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A Study of Duties and Rights of RPF under the Indian Railway Law

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Abstract

The research is being conducted to find out whether the duties of the Railway Police are different from the duties of the State Police. In addition, the purpose of this research is to know the specific duties of the Railway Police Force and to understand their performance. The Railway Police has also been given special powers along with duties so that it can provide protection to the occasional citizen of the country in the railway premises and protect it from criminals. The researcher has tried to reveal the findings of the continuous work and efforts of the Railway Police.

Introduction

The Railway Protection Force has emerged from a turmoil of systems; there being as many forms of its existence and as many modes of functioning as there were railway Companies in British India for imparting the set-up a uniformity of working, the RPF Rules were enacted in 1959 and RPF Regulations published in 1966. In the same year, some limited powers to apprehend and prosecute offenders involved in railway property were conferred on the Force by enacting the Railway Property (Unlawful Possession) Act, 1966. Primarily RPF has been entrusted with responsibility of the safety of Railway property. But, while the provisions of RPF Act were soon found wanting for the maintenance of an effective and disciplined Force, the RPF Rules and Regulations too were found judicially unsound. The RPF Act, 1957 was accordingly modified by Parliament vide Act No.60 of 1985 on 20 September 1985 for the constitution and maintenance of the Force as an armed force of the Union. (1)

The railway board has written to the Ministry of Housing and Urban Affairs saying that the Railway Protection Force (RPF) which is already guarding the Kolkata Metro be made in charge of security for the new metros in Lucknow, Nagpur, Chennai, Pune, Ahmedabad, Bangalore, Indore, Bhopal and Hyderabad.

"Having a single dedicated force for the Metro Railway is advantageous since the staff can be trained in the safety and security requirements of the metro. The RPF has specialised training because it is already securing sub-urban stations for years," said a senior official.

The official also pointed out that the move will also be cost effective. Presently, the Central Industrial Security Force (CISF) charges ₹ 1.84 lakh annually per jawan for securing metro premises, while the RPF charges only ₹ 78,000 per jawan yearly.



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Police Jurisdiction

The jurisdiction between the Railway Police and the Local Police varies according to the orders issued by the concerned State Governments. The jurisdiction of the Local Police and the Railway Police is given in the Police Manual. However, the procedure for lodging FIR/complaint is the same. Officials of the Engineering Department will have to acquaint themselves with the procedure in force over their jurisdiction.(2)

The history of the RPF and the evolution of police functions on railways depend on the timeline, the vintage. What was true of 1861 wasn't true of 1921 (when a committee was set up). To state it simply, chowkidars employed in private railways metamorphosed into a watch and ward system. In 1953, this watch and ward system became the Railway Security Force, with virtually no police powers. In 1955, this force got some teeth because of the Railway Stores (Unlawful Possession) Act, but only if you were found to be in unlawful possession of railway property. Finally, in 1957, we got the RPF, but it could only investigate and prosecute for unlawful possession of railway property and also had related powers of search and arrest. There is a [Railways Act](#) of 1989, which has an entire chapter on offences against the [Indian Railways](#) (IR). Some are more serious offences than the others. Section 179(1) says, "If any person commits any offence mentioned in sections... (more serious offences), he may be arrested without warrant or other written authority by any railway servant or police officer not below the rank of a head constable."

First, under the CrPC, anyone has the right to perform the arrest of a citizen – nothing special about the RPF. Second, there is nothing special about the RPF for Section 179(1) of the Railways Act either. Under this, a "railway servant means any person employed by the central government or by a railway administration in connection with the service of a railway". Therefore, if the IR decides that a travelling ticket examiner should have such rights, the Railways Act authorises the IR to do this. Notice that Section 179 gives powers to arrest for cognisable offences, while [Section 180](#) does that for non-cognisable offences. Hence, non-RPF staff (engineers, supervisors) also have the power to lodge FIRs with the GRP. Third, law and order is a state subject. States decide who possesses the powers of criminal investigation (and even lodging FIRs), regardless of amendments to the Railways Act and the RPF Act granting greater powers to the RPF. The present status quo, with multiplicity across the RPF, [GRP](#) and state (district) police, is unsatisfactory and I counted 19 committees that have recommended unification.

Scrap the RPF. Scrap the GRP. Merge the two. Recommendations across committees are assorted. The IR wants the RPF and even to increase its strength from the present 75,000. (The GRP strength is 37,500.) State governments won't grant the RPF more powers. We are in a bind. For the GRP, the IR contributes 50 per



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cent of the cost, the rest is borne by the state governments. As long as we are in the bind, the GRP remains the real 'police'. Hence, as an instance, when a new line is constructed, one needs to budget for the additional GRP (provide for 50 per cent) and do assorted stuff such as provide for their housing. With a focus on the RPF, the IR won't do that. The GRP is neglected and the RPF has no powers. Today, among mail/express trains, around 1,300 are escorted by the RPF and around 2,200 by the GRP.

The Committee recommended that since policing on the railways is the constitutional responsibility of the State Governments, certain matters relating to the security of railway passengers could be segregated from the policing functions and be given to the Railway Protection Force.

The Committee also recommended that the Railway Protection Force may be given the following additional duties relating to security of passengers:

Escorting of passenger trains in vulnerable areas.

Providing access control, regulation and general security on the platforms, in passenger areas and circulating areas.

The Railway Ministry accepted the above recommendations of the Committee. Accordingly, RPF by an amendment of the Railways Act/RPF Act has been empowered to deal with the offences, which directly relate to the functioning of the Railways, as the Police, being preoccupied with the law and order duties, have little time for these minor offences. **It was against this backdrop** that the RPF Act and The Railways Act have been amended. The main purpose is to supplement the efforts of the State Governments to reinforce the security of the passengers and the passenger areas on Indian Railways. For giving these additional responsibilities to the Railway Protection Force, the Railway Protection Force Act, 1957 was again modified by Parliament vide act No.52 of 2003 on 23rd December-2003 for providing more legal powers to RPF to provide better protection to Railway Property, Passenger area and Passengers. In view of **latest amendment**

RPF is entrusted with following duties:-

to protect and safeguard railway property, passenger area and passenger;

to remove any obstruction in the movement of railway property or passenger area; and

to do any other act conducive to the better protection and security of railway property, passenger area and



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passenger.

Further, it was felt that for effectively dealing with the cases under the Railways Act, the Railway Protection Force should be empowered to enquire and to launch prosecution against the persons committing offences under the Railways Act and accordingly the Railway Act has been amended to empower RPF to investigate and prosecute in offences covered under the Act.

It was necessary to make the above amendments for following reasons :-

Railway Protection Force will be legally enabled to provide protection and safeguard to the passenger and his luggage, which will ensure better Passenger Facilitation.

Access control to stations can be regulated in a more effective way and general security on the platforms in passenger area and circulation area will get reinforced

Empowerment under The Railways Act will ensure more smooth train operations since many sections of The Railways Act aim at hassle-free train operations.

Entrusting of new responsibilities to RPF would mean optimum utilization of human resources.

Railway Protection Force will be able to take steps for prevention of any cognizable offence against the passengers and will also be legally empowered to apprehend any person who is involved in such offences.

With the introduction of amendment in RPF and Railways Act, RPF has been vested with the powers to investigate in Railways Act cases. RPF has accepted the challenge and 1286 important passenger trains have been provided with RPF escorts over Indian Railways.

The Railway Protection Force (RPF) is all set to get some extra teeth with the railway ministry planning to arm the force with the famed Heckler and Koch MP5 guns, a staple with several commando units worldwide, including the elite National Security Guard (NSG).

“The induction of MP5 series guns has been an ongoing process being helmed by the Union home ministry since 2009. The NSG was first recipient of these guns. Other paramilitary forces like the RPF will also be getting them in due time,” said an official.

Earlier this week, the railway ministry also sanctioned the purchase of two advanced weapons training simulators that will be used to get RPF personnel to practice their shooting skills without having to expend



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live ammunition. The railway's Central Organisation For the Modernisation of Workshops (COFMOW) has been entrusted with the task.(4)

Conclusion

From this study it can be understood how much the operation of Railway Police is associated with. The departure of the FPF as well as the high officials are ready 24 hours a day, day and night, especially in the service of our country. In such circumstances they are given certain powers to carry out their duties. Which can be considered separately from the state police and which is stated under the law of the Railway Police Force. After research, the researcher has come to a conclusion. That the police should always be recruited in sufficient numbers so that the police can get better by force. In addition, better rules can be made to ensure that police personnel do not abuse their authority during their duty.

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