention of over-crowding in carriages; supervision of loaded passenger trains standing in station; arrest of persons guilty of committing nuisance, removal of persons suffering from infectious diseases and keeping of station premises clear of beggars; examination of empty carriages on arrival at terminal stations for property left behind by passengers and inspection of carriages with a view to seeing that fittings have not been tampered with; removal of bodies of persons who dies in trains or on station premises and conveyance to hospital of sick passengers; to report to the proper authorities railway or civil the commission of offences under the Railways Act, and cases of fraud or oppression on the part of railway personnel; to enquire into accidents on railway; to render assistance to railway officers and to the traveling public in so far as the rendering of such assistance is compatible with their own duties as Police officers.

The Government Railway Police (GRP) are responsible generally for the prevention and detection of crime on railways. The
protection of goods-sheds, goods-wagons at stations and parcel offices is not duty of the Railway Police, but of the Railway Protection Force of the Railway.

With the introduction of amendment in RPF and Railways Act, implications for GRP are 36,600 GRP personnel of the country will be able to focus their attention on heinous crimes specially rape in trains and other crimes against women; While GRP will continue to do policing for Railways, it will get more time to concentrate on investigation of heinous crimes; and GRP can be utilized for track patrolling and for effective investigation in cases of sabotage as defined in sections 150, 151 & 152 of The Railways Act.31