

Chapter 2 → Adequacy of the Follow-up action on the Audit Report and legal provisions governing the security agencies

Government of India is responsible for the Railway system as the Railways are included in the Union List of the Constitution of India. However, item 1 and 2 of the State list in Schedule VII of the Constitution of India makes the State Government responsible for maintenance for law and order on IR.

Traditionally, the RPF has been responsible for the security of railway assets and the State Government for maintaining law and order. The responsibility for maintaining law and order within the station premises and on trains is handled by the Government Railway Police (GRP) under the control of the State Police. Law and order outside the station premises is the responsibility of the State Police.

The State Governments share the cost of the GRP equally with the Railways. Thus active co-operation and co-ordination between the IR and the State Governments is essential for the safety and security of Indian Railways. This cooperation is inherent with numerous risks and lack of proper coordination between the concerned agencies. RPF has no control over the functioning of GRP as GRP is controlled by State Government.

2.1 Role of RPF

RPF {including its specialized armed wing Railway Protection Special Force (RPSF)} under the administrative control of Railway authorities primarily deals with the protection of railway property. The RPF was constituted under the Railway Protection Force Act 1957 as amended from time to time. The RPF is empowered under the Railway Act, 1989 to deal with offences such as alarm chain pulling, roof top travelling, touting, ticketless travel, unlawful possession of railway property etc. The RPF Act and the Railway Act were modified by Parliament vide Act 52 of 2003 which entrusted RPF with the following additional duties:

- i) To protect and safeguard railway property, passenger area and passengers.
- ii) To remove any obstruction in the movement of Railway property or passengers and
- iii) To do any other act conducive to the better protection and security of railway property, passenger area and passengers.

The main purpose of the amendment was to empower the RPF to deal with minor offences which directly relate to the Railways and to supplement the efforts of the state governments to reinforce the security of the passengers and passenger area on the IR. The RPF has now been empowered to arrest, investigate and prosecute for offences covered under the Railway Property (Unlawful Possession) Act and the Railway Act. The RPF is also empowered to arrest any person without an order from a magistrate and without an arrest

warrant. However, under section 12 of the RPF Act, the person so arrested has to be handed over to a police officer/police station with a detailed report of the circumstances leading to the arrest.

Besides the above duties the salient features of the mission statement and objectives of RPF towards security include:-

- Act as a bridge between the Government Railway Police/local police and the IR.
- Adopt proactively all modern technology, best human rights practices, management techniques and special measures for protection of female and elderly passengers and the children, in pursuit of these objectives.

2.2 Role of GRP /District Police

The role and responsibilities of the security forces under the State Government consisting of both GRP and District Police are divided as follows:

- The District Police is responsible for the law and order problems beyond the outer signals of railway stations. They are also responsible for protecting trains, track, bridges and Railway premises against sabotage.
- The GRP is responsible for the law and order problems between the outer signals of the stations and prevention and detection of crime [not covered by the Railway Property {Unlawful Possession} Act and the Railway Act] on the station premises and on trains. This includes control of passenger and vehicular traffic in station precincts; maintenance of order in passenger trains. In addition GRP is also required to enquire into accidents on railways.

2.3 Coordination between Railways and the State Government

The Performance Audit on Security Management in Indian Railways included in Paragraph 2.2 of Report No.9 of 2000 (Railways) of the Comptroller and Auditor General (CAG) of India had highlighted the need to evolve a unified overseeing arrangement which is absent as RPF, an armed force under the control of the Railways was mainly concerned with protection of railway properties including booked consignments. On the other hand the GRP which is functioning under the control of the respective State Governments is responsible for the security of passengers and their belongings as also that of the trains, tracks, bridges and railway premises. The Report emphasised that the system that exists on paper for coordination between RPF and GRP at operating levels and between the IR and state governments at headquarters level has been weak in implementation.

In their action take note on this report, Ministry of Railways stated that regular meetings were held between GRP and RPF authorities. It added that the cases of crime on the IR were registered and investigated by the GRP which functions under the concerned State Government. The progress of investigation/prosecution and the disposal of the cases of dacoity/ robbery, murders registered by the GRP were however, not reported to IR.

The current Performance Audit examines the coordination between the IR and the State Government and its agencies. These issues are discussed in the following paragraphs:-

2.3.1 Coordination between RPF and GRP

The existing mechanism of policing is not effective in handling railway related crime, where the affected party (passenger) and the offender are both mobile. Problems exist especially in passenger security as a train passes through many state boundaries in a short time leading to changes in jurisdiction of the GRP and state police and consequent problems in registration of cases and investigation of crime. The RPF being centrally organised does not have any problem of jurisdiction but has no authority in handling security of passengers. Thus the mechanism for handling passenger related crime in a moving train is not effective as jurisdiction of occurrence of the crime is generally not identifiable.

The previous Audit Report on Security Management had pointed that FIR forms were not available on trains in many cases. Audit observed that this problem was still continuing. This issue is discussed in detail in Para 3.3.1.

As per the guidelines of IR, meetings at regular intervals are to be held between RPF and GRP to coordinate their efforts in providing security to passengers. The Action Taken Note of the Ministry of Railways on the previous Audit Report had stated that regular meetings between RPF and GRP were being held. Audit however, observed that in NWR, meetings between RPF and GRP were not held during the last five years. In other zones, though the meetings were being held regularly, minutes of all meetings were not drawn indicating a relaxed attitude towards co-ordination.

Further, there is continued lack of coordination between the GRP and RPF on many issues especially regarding escorting of trains leading to duplicity of manpower deployed. In trains escorted only by the GRP, problem of inter-state jurisdiction arises leading to large gaps in train escort function of the GRP. This issue has been discussed in detail at **Para 3.3.4.**

Due to overlapping functions there is considerable duplicity in manpower deployment as both deploy independently clerks, guards etc. Audit observed that at major railway stations both the RPF and GRP have their police stations (*thanas*). In a test check it was seen that at 525 stations in 15 zones both these forces have their respective thanas. Though, both the RPF and GRP have distinctive functions, to remove confusion and harassment of complainants, only one agency should be made responsible for registration of cases. This will also result in saving of public money to some extent which is being spent on maintenance of double establishments.

In spite of the fact, that 50 per cent of the cost of GRP is reimbursed by the Railways to the concerned State Government, the IR has no control over the functioning of GRP. This indicates a distinct need to evolve a strong unified overseeing arrangement.

IR in its reply stated that coordination mechanism exists for regular meeting between GRP & RPF at the Station, Divisional, Zonal and Board level. Visiting officers of RPF from Board/Zonal Railways hold interaction with State Police Authorities. Issues relating to deployment of Police personnel, security of tracks etc. are discussed during such meetings and follow up actions taken though it may not be possible to issue minutes on all such occasions.

Coordination mechanism with GRP/State Police Authorities and Central Intelligence Agencies has been stepped up with nomination of permanent representative from RPF to attend meetings of Multi Agency Centre (MAC) at central level and State Multi Agency Centre (SMAC) at state level.

Regarding escorting of trains, keeping in view the vulnerability of section, threat perception and other local factors, Zonal Railways, in consultation with concerned GRP authorities have demarcated trains for escorting by RPF and GRP. The trains are either escorted by RPF or GRP in any particular section. Duplicity of resources on this account has been avoided to ensure optimum utilization of available manpower. IR also stated that the worst affected trains are generally escorted by RPF and GRP jointly in vulnerable area which is contrary to what is stated above.

2.3.2 Coordination between RPF and State Government

Cooperation and coordination between the state governments and Railways is essential to ensure obstruction free movement of trains. The previous Audit Report on Security management had highlighted the weakness in coordination between the IR and the State Governments. Audit observed that instructions regarding patrolling of railway tracks and bridges issued by Railway Board in February 2003 in sabotage prone areas directed the Zonal Railways to set up suitable machinery at the Divisional level for institutionalising the co-ordination mechanism with the State Government authorities. These instructions were unevenly implemented even in sensitive areas. Further the large number of successful Rail Roko agitations indicates the dependency of the IR on the State Government to ensure secure rail operations. This in turn points to a need for a greater specification of the responsibility of the State Governments. These issues are discussed in detail at **paras 4.1.1 and 4.3** respectively.

Deposing in front of the Standing Committee (2006-07-Fourteenth Lok Sabha), Ministry of Railways stated that clear demarcation of the duties between the various security agencies is still one issue that remains to be decided. However, in the present security scenario viz. terrorist activities in Jammu & Kashmir, Terrorist attack in Mumbai and ULFA affected area in Northeast, Railways is getting help from the State machinery.

IR stated that as part of the long term security plan they are considering an amendment to the RPF Act to enable them to take over the responsibilities of the GRP. Amendment in the RPF Act proposed by the Ministry of Railways has been concurred by the Ministry of Law & Justice and the matter is presently under examination with the Ministry of Home Affairs. The proposed bill seeks to empower the RPF officer of and above the rank of Sub-inspectors

to exercise powers of an officer-in-charge of a police station in the passenger area.

IR replied (July 2011) that security of railway tracks, bridges & tunnels is the responsibility of respective state governments in terms of Ministry of Home Affairs letter No. D2-65/X dated 13.09.1965 circulated vide No. 27/1/72-Poll.II dated 11.02.1972.

Board's instructions issued in the year 2003 was only an interim and temporary arrangement for patrolling of track in sabotage prone areas. In the year 2004 all the Chief Security Commissioners were advised by Security Directorate of the Railway Board to inform Director Generals of Police of concerned states to deploy State Police for protection of tracks & bridges under their jurisdiction.

IR's reply contains nothing about monitoring the implementation of the instructions for securing tracks and bridges.

2.4 Co-ordination with other Security Agencies

The 15th Lok Sabha Standing Committee on Railways recommended that the Railways should study the feasibility of launching their own intelligence wing as part of the RPF.

The High Level Committee on Composite Security Plan for Indian Railways (set up on recommendation of Committee of Secretaries in January 2007) had also recommended that since most of the Railway security systems in the developed world have active cooperative mechanism between Railway security personnel, Police and Intelligence agencies, such operational mechanism needs to be developed for the Indian Railways.

The Railway Board in March 2010 stated that one officer from RPF is regularly attending the meeting of Multi Agency Centre (MAC) held by Ministry of Home Affairs, Government of India. These meetings are also attended by the officials from Intelligence Bureau, Defence and other para-

military forces. Intelligence received from field units is shared /discussed. Similarly at zonal level, the RPF attends the state MAC.

It was observed from the records made available to Audit that RPF was alerting the concerned agencies in the field such as local police, local administration etc. about the alert calls received from MAC, intelligence bureau of the Central and State Governments. Presently RPF have 02 Intelligence Wings namely: Crime Wing (or Crime Intelligence Branch) and Special Wing (or the Special Intelligence Branch). Both the above wings have separate structure from field up to Board level.

2.5 Dues of RPF deployed on election duties

RPF personnel are deployed for election duties whenever necessary. Cost of such deployment is to be recovered from the Ministry of Home Affairs by the concerned Railway. It was observed that an amount of ` 20.55 crore was outstanding for the period from 2005-06 to 2008-09 in respect of 12 zones and

one production unit¹. It was also noticed that bills were not raised by ECR for the deployment and in SER no record regarding recovery of claimed amount could be produced by Accounts /Security departments. In NCR the records of claims raised were not made available to Audit.

2.6 Dues of GRP payable by Railways

As per para 856 and 857 of Indian Railway Financial Code Volume I, the cost of GRP would be shared between the State Governments concerned and the Railways on 50:50 basis, provided that the strength of GRP was determined with the approval of the IR. This was again reiterated by the Railway Board vide its instructions of July 1993. A review of the details of dues payable to the GRP revealed that an amount of ` 138.38 crore was outstanding in nine² out of 16 zones for the period 2005-06 to 2009-10. This includes an amount of ` 0.58 crore claimed by Government of West Bengal which was pending with SER due to excess operation of 31 posts of GRP. In respect of six zones and Metro Railway, Kolkata no dues are outstanding while in Northern Railway, no information on this was provided. Keeping huge dues as outstanding could affect the deployment of GRP as most of the State Governments are under severe fund shortage.

IR stated (July 2011) that railway security is presently looked after by 3 agencies viz. Government Railway Police (GRP), District Police and Railway Protection Force (RPF), and in view of the fact that 50 per cent of the budget of concerned GRPs is being shared by railways with State Governments, inclusion of the functioning of GRP within the ambit of Performance Audit on Security Management will help a great deal in assessing the future security requirement of the railways.

2.7 Conclusion

It is observed that the issues regarding inter-agency coordination pointed out by audit in its earlier Audit Report on Security management still persist, in spite of the remedial action taken by the Railways. Considerable overlap of functions exists between the RPF and the State Government and/or agencies handling Railway security. Despite directions from the Ministry of Home Affairs and the Railway Board, co-ordination between the RPF and the State Government is not effective leading to large gaps in the security system of the Railways. Though the High Level Committee on Composite Security Plan for Indian Railways had recommended Security system with an effective co-ordination mechanism with the state security /intelligence agencies similar to system existing in developed countries, but IR is yet to achieve that standard.

A meeting of Home Secretaries of States held at Delhi in January 2010 with the IR, also highlighted the problem of non registration of cases received from other State GRPs and general reluctance to take up investigations citing reasons of non fixation of place of occurrence of crime or victim's apathy to complete

¹ SWR-` 20.97 lakh, NER-` 3.16 crore, NWR-` 1.33 crore, ECoR-` 1.32 crore, SECR-` 6.01 lakh, CR-` ,2.57 crore SCR-` 1.93 crore, ER-` 6.12 crore, WR-` 1.74 crore, NFR-` 52.16 lakh, WCR-` 75.36 lakh, NR-` 0.57 lakh, CLW-` 5.55 lakh.

² SR-` 16.86 crore, SWR-` 2.61 crore, NWR-` 1.02 crore, SER-` 0.58 crore, CR-` 77.47 crore, NCR-` 0.02 crore, SCR-` 17.11 crore, WR-` 21.83 crore, NFR-` 0.86 crore.

legal formalities. The problems relating to extremist activities, attacks on railway property during agitations were also discussed.

Recommendations

- *Indian Railways needs to evolve mechanism for effective co-ordination between the agencies handling Railway Security viz RPF, GRP and State Police.*
- *Since the State Government is responsible for maintenance for law and order, an institutional mechanism needs to be evolved to ensure greater cooperation and coordination with the State Government.*