

THE RPF (AMENDMENT) ACT, 2003:

The problem relating to security of the railway passengers has increased manifold during the last decade. It is difficult for the State Governments to provide adequate security cover to the railways due to a number of constraints. To supplement the efforts of the State Governments in ensuring better security to the railway passengers, the Ministry of Railways took valiant steps, by enabling the Railway Protection Force to protect the interests of the traveling public from the offences specified in the Railways Act, 1989. As the Railway Protection Force was empowered to investigate offences relating to unlawful possession of only the Railway property, necessary amendments were introduced in Railway Protection Force Act, 1957 (Amended 1985) and in Railways Act, 1989, vide Bill No.51 & 52 of 2003 dated 23rd December 2003.

Thus the RPF in addition to providing safety and security to Railway property, is entrusted with the duties of protecting the passenger & passenger area and the officers authorised can take cognizance of and launch prosecution against offenders as specified in Railways Act. The amendment commenced with effect from 01.07.2003.

P R E F A C E

Keeping in view of the manifold problems pertaining to the security of the Railway passengers, it felt that the State Governments are not in a position to provide adequate security cover to the Railway passengers due to a number of constraints. It has, therefore been decided that the Ministry of Railways should supplement the efforts of the State Government in ensuring better security to the Railway passengers.

Railway Protection Force (R.P.F) an Armed Force of the Union functioning under Railway Minister is empowered to enquire/investigate offences relating to unlawful possession of railway property. It has now been decided that R.P.F should also shoulder direct responsibility to prevent offences against the railway passengers so that some relief could be given to the State Governments and railway passengers are provided better security.

As such, the Railway Protection Force Act, 1985 has been amended as Railway Protection Force (Amendment) Act 2003 with some specific amendments in dealing with the offences against the Rly passengers with a view to provide better security to them.

STATEMENT OF OBJECTIVES AND REASONS

The problem relating to security of the Rly passengers has increased manifold during the last decade. It is difficult for the State

Governments to provide adequate security cover to the railways due to number of constraints. It has, therefore, become necessary that the Ministry of Railways should supplement the efforts of the State Governments in ensuring better security to the railway passengers.

2. As of now, the Railway Protection Force is empowered to investigate offences relating to unlawful possession of only the railway property. It is now proposed to enable the Railway Protection Force to also perform these functions in relation to the passenger area and passengers so that the officers authorised by the Central Government can take cognizance of and launch prosecution against offenders in respect of the offences specified in the Railway Act, 1989. It is accordingly, proposed to amend the Railway Protection Force Act, 1957.

3. The bill seeks to achieve the above objects.

SALIENT FEATURES OF RPF (AMENDMENT) ACT 2003

1) This Act may be called the "Railway Protection Force (Amendment) Act 2003".

- 2) In the long title of the Principal Act the word "Railway Property" shall be substituted as "Railway Property" passenger area and passengers". As such the long title of the Railway Protection Force (Amendment) Act 2003 will be as "an Act to provide for the constitution and regulation of an armed Force of the union for the better protection and security of railway property, passenger area passengers and for matters connected therewith.
- 3) Two new definitions of "passenger" and passenger area" have been included in sub-section © of section 2 of Principal Act as (ca) & (cb) respectively.
- 4) The definition of "passenger " shall have the meaning assigned to it in the Railways Act 1989, which reads as "passenger means a person traveling with a valid pass or ticket" sub-clause 29 of section 2.
- 5) The definition of "passenger area" shall include railway platform, train, yard and such other area as is frequently visited by passengers.
- 6) The mandatory duties of every superior officers and members of the force under section 11 of Principal Act have been extended with "passenger area" and "passengers" in addition to "Railway property".
- 7) The word "railway property" wherever occurs shall be substituted as "railway property, passenger area and passengers" under section 12 of

the Principal Act for the purpose of arrest without warrant by the members of the force,

- 8) Member of the force making an arrest under this act shall without unnecessary delay make over the person arrested to a police officer together with a detailed report of the circumstances leading to the arrest of such person.
- 9) It is noteworthy to mention that the duties of the members of the force have been extended to protect not only the railway property but also the passenger area and passengers and accordingly the powers of arrest have also been extended for the offences committed against the railway property and passengers in the passenger area.

BACKGROUND NOTE

The changing internal security profile of the country, whether it is insurgency in the North East, sponsored violence in Jammu & Kashmir or subversive activities of Extreme left-wing organization like the PWG, MCC etc. has made a direct impact on the Security Management System of Indian Railways. In addition, to having a cascading effect on the freight flow patterns of the Railways, the security of the passengers is under serious threat. Railways are often used as 'soft targets' by the militant groups. Hence, it was felt that the security of the passengers should be reinforced.

It may be appreciated that the problem relating to the security of Railway passengers have increased manifold during the last decade. It was difficult for the State Governments to provide adequate security cover due to numerous constraints. It was, therefore, felt necessary that the Ministry of Railways should supplement the efforts of the State Governments in ensuring better security to the Railway passengers.

On 15th Jan, 2000 the Ministry of Railways decided to constitute a Committee to go into the issue of Security of Railway passengers. The High level Committee after detailed deliberations came up with various recommendations in accordance with the terms of reference.

The committee observed that the Railway Administration had at its disposal, a 70,000 strong Railway Protection Force (RPF), which is an Armed Force of the Union, However, this force was not able to actively help the Railway Administration in dealing with the day to day problems. These relate primarily to prevention of crime against passengers and their belongings and maintenance of order in the railway premises. The Railway Protection Force has only been given limited powers under the Railway Property (Unlawful possession) Act 1966 to take action against any person who is found in unlawful possession of Railway Property. RPF, which is available, at most of the places on the railway, normally

remains a helpless specter in the absence of legal powers to intervene in such situations. There have been occasions when due to exigencies of the situation, the Railway Protection Force intervened but had to face arrest and prosecution at the hands of the State Police.

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 Railway Protection Force should take up these security duties without going in to the realm of policing, which will continue to be the responsibility of the State Governments.

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

- (i) Escorting of passenger trains in vulnerable areas.
- (ii) 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. For giving these additional responsibilities to the Railway Protection Force, it was necessary to make certain amendments in the Railway Protection Force Act, 1957, where-

- (i) Railway Protection Force will be legally enabled to provide protection and safeguard to the passenger and his luggage.
- (ii) 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.
- (iii) Railway Protection Force will be able to provide security to the passenger areas including platforms and trains.

As far as the Railways Act, 1989, is concerned, there are adequate provisions in the Act to take care of most of the problems of the Railways. Under Section 179 of the Act, Railway servants are empowered to arrest the offenders committing offences mentioned without warrant and to produce the offenders before the nearest Magistrate. Any member of the Railway Protection Force, as a Railway Servant, can exercise these powers of arrest. However, the Railway Protection Force was not empowered to either investigate or enquire into the cases or launch prosecution in the court of law against such offenders.

It was felt that for effectively dealing with the cases under the Railways Act, the Railway Protection Force might be empowered to enquire and to launch prosecution against the persons committing offences under the Railways Act.

Accordingly, RPF by an amendment of the Railways Act, the Railway Protection Force may be empowered to enquire and to launch prosecution against the persons committing offences under the Railways Act.

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.
