

Brief History of Indian Railways and RPF

In the year 1832 the first Railway running on steam engine, was launched in England. Thereafter in May 1843 a young Engineer Graham Clark got down from a ship harbored at Mumbai (then Bombay). He was sent to India at the insistence of the Textile Industrialists of Manchester, Lancashire, Liverpool, in England to find out how and in which part of India a railway can be built which would be useful to transport cheap cotton from Indian hinterland first to Bombay Harbor and then from there to England by ship.

Thereafter on 1st of August, 1849 the Great Indian Peninsular Railways Company was established in India. On 17th of August 1849, a contract was signed between the Great Indian Peninsular Railways Company and East India Company.

As a result of the contract an experiment was made by laying a railway track between Bombay and Thane (56 Kms.).

On 16th April, 1853, the first train service was started from Bombay to Thane.

On 15th August, 1854, the 2nd train service commenced between Howrah and Hubli.

On the 1st July, 1856, the 3rd train service in India and first in South India commenced between Vyasarpadi and Walajah Road and on the same day the section between Vyasarpadi and Royapuram by Madras Railway Company was also opened.

Subsequently construction of this efficient transport system began simultaneously in different parts of the Country. By the end of 19th Century 24752 Kms. of rail track was laid for traffic. At this juncture the power, capital, revenue rested with the British. Revenue started flowing through passenger as well as through goods traffic.

The anti-social elements came to know about the Railway & the goods carried by it and they started stealing goods from railways. However, there is no idea as to when the criminal activities on railways started. But in the year 1878, when the whole country was affected by drought, the crime increased and the problem was noticed by the authorities concerned.

Due to the rise in crime on railways, revenue from railway was worst affected and a new problem of protecting the property, carried through the railways arose. The situation warranted a Force to protect the railway property and which paved way for the germination of Railway Protection Force.

GENESIS OF RPF:

Since Railways have a linear territory traversing interstate lines, a corresponding linear defence 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 reorganising the Chowkidari system in existence during that period. The "Chowkidari" system was reorganised into Watch & Ward organisation 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 10th April, 1950 and 14th 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 the Railway Board to work out the details of re-organisation 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 Govt. of India to transform the erstwhile Watch & Ward department of Indian Railways into a "Statutory Force" and vest in it requisite legal powers for efficient discharge of its duties of providing better protection to Railway property. The Govt. 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 Govt. 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.

HISTORY OF RP(UP) ACT :

The railway crimes, however, continued to be detected, investigated and prosecuted by the State Police or the Govt. Railway Police under the Railway Stores (Unlawful Possession) Ordinances (Ordinance No.XIX of 1944). It was repealed after the formulation of Railway Stores (Unlawful Possession) Act 1955. With the further rise in crimes and the State Police tackling preoccupation with the law and order problems, left them with little time for the specialised nature of the railway crimes. This along with some serious working defects in the Railway Stores (U.P.) Act, 1955, brought about the RP(UP) Act in the year 1966. This Act not only repealed the Railway Stores Act, 1955 but also extended better legal coverage to the railway property on account of its salient features viz.

The officers of the RPF are vested with the powers of investigation and prosecution of the unlawful possession of the railway property while under the repealed Railway Stores Act, 1955 this power vested in the State Police.

a) The definition of the Railway property includes;

- i. Goods ii. Money iii. Valuable security iv. Animal and Birds
- v. Belonging to or in charge or possession of a railway administration.

Which is the property of any railway administration; and

which is used or intended to be used in the construction, operation or maintenance of the railway.

railway property has been extended to include booked consignments also while under the old Act, booked consignments, goods, money valuable security were not included under the definition of the railway property.

The offences under this Act are non-cognizable which give a major relief to the State Police while the offences under old Act were cognizable.

A provision of deterrent punishment has been made under this Act which extends up to 5 years' imprisonment and fine.

A special evidentiary rule has been incorporated which shifts the burden of proof from the prosecution to the accused.

The proceedings under this Act have been made judicial for the purposes of Sections 193 and 228, IPC.

The provisions of various other laws both substantive, procedural and evidentiary are also supplementing it at various stages of the arrests, search, inquiry, trial and disposal of the case property.

Growing complexities of the times and the socio-economic & the political trends in the country out passed the then existed frame work of the Force. Disruption and litigation found a new ambience and the validity of the RPF Regulations, 1966 was challenged. For that the parliamentary committee of fifth Loksabha in para 17 of their 14th report presented to the parliament on 20th December, 1974 interalia recommended that the RPF Regulations, 1966 be either incorporated in the RPF Rules or Published in the Official Gazette of India to provide legal sanctity. But when the regulations were sent to the Ministry of Law for vetting, it returned the file on 2nd November, 1982, on the ground that the RPF does not confirm any powers on the executive to frame regulations.

The RPF Act 1957 was accordingly amended by the Parliament through an act No.60 of 1985 on the 20th September, 1985 for the constitution and maintenance of the Force as an Armed Force of the Union. For carrying out the purpose of the Act, the job of framing a comprehensive set of Rules was entrusted to Shri.Dharam Veer Mehta, IPS, AIG/RPF/W.Rly. He examined the existing provisions of Rules, Regulations, Standing Orders, Police Manuals, recommendations, Ruling and other executives & administrative instructions and drafted rules. The Ministry of Railways after a few modifications submitted a comprehensive draft containing 280 Rules on the subject in the year 1986 to provide the Force with modern statutory apparatus to meet the challenges of the time. The draft and its legality was carefully examined by all concerned and notified by the Central Government in the Gazette of India on 3rd December, 1987 and copies of its notification laid on the tables of both the houses of Parliament on 9th & 10th December, 1987. The necessity of the re-framing of Rules was to carry out the new concept of

constituting RPF as an Armed Forces of the Union, thus giving legal sanctity to the Force.